



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # **6**
 MCPB 5.15.08

MEMORANDUM

DATE: May 2, 2008
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RAK*
 VIA: Robert A. Kronenberg, Supervisor *RAK*
 Development Review Division
 FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EM*
 Development Review Division
elza.hisel-mccoy@mncppc-mc.org
 (301) 495-2115



REVIEW TYPE: Limited Site Plan Amendment
 CASE #: **82004022B**
 PROJECT NAME: Greenway Village at Clarksburg
 APPLYING FOR: Minor updates to the site plan to address interagency coordination and other issues

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: PD-4
 LOCATION: The northwest and southwest quadrants of the intersection of Ridge Road (MD27) and Skylark Road
 MASTER PLAN: Clarksburg
 APPLICANT: Clarksburg Skylark, LLC
 FILING DATE: November 19, 2007
 HEARING DATE: May 15, 2008

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 82004022A to update the site and landscape plans to reflect interagency coordination comments. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on April 29, 2008, shall be required.

BACKGROUND

On February 7, 2002, the Planning Board approved the Preliminary Plan for Greenway Village at Clarksburg (120020330) for 1,330 residential units and 89,000 gross square feet of retail uses. The Board approved two amendments to this Preliminary Plan: 12002033A, on October 2, 2002; and 12002033B, on January 12, 2006. On July 22, 2004, the Board approved the Site Plan for

Phases 3-5 (820040220) for 844 residential units. On August 9, 2006, the Board approved a Site Plan Amendment (82004022A) to address minor changes to the Plan.

PROPOSED AMENDMENT

The Applicant filed an amendment on November 19, 2007, that requests the following specific changes to the approved site plan for phases 3-5 of the Greenway Village at Clarksburg development:

General Revisions

1. Add sidewalk ramps and median locations per Montgomery County Department of Permitting Services (MCDPS) approved paving plans;
2. Update final utility locations per approved utility plans;
3. Add note clarifying that materials (e.g., asphalt or concrete) and methods of construction for all 8' Bike Paths will be specified by MCDPS and that final determination will not require Site Plan Amendment;
4. Clarify Postal Addresses throughout the development and note that any future changes in addresses at this site do not require an update in the Site Plan Amendments;
5. Update street names per M-NCPPC approvals:
 - a. Sheet 4: Inkberry Drive changed to Inkberry Hill Drive;
 - b. Sheets 10, 14, and 18: Meadow Sweet Drive changed to Meadow Mist Road;
 - c. Sheet 14: Tulip Tree Drive changed to Tulip Stem Drive;

Site Plan Revisions

6. Sheets 1, 1A, 1B, and 1C: Add "Approval Notes" to Sheet 1 to reflect revisions covered by Amendments A & B and update the sheet index to include Sheet 16A;
7. Sheets 4, 6, 15, 18: Clarify parcel designation and additional plans to reflect Record Plats;
8. Sheets 4, 7-11: Include mail box locations for Phase 3. Note that the final mail box locations will be determined by the Postal Service and do not require subsequent Site Plan amendment;
9. Sheets 5 and 11: Update pool building footprint to reflect final design; shift accessible parking space to maintain alignment with building entrance; call out detail for 6-foot pool enclosure;
10. Sheet 6: Update park layout in Phase 3 to reflect latest plans approved by Parks Department;
11. Sheet 8: Revise grading along the Biker/Hiker Trail on Ridge Road to reflect field modifications approved by Montgomery County Department of Public Works and Transportation (MCDPWT);
12. Sheet 8: Add potential retaining wall for units in Block Y along Arora Hills Drive;
13. Sheets 8 and 16: Show Ridge Road improvements to reflect approved MCDPS plans;
14. Sheet 12: Add notes to clarify ownership designations for Outlot A and Outlot B;
15. Sheet 13: Reflect transfer of ownership of Parcel C to Mr. J. Johnson;
16. Sheet 13: Revise grading to remove retaining walls and add recorded grading easements on Parcel C;
17. Sheet 13: Remove grass ring pavers at fire access areas per approved Fire Access Plan;

18. Sheet 15: Extend fence along school site at Parcel C. as requested by Montgomery County Public Schools (MCPS) with a note reading "To be maintained by H.O.A.";
19. Sheet 17: Revise Limit of Disturbance (LOD) to reflect off-site stormwater management facilities approved by MCDPS;
20. Sheets 17 and 18: Update Public Utility Easements (PUEs) to reflect Utility Co. requirements;
21. Sheets 17 and 18: Update sidewalk and choker along Little Seneca parkway (A-302) per plans approved by MCDPWT;
22. Sheets 17 and 18: Locate entrance monument signs and provide designs on the plans;
23. Sheets 18 and 19: Revise grading along Peppervine Drive and Meadow Mist Road per paving plan approved by MCDPS;
24. Sheets 19 and 22: Revise Forest Conservation Easement at Peppervine Drive to reflect approved street grades and PUE;
25. Sheets 19 and 20: Revise stormwater management facilities per MCDPS approvals. Note that future changes to stormwater management facilities will not require Site Plan Amendments;
26. Sheet 20: Convert the proposed underground stormwater management facility to a bio-retention facility on Peppervine Drive per approved revised stormwater management concept;
27. Sheet 20: Add retaining walls and easement on lots in Block LL adjacent to the off-site AT&T easement;
28. Sheets 20-22: Revise street stubs of Muscadine Drive, Glacier Lily Drive, and Peppervine Drive, where construction ends at the property line, to match paving plans approved by MCDPWT;

Landscape Plan Revisions

29. Sheet 11: Revise street light locations in front of Lots 7-13, Block U, per field conditions;
30. Sheets 14, 18, and 19: Update landscaping at stormwater management facilities per approved stormwater management plans;
31. Sheet 16A: Add Sheet 16A to show landscaping on temporary berm along Ridge Road at the school site;
32. Sheet 21: Update landscaping plan and plant counts for Parcel A, adjacent to the Wamsley Parcel, per homeowner request;
33. Sheet 29: Provide entrance monument design details.

PUBLIC NOTICE

On November 19, 2007, the Applicant sent notice regarding the subject site plan amendment to all parties of record. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff received two messages in opposition to the proposed amendment.

The first, a letter dated November 29, 2007, from Ms. Dana Bennett of Piedmont Road, Clarksburg, expresses concern that no amendments to Phases 3-5 should be allowed until infrastructure improvements from Phases 1 and 2 have been completed, specifically Skylark Road. MCDPS clarifies in the "Timeline for Construction of Supporting Roads in Clarksburg Area" (attached) that the final section of the improved Skylark Road, between Persimmon Ridge

Road and Piedmont Road is on hold pending completion of necessary land acquisition. MCDPS expects the improvement to open to traffic in Fall 2008. Staff does not recommend conditioning approval to expedite MCDPS' process.

The second, an e-mail from December 21, 2007, from Greg Fioravanti of the Arora Hills HOA, relates several concerns:

- *Some of the changes proposed in the amendment have already taken place.*
Planning department staff met at the site with MCDPS staff and determined that none of the proposed changes had been undertaken in violation of the Certified Site Plan, as indicated in the attached memo dated February 7, 2008.
- *Connect Snowden Farm Parkway (A305) to the Arora Hills community before construction on Phases four or five begins.*
MCDPS indicates that the sections of A305 that would connect to the Arora Hills community are currently in design and expected to be open to traffic later in 2008.
- *Neighborhood roads in Arora Hills are too narrow. Condition approval on a traffic/parking plan to be added as a condition of site plan approval.*
The Board has approved the street sections in question. The section includes a 26-foot roadway and a 14-foot alleyway to support vehicular circulation. Staff does not recommend revisiting them at this time.
- *A portion of the parkland [dedicated to M-NCPPC] in Phases 3-5 should be held in reserve for Arora Hills residents.*
Land dedicated to M-NCPPC becomes public parkland and will be managed as such for the general public benefit. Staff does not support special accommodation for Arora Hills residents.
- *The pool design should ensure sufficient width of pavement to facilitate walking.*
The pool will be constructed according to the rules and regulations administered by the Building Code and Health Department.
- *Clarify the reason for changes related to Record Plats and Ridge Road.*
Plat-related changes are intended only to clarify ownership or boundary delineation. Ridge Road modifications are the result of coordination with MCDPWT.
- *The HOA should not be responsible for the long-term maintenance of the fence along the school site.*
While staff is prepared to recommend approval for HOA responsibility for this fence, if the Applicant or other party desires to re-allocate this responsibility, staff would concur. However, the Board of Education has made it clear that they do not want to maintain a fence that provides a physical separation from the adjoining neighborhood.

STAFF REVIEW AND RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment will

update the Certified Site Plan to reflect inter-agency coordination issues as well as minor changes to landscaping, amenity features, and other site-related elements, and does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. The Applicant has responded to the various agency issues by proposing an amendment to correct discrepancies related primarily to agency coordination. For the reasons cited above, staff does not consider it appropriate to expand this amendment to address larger or unrelated issues. The Applicant remains subject to the conditions of approval for Preliminary Plan 12002033B and Site Plan 82004022A, unless otherwise amended.

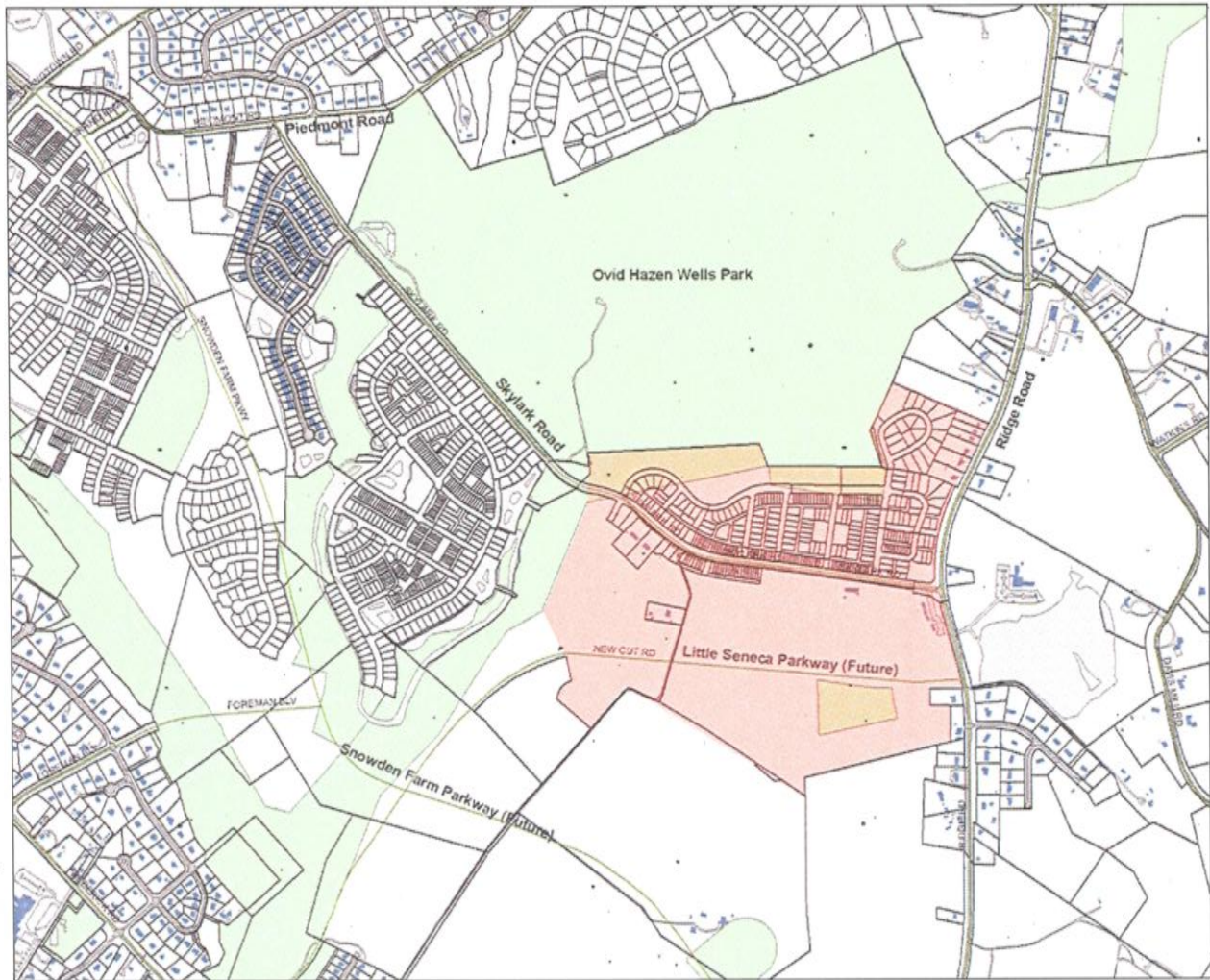
Staff recommends **APPROVAL** of the Limited Site Plan Amendment for Greenway Village at Clarksburg (Site Plan No. 82004022B) for modifications to the approved site plan subject to the conditions outlined above.

ATTACHMENTS

- A. Site Description and Vicinity
- B. Correspondence
- C. DPWT status of completion of Clarksburg area roadway improvements

ATTACHMENT A: SITE DESCRIPTION AND VICINITY

The site is located in the northwest and southwest quadrants of the intersection of Skylark Road and Ridge Road in Clarksburg. The site is 210 acres in the PD-4 zone. The portions of the site affected by this amendment have either been built (portions of Phase 3, north of Skylark Road) or have been graded for construction (Phases 4 and 5, south of Skylark Road).



ATTACHMENT B: CORRESPONDENCE .

35-2097

November 29, 2007

Ms. Dana Bennett
12320 Piedmont Road
Clarksburg, Maryland 20871

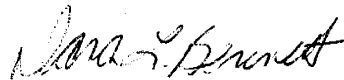
Subdivision Office, Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20907

RE: Site Plan # 82004002B

To Whom It May Concern:

I am writing this letter to express my concern about another Amended Site Plan Application #82004002B being filed with the Montgomery County Planning Board regarding the Greenway Village @ Clarksburg. The developer has not completed the road improvements on phase 1 and should not be allowed to change plans for Phases 3, 4, and 5 until all the construction is completed on Phase 1 of Skylark Road. Originally Skylark Road was supposed to have been completed by December 31, 2006, and before the start of Phase 2. As of November 29, 2007, Skylark Road has not been completed. I feel that the traffic pattern as of this date is insufficient for the amount of traffic that travels this road every day. The intersection at Skylark and Piedmont Road is very difficult for school buses and large trucks to egress and ingress in a safe manner. This Amended Site Plan Application is just another example of the on going patterns of the developer in the Clarksburg Area making changes to suit their needs. MNCPPC needs to make the developers more accountable for their actions and stop changing due dates and site plan changes for the developers benefit.

Sincerely,



Dana Bennett

Hisel-McCoy, Elza

From: Kronenberg, Robert
Sent: Friday, December 21, 2007 2:31 PM
To: 'Greg Fioravanti'
Cc: Kathie Hulley; Torrence Smith; Nathan Han; Dave Brown; MCP-Chairman; Hisel-McCoy, Elza
Subject: RE: Community Comment - Arora Hills Site amendment plan phases 3-5

Mr. Fioravanti, thank you for the comments. I will send them on to the reviewer, Elza Hisel-McCoy, and respond after we have assessed.

Robert

-----Original Message-----

From: Greg Fioravanti [mailto:gregfioravanti@yahoo.com]
Sent: Friday, December 21, 2007 9:35 AM
To: Kronenberg, Robert
Cc: Kathie Hulley; Torrence Smith; Nathan Han; Dave Brown; MCP-Chairman
Subject: Community Comment - Arora Hills Site amendment plan phases 3-5

Dear Mr. Kronenberg,

Thank you for providing detailed plans of the Arora Hills site amendments to the Clarksburg Civic Association. Kathie Hulley (President of the CCA), myself and three residents of Arora Hills phase 3 reviewed the plans this week and have the following comments:

1. We were surprised to see that some of the proposed amendment change work has already been completed or construction has begun to accommodate the amended plans. We believed the whole purpose of the amendment process was to ensure concerns from the community were met before construction commenced so that no costs would be incurred or work would need to be re-done. We also thought if construction were to commence prior to plan approval that fines would be levied - can you confirm?

2. Since the phase 4 amendment has been sent through, we wanted to make the planning board aware of the fact that many in our community feel the incomplete infrastructure is inadequate. There was strong sentiment in our recent HOA meeting that Skylark is not wide enough to handle the traffic on the road, and will be more dangerous as phase 4 begins to put townhouses on the opposite side of the road. Parking is only 7' on both sides of the street. Our main arterial road (A 305 I believe) is not yet constructed. We would like to request that A305 be built, connected to Arora Hills surface roads and be open to traffic before phase 4 or 5 construction begins - let's finally begin to employ some of the lessons learned about infrastructure from previous Clarksburg infrastructure debacles!

While on the subject of infrastructure, many in the community are also concerned that the neighborhood roads in Arora Hills are too narrow for two sided street parking - a safety concern for the children in the neighborhood and emergency services. We have asked county employees repeatedly to implement a parking plan for the community, and have had everyone we approach point the finger elsewhere. I propose that a traffic/ parking plan be submitted also as a precondition for site plan approval.

3. With respect to the parks, which are also part of this amendment, we think it is outrageous that the park be counted as part of the proposed development district (which I am not conceding is legal) and have no special access set aside for Arora Hills residents - if an Arora Hills resident wishes to use a field, they have to schedule a time and pay a fee just as those who have not paid for the parks. While we believe a development district or private infrastructure fee is unenforceable in Arora Hills, In the event that a development

district or private infrastructure fee is passed for any homeowner, we believe that at least a portion of those fields should be reserved for Arora Hills residents only.

4. Pool - We are happy to see that the pool will be much larger than originally envisioned. It seems from the plan that the concrete area might be a little narrow for walking and lounging - can you confirm that it meets necessary specifications?

5. We could not identify what some of the changes were caused by - specifically, record plats, changes to Ridge Road.

6. We do not believe that the HOA should be liable (long term) for the fence along the school property.

Some of my neighbors or Kathie may have more specific comments to add, but I wanted to get our big picture comments to you asap. Thanks and have a great holiday.

Greg Fioravanti
CCA Treasurer
HOA Budget Chairman
Arora Hills Resident

Nate/ Torrence - can you please forward to Francisco and send me his e-mail? Thanks!

Never miss a thing. Make Yahoo your home page.
<http://www.yahoo.com/r/hs>



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 7, 2008

VIA ELECTRONIC
AND REGULAR MAIL

Andrew Jakab
Permit Services Inspector II
Department of Permitting Services
Division of Casework Management
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

Dear Mr. Jakab:

This letter is to document our site visit of Tuesday, January 22, 2008, to the Greenway Village neighborhood. The purpose of the visit was to review the various changes as proposed in the site plan amendment submitted by Clarksburg Skylark, LLC, designated 82004022B, and to determine whether any of the proposed changes had already been made, in possible violation of existing Site Plan approvals.

Upon completing our inspection of the site, we determined that, at that time, none of the changes proposed in Site Plan Amendment 82004022B had been implemented or, in the case of street name changes and mailbox installations, would not require Planning Board approval prior to implementation.

Please review this letter and let me know immediately if you have any different understanding.

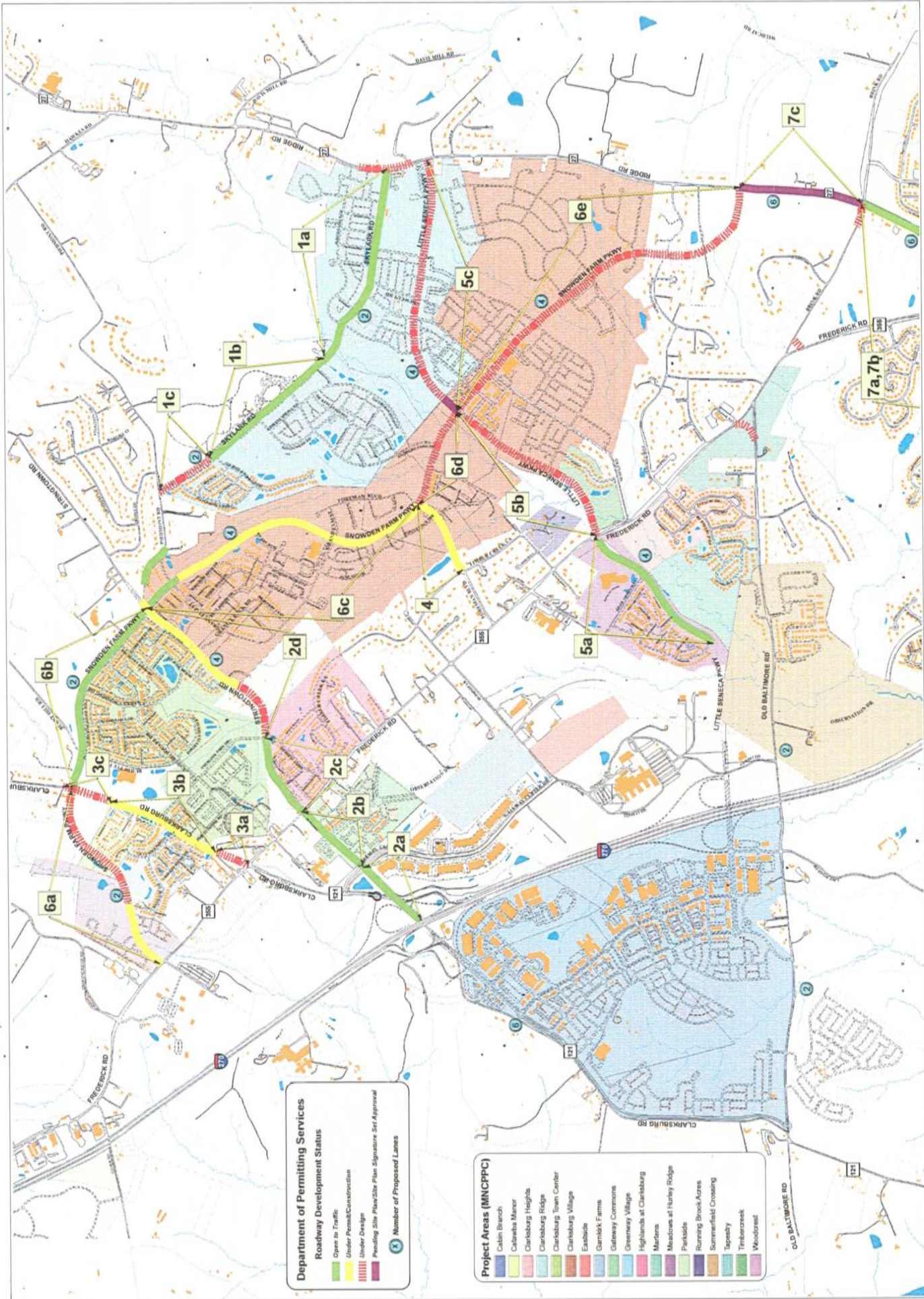
Regards,

A handwritten signature in black ink, appearing to be 'Elza'.

Elza Hisel-McCoy, Assoc. AIA, LEED-AP
Planner Coordinator, Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
301.495:2115; elza.hisel-mccoy@mncppc-mc.org

cc: Bernie Rafferty, Clarksburg Skylark, LLC
Sallie Stewart, Charles P. Johnson & Associates
Robert Kronenberg, M-NCPPC
Nellie Maskal, M-NCPPC
file

**ATTACHMENT C: DPWT CLARKSBURG
ROAD IMPROVEMENTS STATUS REPORT**



Date: 10/16/2007
 Data Source: MNCPPC, DTSGIS, and DPS
 Prepared by: Department of Permitting Services

Department of Technology Services - GIS
 Streets and Buildings
 Hydrography
 Sewer Conduits
 Existing Buildings
 Lakes & Ponds



Maryland National Capital Park and Planning Commission
 Roads
 Buildings
 Other Map Layers
 Site Plan Boundary
 Property Boundary
 Existing
 Proposed

Department of Permitting Services
 Roadway Development Status
 Open to Traffic
 Under Permit/Construction
 Under Design
 Pending Site Plan/Site Plan Signature Set Approval
 Number of Proposed Lanes

Project Areas (MNCPPC)
 Cabin Branch
 Calantha Manor
 Clarksburg Heights
 Clarksburg Ridge
 Clarksburg Town Center
 Clarksburg Village
 Estateside
 Garnick Farms
 Gateway Commons
 Gateway Village
 Highlands at Clarksburg
 Marions
 Meadows at Hurley Ridge
 Parkside
 Running Brook/Acres
 Summerfield Crossing
 Topside
 Timbercreek
 Woodcrest



TIMELINE FOR CONSTRUCTION OF SUPPORTING ROADS IN CLARKSBURG AREA

ROAD NAME	LIMITS	RESPONSIBILITY	STATUS	SUMMER 2007	FALL 2007	WINTER 2007	SPRING 2008	SUMMER 2008	FALL 2008	WINTER 2008	SPRING 2009	SUMMER 2009
1 Skyhawk Road	MD 27 to just east of Walnut Haven Drive	Greenway Village	completed									
	Walnut Haven Drive to Perennium Ridge Road/Park entrance	County CIP Participation with Greenway Village	completed									
	Perennium Ridge Road/Park entrance to Pickens Road	Greenway Village	pending on land acquisition									
2 Stringtown Road	East of 17th to Gateway Center Dr.	Managers County CIP	completed									
	Gateway Center Dr. to MD 355	County CIP Participation with U.S. Home	completed									
	MD 355 to S. Clear Rd/Overlook Park Dr. pole location	CTC/Highlands at Clarksburg	completed									
	Overlook Park Dr. to Sorensen Farm Parkway (SFP)	CTC/Clarksburg Village	UNDER PERMIT									
		construction of 2 lanes south side of Sorensen Farm Parkway for construction of 2 lanes south side of Stringtown Rd. - WINTER subject construction - FALL 08										
3 Clarksburg Road	MD 355 to Siger Street	SOUTH CTC is responsible for the southern half including from IRLP	under design									
	Siger Street to approx 1000' west of intersection with Sorensen Farm Drive (MSF)	NORTH CTC is responsible for the northern half	under permit									
		CONTRACTOR UPON COUNTY CIP IMPROVEMENT AND LAND ACQUISITION PRIOR TO CONSTRUCTION										
		SPR IS COORDINATING WITH DEVELOPERS FOR THE ENTIRE ROADWAY										
4 Foreman Blvd	Sorensen Farm Parkway to existing Foreman Blvd	Clarksburg Village/Greenway Village	under design/negotiation									
	Westward across parcel of Clarksburg Heights to MD 355	Clarksburg Heights is responsible for constructing the outside lanes	Open to traffic									
	MD 355 to Sorensen Farm Parkway	Clarksburg Village/Greenway Village	under design									
5 Little Sorens Parkway (LSPT)	Sorensen Farm Parkway (SFP) to MD 27	Clarksburg Village/Greenway Village	under design									

AS OF SEPTEMBER 2007

ROAD CLOSURE 4.5 HOURS

ROAD CLOSURE IN CONTINGENCY UPON THE COMPLETION OF SKYLARK ROAD IN ITS ENTIRETY AS WELL AS THE AVAILABILITY OF OTHER MAJOR ARTERIALS IN CLARKSBURG

OVERLOOK PARK DRIVE MUST BE OPEN TO TRAFFIC TO SERVE AS DETOUR ROUTE FOR ACCESS TO ACCESS FOR THE TOWN GREENWAY AREAS

NEEDS ROAD CLOSURE DURING THE RECONSTRUCTION EFFORT

ROAD DESIGN UNDER REVIEW BY DPW. EXPECT CONSTRUCTION START FALL 2009

CONSTRUCTION MUST BEGIN AT 8AM FOR CLARKSBURG VILLAGES/FOREMAN VILLAGES COMBINED

ROAD DESIGN UNDER REVIEW BY DPW. SITE PLAN APPROVED BY MWPC. JUST SOUTH OF THE INTERSECTION WITH AOE. EXPECT CONSTRUCTION START FALL 2008 (DEPENDENCE ON HOME SALES) AND CLARKSBURG VILLAGES PHASE II SITE PLAN APPROVAL BY MWPC

CONSTRUCTION MUST BEGIN AT 8AM FOR CLARKSBURG VILLAGES/FOREMAN VILLAGES COMBINED

