



**Preliminary Plan 120080240 & Site Plan 820120100: Garnkirk Farms
(including a Final Water Quality Plan and Final Forest Conservation Plan)**

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Completed: 05/16/2013

Description

Garnkirk Farms

***A. Preliminary Plan No. 120080240: Garnkirk Farms
(including a Final Water Quality Plan and Final Forest Conservation Plan)**

Staff recommendation: Approval with conditions

***B. Site Plan No. 820120100: Garnkirk Farms**

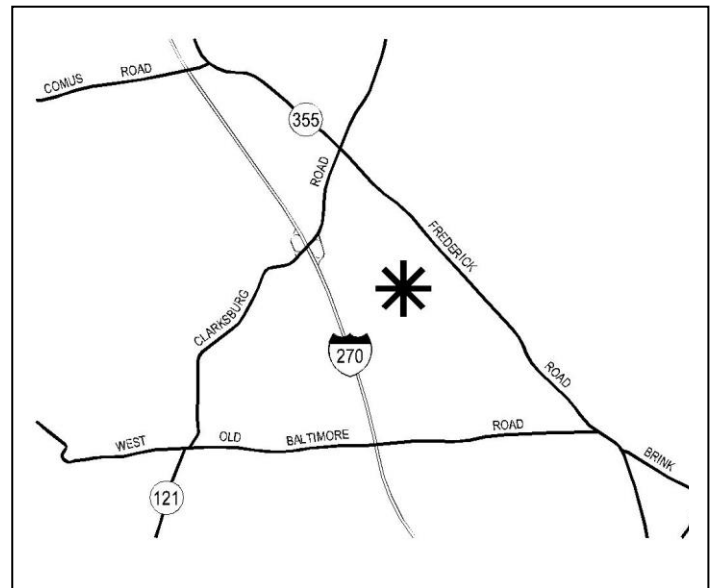
392 residential dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units, located on Shawnee Lane approximately 3,000 feet west of Fredrick Road (MD 355), 37.18 acres, PD-11 Zone, Clarksburg Master Plan and Hyattstown Special Study Area.

Staff recommendation: Approval with conditions

Preliminary Plan Filing Date: February 1, 2008

Site Plan Filing Date: April 17, 2012

Applicant: Garnkirk Inc.



Summary

- The site layout shown on the Preliminary and Site Plan drawings substantially follows the layout which was shown on the Development Plan for G-832.
- The two-over-two unit type approved as part of G-832 was eliminated due to community concerns.
- As conditioned, the Site Plan incorporates the Binding Design Principles of the Development Plan.
- The Applicant is required to construct two lanes of the future Observation Drive from Shawnee Lane for a length of approximately 1,700 feet along the Property's eastern property line.
- The Applicant must provide the intersection improvements at MD 355 and Foreman Boulevard/Clarksburg High School to meet Local Area Transportation Review (LATR) requirements.

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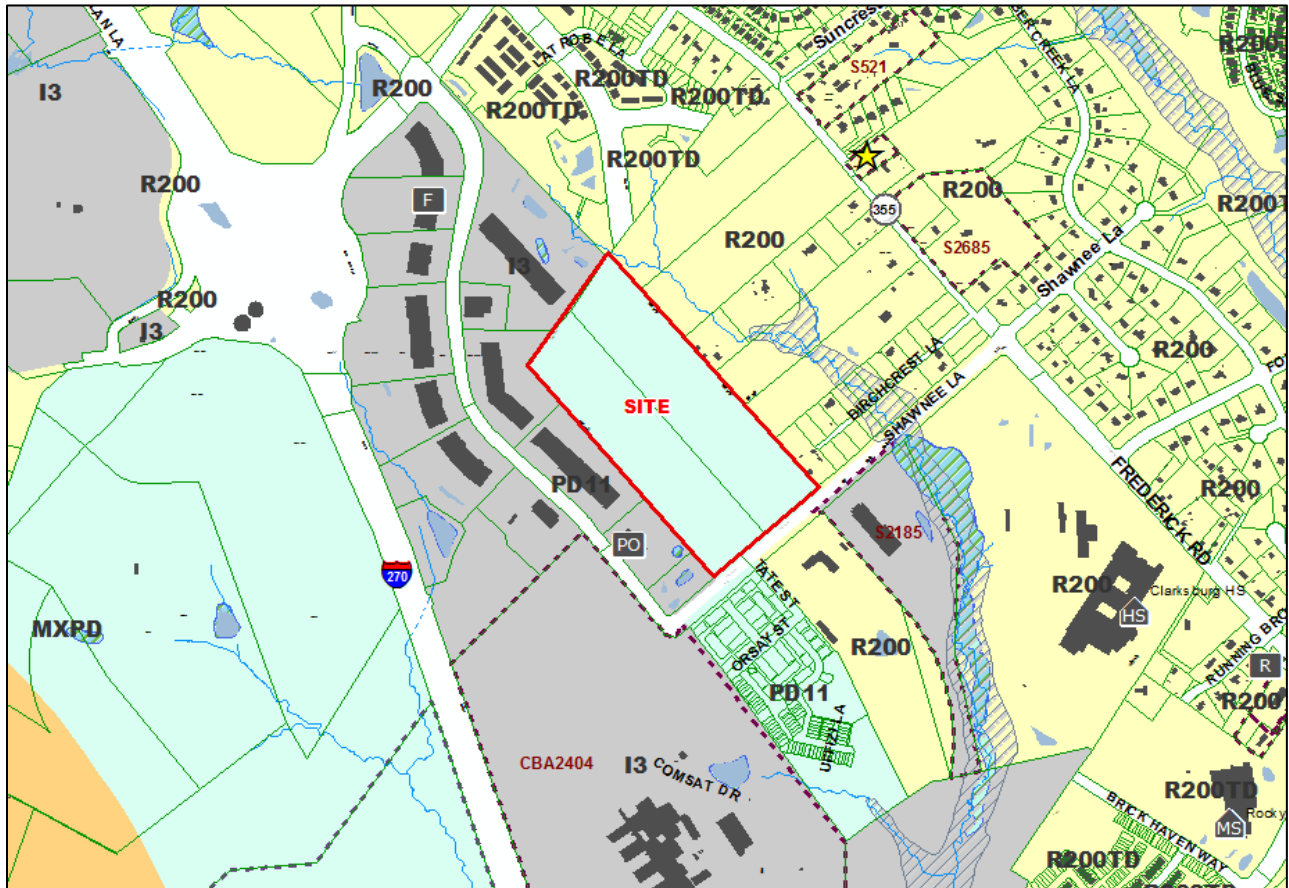
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The Property, which is identified as Lot 27 and Lot 28 Garnkirk Farms Subdivision Plat (“Subject Property” or “Property”) is within the 900-acre area that is identified as the Transit Corridor District Study Area in the 1994 Clarksburg Master Plan. This area will be served by the future Corridor Cities Transitway (CCT), three stations of which will be in the immediate vicinity of the Property. The area surrounding the Property is characterized by a large employment facility, LCOR (formerly known as COMSAT/ Lockheed Martin), a Technology and Business Park, undeveloped land, schools and related service facilities, and scattered residential development.

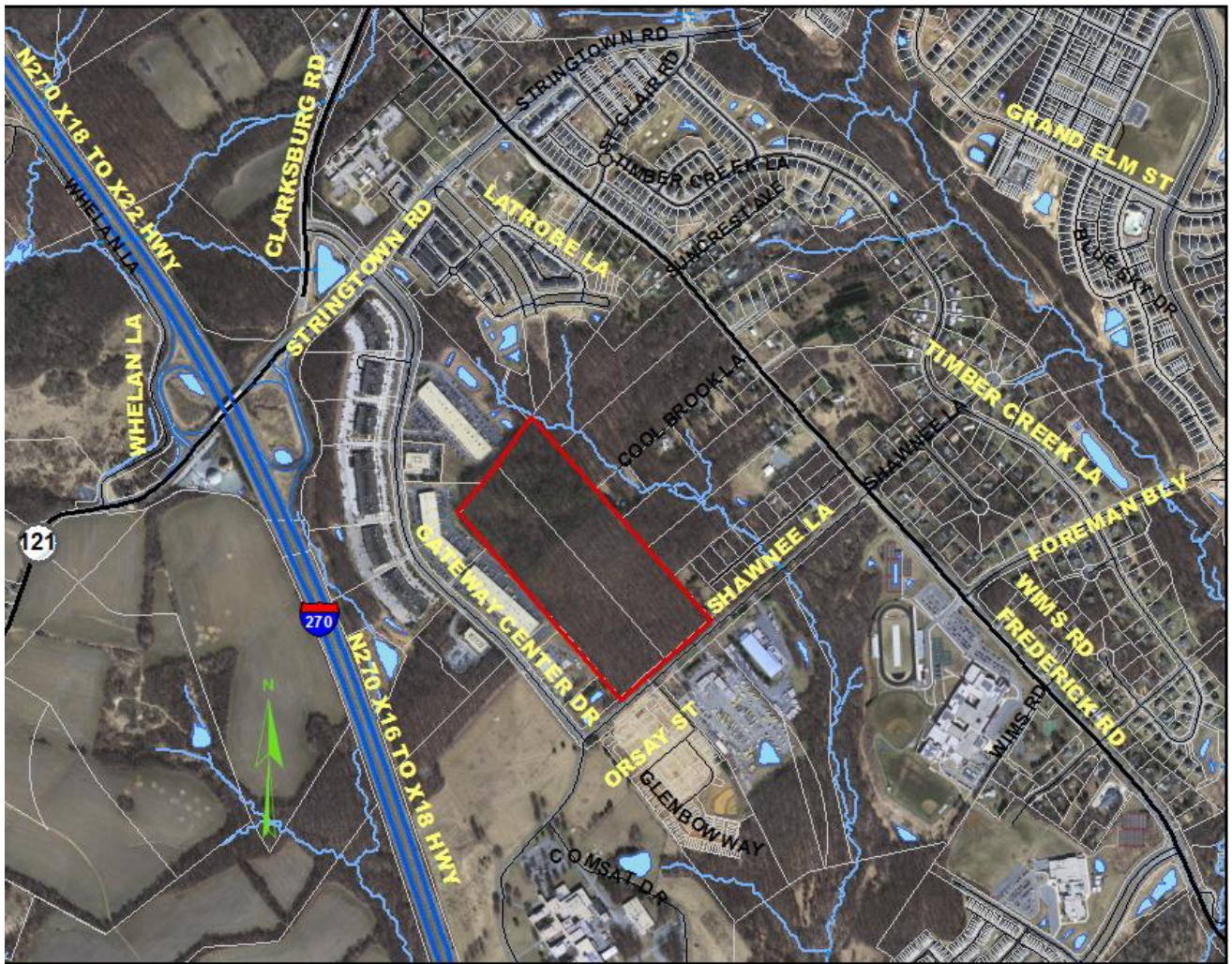


Vicinity Map

The Property is zoned PD-11. To the east/northeast, between the site and MD 365, lies a sparsely developed area with scattered residential uses and undeveloped parcels of land in the R-200 Zone. To the south/southeast, across from Shawnee Lane, there are non-residential uses, such as a moving company in the I-3 Zone and Board of Education Bus Depot in the R-200 Zone. Directly south lies the Gallery Park (formerly Eastside) development, currently under construction with 256 units, in the PD-11 Zone (Site Plan 82005038A). To the north, the site abuts the Gateway Commons property, on which a mixed residential development with 286 units is under construction in the R-200/TDR Zone (Site Plan 82003023A). To the west/northwest is located a technology and business park in the I-3 Zone (Preliminary Plan 119870410).

Site Analysis

The Subject Property is located on the north side of Shawnee Lane, approximately 400 feet northeast of its intersection with Gateway Center Drive and approximately 1,700 feet west of MD 355, in Clarksburg, east of I-270. It comprises a combined total area of 37.18 acres (19.02 acres in Lot 27 and 18.16 acres in Lot 28). It is currently unimproved and is entirely forested. The Property is generally rectangular in shape and is defined by a gently rolling topography rising about 40 feet from Shawnee Lane, on the south, to the high point in the middle of the site and sloping back down towards the stream north of the Property. A tributary stream and associated wetlands and environmental buffer are located in the northwest corner of the site. The site is located within the Little Seneca Creek watershed and the Clarksburg Special Protection Area (SPA). Streams in this watershed are designated by the State of Maryland as Use IV waters.



Aerial Photo Looking North

PROJECT DESCRIPTION

Previous Approvals

In 2006, the District Council approved **Local Map Amendment G-832**, associated development plan, and Preliminary Water Quality Plan to reclassify the Subject Property from R-200 Zone to the PD-11 Zone.

Background

In 2009, while the Preliminary Plan was under review, the Clarksburg High School Cluster was placed in a development moratorium due to inadequate capacity. Therefore, this application remained on hold until July 2011, when capacity was created and the moratorium was withheld. At that time, the Applicant elected to submit a Site Plan application and have the two reviewed concurrently.

Proposal

The project proposes 392 residential units, including 184 multi-family units (46.9%), 190 townhouses (48.5%), and 18 single-family detached houses (4.6%). Of the proposed 392 dwelling units, 49 or 12.5 percent are MPDUs. The Site Plan also includes a total of 1,181 parking spaces on private lots, structured parking and on street. Amenities include a clubhouse, two swimming pools and play and sitting areas. A future station of the Corridor Cities Transitway (CCT) is located near the intersection of Observation Drive and Shawnee Lane and adjacent to the proposed multi-family units.



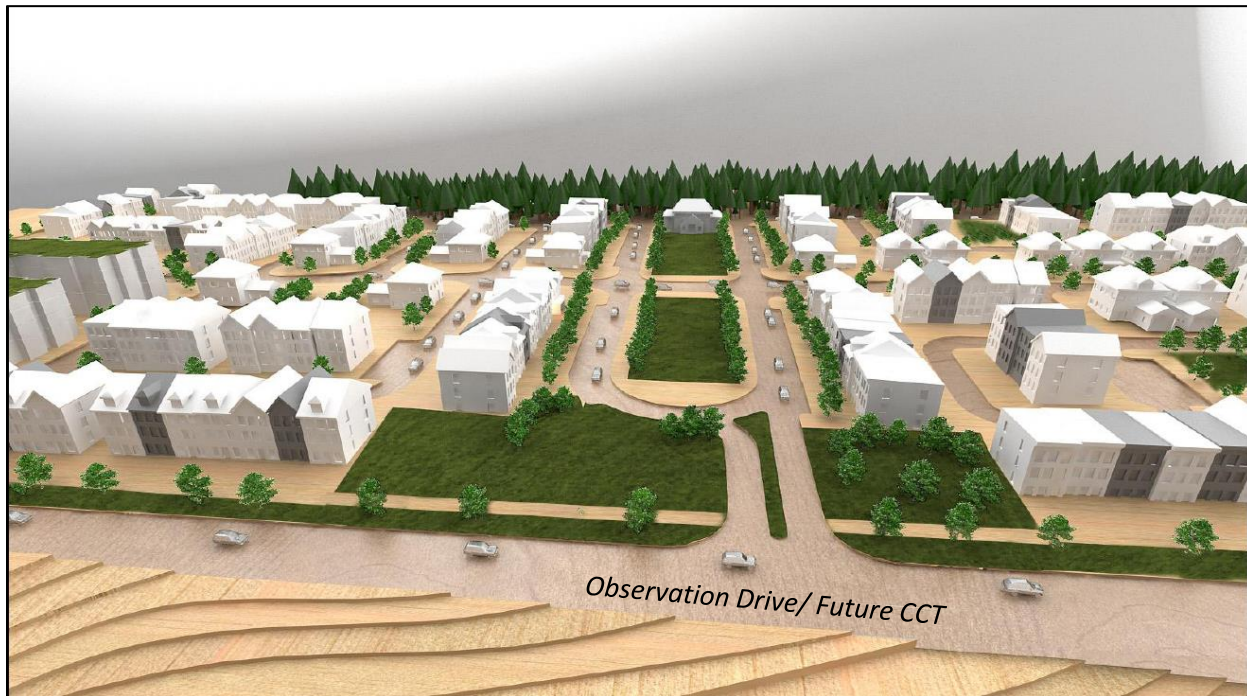
Illustrative Site Plan rendering

The site layout shown on the Preliminary and Site Plan drawings substantially follows the layout which was shown on the Development Plan for G-832 (Appendix A). The most notable change from the DPA is the elimination of the two-over-two unit type, which was controversial and not favored by the community. As a result, the unit mix was adjusted and the overall number of units reduced from 408 to 392.

Additional refinements and adjustments since the DPA approval include the following:

- Street B was reconfigured to reduce imperviousness;
- The Storm Water Management (SWM) technique was revised per coordination with DPS to include Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP);
- The Observation Drive roadway section was revised per coordination with the County Department of Transportation (MCDOT);
- Grading was revised to more closely balance the earthwork in light of the change in elevation of Observation Drive because of the designation of the Corridor Cities Transitway (CCT) as “Bus Rapid Transit” as opposed to “Light Rail.”

The Site Plan incorporates the Binding Design Principles of the Development Plan, which provide for a walkable community integrating a variety of housing types, pedestrian-oriented streetscapes and street networks, a central community facility, small-scale open spaces, and landscaping. The Site Plan provides for a number of large and small recreation areas, with the large open spaces at the center of the site creating a central focus and gathering place in the heart of the community.



Illustrative model looking into the central amenity area from future Observation Drive

The project will have two access points, one from Observation Drive and the other from Shawnee Lane. A main Road, Public Street “A,” bisects the development north-south running parallel to Observation Drive, and intersecting Shawnee Lane to the south and Public Street “C” to the north. A system of internal private streets provides access to individual units.

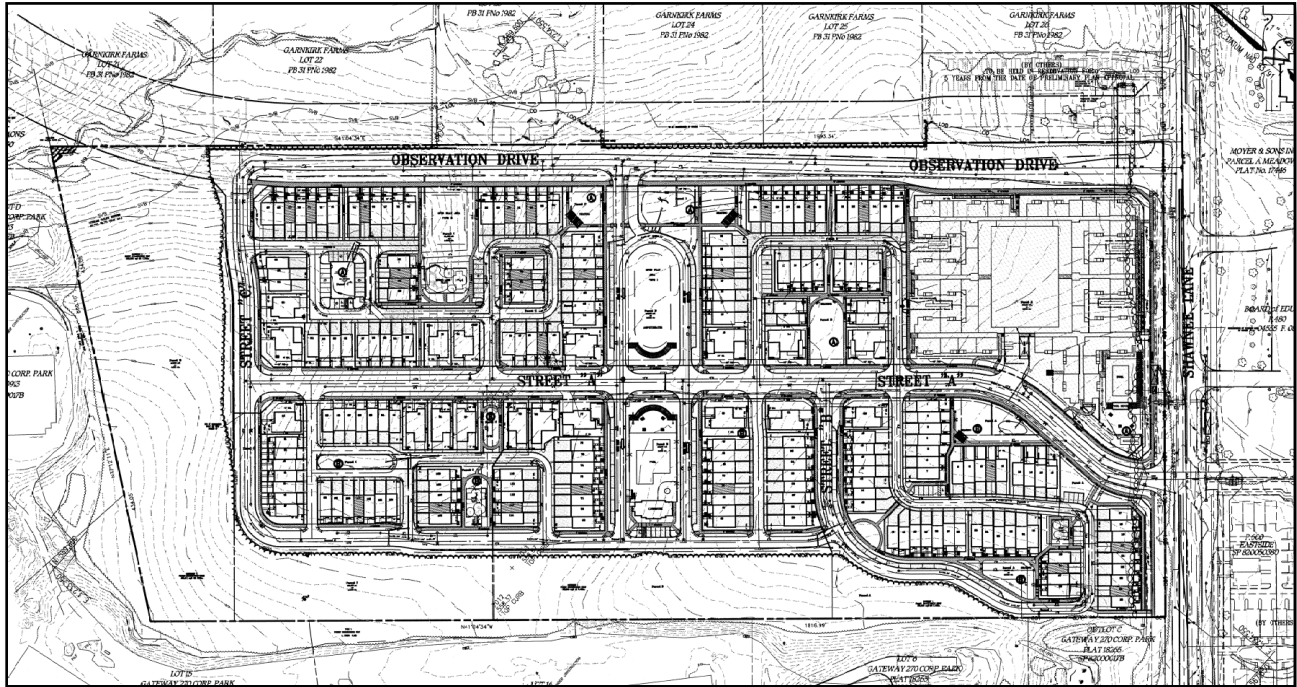
The Applicant will construct two lanes of the future Observation Drive from Shawnee Lane for a length of approximately 1,700 feet along the Property’s eastern property line. The proposed access point to the subject property from Shawnee Lane will be aligned with the access point to the Gallery Park (formerly known as Eastside) development located to the south.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Although Staff has not received correspondence on either of these applications, this project has a long history of community involvement.

The Development Plan approved with the rezoning of the Property was a result of a collaborative effort between the Applicant and the community. Representatives of the community, in particular, members of the Clarksburg Citizens Association, were involved in the creation of the approved Development Plan which was based on New Urbanism principles encouraged in the Master Plan. The approved Development Plan contained a set of *Binding Design Principles* developed in collaboration with the community, which ensured that certain concepts and elements would be maintained as the project progresses through the entitlement process. During the review of the Preliminary Plan, the two-over-two unit type was eliminated in response to community concerns raised at the community meeting.

SECTION 2: PRELIMINARY PLAN



Overall Preliminary Plan

RECOMMENDATION AND CONDITIONS

The Preliminary Plan meets all requirements of Chapter 50 of the County Code, the Subdivision Regulations, and substantially conforms with the recommendations of the Clarksburg Master Plan. Staff recommends approval of Preliminary Plan No. 120080240, the Special Protection Area (SPA) Final Water Quality Plan, and the Final Forest Conservation Plan, subject to the following conditions:

- 1) This Preliminary Plan is limited to 208 lots for 18 one-family detached units and 190 townhouses, and 1 lot for 184 multi-family dwelling units, with an overall total of 392 dwelling units including 12.5 percent MPDUs.
- 2) The Applicant must comply with the binding elements and conditions of County Council Resolution No. 15-1680 approving Local Map Amendment G-832.

Final Forest Conservation Plan

- 3) The Applicant must comply with the conditions of approval for the Final Forest Conservation Plan No. 820120100, approved as part of this Preliminary Plan, as follows:
 - a. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved final forest conservation plan.
 - b. A Category I conservation easement must be shown on the record plat over all areas of forest retention and forest planting as shown on the approved Final Forest Conservation Plan.

- c. Onsite reforestation must begin within the first planting season after issuance of the first grading permit, with appropriate phasing to allow for construction of sediment and erosion control structures.
- d. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- e. The Applicant must submit financial security for planting 0.26 acres prior to the start of clearing and grading.
- f. The Applicant must obtain M-NCPPC approval of a five-year maintenance and management agreement prior to M-NCPPC accepting any on-site planting.
- g. The Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easements.
- h. Prior to recordation of the plat, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for use of a M-NCPPC-approved offsite forest mitigation bank to satisfy the forest mitigation planting requirements. The offsite forest mitigation requirement must be met within the Clarksburg Special Protection Area or within the Seneca Creek watershed.
- i. The Applicant must field locate and install the natural surface trail required on the Approved Development Plan G-832, within the first planting season after issuance of the first grading permit. The exact location of the path through the Category I conservation easement must be approved by M-NCPPC Staff prior to installation.

Road Dedication/ Improvements

- 4) The Applicant must dedicate and show on the record plat, the following rights-of-way:
 - a. 60 feet from the centerline of the approved four lane divided, Shawnee Lane cross section (MR2010815A) along the Subject Property frontage.
 - b. 75 feet along the eastern property line for Observation Drive.
 - c. 83 feet along the eastern property line for Observation Drive at future Transit Station.
 - d. Internal Street "A" – 60 feet (Secondary Street MC-2002.02)
 - e. Internal Street "C" – 50 feet (Tertiary Street MC-201.02 (Modified))
- 5) The Applicant must construct Observation Drive (A-19) from Shawnee Lane to the northernmost point of access as a two-lane arterial roadway including an eight-foot shared use path. Construction of Observation Drive from Shawnee Lane to Street "C" shall be completed and open to traffic prior to issuance of 200th building permit.
- 6) Prior to recordation of the plat(s), the Applicant must satisfy Montgomery County Department of Permitting Services ("MCDPS") requirements to ensure the construction of a 5-foot wide sidewalk along the property frontage on Shawnee Lane, unless construction is waived by MCDPS.
- 7) Prior to issuance of the 50th building permit, the Applicant must provide the following intersection improvement at MD 355 and Foreman Boulevard/Clarksburg High School to meet Local Area Transportation Review (LATR) requirements:
 - one exclusive right-turn lane by re-designating one exclusive northbound left-turn lane as a shared left/through lane with the particular design requirements to be approved by Montgomery County Department of Transportation. Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location.
- 8) The property known as Cawood Property, located in the northeast quadrant of the Observation Drive/Shawnee Lane intersection, must be placed in reservation for a period of five years from the

date of Preliminary Plan approval for future acquisition by the governmental authority should it be required for transit related parking.

Other Agencies

- 9) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 15, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 11) The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated May 14, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 12) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 13) The Planning Board has accepted the recommendations of the MCDPS – Water Resources Section in its Final Water Quality Plan approval letter dated April 16, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

Record Plat(s)

- 14) The record plat(s) must show necessary easements.
- 15) The record plat(s) must reflect common ingress/egress and utility easements over all shared driveways.
- 16) The record plat(s) must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
- 17) The record plat(s) must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 18) The record plat(s) must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Prior to issuance of the 294th building permit, the Applicant must provide verification to Staff that the Applicant’s recorded HOA Documents incorporate the Covenant by reference.

Concurrent Site Plan

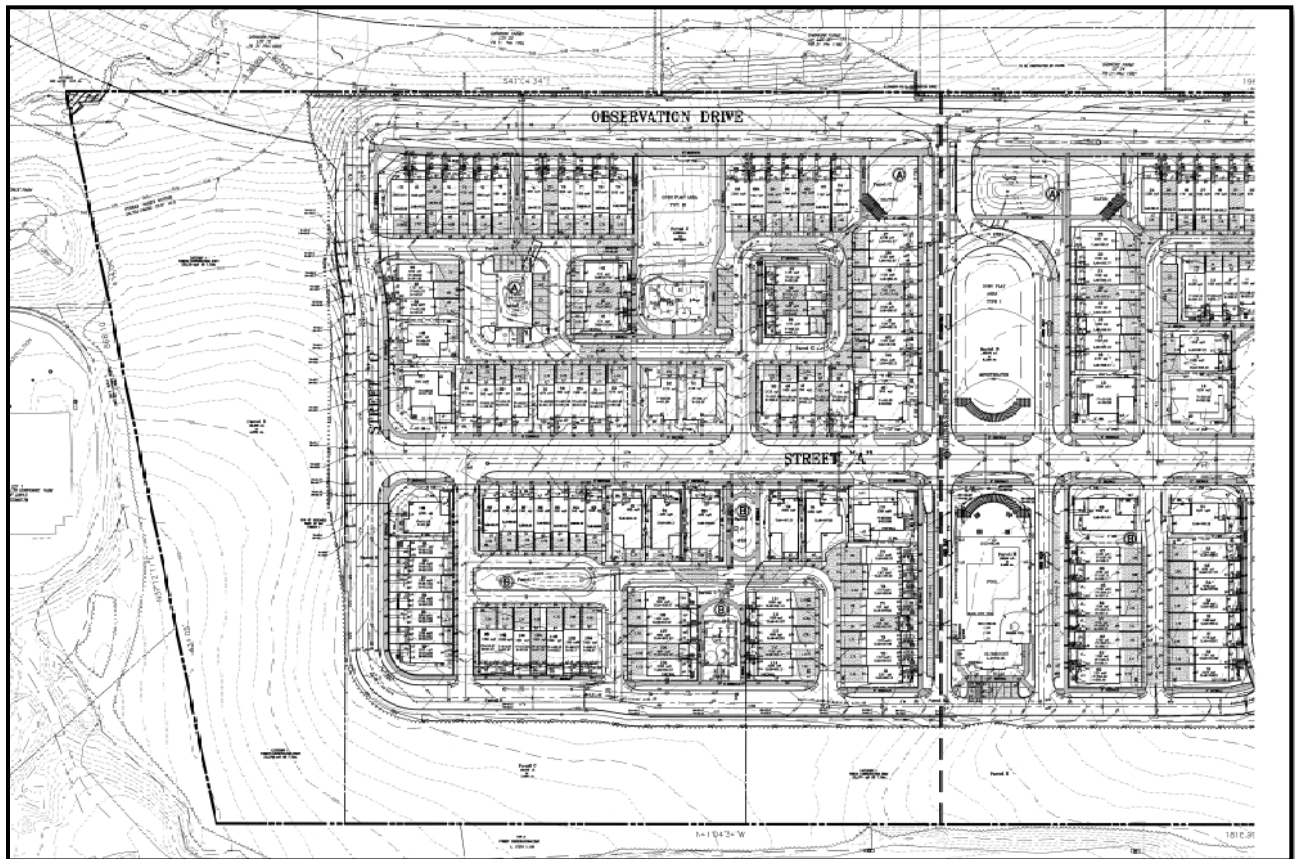
- 19) Prior to recordation of any plat, Site Plan No. 820120100 must be certified by MNCPPC Staff.
- 20) No clearing, grading or recording of plats prior to Certified Site Plan approval.
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 22) Final number of MPDUs will be determined at the time of Site Plan.
- 23) The Certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”

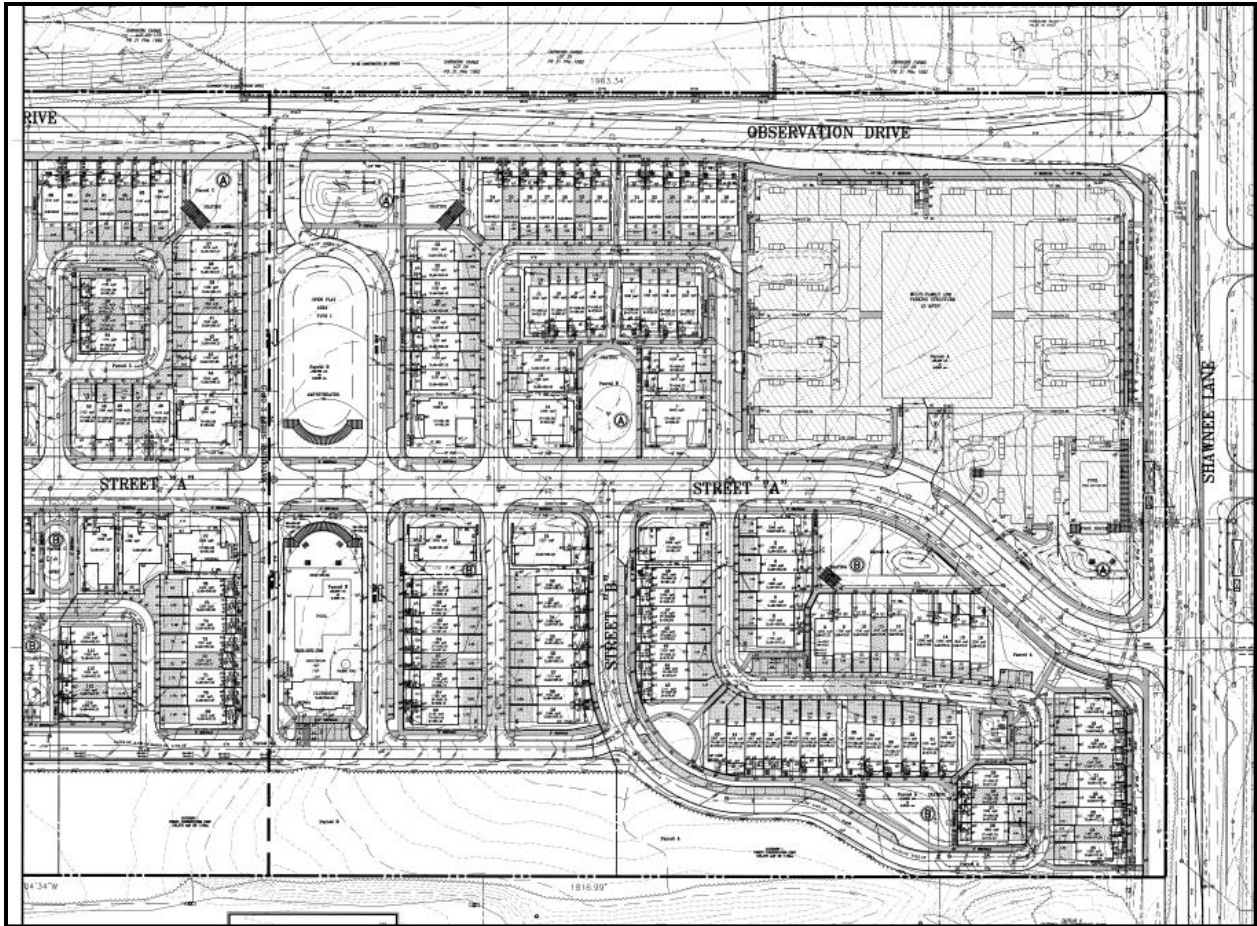
- 24) In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

APF Validity Period

- 25) The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.



Preliminary Plan, from Center of Site to Northern Property Boundary



Preliminary Plan, from Center of Site to Southern Property Boundary along Shawnee Lane

ANALYSIS AND FINDINGS

Master Plan Conformance

The Development Plan approved with Local Map Amendment G-832 was found to be in conformance with the 1994 Clarksburg Master Plan. The Preliminary Plan is substantially the same as the Development Plan and is also in conformance with the 1994 Clarksburg Master Plan.

- The PD-11 Zone and residential density at 10.54 units per acre (392 units / 37.18 ac.) complies with the land use (pg. 55) and zoning provisions of the Master Plan (pgs. 97 and 99);
- The residential mix substantially conforms to the unit types and mix ranges specified for the Transitway Area within the Transit Corridor District (pg. 39). The Master Plan recommends a range of 5 to 10 percent for single family detached units, and the project proposes 4.6 percent, which is slightly below the recommended range. Staff finds that overall mix substantially conforms to the Master Plan recommendations because the other units types are well within the recommended ranges.

	Recommended Master Plan Range	Proposed Garnkirk Farms
Sing. Fam. Detached	5 -10 %	4.6 % (18 units)
Sing. Fam. Attached (Townhouse)	40-60 %	48.5 % (190 units)
Multi-family	30-50 %	46.9 % (184 units)
Total units provided		100% (392 units)

As discussed below, the Project generally complies with the applicable Objectives of the Transit Corridor District (MP pgs. 54-58):

- *Continue the present residential character along MD 355.*
This Objective is not applicable since the Project is separated from MD 355 by land zoned R-200 and environmental buffers.
- *Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.*
The Project will provide dedication and construction of Observation Drive as an alternative north-south thoroughfare recommended in the Master Plan to alleviate anticipated traffic from MD 355.
- *Provide housing at designated areas along the transitway near significant employment uses.*
The Project fulfills this Objective by introducing 392 residential units consisting of 18 one-family detached, 190 townhouses, and 184 multi-family units in land adjoining one of the transit stops for the CCT.
- *Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.*
The Project does not provide office or retail uses for the following reasons: 1) lack of patrons in the foreseeable future to support a retail use even with the full built out of the project; 2) the topography of the site poses challenges to the creation of functional, accessible retail and compromises the visibility of the retail from the transit stop.
- *Establish strong pedestrian and bicycle linkages to the greenway.*
Walkways are provided at the full perimeter of the project allowing access to the large wooded areas at the northwest and southwest of the site. Pedestrian and bicycle linkages will be provided to both Observation Drive and Shawnee Lane (A-301). Direct linkages to areas northeast will be provided with the ultimate construction of Observation Drive.
- *Improve east-west roadway connections.*
The project will complete the north side streetscape of Shawnee Lane opposite the adjacent Gallery Park project (formerly Eastside).
- *Provide an open space system which includes small civic spaces at the transit stops.*
An internal open space system, including a central open space area with an amphitheater, will front onto Observation Drive and be within 800 feet of the intersection with Shawnee Lane, where the transit stop is proposed.

The Master Plan recommends a complete transit system as part of the Transportation and Mobility Plan to support future developments in the area with emphasis on transit use in accordance with the Plan objectives for transit-oriented community developments in Clarksburg. The Master Plan recommends the location of the transitway within the entire length of the A-19 (Observation Drive) right-of-way from Germantown to MD 355 and identifies the Garnkirk Farms site as one of the Transit Stops. The Park-and-Ride lot at the Cawood Property that was acquired by the Applicant to satisfy the master planned

transit stop requirement will be placed in reservation for a period of five years. Staff supports the Applicant’s proposal to place the previously-known Cawood Property in reservation for future acquisition by the governmental authority should it be required for the location of transit related parking.

Adequate Public Facilities Review (APF)

As conditioned, the subject Preliminary Plan for the proposed 392-unit residential development will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review.

Local Area Transportation Review (LATR)

A traffic study dated April 28, 2011, was submitted to determine the impact of the proposed development on the area transportation system. Five local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the following table.

	Existing		Background		Total*		Total**	
	AM	PM	AM	PM	AM	PM	AM	PM
MD 121 & Gateway Center Dr./Stringtown Rd.	882	855	1,160	1,140	1,214	1,168	1,214	1,168
MD 355/Stringtown Rd.	1,043	981	1,252	1,313	1,253	1,315	1,253	1,315
MD 355/Shawnee Lane	1,095	1,034	1,215	1,158	1,266	1,208	1,266	1,208
Gateway Center Dr./Shawnee Lane	96	153	121	267	144	369	144	369
MD 355/Foreman Blvd.	1,224	938	1,415	1,165	1,465	1,214	1,419	1,210

* Total development conditions *without* proposed roadway improvements

** Total development conditions *with* proposed roadway improvements

As shown in the table above, all existing intersections analyzed are currently operating at acceptable 1,425 CLV congestion standards. Under the background development condition, all intersections analyzed are also projected to operate at acceptable 1,425 CLV congestion standards. However, under the total development condition, the MD 355/Foreman Boulevard/Clarksburg intersection is projected to operate at unacceptable CLVs (1,465) during the AM peak hour (*Total Development Condition in the table above). In order to address this projected AM peak hour failing condition, the Applicant proposes intersection improvements to provide for one exclusive right-turn lane by re-designating one exclusive northbound left-turn lane as a shared left/through lane. Upon implementation of these roadway improvements, the MD 355/Foreman Boulevard/Clarksburg High School intersection is projected to operate at acceptable 1,425 CLV congestion standard (**Total Development Condition in the table above).

Transportation Policy Area Review (TPAR)/Policy Area Mobility Review (PAMR)

The Property is located in the Clarksburg Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is adequate under the roadway test and inadequate under transit test, requiring 25% of the Impact Tax as the TPAR payment. The subject Preliminary Plan application, however, was completed and submitted before January 1, 2013. According to the current SSP, the Applicant may meet its requirement under TPAR by complying with all applicable requirements of either TPAR or PAMR that were in force immediately before the County Council's SSP resolution, Resolution No. 17-601, was amended in 2012. The Applicant chose to be subject to PAMR. According to the applicable PAMR requirements, applications submitted prior to July 1, 2011 are subject to the trip mitigation requirements in effect for FY 2012. There were no trip mitigation requirements for the Clarksburg Policy Area at that time, therefore, the subject Preliminary Plan application meets the TPAR requirement under the current SSP.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-way

The proposed Garnkirk Farms development will have three access points, two from Observation Drive and the other from Shawnee Lane that will be aligned with the access point to the Gallery Park (formerly known as Eastside) development. The development will be bisected by Public Street "A" which intersects with Public Street "C" on the northern side of the Property. The internal public streets intersect with Observation Drive and Shawnee Lane to provide adequate vehicular access to the major transportation routes in the planning area. A system of internal private streets provides access to individual units. All of the lots for the detached units have frontage on a public streets as well as some of the townhouse units. The majority of townhome lots front to a private street but in all instances, the private street system has been designed to function as a public street by providing adequate pavement width, turning movements and radii. Montgomery County Fire and Rescue Service (MCFRS) have approved a Fire Access Plan which demonstrates that emergency apparatus can access each unit safely.

Street "C" is to be built as a modified tertiary street with 26 feet of pavement rather than the standard 20 feet of pavement width. The street cross section is also modified to show a sidewalk only on one side. MCDOT has recommended approval of these modifications finding that the additional pavement width will accommodate the number of units that will access it. MCDOT also supports the request to provide a sidewalk on one side of the street only (eastern side) because there is no development on the western side, where a Category I easement is proposed. MCDOT also considered the safety of pedestrians when they reviewed this design exception.

The entire length of Shawnee Lane from Gateway Center Drive to MD 355 will be widened to a four-lane divided arterial roadway by the Gallery Park development (Preliminary Plan No. 12005101B). As conditioned, the Applicant will dedicate 60 feet from the centerline of the approved Shawnee Lane cross section along the Subject Property frontage. The Applicant will also dedicate land and construct, two lanes of Observation Drive along the northeastern property line. This will require a dedication of 75 feet along most of the northeastern property line, providing half of the 150-foot right-of-way recommended in the Master Plan. At the east end of the northern property line, the Applicant has agreed to dedicate an additional 16 feet of land to provide for a 166-foot right-of-way section, which will accommodate the Master Plan transit stop proposed at that location.

The Preliminary Plan has been evaluated by Staff, the Montgomery County Department of Transportation, the Montgomery County Department of Fire and Rescue Services, and the Maryland State Highway Administration, all of which support the transportation elements of the Plan.

Staff finds the proposed access to the site, as shown on the Preliminary Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal pedestrian circulation and walkways as shown on the Preliminary Plan will provide adequate movement of pedestrian traffic.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems, as recommended in the Master Plan. The application has been reviewed by the MCFRS, and they have determined that the property has appropriate access for fire and rescue vehicles (Appendix B). Electrical and telecommunications services are also available to serve the Property. Washington Suburban Sanitary Commission recommends approval of the plan finding that local lines exist, and they are of adequate size to serve the proposed number of homes. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The project is located in the Clarksburg School Cluster and subject to the Annual School Test effective for FY13, which indicated that the cluster has adequate capacity at all school levels, and therefore, a school payment is not necessary.

Environment

A Natural Resource Inventory and Forest Stand Delineation Plan was approved/recertified on January 18, 2010. A Special Protection Area Preliminary Water Quality Plan ("PWQP") was approved by the Planning Board as part of Zoning Case G-832 for this property at a hearing on July 27, 2006. The PWQP approval included conditions which addressed concerns related to proposed stormwater management ("SWM") facilities located on the east side of the Observation Drive right-of-way, known as the King property. Since the PWQP approval, the SWM for the project has been revised to conform with new SWM regulations that utilize Environmental Site Design ("ESD") techniques to the Maximum Extent Possible ("MEP"). As a result, no SWM facilities are proposed on the King Property, and these conditions are no longer applicable. A forest conservation plan was not required as part of the zoning application review process; however, a conceptual forest conservation plan was provided at that time. The Final Water Quality Plan and Final Forest Conservation Plan under review at this time are consistent with the previous plan submittals, with the exception of the incorporation of ESD in the current plans.

A previously approved forest conservation plan for Shawnee Lane (MR2010815A) includes a 1.10 acre portion of the property that runs parallel to existing Shawnee Lane. This area has been deducted from the forest conservation worksheet for the subject FCP, since it has already been accounted for in terms of the forest conservation law and Special Protection Area requirements. This 1.10 acre area is identified on the FCP.

Special Protection Area Final Water Quality Plan

The property is located within the Clarksburg Special Protection Area ("SPA"). As part of the requirements of the Special Protection Area Law, a SPA Water Quality Plan must be reviewed in conjunction with a Preliminary Plan. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Environmental Buffers

A stream, wetlands, and associated environmental buffer are located in the northwestern corner of the property. The construction activities associated with this project will not impact the onsite environmental buffer; however, the Applicant is required to dedicate 0.28 acres of the property for future construction of Observation Drive by others. A portion of this dedicated area is located within the environmental buffer and will not be protected in a Category I conservation easement. In addition, the Applicant is required by County agencies to clear and grade onsite and offsite area for the future Observation Drive. Approximately 0.07 acres of the offsite area is within the environmental buffer and will be disturbed for this Master Planned roadway. The remaining 0.61 acres of onsite environmental buffer will not be disturbed and will be protected in a Category I conservation easement. The plan has minimized the impacts to the environmental buffer to the greatest extent practical, given the requirements for the Master Planned roadway in this location. The plan proposes to retain and plant additional forest adjacent to the environmental buffer, which will be protected in a Category I conservation easement.

Forest Conservation and Planting Requirements

As part of the Final Forest Conservation Plan, the Applicant will retain 7.43 acres of existing onsite forest, including 0.61 acres of forest within the environmental buffer. Approximately 0.07 acres of offsite forest within the environmental buffer will be cleared. This portion of the environmental buffer is located within the Master Plan right-of-way for future Observation Drive. The Applicant proposes to plant 0.26 acres of forest onsite, with the remainder of the planting requirement being met through an offsite forest bank. Per SPA requirements, the onsite forest planting will occur during the first planting season after issuance of the first grading permits, and a five year maintenance program is required. The offsite bank must be located in the Clarksburg SPA or within the Seneca Creek watershed.

Site Imperviousness

The Clarksburg SPA does not have a numerically defined impervious surface limit; however, impervious surface levels must be minimized to the extent possible. The property is zoned PD-11, which, based on M-NCPPC staff's analysis, typically results in an impervious level of 50%. This plan proposes an impervious level of approximately 47.5%.

The Applicant has minimized the amount of impervious surface for the project by eliminating parking along one side of Street A, reducing its width from 36 feet to 29 feet, obtaining design exceptions in order to eliminate sidewalks along several street frontages, and by eliminating a previously planned cul-de-sac. The plan also incorporates green space in the majority of the recreation facilities in order to minimize the impervious area.

Montgomery County Department of Permitting Services Special Protection Area Review Elements

DPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview (Appendix B). These elements include site performance goals, stormwater management, sediment and erosion control and monitoring of Best Management Practices.

Site Performance Goals

As part of the water quality plan, the following performance goals were established for the site: minimize storm flow runoff increases, minimize increases to ambient water temperatures, minimize sediment loading, and control insecticides, pesticides, nutrient and toxic substances.

Stormwater Management Concept

The use of various ESD practices including micro-bioretenion, dry wells and a grass swale. A minimum of one inch of ESD must be provided. It is likely that structural stormwater management will also be required at the detailed plan review stage however new or additional ESD practices may be considered in place of structural practices.

Sediment and Erosion Control

Redundant sediment control measures are to be used throughout the site. The total storage volume is to be 125% of the normally required volume and sediment trapping structures are to be equipped with dewatering devices. The use of silt fence alone will not be allowed as a perimeter control measure. DPS is requiring the use of super silt fence around small areas of disturbance, with an emphasis on immediate stabilization.

Monitoring of Best Management Practices

Stormwater monitoring is required for this project as described in the DPS Final Water Quality Plan approval memo (Appendix B). Monitoring will include groundwater levels, sediment trap performance, and stormwater management pollutant removal efficiency.

Staff finds that, provided Staff's recommended conditions of approval are adopted, the Applicant has satisfied all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Final Forest Conservation Plan and Environmental Guidelines

The site is subject to the Forest Conservation Law and a Final Forest Conservation Plan, including a variance for impacts and removal of subject trees was provided for review.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420031760) for this property was approved on January 18, 2010. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. A stream, associated wetlands and environmental buffer lie in the northwestern corner of the property. The entire property, including the environmental buffer is forested and undeveloped. There are 162 trees that were identified with a Diameter at Breast Height (DBH) of 24 inches or greater.

Final Forest Conservation Plan

As required by the County Forest Conservation Law (Section 22A of the County code), a Final Forest Conservation Plan (FCP) for the project was submitted with the Preliminary Plan and Site Plan (Appendix C). The subject FCP includes 1.80 acres of offsite area to the northeast that will be disturbed as part of

this application. This area has a separate forest conservation worksheet because it is zoned R-200, and the subject property is zoned PD-11. Forest conservation requirements may vary for different zones. The FCP proposes to clear approximately 28.37 acres of existing onsite forest, and 0.92 acres of existing offsite forest. The remaining 7.43 acres of onsite forest will be retained and protected in a Category I conservation easement. This plan is subject to Section 22A-12(f), and onsite forest retention must equal the conservation threshold of 20%, or 7.16 acres. The plan proposes to retain 7.43 acres of onsite forest, thereby meeting this requirement. There is a 7.68-acre reforestation requirement that is proposed to be met in an offsite forest bank.

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request - The Applicant submitted a variance request on October 19, 2012 for the impacts/removal of trees with the proposed layout. The Applicant has requested a variance for the removal of ten (10) trees that are 30 inches and greater, DBH, and to impact, but not remove, four (4) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law (Tables 1 and 2). The ten trees proposed for removal are # 6, 44, 70, 87, 89, 91, 96, 137, 140, and 143. Tree 158 is included in the forest clearing proposed by the Shawnee Lane FCP (MR2010815).

Table 1. Specimen Trees to be Removed

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	Tree Condition	Location
6	White Oak	<i>Quercus alba</i>	38 inch	57 feet	Fair	Interior
44	White Oak	<i>Quercus alba</i>	39 inch	58.5 feet	Good	Observation Drive
70	Tuliptree	<i>Liriodendron tulipifera</i>	32 inch	48 feet	Fair	Interior
87	Tuliptree	<i>Liriodendron tulipifera</i>	37 inch	55.5 feet	Good	Observation Drive
89	Tuliptree	<i>Liriodendron tulipifera</i>	37 inch	55.5 feet	Good	Interior
91	Tuliptree	<i>Liriodendron tulipifera</i>	31 inch	46.5 feet	Good	Interior
96	Tuliptree	<i>Liriodendron tulipifera</i>	34 inch	51 feet	Good	Interior
137	Tuliptree	<i>Liriodendron tulipifera</i>	38 inch	57 feet	Good	Interior
140	Tuliptree	<i>Liriodendron tulipifera</i>	32 inch	48 feet	Good	Interior
143	Red Oak	<i>Quercus rubrum</i>	31 inch	46.5 feet	Good	Street C

Table 2. Specimen Trees to be Impacted But Retained

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	Tree Condition	Location
11	White Oak	<i>Quercus alba</i>	38 inch	57 feet	Fair	Observation Drive
28	White Oak	<i>Quercus alba</i>	32 inch	48 feet	Good	Observation Drive
74	White Oak	<i>Quercus alba</i>	36 inch	54 feet	Good	Observation Drive
88	White Oak	<i>Quercus alba</i>	37 inch	55.5 feet	Good	Observation Drive

Unwarranted Hardship – As per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in an unwarranted hardship. Development on the property is dictated by the existing conditions on the site, development standards of the PD-11 zone, and requirements associated with Master Plan objectives. The property is entirely forested. Of the ten trees proposed for removal, eight are located within the interior of the site and two are within the right-of-way of the proposed Master Planned Road, Observation Drive. The trees that will be impacted, but retained are located within the Observation Drive right-of-way. Staff has reviewed this application and finds that there would be an unwarranted hardship if a variance were not considered.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings

1. Will not confer on the Applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the property. The property contains numerous large trees located within the developable area of the site and within the Master Planned road right-of-way. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, Master Plan recommendations, and the development standards of the PD-11 zone.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions, the proposed site design and layout on the subject property, and fulfillment of Master Plan objectives to construct Observation Drive from Germantown to Clarksburg, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Reforestation and landscaping proposed on the site will replace the functions currently provided by the subject trees. In addition, Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable. The stormwater management concept incorporates Environmentally Sensitive Design (ESD).

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On December 12, 2012, the County Arborist issued a letter stating that she would not provide recommendations on the variance request because the original development application for this property was submitted before October 1, 2009 (Appendix B).

Variance Recommendation - Staff recommends that the variance be granted. All of these trees are located within existing forest that is proposed to be removed and are accounted for in the reforestation requirements. Additional mitigation for the removal of these trees is not recommended.

Conclusion - As conditioned, Staff finds that the proposed project is in compliance with the Montgomery County Environmental Guidelines, the Forest Conservation Law, and the Special Protection Area Law. Staff recommends that the Planning Board approve the Final Forest Conservation Plan, and SPA Final Water Quality Plan with the conditions cited in this staff report.

Compliance with the Subdivision Regulations

The application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all other applicable sections. The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, given the recommendations of the 1994 Clarksburg Master Plan. The lot pattern follows new urbanism principles, while accommodating the densities envisioned by the Master Plan, and will set the precedent for the future development of this area. Staff finds that the size, shape, width and orientation of lots on the Garnkirk Farms project is appropriate.

SECTION 3: SITE PLAN

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820120100, Garnkirk Farms, for 392 residential dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units on 37.18 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on March 22, 2013 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Development Plan Conformance

The development must comply with i) the binding elements, conditions, and development standards as shown on the Certified Development Plan G-832, approved on December 11, 2006; and ii) the conditions and binding elements adopted in Resolution No. 15-1680, approving Local Map Amendment G-832 by the District Council, on October 31, 2006.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120080240, or as amended.

Density & Housing

3. Density

The development is limited to 392 residential dwelling units consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units on the Subject Property.

4. Moderately Priced Dwelling Units (MPDUs)

- a) The development must include 12.5 percent MPDUs on-site in accordance with the correspondence from the Department of Housing and Community Affairs ("DHCA") to the Applicant dated April 12, 2013 (Appendix B).
- b) The MPDU agreement to build between the Applicant and DHCA must be executed prior to the release of the first building permit.
- c) Prior to Certified Site Plan, the Applicant shall obtain the approval of DHCA of a construction sequencing plan, or development program for the project, which demonstrates compliance with the MPDU staging requirements of Section 25A-5(i) of the Montgomery County Code.

Environment

5. Noise Attenuation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the location of the noise mitigation techniques to attenuate current and proposed 20-year noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate. Mitigation techniques must include a solid wood barrier, or something similar, along the outdoor pool of the multi-family building. Specifications of the barrier to be determined by a Barrier Analysis.

- b) If any changes occur to the plan which affect the validity of the noise analysis dated, November 27, 2012, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

6. Stormwater Management/Final Water Quality Plan

The development is subject to final Water Quality Plan approval conditions dated April 16, 2013, unless amended and approved by the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section, provided the amendments do not conflict with other conditions of the Site Plan or the final Forest Conservation Plan.

Open Space & Recreation

7. Recreation Facilities

The Applicant shall provide the following recreation facilities: a multi-age playground, two tot lots, five sitting areas, an open play area (minimum 5,000 SF), a larger open play area (minimum 10,000 SF), bike system, pedestrian system, natural areas, two swimming pools, and a wading pool.

8. Maintenance of Public Amenities

The Applicant, its successors, assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features, such as, Clubhouse, swimming pools, wading pool, multi-age playground, tot lots, sitting areas, HOA open spaces, bike system, pedestrian system, retaining walls, streetscape elements and natural features.

Site Plan

9. Site Design

- a) Provide at least 2 benches at the tot lot and multi-age playground locations.
- b) Provide a minimum of 10 bike spaces in the central amenity area (near the Clubhouse entrance), 6 bike spaces near the multi-age playground, and 6 bike spaces outside the multi-family building.
- c) Prior to certified site plan approval, the retaining walls shall be minimized to a height of no more than 36 inches and ramps shall be limited to no more than a 30-foot long ramp at 8.33% adjacent to Shawnee Lane and/or Observation Drive.
- d) Prior to building permit release, the Applicant must submit evidence to M-NCPPC Staff that the detached garages have a subordinate location to the front of the dwelling units.

10. Pedestrian Circulation

The Applicant must field locate and install the natural surface trail required on the Approved Development Plan G-832, within the first planting season after issuance of the first grading permit. The exact location of the path must be approved by M-NCPPC Staff prior to installation.

11. Private Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All onsite down- light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e) The height of the light poles shall not exceed 12 feet including the mounting base.

12. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b) The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, retaining walls, entry signs and private roads within the relevant phase of development.
- c) Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

13. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to Staff approval of a final Forest Conservation Plan and the Certified Site Plan.
- b) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
- c) Streetscape
 - i. The Applicant must provide each section of the development with necessary roads.
 - ii. Street lamps and sidewalks for public streets, private streets and alleys must be installed within six months after street construction is completed.
 - iii. Street tree planting must be completed no later than six months after completion of the residential units adjacent or adjoining the subject streets.
- d) Amenities
 - i. Onsite amenities including, but not limited to, sidewalks, pathways, benches, trash receptacles, and bicycle facilities within each block must be installed prior to release of any building occupancy permit within the same block.
 - ii. The central amenity area consisting of the Clubhouse, swimming pool area and large open play area (minimum of 10,000 SF) with amphitheater must be completed prior to issuance of the 145th building permit for the townhouse/one-family detached units, which represents 70 percent of the 208 non-multi-family units for the project. Landscaping and lighting associated with these facilities must be installed no later than six months after completion of the facilities.
 - iii. The multi-age playground and open play area (minimum of 5,000 SF) must be completed prior to issuance of the 166th building permit for the townhouse/one-family detached units, which represents 80 percent of the 208 non-multi-family units for the project.

Landscaping and lighting associated with these facilities must be installed no later than six months after completion of the facilities.

- iv. The swimming pool and pool house in the multi-family building must be completed, including landscaping and lighting, prior to issuance of any use-and-occupancy permit for the multi-family building.
 - v. The tot lot on Private Street M must be completed prior to release of building permits for units 26-35 in this Block. Landscaping and lighting associated with the tot lot must be installed no later than six months after the completion of the tot lot.
 - vi. The tot lot on Private Street D must be completed prior to release of building permits for units 105-114 in this Block. Landscaping and lighting associated with the tot lot must be installed no later than six months after the completion of the tot lot.
 - vii. The remaining seating areas and open spaces must progress with construction of the adjacent residential units. Landscaping and lighting associated with these spaces must be installed no later than six months after the completion of these amenities.
- e) Landscaping associated with each dwelling unit and building shall be completed as construction of each unit and building is completed.

14. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c) Modify data table to reflect development standards enumerated in the staff report.
- d) Show the approximate location of the natural surface trail described in Binding Design Principle no. 29 of G-832 on the Certified Site Plan and FFCP.
- e) Provide details for the fence, trellis, benches, trash receptacles, bike racks, and entry signs.
- f) Provide at least two means of pedestrian ingress and egress for the multi-family building along the Observation Drive frontage.
- g) Adjust minimum side and rear setback for one-family detached and townhouse units to 4 feet.
- h) All driveways to a public right-of-way must be at least 18 feet in order to accommodate the full length of a parked car without encroaching onto the sidewalk.

FINDINGS

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan conforms to all non-illustrative elements of the development plan and all binding elements of County Council Resolution No. 15-1680 approving Local Map Amendment G-832 to reclassify the subject property from the R-200 Zone to the PD-11 Zone (Appendix A).

The Development Plan includes “Water Quality Plan Binding Conditions,” which addressed concerns related to proposed stormwater management (“SWM”) facilities located on the east side of the Observation Drive right-of-way, known as the King property. Since the G-832 approval, the SWM for the project has been revised to conform with new SWM regulations that utilize Environmental Site Design techniques to the Maximum Extent Possible. As a result, no SWM facilities are proposed on the King Property, and these binding elements are no longer applicable.

The Development Plan also contains a detailed list of 29 “Binding Design Principles” (see Appendix A for complete list), which were created to ensure that the Development Plan would conform to the purpose clause of the PD Zone. The Site Plan incorporates each of the Binding Design Principles as discussed below.

- 1 – The major amenity area for the project, consisting of a clubhouse, swimming pool, open play area and amphitheater, is centrally located in the core of the neighborhood.
- 2 – The Site Plan is framed by comprehensive edges. Existing wooded areas form the northern and western edges, and Observation Drive and Shawnee Lane form the southern and eastern edges.
- 3 – The street system consists of a series of interconnected public and private streets and alleys.
- 4 – The street system connects to the surrounding street system at 3 locations. One access point is provided off Shawnee Lane, and the other two are provided off Observation Drive.
- 5 – On average, neighborhood blocks range in size between 200 and 400 feet in length. Blocks were measured along public streets from intersecting perpendicular private streets, or in some instances from open spaces effectively dividing up the public street frontage.
- 6 – A continuous sidewalk system provides access to all open space and recreation areas within the neighborhood.
- 7 – The internal sidewalk system connects to the community-wide pedestrian system along Shawnee Lane and the future sidewalks along Observation Drive.
- 8 – Sidewalks are provided on all public and private streets, except alleyways.
- 9 – All the townhouses and the majority of the detached units are rear-loaded and served by alleys. Only 3 detached units on corner lots along Street A have front or side loaded garages. As conditioned, these garages will have a diminished appearance subordinate to the front of the houses.
- 10 – The driveways of all homes abutting the sidewalk system are a minimum of 18 feet, which will accommodate the full length of a car.
- 11 – On-street parking is provided along the perimeter of the central amenity area, along Private Street B, and next to amenity areas.

12 – The Site Plan provides a total of 120 parking spaces on private streets and alleys, in addition to the 391 spaces on private lots above the Zoning Ordinance requirement. These spaces are sufficient to accommodate visitors and guests.

13 – The Site Plan includes streetscape treatment consisting of sidewalks, green panels, street trees, street lights, and street furniture, on all major streets.

14 – Public streets along the perimeter of the site are lined with townhouse fronts and thus have no views into alleys since those are in the rear. Public streets within the site have very limited views into alleys, which is accomplished architecturally with detached units and associated garages pinching the viewshed. Landscaping is also used to enhance views.

15 – The Clarksburg Streetscape Guidelines have not been published, and therefore this design principle is not applicable.

16 – Each block includes a mix of one-family detached units and townhouses which achieves variety at the street scale. Additionally, certain blocks also include MPDUs and market rate units which further adds variety.

17 – As conditioned, the front facades and building materials within each block will be verified at building permit release to create visual distinction.

18 – The mix of unit types and sizes within each block will by default create variety in the roof designs and rooflines. In addition, slight variations in the front building line of townhouse rows will also add variety in the rooflines.

19 – The Site Plan provides variety in lot widths and sizes. Lot widths range between approximately 18 feet and 80 feet. Lot sizes range between approximately 1,000 SF for townhouse MPDUs and 5,920 SF for one-family detached units.

20 – The Site Plan provides varying building heights within the same street block as a result of the different unit types within each block.

21 – The single family attached two-over-two unit type was eliminated from the project, thus this design principle is no longer applicable.

22 – The vast majority of the units fronts onto streets. A limited number fronts onto mews or open space areas.

23 – The single family attached two-over-two unit type was eliminated from the project, thus this design principle is no longer applicable.

24 – As conditioned, the placement of detached garages will be verified at building permit release to ensure a subordinate location to the dwelling unit.

25 – As conditioned, the multi-family building will have at least two means of ingress and egress along the Observation Drive frontage.

26 – A hierarchy of open spaces is provided throughout the neighborhood with the largest, most significant space centrally located and the other smaller spaces dispersed throughout the various blocks.

27 – The open space and recreational facilities in the center of the neighborhood are the largest, most prominent visually and accommodate greater patronage.

28 – Smaller open space areas, such as sitting areas and tot lots, are located within each block to provide convenient access for the future residents.

29 – As conditioned, The Applicant will field locate and install the natural surface trail required within the first planting season after issuance of the first grading permit. The exact location of the path will be approved by M-NCPPC Staff prior to installation.

The Development Plan, on Sheet 2, provides binding specifications for setbacks and building height limitations for each housing type. The DPA presented two different methods to measure building height:

1. The “building structure height” as measured from the floor of the first above-grade level to the mid-point of the roof. This method allowed the Applicant to make commitments about building height without taking into account grading conditions.
2. The grade-dependent height as measured from the centerline of the street to the floor of the first above-grade level. This method is consistent with the Zoning Ordinance definition of building height.

As shown on the project data table below, the Site Plan conforms to the setbacks and building heights shown on the DPA.

In order to address community concerns, the one-family attached 2 over 2 unit type shown on the DPA has been eliminated. As a result the unit mix has been slightly adjusted and the overall number of units has decreased from 408 to 392. The table below compares the unit types approved with the DPA and those proposed with the Site Plan. Staff finds that the Site Plan conforms to the DPA because the number of units proposed does not exceed the number of units approved and the mix is generally consistent. The Site Plan has 46.9 percent multi-family units whereas the DPA had 45 percent. The Site Plan has 48.5 percent townhouses whereas the DPA had 50 percent (townhouses combined with 2 over 2s). The Site Plan has 4.6 percent one-family detached whereas the DPA had 5 percent. These variations are very minor and do not change the intent of the DPA approval.

Unit Types	Development Plan G-832	Site Plan
One-family detached	21 (5%)	18 (4.6%)
One-family attached (2 over 2)	62 (15%) 10 MPDU	0
Townhouse	141 (35%) 18 MPDU	190 (48.5%) 24 MPDU
Multi-Family	184 (45%) 23 MPDU	184 (46.9%) 25 MPDU
Total units	408 du	392 du
Total MPDUs	51 (12.5%)	49 (12.5%)

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Planned Development (P-D) Zone and satisfies the design, housing, amenity, circulation, and other purposes of the PD Zone. The project will provide a range of dwelling types consistent with the purpose of the zone. The development provides for a unified form of development at an overall density and mixture of unit types that is generally consistent with the recommendations in the Clarksburg Master Plan. The development also encourages preservation of the sensitive environmental resources existing on site and includes measures that are designed to enhance natural stormwater filtration and recharge. The design and layout of the proposed development also provides maximum social and community interaction through pedestrian and vehicular linkages, provides for the safety, convenience and amenity of residents, and assures compatibility with the surrounding residential land uses.

The PD Zone contains setback requirements to ensure compatibility with existing uses adjacent to or in the vicinity of the site. Section 59-C-7.15 specifically states that only one-family detached homes may be constructed within 100 feet of any adjoining one-family detached zone. It also prohibits buildings constructed to a height greater than its distance from such adjoining land. The Site Plan abuts land zoned R-200 across from future Observation Drive. As discussed in finding no. 4, the setback requirements along this frontage are met through a combination of right-of-way dedication and building setbacks from future Observation Drive.

As demonstrated in the Data Table below, the project meets all of the applicable requirements of the PD-11 Zone.

Data Table for the PD-11 Zone

Development Standard	Zoning Ordinance Permitted/Required	Approved with G-832	Proposed for Approval
Site Area (acres)			
Gross Tract Area (GTA)	n/a	n/a	37.18
Public Street Dedication (59-C-7.17)	n/a	n/a	6.39
Net Area	n/a	n/a	30.79
Density			
Max. Residential Density (du/acres) 59-C-7.14(a)	11 †	11	10.5
MPDUs	49 (12.5%)	51 (12.5%)	49 (12.5%)
Max. Number of Dwelling Units	408	408	392
One-family detached		(21)	(18)
One-family attached (2 over 2) ‡		(62)	(0)
Townhouse		(141)	(190)
Multi-family		(184)	(184)
Housing Mix (59-C-7.13)			
One-family detached	n/a ¥	5%	4.6%
Min. % one-family attached (2 over 2)	20%	15%	0
Min. % Townhouses	20%	35%	48.5%
Min. % Multi-family	35%	45%	46.9%
Min. Setbacks (feet)			
Adjoining one-family detached zoned land (59-C-7.15)	100 *	n/a	100 **
Separation between buildings			
One-family detached	n/a		
- Front (from street)		15	15
- Rear yard (opposite front door)		3	4 ***
- Side yard		3	4 ***
Townhouse	n/a		
- Front (from street)		10	10
- Rear yard (opposite front door)		5	5
- Side yard		0	0
- Side yard for end units		n/a	4
- From Shawnee Lane		25	25

- From Observation Drive		25	25
Multi-family	n/a		
- Front (from street)		10	10
- From Shawnee Lane		20	20
- From Observation Drive		20	20
Min. Lot Area (SF)			
One-family detached	n/a	3,500	3,500
Townhouse		1,000	1,000
Max. Building Height (feet)			
One-family detached	n/a	41 (2-3 stories)	41 (2-3 stories)
Townhouse	n/a	52 (3-4 stories)	52 (3-4 stories)
Multi-family	n/a	64 (4 stories)	64 (4 stories)
Clubhouse	n/a	36 (1-2 stories)	36 (1-2 stories)
Min. Green Area			
(% of GTA) (59-C-7.16)	50% (18.6 acres)	51% (18.8 acres)	57% (21.12 acres)
Vehicle Parking Spaces (59-E)			
One-family detached (18)	36 (2 sp/du)		60
Townhouse (190)	380 (2 sp/du)		712
Multi-family (184)			289
- 1 bedroom (90)	113 (1.25 sp/du)		
- 2 bedroom (94)	<u>141 (1.5 sp/du)</u>		
Total	670	1,053	1,061
On private streets/alleys	n/a	136	120
Bicycle Parking Spaces (59-E)			
Within structured parking	15 (5%/MF sp provided)	n/a	15
Outdoor amenity areas	n/a	n/a	22
Motorcycle Parking Spaces (59-E)			
Number of spaces	6 (2%/MF sp provided)	n/a	6

† In accordance with the land use recommendations in the 1994 Clarksburg Master Plan, p.55.

‡ The 2-over-2 unit type is no longer part of the Project.

¥ Section 59-C-7.13 indicates that one-family detached units are permitted, but no minimum or maximum percentage is provided.

* Applicable to all buildings other than a one-family detached residence.

** The Site Plan meets this requirement through a combination of building setbacks and right-of-way dedication for the future Observation Drive.

*** The Site Plan increased the side and rear setbacks from 3 to 4 feet to ensure compliance with the DPA's requirement to have 8-foot minimum separation between buildings.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a) Locations of buildings and structures

The locations of the proposed buildings and structures are adequate, safe, and efficient. The Site Plan has 392 dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouse units, and 184 multi-family units.

Spatially, the project is organized into four quadrants resulting from Public Street A bisecting the site in the north-south direction, and the large amenity area bisecting the site in the east-

west direction. The units are oriented towards the perimeter of these quadrants, fronting on public and private streets, and rear-loaded from alleys. The various unit types are adequately integrated throughout the site, with a mix of townhouses and one-family detached units, MPDUs and market rate units, in every block. The multi-family units are all clustered in a 4-story building comprised of several wings surrounding an interior parking structure. The building is located at the corner of Observation Drive and Shawnee Lane to capitalize on the proximity to the future transit stop on the opposite corner.



Architectural Elevation: Multi-family Building

Other structures provided include a 2-story Clubhouse with a pool area centrally located within the project. The Clubhouse is efficiently located in the center of the project, which provides adequate and convenient access to the proposed units. In addition the Clubhouse functions as a focal point for the amenity area and visual terminus for the mid-point entrance to the project on Observation Drive.

A series of retaining walls are provided along the perimeter of Street C, which hold relatively flat grades for the development while causing minimal disturbance to the existing natural features.

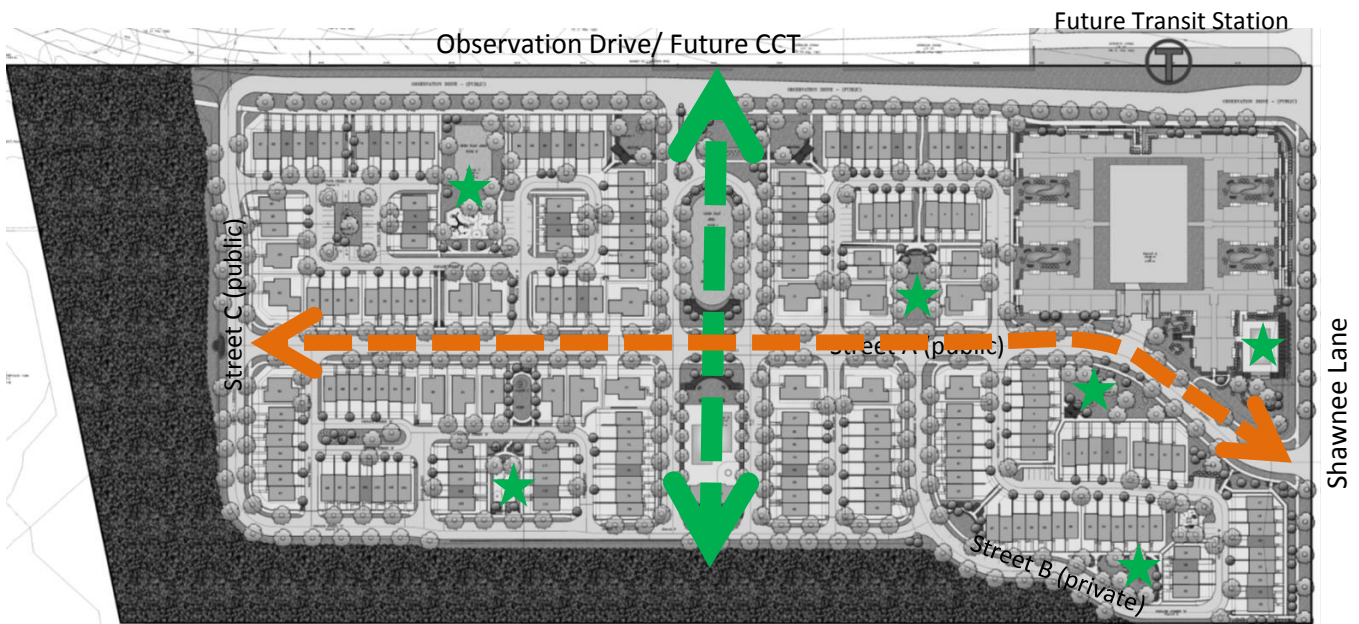


Exhibit illustrating open space hierarchy and distribution in the 4 quadrants of the project

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The Site Plan includes a hierarchy of open spaces that are adequately distributed within the various blocks and provide safe and convenient access for the future residents. The largest open space area is centrally located, has direct frontage on Observation Drive and bisects the project in the east-west direction. This open space area is integral to the layout and combined with Public Street A, which bisects the site in the north-south direction, creates four distinct quadrants for the project. A series of smaller open spaces are strategically located within the four quadrants. Surrounding the development on the northern and western sides, the Site Plan preserves an L-shaped portion of wooded land, which adequately buffers the site from the adjoining properties in the I-3 Zone. All open spaces are well connected through the proposed sidewalk and path systems.

The PD Zone does not have an open space requirement; instead it has a minimum green area requirement of 50 percent of the gross tract area. The Site Plan meets the green area requirement by providing a total of 57 percent (or 21.12 acres) of green space. All green areas, both active and passive, will be accessible to all residents of the development. The diversity of open spaces proposed is adequately dispersed throughout the development to provide safe and convenient access to all residents.



Rendering of central amenity area

c) Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The landscape plan achieves several objectives. It provides canopy coverage and shade for the roads and open spaces. A variety of shade trees line all public streets. A combination of shade and ornamental trees line all private streets. Open play areas are delineated by a hierarchy of plant material that adds interest and creates an edge. The landscaping provides a focal point at the terminus of Public Street A by having a hierarchy of plant material densely planted.

The lighting consists of pole mounted light fixtures with a maximum height of 13 feet located on all public and private roads. The lighting is residential in character and affirms the pedestrian scale. It will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The lighting is adequate, safe and efficient.

d) Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The facilities provided on-site include a multi-age playground, two tot lots, five sitting areas, an open play area (minimum 5,000 SF), a larger open play area (minimum 10,000 SF), bike system, pedestrian system, natural areas, two swimming pools, and a wading pool.

As demonstrated in the tables below, this development meets the recreation requirements for the various age groups through a combination of on-site facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

Demand		D1	D2	D3	D4	D5
Housing Type	Number of Units	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
SFD III (<7,000)	18	2.52	3.42	4.14	22.86	2.34
TH	190	32.30	41.80	34.20	245.10	13.30
Garden (4 or less)	184	20.24	25.76	22.08	217.12	29.44
		55.06	70.98	60.42	485.08	45.08

On-Site Supply		D1	D2	D3	D4	D5
Recreation Facility	Quantity Provided	Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Tot Lot	2	18.00	4.00	0.00	8.00	2.00
Multi-Age Playground	1	9.00	11.00	3.00	7.00	1.00
Picnic/Sitting	5	5.00	5.00	7.50	25.00	10.00
Open Play Area I (>10,000 SF)	1	6.00	9.00	12.00	30.00	2.00
Open Play Area II	1	3.00	4.00	4.00	10.00	1.00
Bike System	1	2.75	7.10	9.06	72.76	4.51
Pedestrian System	1	5.51	14.20	12.08	218.29	20.29
Natural Areas	1	0.00	3.55	6.04	48.51	2.25
Swimming Pool	2	6.06	29.10	24.77	242.54	13.52
Wading Pool	1	8.26	3.55	0.00	24.25	2.25
total:		63.57	90.49	78.46	686.35	58.83

Adequacy of Facilities		D1	D2	D3	D4	D5
Total Supply		63.57	90.49	78.46	686.35	58.83
90% Demand		49.56	63.89	54.38	436.58	40.58
Adequate?		yes	yes	yes	yes	yes

e) Pedestrian and Vehicular Circulation Systems

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. Access to the Subject Property is provided off Shawnee Lane at Public Street A, and off Observation Drive at Public Street C and Private Street O. These connect internally to a network of private streets and alleys. The vehicular circulation efficiently directs traffic into and through the site with minimal impacts to sensitive environmental features and pedestrian circulation. The Project will provide for the construction of Observation Drive along the frontage of the site as recommended in the Master Plan.

The pedestrian and bicycle circulation system adequately and efficiently integrates this site into the surrounding area. Sidewalks are provided along Shawnee Lane and an off-street bikeway will be provided at Observation Drive in conformance with Master Plan recommendations and in coordination with MCDOT and the future CCT. As conditioned, the Site Plan will provide a natural surface trail through the L-shaped wooded area to the north and west of the property. Within the site, 5-foot wide sidewalks on all public and private streets (except alleys) facilitate pedestrian circulation and access to the various units, open spaces and amenities proposed.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and residential uses in this Site Plan are compatible with other uses and site plans, and with existing adjacent development. To the east/northeast, between the site and MD 355, the 10 to 12 single-family detached homes will be buffered by the 150-foot right-of-way for future Observation Drive, as well as the extensive stream buffer east of that right-of-way. To the south/southeast, across from Shawnee Lane, the Master Plan recommends mixed residential development at densities similar to the subject Site Plan. Currently, they are occupied with non-residential uses, such as a moving company and school bus depot, which would not be adversely affected by the proposed residential community. Directly south, the Gallery Park (formerly Eastside) development has been approved for a mixed residential community of 256 units (Site Plan 82005038A). The proposed density at 10.5 du/ac is compatible with the approved density at Gallery Park at 10.7 du/ac. To the north, the site abuts the Gateway Commons property, on which a mixed residential development with 286 units is under construction in the R-200/TDR Zone (Site Plan 82003023A). To the west/northwest, the proposed development is buffered from the Gateway Center Drive industrial park (Preliminary Plan 119870410), by an L-shaped forested area with the average width of 110 feet on its narrowest side.

As discussed above, The Site Plan meets the compatibility requirements of Section 59-C-7.15(b) by providing a building setback from Observation Drive that is at least 25 feet for the townhouses and 20 feet for the multi-family building. These setbacks, combined with 75-foot dedication along the townhouses frontage and 91-foot dedication along the multi-family frontage on Observation Drive, meet and exceed the 100-foot minimum setback. In addition, none of the buildings proposed along Observation Drive, including the multi-family building of 64 feet, would be higher than their respective distances from the adjacent R-200 land.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, as conditioned for the special protection area ("SPA") Water Quality Plan, and any other applicable law.*

As discussed in the Preliminary Plan section of this report, the Project meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, as conditioned for the special protection area Water Quality Plan.

A Traffic Noise Impact Analysis was prepared for the property and the results provided in a report dated November 27, 2012 (Appendix D). A noise analysis is necessary to determine the projected interior and exterior noise levels requiring mitigation for residential units and outdoor recreational areas along Shawnee Lane and future Observation Drive. The Montgomery County "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" stipulate a 60 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

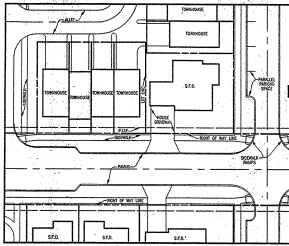
The Noise Analysis for this property indicates that future unmitigated traffic noise levels above 60 dBA Ldn will impact the pool of the multi-family building and any other outdoor recreation areas planned within the courtyards of the multi-family building. The Analysis recommends a solid wood barrier along the pool area; the height and extent of the barrier to be determined by a Barrier Analysis. The Analysis also determined that proposed residences will not require enhanced building materials to meet the interior noise guidelines. Per the analysis, standard construction materials will reduce exterior noise levels by a minimum of 20 dBA without modification. The analysis determined that the highest building façade noise level will be 63.4 dBA. Assuming standard construction reduces this by 20 dBA, the resulting interior noise level at this highest point would be 43.4 dBA, which is below the interior noise guideline limit of 45 dBA.

As conditioned, the Applicant is required to provide further details for and location of noise mitigation techniques to attenuate current and projected noise levels to no more than 60 dBA Ldn for areas proposed for common outdoor activity, specifically the areas in the vicinity of the proposed multi-family building, including the outdoor pool.

APPENDICES

- A. Previous approvals
- B. Reviewing Agency Approvals
- C. Final Forest Conservation Plan
- D. Traffic Noise Impact Analysis letter

Appendix A



- LEGEND**
- S.F.D. - SINGLE FAMILY DETACHED
 - T.H. - TOWNHOUSES
 - TH 2-OVER-2 (ONE-FAMILY ATTACHED)
 - STREAM VALLEY BUFFER
 - STREAM
 - WETLAND LIMITS
 - EXISTING GROUND CONTOURS
 - PROPERTY BOUNDARY LINE
 - PHASE LINE

THE UNITS GARNKIRK FARMS WILL BE CONSTRUCTED IN FOUR (4) PHASES. THE PHASING LINES ARE INDICATED ON THE DEVELOPMENT PLAN.

EACH OF THE INDIVIDUAL PHASES, ONCE COMPLETE, WILL INCORPORATE THE VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEMS, ALL REQUIRED UTILITIES, THE RECREATIONAL AMENITIES AND THE OPEN SPACES ASSOCIATED WITH THOSE INDIVIDUAL PHASES AS INDICATED ON THE DEVELOPMENT PLAN. THE PHASES MAY OVERLAP, AND THE PHASES MAY NOT BE CONSTRUCTED IN THE ORDER LISTED.

NOTE: APPROXIMATELY 65 TOWNHOUSE UNITS REQUIRE A WAIVER OF FRONTAGE ON A PUBLIC R/W. THIS IS TO BE DONE AT THE TIME OF SUBDIVISION.

LOCAL MAP AMENDMENT
CASE G - 832

DEVELOPER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERNOTED:

DATE: 9/26/06
DEVELOPER'S NAME (COMPANY NAME, PARTNERSHIP NAME, NAME OF CONTRACT PURCHASER): *Charles P. Johnson & Associates, Inc.*
PROFESSIONAL ENGINEER: *Jeremy C. DeFina*
PRINTED NAME: *Jeremy C. DeFina*

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL ENGINEER AND THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF PRACTICE FOR THE DRAWINGS ARE CONSIDERED TO BE TRUE AND CORRECT.

DATE: 9/26/06
PROFESSIONAL ENGINEER: *David H. Brown*
PROFESSIONAL LAND SURVEYOR: *David H. Brown*
MO # 14752

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION

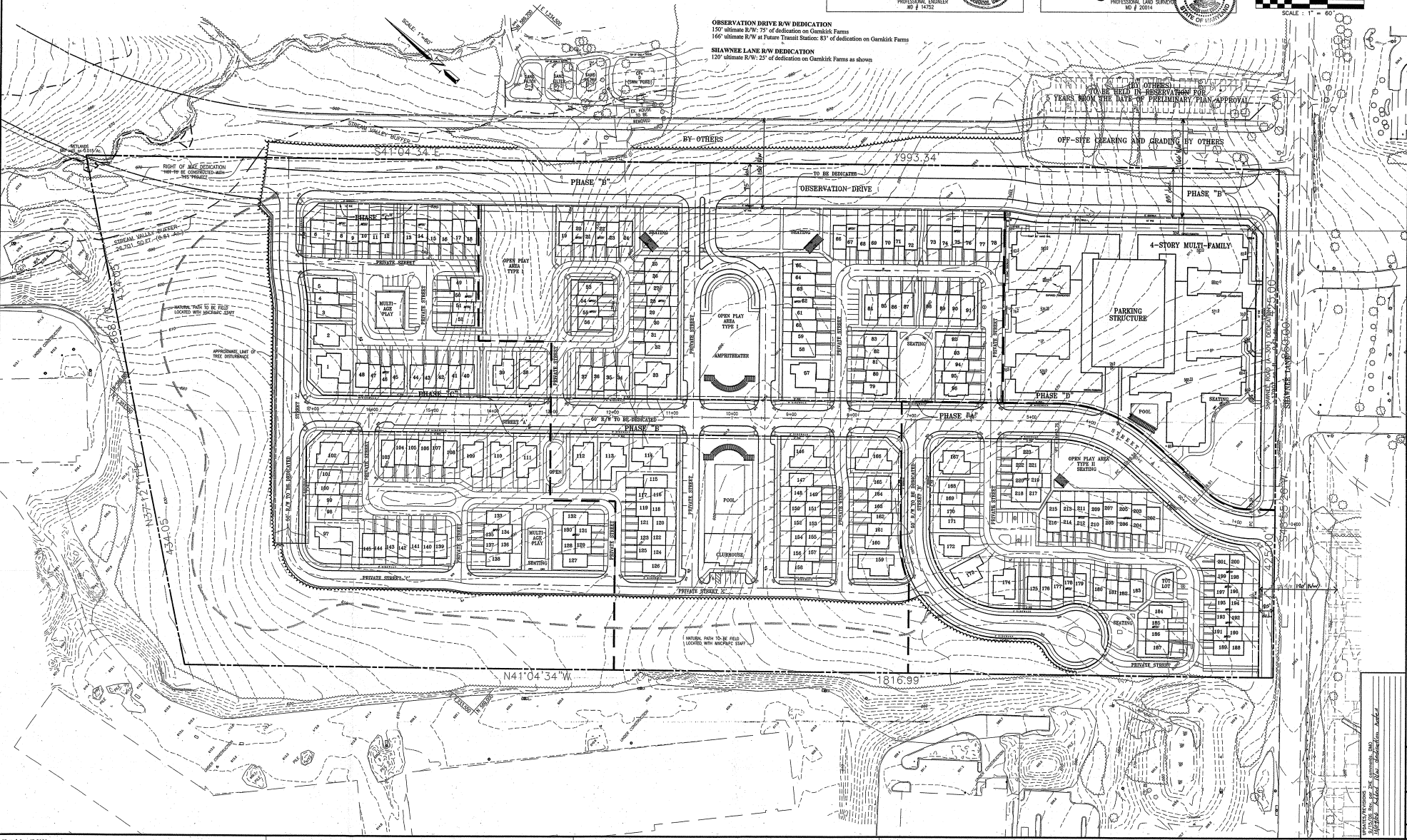
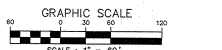
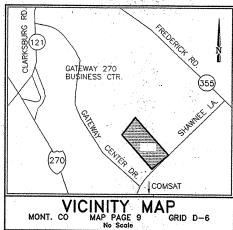
THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN, SHEET 2 OF 2, (LAYOUT NUMBER: 05263) APPROVED BY THE ZONING BOARD ON THE 31st DAY OF 11, 2006 IN REGISTRATION NUMBER: 25-11026

HEARING EXAMINER: *James M. Gorman*
DATE: 12-11-06
HEARING EXAMINER'S NAME PRINTED: *James M. Gorman*

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TRUTHFUL FROM AVAILABLE DEEDS AND RECORDS.

DATE: 9/26/06
PROFESSIONAL LAND SURVEYOR: *Ronald Collier*
MO # 20014



OBSERVATION DRIVE R/W DEDICATION
150' ultimate R/W; 75' of dedication on Garnkirk Farms
1160' ultimate R/W as Future Transit Station; 83' of dedication on Garnkirk Farms

SHAWNEE LANE R/W DEDICATION
120' ultimate R/W; 25' of dedication on Garnkirk Farms as shown

NO OTHER DEVELOPMENT SHALL BE HELD IN RESERVATION FOR 5 YEARS FROM THE DATE OF PRELIMINARY PLAN APPROVAL.

OFF-SITE DRAINAGE AND GRADING BY OTHERS

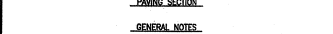
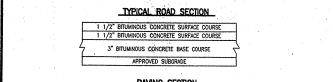
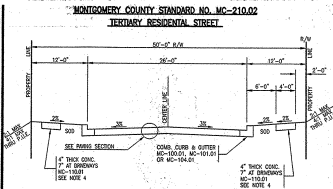
Charles P. Johnson & Associates, Inc.
PLANNERS ARCHITECTS LANDSCAPE ARCHITECTS SURVEYORS
1000 HUNTERSWOOD AVENUE SUITE 200
FREDERICK, MD 21704
TEL: 301-791-3333 FAX: 301-791-3334

DEVELOPMENT PLAN
GARNKIRK FARMS
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

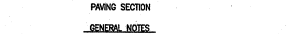
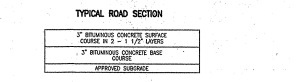
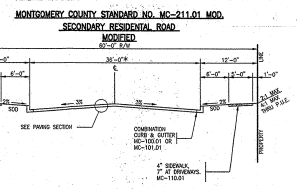
PERRINE PLANNING & ZONING, INC.
235 WASHINGTON ST., #502, ROCKVILLE, MD 20850

DATE: 9/26/06
DRAWN BY: *[Signature]*
CHECKED BY: *[Signature]*
DATE: 9/26/06
DATE: 9/26/06
DATE: 9/26/06

NO. 1
2
FILE NO. 2006-002



- GENERAL NOTES**
- REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
 - SEE STANDARD NO. MC-811.01 - METHODS OF GRADING AND SLOPES.
 - TOP OF CURB ELEVATION - CONVENTIONAL ELEVATION + 0.00' FOR 6" CURB HEIGHT.
 - SEEKING REVISIONS BY THE DISTRICT FOR STREET WIDTHS UNDER 30'.
NOTE: A TRAFFIC BARRIER IS REQUIRED WHERE THE ROAD OR DRIVE IS ADJACENT TO A TRAFFIC BARRIER TO BE PLACED OUTSIDE OF THE ROADWAY.



- GENERAL NOTES**
- REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
 - SEE STANDARD NO. MC-811.01 - METHODS OF GRADING AND SLOPES.
 - TOP OF CURB - CONVENTIONAL ELEVATION + 0.00' FOR 6" CURB HEIGHT.
 - SEEKING REVISIONS BY THE DISTRICT FOR STREET WIDTHS UNDER 30'.
NOTE: A TRAFFIC BARRIER IS REQUIRED WHERE THE ROAD OR DRIVE IS ADJACENT TO A TRAFFIC BARRIER TO BE PLACED OUTSIDE OF THE ROADWAY.

WATER QUALITY PLAN BINDING CONDITIONS
JULY 26, 2006

THE GANKKIRK FARMS FINAL WATER QUALITY PLAN WILL BE SUBJECT TO THE FOLLOWING BINDING CONDITIONS, WHICH WILL BE IMPLEMENTED AS PART OF THAT PLAN AND THE PROPOSED DEVELOPMENT PLAN:

- THE APPLICANT SHALL REDUCE THE SIZE OF THE CURRENTLY PROPOSED WATER TREATMENT FACILITY ON THE KING PROPERTY BY REDUCING FROM THE FACILITY'S CAPACITY THE ANTICIPATED DRAINAGE OF THE TWO LINES OF OBSERVATION DRIVE TO BE CONSTRUCTED IN THE FUTURE.
- THE APPLICANT SHALL DIRECT ROOFTOP DRAINAGE FROM BUILDINGS WEST OF OBSERVATION DRIVE TO ON-SITE WATER MANAGEMENT FACILITIES, AS FEASIBLE TO MINIMIZE ON-SITE BUILDING DRAINAGE TO THE WATER MANAGEMENT FACILITY ON THE KING PROPERTY.
- THE APPLICANT SHALL RECONFIGURE THE RESIZED WATER TREATMENT FACILITY ON THE KING PROPERTY TO MINIMIZE THE IMPACT ON THE STREAM VALLEY BUFFER.
- THE APPLICANT SHALL DETECT THE LOCATION OF THE STREAM VALLEY BUFFER ON THE KING PROPERTY ON BOTH THE DEVELOPMENT PLAN AND THE FINAL WATER QUALITY PLAN.

Unit Type	Required		Provided		Total
	Dwelling Units	Required Parking	Garage	On-Lot	
Single Family Attached Townhomes (TH)	141	282	282	282	564
Single Family Attached (2/2s)	62	124	2/2s	62	124
Single Family Detached (SFD)	21	42	SFD	42	34
Multi-Family	184	254	Multi-family	289	0
2 Bedrooms x 1.25 sp	80	117			
2 Bedrooms x 1.50 sp	84	147			
Total Parking Required	702	Total Parking Provided	1189		

On Private Street/Alleys: 136
On Public Street (80' ROW only): 67
Total Parking Provided Including Public Streets: 1256

Water/Sewer Categories	W-1/S-3
Proposed Water/Sewer Service	W-1/S-3
Method of SWM Management	On & Off-Site Quality and Quantity per Preliminary Water Quality Plan
Topographical Information from Contour Interval	P.D.S. 2/7/2000
Boundary Information from Maryland State Grid Datum Used	Charles P. Johnson & Assoc.
Tax Map Reference	EV33
Areas	
Gross Tract Area	37.18 Ac.
Street Dedication	3.75 Ac.
Green Area	18.8 Ac. (51%)
100 Year Floodplain	None
Stream Valley Buffer	0.61 Ac.
Wetlands	0.01 Ac.
Proposed Bedrooms	
Townhomes	Range 3-4 Bedrooms
Single Family Detached	Range 5-6 Bedrooms
2 over 2s	Range 2-3 Bedrooms
Multi-Family	Range 1-2 Bedrooms

- Soil Information was taken from the 1995 Soil Survey of Montgomery County, Maryland.
- The layout and building foot prints shown on the development plan are approximate.
- Any structures on current property to be removed.
- Wetland Delineation is based on field investigation by McCarthy & Assoc. in the field or documented by the Maryland Dept. of Natural Resources on site.
- There is no Historical Use of significance for this property.
- NR/FSD (#4-03176) approved by MNC/PCP dated November 28, 2005.
- One unnamed tributary of Little Seneca Creek crossed the site and flows southward as a First Order Stream. The tributary is considered Waters of the U.S. and is defined as being Class IV-F use.
- Minimum separation between Buildings is 6'
- At the time of Preliminary Plan the applicant shall seek a waiver, where necessary, of the requirement in Section 60-28(a)(2) of the Montgomery County Code that every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road.
- The applicant will provide a blanket PUE across alleys to ensure adequate access for the units and the landscaping along street frontages.
- Alley width 20' unless shown otherwise.

Development Plan Scale	Site Plan Scale	Gankkirk Farms - Binding Design Principles (REVISED)
X		SCALE
X		1 Neighborhood Center - The neighborhood shall have a functional center. A park or recreation facility is an appropriate neighborhood center.
X		2 Neighborhood Edge - The neighborhood shall be defined by comprehensible edges. Arterial or major roads, natural features such as forests and streams, or topographical features constitute appropriate edges.
X		STREET/SIDEWALK CIRCULATION SYSTEM
X		3 The neighborhood street system shall be continuous and interconnected.
X		4 The neighborhood street system shall connect to the surrounding street and highway system at multiple locations.
X		5 Neighborhood streets shall be designed so as to create blocks that are approximately 200 to 400 feet in length.
X	X	6 The neighborhood sidewalk/pedestrian (shared path) system shall provide continuous access to principal points of destination within the neighborhood.
X	X	7 The neighborhood sidewalk/pedestrian (shared path) system shall interconnect with the community-wide pedestrian system.
X	X	8 The neighborhood sidewalk/pedestrian system shall, wherever possible, run parallel to the street system, with connections to pedestrian trails through appropriate locations, such as, recreation and open space areas.
X	X	9 Garages shall be primarily rear-loaded and served by alleys. When front or side loaded garages are appropriate to respond to specific conditions such as corner conditions, road width, or lot plans, the garages should have a designated entrance subordinate to the front of the houses.
X	X	10 The driveways of all homes shall be able to accommodate the full length of a car without impeding the sidewalk system.
X	X	11 On-street parking shall be utilized, where possible, to serve adjacent uses, in part to protect the sidewalk area for pedestrians, and to help define the street-edge.
X	X	12 The neighborhood shall include sufficient supplemental parking to accommodate visitors and guests.
X	X	13 Streetscapes that may include sidewalks, green panels, street trees, street lights, and street furniture shall be created where appropriate.
X	X	14 The applicant shall mitigate the view of alleys from public streets within the community through the use of a variety of techniques. Mitigation techniques may include the installation of landscaping, hardscaping, fencing, and detached garages where appropriate.
X	X	15 Primary neighborhood streets should implement the Clearinghouse Streetscape Guidelines where feasible and approved by the reviewing agencies.
X		BUILDINGS AND LOTS
X		16 A mix of residential unit types within each block shall be provided to achieve variety at the street scale.
X		17 Building Design - front facades and building materials shall vary within each block to create visual distinction between dwellings within each block.
X		18 Roof designs and rooflines shall vary within each block to address visual distinction between buildings and account where appropriate for grading conditions.
X		19 A variety of lot widths and/or sizes shall be provided throughout the neighborhood.
X	X	20 Varying building heights shall be provided within the same street block and attention should be paid to the street width, building location, and transitional building heights when establishing the appropriate maximum building height.
X	X	21 Access to non-multiplex unit front entrances shall be individualized, straightforwardly accessible, and clearly recognizable from the street. Each single family attached two-over-two unit shall have its own front entrance from the outside.
X	X	22 Buildings shall face onto and have access to streets, with the exception of the use of small "narrow" or "close" style access provided to a limited extent within a neighborhood.
X	X	23 Each two-over-two unit shall have a ground level outdoor green area in the front or side yard of each unit for the exclusive use of the occupants of such unit.
X	X	24 The front wall of detached garages for single-family detached dwelling units shall not project beyond the front of the dwelling or any porch or other projection along the front of the dwelling.
X	X	25 The multi-family building shall have at least two means of egress and access along the Observation Drive frontage of the building to provide convenient pedestrian access to the sidewalks and pathways that lead to the transit station planned for the intersection of Observation Drive and Shawnee Lane.
X	X	OPEN SPACE
X	X	26 Open space shall be provided throughout the neighborhood at a scale appropriate to its location and function.
X	X	27 Open space and recreational facilities that form the center of the neighborhood shall be large, more prominent visually, and accommodate greater open space.
X	X	28 Smaller open space areas, such as, sitting areas and lot lots, shall be located throughout the neighborhood at convenient locations.
X	X	29 The applicant shall field locate and install a woodchip path, as noted on the plan. The exact location of the path shall be approved by Maryland National Capital Park and Planning Commission staff.

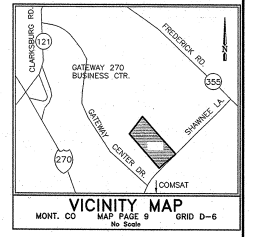
Development Standards	Required	Proposed
PD-11 Zone		
Development Method		PD-11 w/MPDUs
Min. Area of Development (ac.)	489 d.u.	371.8 Acres
Density of Development (with MPDU bonus)		408 d.u.
Number of units:		
Single Family Detached	7* (* 5%)	21 (5%)
Single Family Attached (2 over 2)	98 (20**%)	62 (15%) (10 MPDU)
Town Home	58 (12**%)	141 (35%) (18 MPDU)
Multi-Family	171 (35**%)	184 (45%) (21 MPDU)
Total number of units proposed		408 d.u.
Total number of MPDU's provided		51 (12.5%)

* Indicates Permitted but no minimum or maximum requirements.
** Indicates the Minimum requirement.

Dwelling Units:

Single Family Detached	NA	3,500 s.f.
Min. Lot Area (sq. ft.)	25'	25'
Min. Lot Width @ street	NA	15'
Front setback from street	NA	3'
Rear yard setback	NA	3'
Side yard setback	NA	3'
Lot Coverage (%)	NA	60%
Single Family Attached (2 over 2)	NA	10' (1)
Front setback from street	NA	1000 s.f.
Min. Lot Area (sq. ft.)	NA	10' (2)
Setback from street (feet)	NA	5'
Rear yard setback	NA	0'
Side yard setback	NA	10' (3)
Multi-Family	NA	
Front setback from street	NA	

- Setback from Shawnee Lane is 25'
- Setback from Shawnee Lane and Observation Drive is 25'
- Setback from Shawnee Lane and Observation Drive is 20'



Charles P. Johnson & Associates, Inc.
PLANNING & ZONING ENGINEERS
1000 WASHINGTON ST., #202, ROCKVILLE, MD 20850
(301) 770-0000
www.cpjassociates.com

Building Structure Height (Binding)	Not to Exceed
Single Family Detached	29'
Single Family Attached [Townhome]	40'
Single Family Attached [2/2]	51'
Multi-family	52'
Clubhouse	24'

Zoning Ordinance Height (Binding)	Not to Exceed
Single Family Detached	32'
Single Family Attached [Townhome]	43'
Single Family Attached [2/2]	63'
Multi-family	64'
Clubhouse	36'

Building Setback (Binding)	From Shawnee Lane	From Observation Drive
Single Family Attached [Townhome]	25'	25'
Single Family Attached [2/2]	25'	Not Applicable
Multi-family	20'	20'

(a) As interpreted by DPS regulations for "story".

LOCAL MAP AMENDMENT
CASE G- 832

THE UNITS GANKKIRK FARMS WILL BE CONSTRUCTED IN FOUR (4) PHASES. THE PHASING LINES ARE INDICATED ON THE DEVELOPMENT PLAN.

EACH OF THE INDIVIDUAL PHASES, ONCE COMPLETE, WILL INCORPORATE THE VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEMS, ALL REQUIRED UTILITIES, THE RECREATIONAL AMENITIES AND THE OPEN SPACES ASSOCIATED WITH THOSE INDIVIDUAL PHASES AS INDICATED ON THE DEVELOPMENT PLAN. THE PHASES MAY OVERLAP, AND THE PHASES MAY NOT BE CONSTRUCTED IN THE ORDER LISTED.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION

THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN AS HERETOFORE APPROVED BY THE DISTRICT COUNCIL ON THE 23RD DAY OF ~~SEPTEMBER~~ **APRIL** 2014.
REGULATION NUMBER **15-1089**

Janet M. G...
ZONING EXAMINER

Francisco M. Carrero
HEARING EXAMINER'S NAME PRINTED

ENGINEER CERTIFICATE

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTENT WITH THE DATA TABLE PROVIDED.

9/16/14
DATE

Ronald Collier
RONALD COLLIER
PROFESSIONAL LAND SURVEYOR
NO. 11928

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE RECORDS AND RECORDS.

9/16/14
DATE

Ronald Collier
RONALD COLLIER
PROFESSIONAL LAND SURVEYOR
NO. 11928

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXERCISE ALL THE FEATURES AND REQUIREMENTS OF THIS PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

9/16/14
DATE

Janet M. G...
Vice President, R.P.J. & Associates, Inc.

Janet M. G...
JANET M. G...
PRINTED NAME

DEVELOPMENT PLAN
GANKKIRK FARMS
CLARKSBURG 60th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

PERRINE PLANNING & ZONING, INC.
205 WASHINGTON ST., #202, ROCKVILLE, MD 20850
(301) 770-0000
www.perrineplanning.com

APPROVALS:

DATE	BY	TITLE
9/16/14	Janet M. G...	ZONING EXAMINER
9/16/14	Francisco M. Carrero	HEARING EXAMINER
9/16/14	Ronald Collier	PROFESSIONAL LAND SURVEYOR
9/16/14	Janet M. G...	DEVELOPER

FILE NO. 2013-03-010

Gankirk Farms - Binding Design Principles (REVISED)

SCALE

- 1 Neighborhood Center - The neighborhood shall have a functional center. A park or recreation facility is an appropriate neighborhood center.
- 2 Neighborhood Edge - The neighborhood shall be defined by comprehensible edges. Arterial or major roads, natural features such as forests and streams, or non-residential uses constitute appropriate edges.

STREET/SIDEWALK CIRCULATION SYSTEM

- 3 The neighborhood street system shall be continuous and interconnected.
- 4 The neighborhood street system shall connect to the surrounding street and highway system at multiple locations.
- 5 Neighborhood streets shall be arranged so as to create blocks that are approximately 200 to 400 feet in length.
- 6 The neighborhood sidewalk/pedestrian (shared path) system shall provide continuous access to principal points of destination within the neighborhood.
- 7 The neighborhood sidewalk/pedestrian (shared path) system shall interconnect with the community-wide pedestrian system.
- 8 The neighborhood sidewalk/pedestrian system shall, wherever possible, run parallel to the street system, with connections to pedestrian trails through appropriate locations, such as, recreation and open space areas.
- 9 Garages shall be primarily rear-loaded and served by alleys. When front or side loaded garages are appropriate to respond to specific constraints such as corner conditions, road width, or lot depth, the garages should have a diminished appearance subordinate to the front of the houses.
- 10 The driveways of all homes shall be able to accommodate the full length of a car without impeding the sidewalk system.
- 11 On-street parking shall be utilized, where possible, to serve adjacent uses, in part to protect the sidewalk area for pedestrians, and to help define the streetscape.
- 12 The neighborhood shall include sufficient supplemental parking to accommodate visitors and guests.
- 13 Streetscapes that may include sidewalks, green panels, street trees, street lights, and street furniture shall be created where appropriate.
- 14 The applicant shall mitigate the view of alleys from public streets within the community through the use of a variety of techniques. Mitigation techniques may include the installation of landscape, hardscape, fencing, and detached garages where appropriate.
- 15 Primary neighborhood streets should implement the Clarksburg Streetscape Guidelines where feasible and approved by the reviewing agencies.

BUILDINGS and LOTS	
16	A mix of residential unit types within each block shall be provided to achieve variety at the street scale.
17	Building Design – front facades and building materials shall vary within each block to create visual distinctions between dwellings within each block.
18	Roof designs and rooflines shall vary within each block to add visual distinction between buildings and account where appropriate for grading conditions.
19	A variety of lot widths and/or sizes shall be provided throughout the neighborhood.
20	Varying building heights shall be provided within the same street block and attention should be paid to the street width, building locations, and transitional building heights when establishing the appropriate maximum building height.
21	Access to non-multifamily unit front entrances shall be individualized, straightforwardly accessible, and clearly recognizable from the street. Each single family attached two-over-two unit shall have its own direct entrance from the outside.
22	Buildings shall face onto and have access to streets, with the exception of the use of small "mews" or "close" style access provided to a limited extent within a neighborhood.
23	Each two over two unit shall have a ground level outdoor green area in the front or side yard of each unit for the exclusive use of the occupants of such unit.
24	The front wall of detached garages for single-family detached dwelling units shall not project beyond the front of the dwelling or any porch or other projection along the front of the dwelling.
25	The multi-family building shall have at least two means of ingress and egress along the Observation Drive frontage of the building to provide convenient pedestrian access to the sidewalks and pathways that lead to the transit station planned for the intersection of Observation Drive and Shawnee Lane.
OPEN SPACE	
26	Open space shall be provided throughout the neighborhood at a scale appropriate to its location and function.
27	Open space and recreational facilities that form the center of the neighborhood shall be larger, more prominent visually, and accommodate greater patronage.
28	Smaller open space areas, such as, sitting areas and tot lots, shall be located throughout the neighborhood at convenient locations.
29	The applicant shall field locate and install a woodchip path, as noted on the plan. The exact location of the path shall be approved by Maryland-National Capital Park and Planning Commission staff.

WATER QUALITY PLAN BINDING CONDITIONS

JULY 26, 2006

THE GARNKIRK FARMS FINAL WATER QUALITY PLAN WILL BE SUBJECT TO THE FOLLOWING BINDING CONDITIONS, WHICH WILL BE IMPLEMENTED AS PART OF THAT PLAN AND THE PROPOSED DEVELOPMENT PLAN:

- (1) THE APPLICANT SHALL REDUCE THE SIZE OF THE CURRENTLY PROPOSED WATER TREATMENT FACILITY ON THE KING PROPERTY BY REMOVING FROM THE FACILITY'S CAPACITY THE ANTICIPATED DRAINAGE OF THE TWO LANES OF OBSERVATION DRIVE TO BE CONSTRUCTED IN THE FUTURE.
- (2) THE APPLICANT SHALL DIRECT ROOFTOP DRAINAGE FROM BUILDINGS WEST OF OBSERVATION DRIVE TO ON-SITE WATER MANAGEMENT FACILITIES, AS FEASIBLE, TO MINIMIZE ON-SITE BUILDING DRAINAGE TO THE WATER MANAGEMENT FACILITY ON THE KING PROPERTY.
- (3) THE APPLICANT SHALL RECONFIGURE THE RESIZED WATER TREATMENT FACILITY ON THE KING PROPERTY TO MINIMIZE THE IMPACT ON THE STREAM VALLEY BUFFER;
- (4) THE APPLICANT SHALL DEPICT THE LOCATION OF THE STREAM VALLEY BUFFER ON THE KING PROPERTY ON BOTH THE DEVELOPMENT PLAN AND THE FINAL WATER QUALITY PLAN.

Building Setback (Binding)

	From Shawnee Lane	From Observation Drive
	<i>Not Less Than</i>	<i>Not Less Than</i>
Single Family Attached [Townhome]	25'	25'
Single Family Attached [2/2]	25'	Not Applicable
Multifamily	20'	20'
(a). As interpreted by DPS regulations for "story".		

Building Structure Height (Binding)

The height of the building from the floor of the first above-grade level, to the mid-point of the roof. This does not represent the height as calculated in the zoning ordinance.

	<i>Not to Exceed</i>
Single Family Detached	29'
Single Family Attached [Townhome]	40'
Single Family Attached [2/2]	51'
Multifamily	52'
Clubhouse	24'

Zoning Ordinance Height (Binding)

The height as measured by the Zoning Ordinance. This is the Building Structure Height plus the grade dependent height of centerline of street to floor of the first above grade.

Single Family Detached	<i>Stories</i>	2 or 3 (a)
	<i>Typical</i>	32'
	<i>Not to Exceed</i>	41'
Single Family Attached [Townhome]	<i>Stories</i>	3 or 4 (a)
	<i>Typical</i>	43'
	<i>Not to Exceed</i>	52'
Single Family Attached [2/2]	<i>Stories</i>	4
	<i>Typical</i>	54'
	<i>Not to Exceed</i>	63'
Multifamily	<i>Stories</i>	4
	<i>Typical</i>	55'
	<i>Not to Exceed</i>	64'
Clubhouse	<i>Stories</i>	1 or 2
	<i>Not to Exceed</i>	36'

Resolution No. 15-1680
Introduced: October 31, 2006
Adopted: October 31, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

SUBJECT: APPLICATION NO. G-832 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
Stephen J. Orens, Esq., Attorney for Owner Ralph J. Duffie, Inc., OPINION AND
RESOLUTION ON APPLICATION

Tax Account Nos. 02-00017022 and 02-00021225

OPINION

Application No. G-832, filed on November 8, 2004 by Applicant Ralph J. Duffie, Inc., requests reclassification from the R-200 Zone (Residential, one-family, half-acre minimum lot size) to the PD-11 Zone (Planned Development, 11 units per acre) of 37 acres of land located on the north side of Shawnee Lane in Clarksburg, between Gateway Center Drive and MD Rte. 355, in the 2d election district. The property is identified as Lots 27 and 28 of the Garnkirk Farms Subdivision. As required under the PD Zone, the application was accompanied by a Development Plan with detailed specifications related to land use, density, development standards and staging. Pursuant to Code § 59-D-1.11, development under the PD Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the PD Zone.

The Hearing Examiner recommended approval of the proposed rezoning on grounds that the proposed development would be in substantial compliance with the applicable master plan, would comply with the purposes, standards and regulations of the PD-11 Zone, would provide for a form of development that will be compatible with existing and planned land uses in the surrounding area, and would serve the public interest. The Montgomery County Planning Board (the "Planning Board") and its Technical Staff made similar recommendations. The District Council agrees with these

conclusions, and incorporates herein the Hearing Examiner's Report and Recommendation dated October 20, 2006.

The subject property consists of approximately 37.176 acres of undeveloped, wooded land located within the Clarksburg Special Protection Area. It is located on the north side of Shawnee Lane, approximately 400 feet northeast of its intersection with Gateway Center Drive and 1,700 feet west of MD Rte. 355, in Clarksburg, east of I-270. The property is identified as Lot 27 (19.018 acres) and Lot 28 (18.158 acres) in the Garnkirk Farms Subdivision, and is generally rectangular in shape. There is a small area of stream valley buffer in the northern corner of the property (0.61 acres), which is associated with a stream that is off the property, about 40 feet to the north. This area would not be affected by the proposed development. The property has a gently rolling topography, rising about 40 feet from Shawnee Lane, on the south, to a high point in the middle of the site. It then slopes back down towards the stream north of the property.

To the west and northwest, the subject property abuts a series of industrial uses in the I-3 Zone (Technology and Business Park), which straddle Gateway Center Drive and abut I-270 to the west. To the south, the subject property confronts portions of three tracts: (1) the "Eastside" property, which was reclassified to the PD-11 Zone by LMA No. G-824 in 2005, and has an approved preliminary plan for a 285-unit development of single-family attached and multi-family dwellings; (2) a parcel owned by the Montgomery County Board of Education and used as a bus depot; and (3) a property in private ownership that is occupied by a moving company. To the north, the subject property is diagonally adjacent to the "Gateway Commons" property, on which a 292-unit residential development is under construction, in the R-200/TDR Zone, with a mix of single-family detached and attached homes.

The area immediately east of the subject property, between the site and MD 355, is classified under the R-200 Zone and is a wooded area, sparsely developed with single-family detached homes and a church. The portion of this area closest to the subject site is undevelopable stream valley buffer. The development area of the subject property is separated from this sparsely developed area by the future right-of-way proposed for Observation Drive, which is planned as a four-lane road with a

150-foot right-of-way and a wide median down the middle, to accommodate the future Capital Cities Transitway, as proposed in the *1994 Clarksburg Master Plan* (the "Master Plan"). The middle of the proposed right-of-way coincides with the property line of the subject site. The Applicant has agreed to provide the necessary dedication and construct the first two lanes of the road across most of the site frontage, to provide convenient site access. The Master Plan also proposes a transit stop on property immediately across the future Observation Drive from the northeast corner of the subject site. That location would place nearly all of the proposed residential units within one-quarter mile of the transit stop. To facilitate eventual transit, the Applicant has purchased property abutting the northeast corner of the site and agreed to hold it in reservation for a period of five years, to make it available to the County for use in constructing transit-related parking.

The surrounding area for this application consists, roughly, of the area bounded by Clarksburg Road to the north and northwest, I-270 to the west, West Old Baltimore Road to the south and MD 355 to the east and northeast. This area lies within the 900-acre "Transit Corridor District Study Area" identified in the Master Plan. The surrounding area contains a mix of existing uses including businesses in the I-3 Zone along Gateway Center Drive, between the subject site and I-270; the Comsat property, a commercial compound in the I-3 Zone southwest of the subject site; a Board of Education bus depot on a 20-acre parcel in the R-200 Zone, confronting part of the subject site to the south; a moving company in the I-3 Zone, diagonally confronting the subject property to the east; two schools on a large, R-200 tract owned by the Board of Education northeast of the site; residential development farther south, near West Old Baltimore Road; scattered single-family detached residences and a church between the subject site and MD 355 to the east, all in the R-200 Zone; and undeveloped land to the south and north that has been approved for mixed residential development at densities similar to that proposed here ("Eastside" to the south and "Gateway Commons" to the north, the latter currently under construction).

The subject property was classified under the R-R (Rural Residential) Zone in the 1958 County-wide comprehensive rezoning. The R-R Zone was later redesignated the R-200 Zone, and the

subject property's zoning has remained the same since then. The R-200 Zone was reaffirmed most recently by Sectional Map Amendment G-710 in 1994, which followed the adoption of the 1994 *Clarksburg Master Plan*. A previous application for rezoning of the property to the I-3 Zone, LMA No. G-617, was filed in 1988 and subsequently withdrawn.

The Applicant proposes to construct a residential community with 408 residential

units of three types, as follows:	Multi-family units	184 (45 percent)
	Single-family attached	203 (50 percent)
	Single-family detached	21 (5 percent)

The 203 single-family attached units would consist of 141 townhouses (35 percent of the total units) and 62 two-over-two units (15 percent of the total units). The latter would be considered one-family, attached dwellings, as defined in the Zoning Ordinance, because each unit would have its own entrance to the outside, plus a small patio or garden adjacent to its outside entrance for the exclusive use of residents of that unit.

The Development Plan depicts a community with a main road, Street "A," which connects to Shawnee Lane and intersects other internal roads which, in turn, intersect Observation Drive. The streets and sidewalks connect in a grid pattern, with two vehicular entrances from Observation Drive and one from Shawnee Lane (opposite the proposed Eastside entrance). Homes are clustered around recreational facilities and green spaces – two swimming pools, a clubhouse, an outdoor amphitheater and several open play and sitting areas. Except for the multi-family building, each block of homes contains a variety of residential unit types, with single-family detached homes often abutting or confronting townhouses, and townhouses often abutting or confronting detached homes and two-over-two units. The multi-family units are shown in a single building, comprised of several wings surrounding an interior parking structure. This building is to be located in the northeast corner of the site, across from proposed transit stop. Most wings of the building are directly across internal streets from other unit types or a common play area.

The Applicant proposes to construct Observation Drive with one lane in each direction, on land to be dedicated from the subject property, for a distance of 1,700 feet beginning at Shawnee

Lane and ending just past the second entry point into the site. The center line for Observation Drive is proposed to coincide with the property line for the subject site, consistent with the alignment recommended in the Master Plan and on a more detailed map subsequently created by Technical Staff. The Master Plan calls for Observation Drive to ultimately be widened to two travel lanes in each direction, with a median wide enough to accommodate the proposed transitway, and to connect with the portion of Observation Drive being built for the Gateway Commons development to the north. That, in turn, would connect to Stringtown Road extended, providing an easy route from the subject site to I-270. The widening and extension would not, however, be the responsibility of this Applicant. The Applicant's traffic planner opined that if Observation Drive is not extended or widened, the portion to be constructed by the Applicant will be sufficient, as part of the local road network, to provide adequate access to the subject site.

The proposed development would abut roadways to the east and south, confronting a mix of residential uses and non-residential uses with substantial setbacks. To the north and west, an industrial park wraps around two sides of the subject site. The proposed community would be buffered from the noise and activity of the industrial park by retention of a substantial wooded buffer running along the full length of the north side of the development, and along about 75 percent of the western side. The Applicant indicates that a wood-chip trail is proposed through the forested area, and views of the forested area would be available from the roadway shown along the northern and western edges of the development, as well as from homes facing that roadway.¹ Technical Staff describes the forested buffer as about 100 feet deep on the west side and 275 feet at its widest point along the northwestern boundary. Staff recommends that the Applicant improve the quality of the retained forested area by planting suitable hardwood species that will make it more attractive for residents.

A pedestrian network parallel to, but separate from, the street system would ensure pedestrian access and safety. Street parking is provided, in addition to driveways and garages, for greater convenience.

¹ The record suggests that this forested buffer will be subject to a Category One Forest Conservation Easement, which may prohibit a trail.

The Applicant has presented building height as composed of two variables:

1. The "building structure height" as measured from the floor of the first above-grade level to the mid-point of the roof.
2. The grade-dependent height from the centerline of the street to the floor of the first above-grade level.

Together, these two components approximate the standard calculation of building height prescribed in the Zoning Ordinance, which measures height from the street grade to the mean height level between the eaves and ridge (for a sloped roof). The Applicant has taken the unusual approach of splitting these two components so that it can make commitments about the building structure height, without taking into account grading conditions. For each building type proposed on the Development Plan, the Applicant has committed to a number of stories, a maximum "building structure height," and a total height that will not be exceeded, which includes both of the components described above. The "not to exceed" heights were derived by taking the building structure heights and adding 12 feet, which is the maximum grade change anticipated between any lot and any roadway on this site. (Observation Drive would sit about 10 to 12 feet lower than the rest of the subject site.) The Applicant suggests that typically, the total building height will be approximately three feet higher than the building structure height. It has reserved the right, however, to argue at preliminary plan and site plan for the higher "not to exceed" height levels at any point on the site where grading justifies it.

Technical Staff considers it excessive to add 12 feet of height to structures due to grading conditions. Staff and the Planning Board have urged the Applicant to avoid placing taller structures along Observation Drive, where there would be a big grade differential with the street. Staff reports that during the Planning Board's final deliberations on this case, the Applicant indicated that it is bound not to locate the tallest building on the highest elevation. This commitment is not reflected in the text of the Development Plan, but the plan layout, which is a binding representation of the approximate locations of each unit type, shows only townhouse units and the multi-family building along Observation Drive. The townhouses would not be among the tallest structures; they are described as three or four

stories, with a building structure height of 40 feet and a maximum total height of 52 feet. This compares to the two-over-two units, which are described as four stories, with a building structure height of 52 feet and a maximum total height of 63 feet. From a height perspective, then, the townhouses appear to be a reasonable choice along Observation Drive. The multi-family building is described as four stories, with a building structure height of 52 feet and a total maximum height of 64 feet, making it the tallest structure proposed for this site. It is recommended, nevertheless, for the corner of Observation Drive and Shawnee Lane, to place the highest concentration of residents in close proximity to the transit stop proposed for the opposite corner.

Technical Staff recommends that, beyond the commitments the Applicant has already made, specific building heights should be addressed at site plan. The District Council agrees with this approach, finding that the height limitations shown on the Development Plan are sufficient to support a finding of compatibility at the zoning stage.

The Development Plan divides the proposed development into four phases and states that the phases may occur in any order, and may overlap.

Pursuant to Code § 59-D-1.11, development under the PD Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the PD Zone. This development plan must contain several elements; including a land use plan showing site access, proposed buildings and structures, a preliminary classification of dwelling units by type and number of bedrooms, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. Code §59-D-1.3. The Development Plan is binding on the Applicant except where particular elements are identified as illustrative or conceptual. The Development Plan is subject to site plan review by the Planning Board, and changes in details may be made at that time. The principal specifications on the Development Plan – those that the District Council considers in evaluating compatibility and compliance with the zone, for example – may not be changed without further application to the Council to amend the Development Plan.

The principal component of the Development Plan in this case is a two-page document entitled Development Plan, Exhibits 65(a) – (b). Additional elements of the Development Plan include an aerial photograph of the area (Ex. 48(f)), a zoning map indicating the relationship between the subject site and neighboring zoning and land uses (Ex. 54), and a Natural Resources Inventory//Forest Stand Delineation (“NRI/FSD”) (Ex. 31(x)).

Exhibits 65(a) and (b) satisfy the requirements of Code § 59-D-1.3 by showing access points, approximate locations of existing and proposed buildings and structures, preliminary classification of dwellings by number of bedrooms, parking areas, intended right-of-way dedications for Observation Drive, Shawnee Lane and internal Streets A, B and C, and areas intended for common use but not public ownership (recreation areas, clubhouse and forest conservation area).

The Development Plan would be improved by the addition of specific widths for the right-of-way dedications proposed for Observation Drive and Shawnee Lane, consistent with the testimony, Applicant’s written submissions and the Staff Report. The evidence establishes the Applicant’s intent to dedicate a 25-foot-wide strip of land along the southern property line for Shawnee Lane, consistent with a 25-foot dedication that was made for the Eastside development to the south. Together, these dedications would allow Shawnee Lane to be widened to the full 120-foot right-of-way recommended in the Master Plan.

The evidence further establishes the Applicant’s intent to dedicate the land necessary for the construction of two lanes of Observation Drive along the northern property line. This would require a dedication of 75 feet along most of the northern property line, providing half of the 150-foot right-of-way recommended in the Master Plan. At the east end of the northern property line, the Applicant has agreed to dedicate an additional 16 feet of land to provide for a 166-foot right-of-way section, which is the width Technical Staff now believes will be necessary for the transit stop proposed at that location. The Applicant will be required to place the specific dedication widths on the Development Plan when it is submitted for certification.

The Development Plan specifies that the layout and building footprints shown on the plan are approximate. The intent of this language is to allow for minor shifts in lot lines and building locations during preliminary plan and site plan review.

Sheet Two of the Development Plan, Ex. 65(b), specifies (in language that is not described as illustrative, and therefore is binding) the number of units and the setbacks proposed for each housing unit type. Exhibit 65(b) also provides, for each building type, binding limitations for the building structure height and the total "not to exceed height." Implementation of this aspect of the Development Plan will require careful attention by Technical Staff and the Planning Board to ensure that grading issues do not result in building heights that are incompatible with other uses on site, or with surrounding uses.

Sheet Two of the Development Plan also contains an extensive, detailed list of "Binding Design Principles," which were created to ensure that the Development Plan would conform to the purpose clause of the PD Zone. These principles address issues such as the interconnected street system, mix of residential unit types within each block, variety of lot widths and sizes, length of driveways, locations and size of open space, roof design, building design and visual screening of alleys. Many of the Binding Design Principles are too detailed for their implementation to be depicted on the Development Plan. Instead, they link a future site plan submission to the Development Plan by specifying detailed design parameters that the site plan must satisfy.

Because the subject site is in the Clarksburg Special Protection Area, it is subject to specific guidelines found in MNCPPC's Guidelines for Environmental Management of Development in Montgomery County, January 2000. In accordance with these guidelines, the Applicant submitted a Preliminary Water Quality Plan to both the Department of Permitting Services ("DPS") and the Countywide Environmental Planning Division of MNCPPC. The submitted Preliminary Water Quality Plan provided for off-site treatment of the run-off from Observation Drive. This, Environmental Planning Staff and the Applicant agree, is necessary because the right-of-way for Observation Drive is at a lower elevation than the rest of the subject site, and drains away from the site. The Applicant proposes to

use property it has purchased on the east side of the Observation Drive right-of-way, known as the King property, to locate a series of sand filtration facilities and a dry pond.

DPS has approved the portion of the Preliminary Water Quality Plan under its purview, with a number of conditions unrelated to zoning stage review. Environmental Planning Staff agreed to the concept of the proposed off-site stormwater management facilities because they would be located in a natural depression that is unforested, and their construction would involve removing the existing structure and impervious surfaces on the property, leading to an improved stream buffer condition at that location. Staff disagreed, however, with the Applicant's proposal to size the off-site facilities to treat run-off from the entire planned right-of-way, approximately 9.4 acres. Staff prefers that the facilities on the King property serve just the lanes to be built on the Applicant's property (plus, potentially, a half-acre area immediately adjacent to the roadway), which would reduce the run-off area for these facilities to 5.1 acres. The Applicant agreed to revise its plan accordingly, and the Planning Board approved the Preliminary Water Quality Plan at its meeting of July 27, 2006 based on the Applicant's commitment to make that change and three others. These changes are set forth on Sheet Two of the Development Plan as "Water Quality Plan Binding Conditions."

Sheet Two of the Development Plan specifies the number of parking spaces to be provided for each unit type, plus additional parking on the public and private roads. It also contains additional, textual binding elements, including a minimum 20-foot width for alleys (private streets), consistent with other representations that the private streets would be wide enough for emergency vehicles. The Applicant may seek waivers from the Planning Board, during subdivision review, from the requirement that all single-family homes on individual lots must have frontage on a public street. This requirement does not apply to multi-family units or two-over-two units, which do not sit on individual lots. Moreover, all of the single-family detached homes and many of the townhouses shown on the Development Plan would have frontage on a public street – Observation Drive, Shawnee Lane, Street A, Street B or the public portion of Street C. However, Development Plan Sheet One states that approximately 65 townhouses will require a waiver.

Technical Staff explains that the Planning Board is authorized to waive any part of the subdivision regulations based on a finding that practical difficulties or unusual circumstances prevent full compliance. Staff opines that appropriate findings can be made to support the necessary waivers for individually recorded townhouses on private streets at the subject site.

The District Council finds that the Development Plan submitted with this application satisfies all the requirements for a development plan under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below.

§59-D-1.61(a): master plan consistency. In the present case, both the Planning Board and Technical Staff found that the proposed development conforms to the recommendations of the Master Plan. The Hearing Examiner agrees.

The Development Plan would contribute to the Master Plan's vision of Clarksburg as a transit-and-pedestrian oriented community, surrounded by open space, by creating a pedestrian-friendly residential community, with a variety of housing types within each block, interconnected sidewalks, short block lengths, and neighborhoods centered around recreation areas and green space. This community would be in close proximity to a future transit stop, and would add to the critical mass necessary to support transit. The Applicant would further contribute to the Master Plan's vision by holding the Cawood Property in reservation for a period of five years from Preliminary Plan approval, giving the County and other government agencies time to decide whether and how to use the property for transit-related parking. This commitment is stated on the Development Plan.

The proposed development would contribute to all but one of the Master Plan objectives discussed by Technical Staff, which are as follows:

- Continue the present residential character along MD 355.
- Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.
- Continue the present employment uses along I-270.
- Provide housing at designated areas along the transitway near significant employment uses.

- Allow small amounts of office and retail uses at transit stop areas as part of a mixed-use development pattern.
- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway conditions.
- Provide an open space system, which includes small civic spaces at the transit stops.

The proposed development would be compatible in terms of use, density and buffering with the low-density residential uses to the east, which would support the continuation of the present residential character along MD 355. It would help increase carrying capacity for north/south traffic, while preserving the residential character of MD 355, by constructing part of the Master Plan-recommended alignment for Observation Drive. It would promote the continuation of employment uses along I-270 by increasing the local residential population, some of whom might become employees or customers for business along I-270. The proposed development would provide housing in an area that is designated for residential use and is along the transitway and near significant employment uses, such as the Gateway Center Drive industrial park and the Comcast complex. The development would improve east-west road conditions by contributing needed right-of-way to Shawnee Lane. Finally, it would contribute to the creation of an open space system in the planning area by retaining a large forested area, and by creating green areas of various sizes within the subject site.

The proposed development would be consistent with the site-specific recommendations on the Master Plan's Land Use and Transportation Plan and its Zoning Plan, both of which recommend residential use of the site at a maximum density of 11 dwelling units per acre. It would also be consistent with the Master Plan's recommended housing mix for the Transitway Area, which calls for 30-50 percent multi-family units, 40-60 percent single-family attached units, and 5-10 percent single-family detached homes.

Based on the overwhelming weight of the evidence, the District Council finds that the proposed development would be in substantial compliance with the use, density and other recommendations of the Master Plan. The evidence further supports the conclusion that the

Development Plan does not conflict with any other county plans or policies, or the capital improvement program. It would further county housing policy by creating diverse housing options, including affordable housing. The evidence demonstrates that the proposed development would satisfy the requirements of Local Area Transportation Review, would have no adverse impact on public school capacity and, as a consequence, would not be inconsistent with the county Growth Policy.

§59-D-1.61(b): purposes of the zone; maximum safety, convenience and amenity of residents; and compatibility with adjacent development.

1. The Purpose Clause

The purpose clause for the PD Zone contains a number of goals and objectives, all of which are satisfied by the instant application. The District Council's findings as to each paragraph of the purpose clause are set forth below.

First paragraph: Master Plan implementation. As discussed under (a) above, the proposed development would substantially comply with the recommendations and objectives of the Master Plan and would implement those objectives more fully than would be possible under other zoning classifications. The intermingled mix of unit types and setbacks, with shared private streets and alleyways, could not be achieved under a conventional zoning category. The evidence also supports a finding that the proposed development would integrate mutually compatible uses and provide better circulation, access, amenities and environmental protection than could be achieved under conventional zoning.

Second paragraph: social and community interaction, distinctive visual character, balanced mixture of uses. The proposed development would encourage a maximum of social and community interaction and activity by including a central community space for social gatherings and recreational activity, as well as smaller facilities at the neighborhood level, all connected by pedestrian walkways separate from roads. The location of homes in neighborhood groups, centered around green areas or recreation areas, would further encourage community interaction, as would the extensive sidewalks and short blocks. The central community space, with a pool, clubhouse, outdoor

amphitheater and open play area, is to be located at the high point of the property, clearly visible from Observation Drive. This would establish a distinctive visual character and sense of place for the community. The subject site would not include commercial uses, but it would contribute to the overall balance of employment and residential uses in the planning area. Compatibility with the adjacent industrial park would be ensured by a substantial forested buffer.

Third paragraph: broad range of housing types. The proposed development would include all the types of residences permitted by the PD Zone's Medium Density Category -- multi-family units, townhouses, two-over-two single family units, and a small number of detached, single-family homes. In addition, 12.5 percent would be MPDUs.

Fourth and fifth paragraphs: trees, grading and open space. The proposed development would preserve more than seven acres of existing forest, in a location that would serve as a buffer between the new community and adjacent employment uses. The forest conservation area would also provide a visual amenity for residents, visitors, workers in nearby businesses, and residents of nearby properties who would also be able to enjoy its visual beauty.

Open space along Observation Drive, and the visibility of the main recreation area, would create a visual openness to the community. The various internal recreation and open space areas are to be distributed throughout the community, putting all residences within easy walking distance of open space and creating extensive physical and aesthetic integration of uses and activities.

Sixth paragraph: pedestrian networks. The District Council agrees with Technical Staff's conclusion that by combining a variety of housing types, streetscapes and street networks that invite pedestrians, a central community facility, small-scale open spaces, and landscaping, the proposed development would create a physical setting that projects a street-oriented and pedestrian friendly community. This setting, plus the proximity to future transit, would tend to encourage pedestrian activity and reduce reliance on the automobile.

Seventh paragraph: scale. The PD Zone encourages, but does not require, development on a large scale. The subject site has enough space to create a community of 408 units

with a variety of housing types, including enough multi-family units for a viable multi-family community. The scale of the development is also large enough to provide both a forested area and meaningful recreation facilities, including two swimming pools, a clubhouse, an outdoor amphitheater and multiple smaller open spaces and play areas.

Eighth paragraph, first part: maximum safety, convenience and amenity. The evidence demonstrates that the proposed development would provide safe and convenient roadways, sidewalks and pathways. The grid street system and homes centered on open space and recreational facilities would create a visual identity for each neighborhood in the community. Internal roads would include private roads, which are designed to slow traffic while still meeting the minimum standards for emergency vehicle access. The extensive, interconnected pedestrian network would ensure safe pedestrian access. The development would provide high levels of convenience and amenity for residents, through all of the features that foster a sense of community and encourage interaction – interconnected streets, interspersed recreation and open space areas, a central community space, intermingled housing types, landscaping and short blocks.

Eighth paragraph, second part: compatibility. The evidence strongly supports the conclusion that the proposed development would be compatible with existing uses and planned future uses in the surrounding area. The 10 to 12 single-family detached homes to the east, between the site and MD 355, would be buffered by the 150-foot right-of-way proposed for Observation Drive, as well as the extensive stream buffer area east of that right-of-way. The right-of-way planned for Observation Drive would be unusually wide for a four-lane road because of the median necessary to accommodate transit. This width makes for a considerable buffer between uses. At present, the closest home to the subject site is roughly 375 feet away, and the stream buffer area would prevent development of new homes in the area closest to the Observation Drive right-of-way. The only existing residence close to the right-of-way is the King residence, which the Applicant has purchased and plans to remove.

To the south/southeast, the subject site confronts a moving company diagonally, and a school bus depot across from the area proposed for multi-family use. By their nature, neither of these

non-residential uses would be adversely affected by the proposed residential community. The residents of the community would be buffered from noise and other effects of the activity level at these two sites by significant setbacks and some landscaping, particularly on the bus depot site. Moreover, the higher intensity of multi-family living would be the most appropriate residential type across from these uses. Both of these properties are recommended in the Master Plan for mixed residential development at densities similar to that proposed here.

Directly south, the subject site confronts the Eastside property, which has an approved preliminary plan of subdivision for a mixed residential community, in the PD-11 Zone, with a density very similar to that proposed here. Technical Staff notes that the three and four-story two-over-two units planned in the southern corner of the subject site would be opposite similar buildings on the Eastside property. To the north, the site abuts the Gateway Commons property, on which a mixed residential development, also with a density similar to that proposed here, is under construction in the R-200/TDR Zone. As Technical Staff noted, the development proposed in this case would be a logical extension of the planned communities proposed for the adjacent properties to the northeast, south and southwest.²

To the west/northwest, the subject site would be buffered from the Gateway Center Drive industrial park, as noted earlier, by a forested area that is about 100 feet wide at its narrowest point. A buffer of that nature makes adverse effects on either use unlikely.

The only unsettled issue that could affect compatibility is building height. Depending on the grading at particular locations, the two-over-two units and multi-family building have potential heights over 60 feet. This could result in a rather imposing multi-family building on Observation Drive, and depending on building heights at the Eastside development, could create a compatibility conflict in the southern corner of the property. The Applicant has committed to maximum building structure heights, however, and it is clear that Technical Staff has every intention of persuading the Applicant to

² The record does not reflect specific development plans for property southwest of the subject site, but testimony and the Staff Report indicate that the Comsat property is recommended in the Master Plan for a very large, mixed-use development, and the bus depot property is recommended for residential density similar to the subject site.

avoid putting the taller structures at locations where the grading will result in unreasonable building heights. Accordingly, the District Council is persuaded that this issue does not undermine the overall compatibility of the project, and can be successfully addressed during site plan review.

For all of the reasons stated above, the District Council concludes that the proposed rezoning and development would be compatible with existing land uses in the surrounding area.

Ninth paragraph: three findings. The purpose clause states that the PD Zone "is in the nature of a special exception," and shall be approved or disapproved based on three findings:

- (1) the application is or is not proper for the comprehensive and systematic development of the county;
- (2) the application is or is not capable of accomplishing the purposes of this zone; and
- (3) the application is or is not in substantial compliance with the duly approved and adopted general plan and master plans.

Based on the preponderance of the evidence and for the reasons stated above, the District Council concludes that present application is proper for the comprehensive and systematic development of the County; is exceptionally successful in accomplishing all of the purposes of the zone; and is in substantial compliance with the Master Plan.

2. Standards and Regulations of the Zone

The standards and regulations of the PD-11 Zone are summarized below, together with the grounds for the District Council's conclusion that the proposed development would satisfy these requirements.

Section 59-C-7.121, Master Plan Density. Pursuant to Code §59-C-7.121, "no land can be classified in the planned development zone unless such land is within an area for which there is an existing, duly adopted master plan which shows such land for a density of 2 dwelling units per acre or higher." The subject property is recommended in the Master Plan for PD-11 zoning, so this requirement is satisfied.

Section 59-C-7.122, Minimum Area. Code §59-C-7.122 specifies several criteria, any one of which may be satisfied to qualify land for reclassification to the PD Zone. The subject application satisfies the first of these criteria, which states the following:

That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted.

The subject property contains sufficient gross area to permit the construction of 408 dwelling units.

Section 59-C-7.131, Residential Uses. Pursuant to Code §59-C-7.131, all types of residential uses are permitted, but parameters are established for the unit mix. A PD-11 development with between 200 and 800 units must have at least 20 percent single-family attached units and at least 35 percent multi-family units, in buildings of four stories or less. No maximum or minimum is prescribed for single-family detached units. The proposed Development Plan provides for 50 percent single-family attached units and 45 percent multi-family in four-story buildings, satisfying this requirement.

Section 59-C-7.132, Commercial Uses. Commercial uses are permitted but not required under the PD Zone. The Applicant considered adding a retail component to the site, drawing on its considerable expertise in running retail shopping centers. The decision ultimately was made that the proposed community itself would be too small to sustain a viable retail presence, and that it would be impractical to expect significant traffic from the future transit stop, because any retail on the subject property would be across the street and up ten to twelve feet – not a convenient location for someone heading to the train. Moreover, there is no guarantee of whether, when and where the transit stop recommended in the Master Plan will be built. For all of these reasons, the Development Plan does not propose any commercial uses.

Section 59-C-7.133, Other Uses. Noncommercial community recreational facilities for the use of residents, such as the swimming pools, open play areas and tot lots shown on the Development Plan, are permitted in the PD Zone. No other non-residential uses are proposed.

Section 59-C-7.14, Density of Residential Development. The Zoning Ordinance provides the following direction for the District Council in considering a request for the PD Zone (§ 59-C-7.14(b)):

The District Council must determine whether the density category applied for is appropriate, taking into consideration and being guided by the general plan, the area master or sector plan, the capital-improvements program, the purposes of the planned development zone, the requirement to provide [MPDUs], and such other information as may be relevant.

The Zoning Ordinance classifies the density category applied for, PD-11, as a medium-density planned development zone. It is, moreover, the highest density recommended for the subject site in the Master Plan. The District Council finds that development at the high end of the recommended density range is appropriate for a site in such close proximity to future transit, to help make transit viable.

Section 59-C-7.15, Compatibility. This section requires that a proposed development be compatible internally and with adjacent uses. It also establishes minimum parameters for setbacks and building height that are designed to promote compatibility. As discussed above, the District Council finds that the proposed development would be compatible with existing development in the surrounding area. The application also satisfies the specific setback and building height provisions, as detailed below.

Section 59-C-7.15 of the Zoning Ordinance states that where land classified under the PD Zone adjoins land for which the area master plan recommends a one-family detached zone, no building other than a one-family detached residence may be constructed within 100 feet of such adjoining land, and no building may be constructed at a height greater than its distance from such adjoining land. The only adjacent land that is recommended in the Master Plan for a one-family detached density is the area east of the subject site, between the site and MD 355. The townhouses proposed along Observation Drive, on the subject site, would be separated from the adjacent one-family land by the 75-foot dedication the Applicant has offered for Observation Drive, plus a minimum 25-foot building setback from Observation Drive. The multi-family building along Observation Drive would be separated from adjacent one-family land by the 91-foot dedication the Applicant has offered for that part of Observation Drive, plus a minimum 20-foot building setback from Observation Drive. Thus, the 100-foot limitation is satisfied. Moreover, even taking into account the "not to exceed" height

for the multi-family building of 64 feet, none of the buildings proposed along Observation Drive would be higher than their respective distances from the adjacent R-200 land.

Section 59-C-7.16, Green Area. The PD-11 Zone requires a minimum of 50 percent green area. The Development Plan depicts green space of 18.8 acres, slightly over 50 percent.

Section 59-C-7.17, Dedication of Land for Public Use. This section requires that land necessary for public streets, parks, schools and other public uses must be dedicated to public use, with such dedications shown on all required development plans and site plans. The Development Plan indicates that dedications will be made for Observation Drive, Shawnee Lane, Street A, Street B and part of Street C. For Observation Drive and Shawnee Lane, however, the Development Plan lacks specific numbers for the right-of-way width. The District Council will require that these right-of-way widths be added to the Development Plan submitted for certification, consistent with the evidence of record.

Section 59-C-7.18, Parking Facilities. Off-street parking must be provided in accordance with the requirements of Article 59-E of the Zoning Ordinance. The Development Plan provides for more than the required number of spaces.

The final two elements of finding (b), the maximum safety, convenience and amenity of the residents, and compatibility, have already been addressed.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems. The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access would be safe, adequate, and efficient. The Development Plan proposes an interconnected system of streets and sidewalks that would provide comprehensive, safe access for both vehicles and pedestrians. The site would have the convenience of two access points on Observation Drive and one on Shawnee Lane, with the Shawnee Lane access located directly across from the access point proposed for the Eastside development, to maximize safety. The private streets within the development would meet Montgomery County Fire and Rescue standards for emergency access.

§59-D-1.61(d): preservation of natural features. The proposed development would preserve 20 percent of the forest that currently covers the site. Preserving more of the existing forest likely would be inconsistent with development of the site at the density recommended in the Master Plan. The evidence establishes that forest conservation requirements under Chapter 22A would be satisfied. The Preliminary Water Quality Plan, which has been approved by the Planning Board and conditionally approved by DPS, provides for comprehensive, environmentally sensitive stormwater management that would prevent erosion, and can be expected to satisfy Chapter 19.

§59-D-1.61(e): common area maintenance. The Applicant has not provided any draft documents of this nature. However, a representative of the Applicant testified under oath, before the Hearing Examiner, that if this development goes forward, a homeowner's association will be created to govern and maintain the common areas and recreational facilities. The District Council considers this adequate.

In addition to the five development plan findings, the District Council also must consider the relationship of the present application to the public interest. When evaluating the public interest, the District Council normally considers master plan conformity, the recommendations of the Planning Board and Technical Staff, and any adverse impact on public facilities or the environment.

For the reasons discussed under finding (a) above, the District Council concludes that the subject application substantially complies with the Master Plan.

The evidence of record indicates that the proposed development would have no adverse effects on traffic conditions, in light of the Applicant's commitment to participate financially in necessary improvements to the intersection of Stringtown Road Extended and Gateway Center Drive. The evidence indicates that public water and sewer are available for extension to the subject site, and that forest conservation and stormwater management regulations would be satisfied. With regard to public schools, the evidence suggests that in light of the intensive school-building activity under way in Clarksburg, capacity in the relevant schools would be adequate to accommodate the proposed development under both the Growth Policy definition and the MCPS definition.

The proposed development's relationship to the public interest should also be considered in light of the Applicant's actions in purchasing the Cawood Property and agreeing to hold it in reservation for five years from the date of preliminary plan approval, to make it available to the County or other government agencies for potential transit parking. Moreover, the proposed development would increase the availability and variety of housing in an area in which employment uses currently predominate. In addition, the Applicant has committed not only to construct two lanes of Observation Drive in accordance with the Master Plan-recommended alignment, but to provide 16 additional feet of right-of-way beyond the Master Plan recommendation, to ensure adequate space for a transit stop.

Accordingly, having carefully weighed the totality of the evidence, the District Council concludes that approval of the requested zoning reclassification would be in the public interest.

For these reasons and because to approve the instant zoning application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

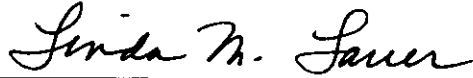
ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-832, requesting reclassification from the R-200 Zone to the PD-11 Zone of 37.176 acres of land located on the north side of Shawnee Lane in Clarksburg, between Gateway Center Drive and MD Rte. 355, identified as Lots 27 and 28 of the Garnkirk Farms Subdivision and located in the 2d Election District, is hereby approved in the amount requested. subject to the specifications and requirements of the final Development Plan approved by the District Council, Exhibits 65(a) and (b); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original

and three copies of the approved Development Plan, with the right-of-way dedication widths proposed for Observation Drive and Shawnee Lane properly noted, in accordance with §59-D-1.64.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Appendix B



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 16, 2013

Mr. Charlie Howe
Charles P. Johnson & Associates Inc.
1751 Elton Road, Suite 300
Silver Spring, Maryland 20903

Re: Final Water Quality Plan for Garnkirk
Farms
SM File #: 241081
Tract Size/Zone: 37.18acres/PD-11
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Howe:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located on Shawnee Lane just north of the intersection with Gateway Center Drive. This proposal is for a single family, townhouse and multi-family development with a zoning of PD-11. This site is located within the Little Seneca Creek watershed of the Clarksburg Special Protection Area.

Stormwater Management: The stormwater management concept proposes to meet the required stormwater management goals via the use of micro-bioretenion, dry wells and a grass swale. A minimum of one inch of ESD must be provided. It is likely that structural stormwater management will also be required at the detailed plan review stage however new or additional ESD practices may be considered in place of structural practices.

Sediment Control: Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be 125% of the normally required volume. All sediment trapping structures are to be equipped with dewatering devices. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance with emphasis on immediate stabilization.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading.
4. Control insecticides, pesticides, nutrient and toxic substances.

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The pre-construction and during construction monitoring requirements that were established at the pre-application meeting still apply. They include two groundwater monitoring wells with continuous level loggers for pre-construction monitoring and total suspended solids removal on the largest sediment trap/basin during construction. The post construction monitoring will require monitoring of pollutant removal efficiency of one ESD or structural stormwater management feature by sampling the inflow and outflow of stormwater runoff. The post construction monitoring is required for five years after the stormwater management feature as-built is complete. The specific feature to be monitored will be determined upon the finalization of the actual stormwater management structure locations. The pre-development monitoring is to continue through the construction phase and last until the post developing monitoring is complete. Contact DEP for specific monitoring parameters (frequency and methodology).

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

Conditions of Approval: The following items will need to be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Stormwater management systems in public right-of-ways must be approved by the Department of Transportation.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
4. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. A draft of this plan/document must be submitted as part of the detailed sediment control/stormwater management plan. The final document is to be submitted prior to bond release.
5. Due to the large amount of development activity in this area, DPS requires the developer to provide a full-time third-party sediment control inspector.

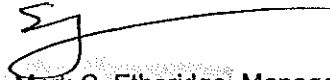
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required.**

Charlie Howe
April 12, 2013
Page 3

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE:img:CN241081

cc: S. Pereira (MNCPPC-DR)
M. J. Kishter (MNCPPC-ED)
K. Van Ness (MCDEP)
L. Galanko
SM File # 241081

ESD 37 ac.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

December 12, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Garnkirk Farms, DAIC 820120100/12008240, NRI/FSD application received on
1/3/2003

Dear Ms. Carrier:

Based on a review by the Montgomery Planning Department, the application for the above referenced request is required to comply with Chapter 22A of the Montgomery County Code. As stated in a letter to Royce Hanson from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the specific provisions pertaining to certain trees in the Maryland Forest Conservation Act, and therefore any subsequent changes to the County Code based on those provisions, do not apply to any application that was submitted before October 1, 2009. Since this application was submitted before this date, I will not provide a recommendation pertaining to the approval of this request for a variance.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 15, 2013

Mr. Richard A. Weaver, Supervisor
Area Three Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120080240
Garnkirk Farms

Dear Mr. Weaver:

We have completed our review of the updated preliminary plan that was saved on January 17, 2013 and plotted on February 13, 2013. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on May 21, 2012. We appreciate the cooperation and additional information provided by the applicant and their consultant. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Requests

- Design Exception Request A: [Waiver of the standard tangent length between intersections.](#)

RESPONSES for Design Exception Request A:

This Design Exception request refers to MCDOT's policy on the spacing of private access points for commercial and multifamily residential development along County-maintained roadways. For this particular preliminary plan, it appears to apply only to the private streets and alleys proposed along Streets A and (the public section of) C.

We accept the proposed entrance locations but reserve the right to restrict turn movements as necessary for safe and efficient multi-modal traffic operations. The private streets along Street A (from north of the amphitheater/pool area to the street immediately north of Street B) should operate as one-way couplets with appropriate turn restrictions.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

General comments regarding the typical sections for the County-maintained roads:

Since this preliminary plan will receive Planning Board approval after the December 9, 2008 effective date of Executive Regulation No. 31-08AM (“Context Sensitive Road Design Standards”), it is subject to terms of that document. The recommended dimensions for Context Sensitive Road Design Standards (“CSRDS”) were provided in tabular form in the adopted Executive Regulation; the design standards were subsequently approved by MCDOT on June 25, 2012 and posted on our website shortly afterward. The approved CSRDS should be used whenever an applicable standard exists.

- Design Exception Request B: [Modified Typical Section for Observation Drive](#). The consultant has requested two Design Exceptions for Observation Drive:
 1. Narrow the typical pavement width (on the west side of Observation Drive) to twenty-six (26) feet (curb to curb) to create more green space behind the curb and minimize impervious surfaces.
 2. Permit construction of a swale behind the curb (where feasible) to allow for stormwater management treatment.

RESPONSES for Design Exception Request B:

General Comments:

- The June 1994 Approved and Adopted Clarksburg Master Plan identifies Observation Drive as a four lane, divided arterial roadway with a transitway within a 150 foot minimum width right-of-way. MCDOT previously initiated a Facility Planning Study to construct Observation Drive Extended between Waters Discovery Lane and the existing road terminus (approximately ¼ mile south of Stringtown Road) and accommodate the master planned Corridor Cities Transitway and transit stations.
- Under the Facility Planning Study, Observation Drive in the vicinity of this project was proposed to be constructed as a Suburban Divided Arterial Road [using CSRDS MC-2004.09A (modified)] with a 35 mph target speed. To accommodate the planned transit station on Observation Drive immediately north of Shawnee Lane, the longitudinal grade can be no less than 0.5% (at the proposed transit station) nor more than 4%. The Maryland Transit Administration has further advised the County that the roadway profile in the vicinity of proposed stations should have a profile of no more than 2.0% for a horizontal tangent section of 300 feet.

- At this time, the Facility Planning Study has been put on hold. Before the Facility Planning Study was paused, the consultants for the County and the applicant had coordinated their plans. Prior to submission of any right-of-way construction drawings and/or record plats along Observation Drive, the applicant will need to coordinate the proposed improvements with the MCDOT Division of Transportation Engineering (Planning and Design Section) and determine the status of the Facility Planning Study. Their Project Manager for the (ON HOLD) study, at this time, is Mr. Jon Hutchings. The Planning and Design Section may be contacted at 240-777-7220.

The proposed improvements along Observation Drive, in the vicinity of this site, will also need to be coordinated with the Corridor Cities Transitway project being handled by the Maryland Transit Administration. Mr. Rick Kiegel is the MTA Project Manager.

- The consultant proposes to design and construct Observation Drive as a closed section, major dual roadway using MCDOT standard MC-218.02 (modified).
- The typical sections shown on the grade establishment plan also propose a temporary toe-of-slope ditch and 3:1 maximum transition slope (back to existing ground). These changes were not specifically identified as a Design Exception. However, we do not object to the proposed changes.
- The pavement cross-slope on Observation Drive is to be 2% per CSRDS.
- In earlier discussions with the applicant, a property line retaining wall (and relocation of a section of the typical Public Utilities Easement) was proposed in the vicinity of the southbound right turn lane approaching Shawnee Lane - adjacent to the future "Multi-Family and Parking Structure"). A concept plan for the typical section of Observation Drive in that area was approved during a November 18, 2010 MCDOT/MCDPS meeting with the applicants. Under that plan, the shared use path would be placed in a Public Improvements Easement (in lieu of granting additional right-of-way) and a property line retaining wall would be located immediately outside of the Public Improvements Easement. The property owners agreed to coordinate with the utilities regarding the relocated Public Utilities Easement. The property line retaining wall does not appear in the current typical sections on the preliminary plan nor the conceptual grade establishment. We recommend the plans and typical sections be updated to reflect that agreement. We do not object to the property line retaining wall so long as it is located outside the proposed Public Improvements Easement as previously agreed and will be privately maintained.

1. We accept the concept of narrowing the typical pavement width to twenty six (26) feet. Per CSRDS MC-2004.09A, this width can actually be reduced to twenty five and a half (25.5) feet. Where auxiliary turn lanes are being provided, they should be 11.5 feet wide (including the gutter pan) per CSRDS MC-2004.09A.
2. In general, we support installation of the proposed stormwater management concept plan (to provide trapezoidal ditches/bio-swales along Observation Drive), subject to the following comments:
 - The proposed SWM design should be approved on a Pilot Basis; the details may need to be modified on future projects to improve performance and facilitate low-cost maintenance.
 - Instead of providing slotted curb openings to drain the curblines to the bio-swales, the applicant should construct curb opening inlets which incorporate paved flumes between the edge of pavement and trapezoidal ditch (MSHA Standard MD 374.68 modified for 6" curb per MSHA Standard MD 375.55-01. The inlet/shelf width, per the comment above, should be a minimum of 2'8" to allow space for passengers to enter and exit (potential) parked cars. These inlets should be sized and located to handle the one (1) year storm event runoff.
 - We recommend enclosed storm drain systems be located behind the curb – preferably at a shallow depth underneath the bio-swale systems to limit future repair costs and minimize right-of-way impacts. Enclosed storm drain systems should be designed and located to handle the 10 year storm event in accordance with the MCDOT Storm Drain Criteria.
 - Provide spread computations for the 10 year post-development runoff for the proposed enclosed storm drain system, at the permit stage for approval by DPS/RWPR. Provide spread calculations and inlet efficiency calculations to size and locate the proposed curb opening inlets, for approval by DPS/RWPR.
 - The location of the proposed trapezoidal ditch (with respect to the face of curb) may necessitate locating standard width curb opening inlets, street lights, and traffic control signage within those ditches.
 - Since on-street parking may be allowed in the future along Observation Drive (when the roadway is constructed to its ultimate width), trapezoidal ditches and bio-swales should include opportunity for pedestrians to cross them (between parked cars and the sidewalks). These path locations should be selectively located to minimize mid-block pedestrian crossings of the adjacent streets.
 - Street tree species and spacing should be considered in the design of the bio-swales.

- Design Exception Request C: [Modified Typical Section for Street A](#). The consultant has requested three Design Exceptions for Street A:
 1. Increase the typical pavement width from twenty-six (26) feet to thirty-six (36) feet at the intersection with Shawnee Lane to accommodate a southbound right turn lane.
 2. Allow a thirty-six foot (36) wide pavement width in the areas where on-street parking is proposed.
 3. Narrow the typical pavement width from twenty-six (26) feet to twenty-four (24) feet within the proposed “choked” sections of the roadway to reduce impervious area.

RESPONSES for Design Exception Request C:

General Comments:

- The applicant now proposes to construct Street A as a closed secondary residential street (twenty eight foot wide pavement with parking only on one side of the street) within a sixty (60) foot right-of-way using standard MC-2002.02; we accept this proposal.
 - We reserve the right to restrict on-street parking (in the public rights-of-way) as necessary for traffic operations and safety. As a result, such should not be counted towards meeting the site parking requirements of the development.
 - We accept the concept of widening the pavement to thirty-six (36) feet approaching the intersection with Shawnee Lane (this intersection needs to align with the entrance to the Eastside/Gallery Place subdivision on the south side of Shawnee Lane) within a seventy (70) foot wide right-of-way in accordance with standard MC-2002.03 – transitioning back to standard MC-2002.02. The design for the pavement width transition (from 36’ back to 28’) will be determined at the permit stage.
- Design Exception Request D: [Modified Typical Section for Street C](#). The consultant has requested two Design Exceptions for Street C:
 1. Increase the sidewalk width from four (4) feet to five (5) feet.
 2. Allow a 3:1 transition slope along the north side of the road, starting three (3) behind the curb, to minimize the impact on the proposed adjacent forest conservation easement.

RESPONSES for Design Exception Request D:

General Comments:

- The applicant proposes to construct Street C as a closed tertiary residential street with twenty-six (26) feet of pavement within a fifty (50) foot right-of-way using standard MC-210.02 (modified). MCDOT does not have a CSRDS detail for the dimensions proposed for this project. Ordinarily, we would not support Street C being classified as a tertiary street (considering its location within the site and potential traffic volumes). However, since the applicant is proposing to widen the pavement to closed section secondary width (and with the implementation of No Parking Any Time restrictions on that street), we do not object to the proposed classification. We concur with the use of standard MC-210.02 (modified).
- The typical section proposes reducing the width of the maintenance shelf (between the sidewalk and the right-of-way line). This change was not specifically identified as a Design Exception. However, we do not object to the proposed change. Additionally, the sidewalk may be constructed using porous pavement, if necessary for stormwater management purposes.
- The typical section does not propose constructing a sidewalk along the north side of the road (adjacent to the proposed forest conservation easement). Considering the site layout and the proposed adjacent land use, we agree that a sidewalk should not be required along the north side of this street.
- The typical section shown on the conceptual grade establishment plan shows a property line retaining wall located one (1) foot outside the public right-of-way. We do not object to that location. The property line retaining wall is to be privately maintained. We recommend the typical section detail on sheet 4 of 4 be updated to delineate the proposed retaining wall.
- We concur with the proposal to widen the sidewalk to five (5) feet.

General Plan Review Comments

1. Curve data for the proposed streets should be provided on the preliminary plan drawing. Centerline stationing should also be reflected on the typical sections and plan views.

At the permit/plat/Signs & Markings Plan stage, we recommend the applicant's consultant calculate and submit their anticipated turning movement volumes (with the Signs and Markings Plans) to determine the limits and/or details of the proposed on-street pocket parking, auxiliary turn lanes, pavement and rights-of-way transitions, lane markings and signage, etc.

2. Necessary dedication for future widening of Shawnee Lane in accordance with the master plan. Applicant to continue coordination with the applicant for the Eastside/Gallery Park subdivision for improvements (including roadway profile, typical section, limits of grading, etc.) along the Shawnee Lane site frontage.

3. Full width dedication of Observation Drive (within the limits of the property) in accordance with the master plan. Applicant to reserve right-of-way on the east side of Observation Drive for a period of five (5) years from the date of preliminary plan approval per the approved Development Plan for this project.
4. Full width dedication and construction of interior public streets A and C.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
6. The Forest Conservation Easements may not encroach in the dedicated right-of-way nor any related easements (until Observation Drive and Street C have been constructed to their ultimate cross-sections and accepted for public maintenance).
7. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
8. A Public Improvements Easement appears to be necessary along Observation Drive in order to accommodate the required shared use construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this shared use construction. If not, the applicant will need to execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.

The width of the Public Improvements Easement is to be ten (10) feet per the November 18, 2010 agreement, unless otherwise amended by agreement between MCDOT and the applicant.

9. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
10. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form, for the proposed intersections with Shawnee Lane, for Executive Branch approval.
11. Record plat to reflect denial of access along Observation Drive, except at the locations of the approved intersections.
12. Private common driveways, alleys, and streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.

13. This site is located in the Clarksburg Special Protection Area watershed. In accordance with Section 49-33(l) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.

From the consultant's October 15, 2012 response to the DRC review comments, we understand that the Department of Permitting Services (through their Final Water Quality Plan) has granted approval of curb and gutter for this development.

14. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
15. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
16. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
17. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
18. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
19. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
21. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.

22. Prior to submission of the construction drawings and/or record plats for the intersection of Street A at Shawnee Lane, the applicant's consultant will need to submit a traffic signal warrant analysis for that intersection, for review by the Division of Traffic Engineering and Operations. The study will need to reflect projected traffic volumes for this development and that of the Eastside/Gallery Park subdivision. Depending on the results of that traffic study, the applicant may need to install a traffic signal at that intersection.
23. The consultant's October 15, 2012 response to the DRC review comments indicates this applicant is not required to participate in the improvements to Shawnee Lane; that understanding needs to be confirmed with the Planning Department staff prior to the record plat stage. (Typically applicants are required to participate in the cost of improvements along their site frontage – even if being constructed by another applicant.)
24. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Full width (and temporary transition) grading, paving (typical and widened for proposed auxiliary turn lanes), curbs and gutters (in accordance with the ultimate roadway pavement design), eight (8) foot wide concrete shared use path and handicap ramps, two (2) foot maintenance strip behind the shared use path, enclosed storm drainage and appurtenances, and street trees along Observation Drive between Street C and Shawnee Lane. Please note Design Exceptions and general coordination comments discussed previously in Design Exception B.
 - B. Full width grading, twenty eight (28) foot wide paving, curbs and gutters, five (5) foot wide concrete sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Street A (from Street C to a point near the south side of the entrance to the proposed multi-family structure) as a closed section secondary residential street in accordance with standard MC-2002.02.

Full width grading, transition to thirty six (36) foot wide paving [within a seventy (70) foot wide right-of-way], curbs and gutters, five (5) foot wide concrete sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Street A (from a point south of the entrance to the proposed multi-family structure to Shawnee Lane) as a closed section secondary residential street in accordance with standard MC-2002.03.
 - C. Full width grading, paving, curbs and gutters, south-side five (5) foot wide concrete sidewalk and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Street C (Observation Drive to Street A) as a closed section tertiary residential street (standard MC-210.02) modified per discussion above in Design Exception request D.
 - D. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.

Mr. Richard A. Weaver
Preliminary Plan No. 120080240
March 15, 2013
Page 10

- E. Construct a traffic signal at the intersection of Street A and Shawnee Lane, if warranted and approved per comment no. 22.
- F. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- G. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- H. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- I. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our Development Review Area Engineer for this project at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/FY13/Traffic/Active/120080240, Garnkirk Farms, MCDOT prelim plan review comments ltr.doc

Enclosure

cc: Shane Pollin; Garnkirk, Inc.
David O'Bryan; Charles P. Johnson & Associates, Inc.
Les Powell; Charles P. Johnson & Associates, Inc.
Rebecca Walker; Miles & Stockbridge, P.C.
John Carter; M-NCPPC Area 3
Elsabett Tesfaye; M-NCPPC Area 3
John Carter; M-NCPPC Area 3
Ki Kim; M-NCPPC Area 3
Catherine Conlon; M-NCPPC DARC
Rick Kiegel; MTA
Preliminary Plan folder
Preliminary Plan letters notebook

Mr. Richard A. Weaver
Preliminary Plan No. 120080240
March 15, 2013
Page 11

cc-e: Mark Etheridge; MCDPS WRM
Bill Campbell; MCDPS WRM
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Dan Sheridan; MCDOT DTE
Jon Hutchings; MCDOT DTE
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
Fred Lees; MCDOT DTEO
Mark Terry; MCDOT DTEO
Andrew Bossi; MCDOT DTEO



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

Beverley K. Swaim-Staley, *Secretary*
Melinda B. Peters, *Administrator*

May 14, 2012

Mr. John Carter
Area 3, Chief
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Montgomery County
MD 355
Garnkirk Farms
SHA Tracking No.: 11APMO017XX
County Tracking No.: 20120100
Located on Shawnee Lane
Development Plan Submittal
Mile Post: 21.92

Dear Mr. Carter:

Thank you for the opportunity to review the Development Plan submittal, dated April 24, 2012, proposing the Garnkirk Development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

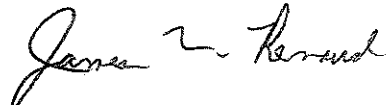
By letter dated June 3, 2011, the SHA provided the following comment to the County on the Traffic Impact Study submitted in support of this application.

- The traffic report determined that the proposed development would negatively impact the MD 355 at Shawnee Lane intersection. Therefore, the traffic report proposed modifying the eastbound Clarksburg High School Access approach from the existing 1 left turn and 1 through/right lane to 1 left/through lane and 1 right turn lane. The SHA concurs with the report recommendation. The SHA recommends that the M-NCPPC condition the applicant to redesign and construct the identified roadway improvement.

The above SHA comment remains valid. If the M-NCPPC concurs, and requires that the applicant construct the above improvement, six (6) sets of the roadway Improvement plans should be submitted directly to Mr. Steven Foster attention of Mr. Alvin Powell for review. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions, or require additional information, please contact Mr. Alvin Powell at 410-545-5605, by using our toll free number in Maryland only at 1-800-876-4742 (x5605) or via email at apowell@sha.state.md.us.



Sincerely,


for Steven Foster, Chief
Access Management Division

SDF/JWR/ap

cc: Ms. Catherine Conlon, M-NPPC
Mr. Gregory Leck, Montgomery County
Mr. David O'Bryan, P.E., Charles P. Johnson & Associates Inc., 1751 Elton Road, Suite
300, Silver Spring, Maryland 20903
Mr. Les Powell Charles P. Johnson & Associates Inc., 1751 Elton Road, Suite 300, Silver
Spring, Maryland 20903
Mr. Shane Pollin, Garnkirk Inc., 1701 Elton Road, Suite 300, Silver Spring, Maryland
20903
Mr. Cedric Ward, SHA District 3 Traffic
Mr. Victor Grafton, SHA District 3 Utilities
Mr. Vernon Stinnett, SHA District 3 Maintenance
Mr. Scott Newill, SHA AMD
Mr. Mark McKenzie, SHA AMD



FIRE MARSHAL COMMENTS

DATE: 11-Apr-13
TO: David O'Bryan
Charles P Johnson & Associates
FROM: Marie LaBaw
RE: Garnkirk Farms
720080240 120080240 820120100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **11-Apr-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Pereira, Sandra

From: Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>
Sent: Friday, April 12, 2013 1:46 PM
To: Pereira, Sandra
Subject: Garnkirk Farm Site plan 8-20120100

Hi Sandra,

I have reviewed the latest plans (last revised on 03/20/13). I would like to make the followings conditions of the certified site plan to be done at permit stage:

- Ensure handicap ramps are aligned with the pedestrian crossings and are ADA compliant. Also at intersections where two sidewalks intersect they have to be perpendicular. No surface feature to be located within the sidewalk/bike path;
- What are the dark filled circles on site plan sheets 2, 3, 4, 5, 6 and 7? Add to the legend. In some locations, they still have conflict with the curb, sidewalk, storm drain and other features. They need to be corrected;
- Show curb radii at all intersections with public roads, for less than 25' radius truck turning movements are needed and if they do not work the radius to be adjusted;
- Private streets structurally have to be built to tertiary roadway standards.

Please let me know if you any question.

Sam

Pereira, Sandra

From: Schwartz, Lisa <Lisa.Schwartz@montgomerycountymd.gov>
Sent: Friday, April 12, 2013 12:57 PM
To: Pereira, Sandra
Cc: Walker, Rebecca D.
Subject: Garnkirk Farms - Preliminary Plan #120080240 & Site Plan 820120100

Sandra,

DHCA has reviewed the applicant's responses to DHCA's DRC comments on the above plans for Garnkirk Farms. DHCA requests the following condition, which has been agreed to by the Applicant:

- Prior to certified site plan, the Applicant shall obtain the approval of the Department of Housing and Community Affairs of a construction sequencing plan, or development program for the project, which demonstrates compliance with the MPDU staging requirements of Section 25A-5(i) of the Montgomery County Code.

DHCA recommends Approval of the plans with the above condition.

Lisa S. Schwartz
Senior Planning Specialist
Montgomery County Department of Housing and Community Affairs
100 Maryland Ave., 4th Floor
Rockville, MD 20850
(240) 777-3786 - office (240) 777-3709 - fax
lisa.schwartz@montgomerycountymd.gov
www.montgomerycountymd.gov/mpdu

Please Note: Our system does not accept attachments larger than 6 MB.

Pereira, Sandra

From: Beall, Mark <Mark.Beall@montgomerycountymd.gov>
Sent: Tuesday, April 16, 2013 2:55 PM
To: Pereira, Sandra
Subject: RE: garnkirk files on FTP site

Sandra,

Thank you for your help with this. I could view everything and had no issues. It looks like they addressed all my comments. These drawings meet with our approval.

Thank you,
Mark

From: Pereira, Sandra [<mailto:sandra.pereira@montgomeryplanning.org>]
Sent: Mon 4/15/2013 4:04 PM
To: Beall, Mark
Subject: garnkirk files on FTP site

Hi Mark,

Thanks for your patience. The files are saved in our FTP site in a folder called Garnkirk Farms. Please let me know if you have trouble viewing them.

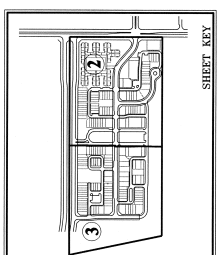
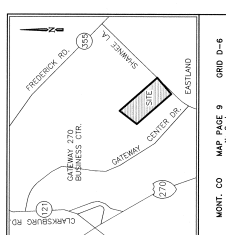
Thanks

Sandra

Sandra Pereira, RLA
Area 3 Lead Reviewer

M-NCPPC Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, MD 20910 phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@montgomeryplanning.org <<mailto:sandra.pereira@montgomeryplanning.org>>

Appendix C



NOTES:

1. Only approved plans that have been signed by the appropriate engineering professional, including this or other electronic files, may be used for construction.
2. All trees to be removed shall be marked with a 'T' and a number indicating the tree's diameter at breast height (DBH) in inches. Trees to be preserved shall be marked with a 'P' and a number indicating the tree's diameter at breast height (DBH) in inches. Any work shall be performed in accordance with the Maryland Tree Preservation Act (Code of Regulations, Title 28.01, Subtitle 01).
3. This plan shall be used for the construction of forest conservation easements only. It shall not be used for any other construction purposes.

F.C.P. LEGEND

- Trees to be removed
- Trees to be preserved
- Area of reforestation
- 5-5' crown by 2" dbh or smaller trees to be removed
- 5-5' crown by 2" dbh or smaller trees to be preserved
- Shrub removal
- Proposed release
- Permanent easement
- Non-tidal wetlands
- Wetland buffer
- Stream valley buffer
- Areas to receive root pruning
- Tree protection fence
- Fees 24" - 36"
- Fees to be removed
- Cut of trees to be saved
- Barbed wire
- Survey set fence
- Set fence
- Approximate limits of easement
- Proposed drainage ditches

LANDSCAPE ARCHITECT CERTIFICATE

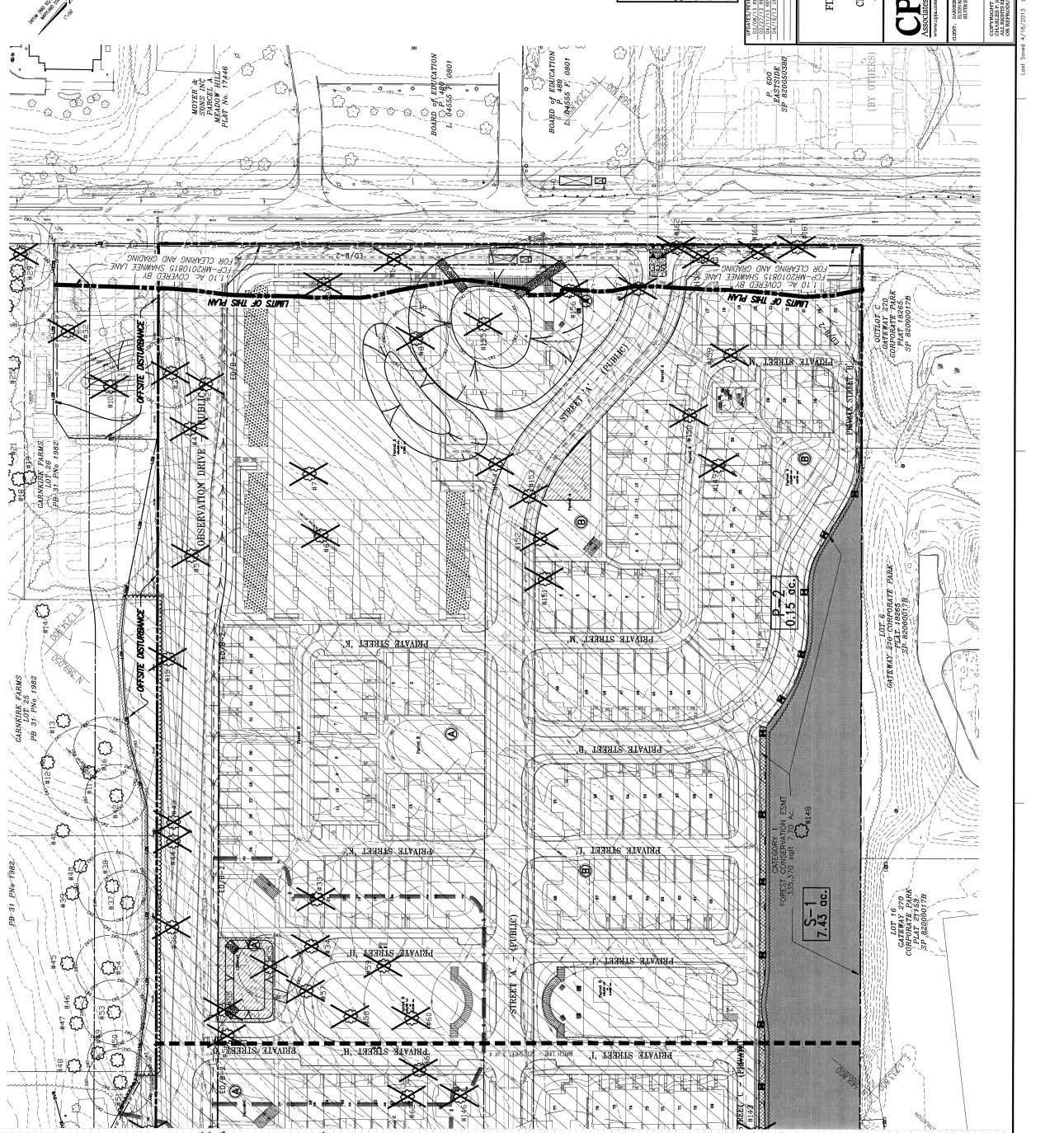
FOR THE PROJECT OF LANDSCAPE ARCHITECTURE
 FOR THE PROJECT OF LANDSCAPE ARCHITECTURE
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LANDSCAPE ARCHITECT
 CHARLES P. JOHNSON & ASSOCIATES, INC.
 1701 EIGHTH ST. SUITE 200
 ANNAPOLIS, MD 21403
 PHONE & FAX: (410) 421-3000
 www.cpjpa.com

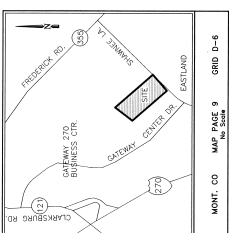
FINAL FOREST CONSERVATION PLAN
GARNKIRK FARMS
 CLARKSBURG TOWN AND ELECTRIC DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
 1701 EIGHTH ST. SUITE 200
 ANNAPOLIS, MD 21403
 PHONE & FAX: (410) 421-3000
 www.cpjpa.com

DATE: 10/27/2013
SCALE: 1" = 50'
PROJECT NO.: 1303000000
SHEET NO.: 2
TOTAL SHEETS: 4



No.	Comments	Tree Species	DBH (in)	Height (ft)	Health	Notes
1	White Oak	Quercus alba	28	38	Good	To be removed
2	White Oak	Quercus alba	28	38	Good	To be removed
3	White Oak	Quercus alba	28	38	Good	To be removed
4	White Oak	Quercus alba	28	38	Good	To be removed
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6	White Oak	Quercus alba	28	38	Good	To be removed
7	White Oak	Quercus alba	28	38	Good	To be removed
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160	White Oak	Quercus alba	28	38	Good	To be removed



MONTCO MAP PAGE 9 GRID D-4
 GRAPHIC SCALE
 SCALE: 1" = 50'

F.C.P. LEGEND

- TREES TO BE CLEARED
- TREES TO BE REMOVED
- AREA OF REFORESTATION
- SWA EXERCISE
- PROPOSED BOUNDARY
- PERMANENT SWOACH
- NON-TIDAL WETLANDS
- WETLAND BUFFER
- STREAM VALLEY BUFFER
- AREAS TO RECEIVE ROOT PRUNING
- TREE PROTECTION FENCE
- TREES 24" DBH
- TREES TO BE FORWARDED
- SIZE OF TREES TO BE SAVED
- GRAVE DIRT FENCE
- APPROXIMATE LIMITS OF CUTOFF SWOACH
- PROPOSED SWOACH DRAINAGE DITCH

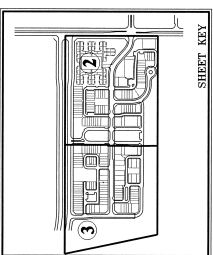
LANDSCAPE ARCHITECT CERTIFICATE
 I, **Charles P. Johnson**, a duly licensed landscape architect, do hereby certify that the above described plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect in the State of Maryland.
 DATE: 04/16/2013
 SIGNATURE: [Signature]

CLIENT'S CERTIFICATE
 I, **Charles P. Johnson**, do hereby certify that the above described plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect in the State of Maryland.
 DATE: 04/16/2013
 SIGNATURE: [Signature]

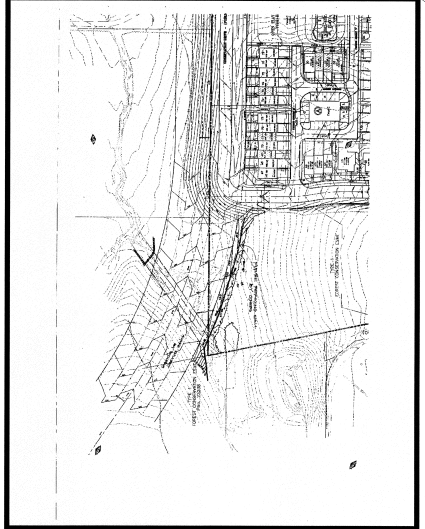
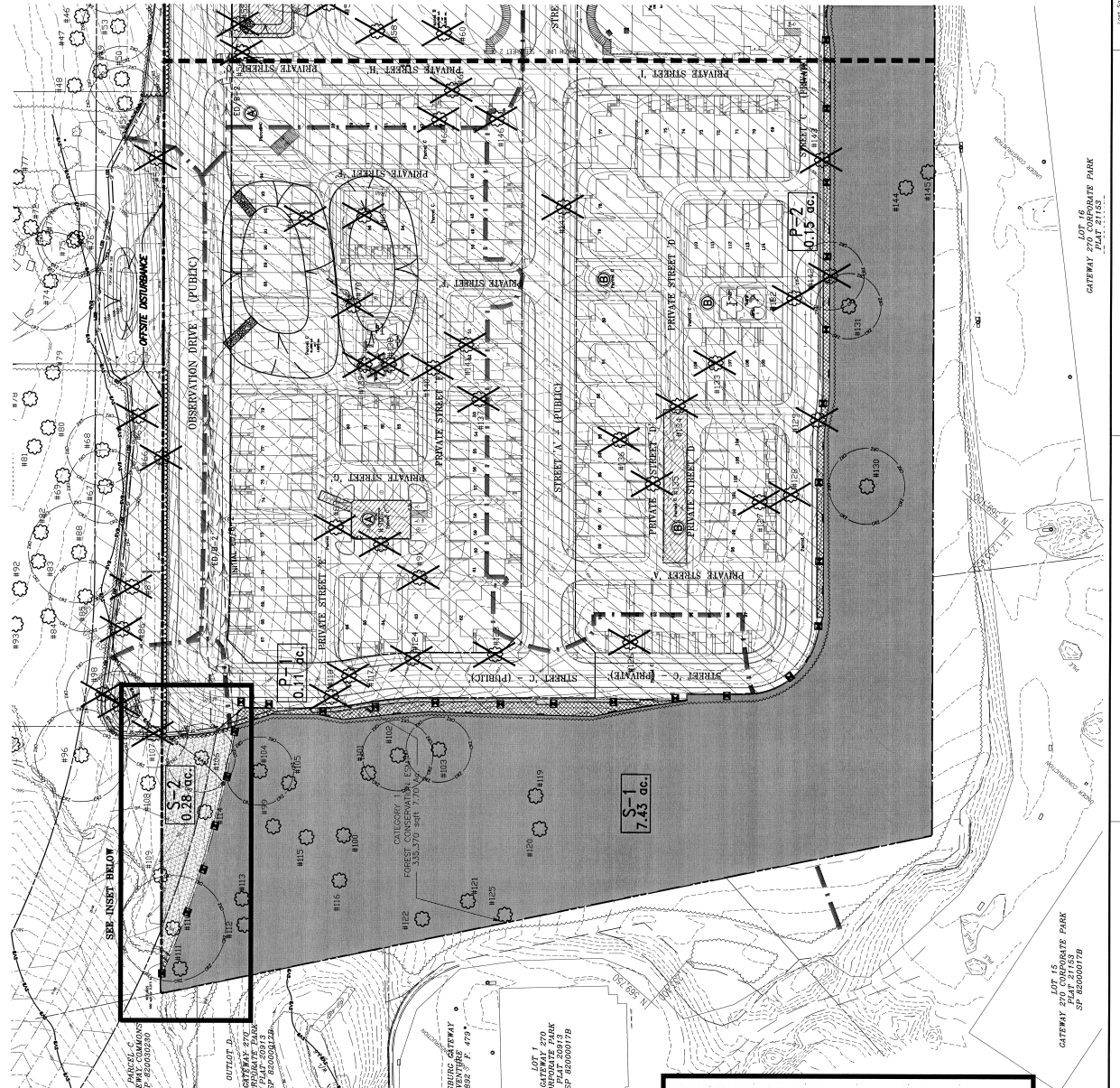
FINAL FOREST CONSERVATION PLAN
GARNKIRK FARMS
 CLARKSBURG ROAD ELECTRON DISTRICT
 MONTGOMERY COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
 2000 WOODBURN ROAD
 CLARKSBURG, MARYLAND 20746
 PHONE: (301) 241-2400
 FAX: (301) 241-2400
 WWW.CPJLANDSCAPEARCHITECTS.COM

DATE	DESCRIPTION
04/16/2013	FINAL PLAN
03/15/2013	REVISED
03/15/2013	REVISED
03/15/2013	REVISED
03/15/2013	REVISED

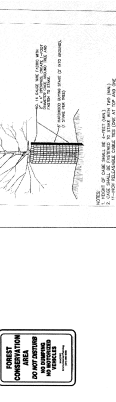
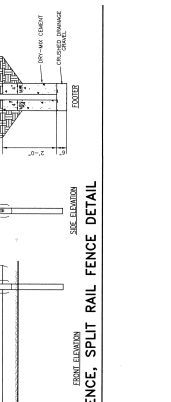
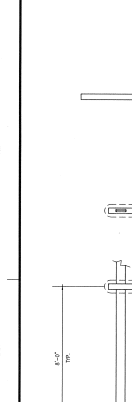


- PLAN NOTES:**
1. Only approved plans that have been signed by the appropriate engineering professional shall be used for construction. Approved files or other electronic files are NOT to be used for construction.
 2. The client is to be responsible for any and all utility relocation and/or relocation of any existing utility lines. The client is to be responsible for any and all utility relocation and/or relocation of any existing utility lines. The client is to be responsible for any and all utility relocation and/or relocation of any existing utility lines.
 3. This plan and any related documents are intended for the construction of the proposed project. It is not to be used for any other purpose.



PROPOSED FINAL GRADING OF OBSERVATION DRIVE BY OTHERS

Table with 4 columns: TREE SPECIES AND SIZE (DBH), SPECIFICATION TABLE QUANTITIES, CONDITION, ETC. (FEET), BF, TP, CA, SP, ADDITIONAL COMMENTS. Includes sections for PERMANENT FOREST CONSERVATION and TEMPORARY TREE PROTECTION.



PLANTING METHOD (1-3 gallon container grown stock)

1. Insure planting occurs on the completion of site preparation...
2. The planting hole must be at least 1/2" - 1" deeper and 1/2" - 2" wider...
3. The planting hole must be at least 1/2" - 1" deeper and 1/2" - 2" wider...
4. The planting hole must be at least 1/2" - 1" deeper and 1/2" - 2" wider...
5. The planting hole must be at least 1/2" - 1" deeper and 1/2" - 2" wider...
6. The planting hole must be at least 1/2" - 1" deeper and 1/2" - 2" wider...
7. After at least at the time of site preparation.

Table with 2 columns: MONTHS, YEARS. Rows for various months and years.

LANDSCAPE ARCHITECT CERTIFICATE

SHIRLEY J. HALL, ARCHITECT

MONITORING AND INSPECTION SERVICES

DEVELOPER'S CERTIFICATE

SHIRLEY J. HALL, ARCHITECT

MONITORING AND INSPECTION SERVICES

NOTES AND DETAILS

FINAL FOREST CONSERVATION PLAN

GARKIRK FARMS

CLARKSBURG GRAPHELETON DISTRICT

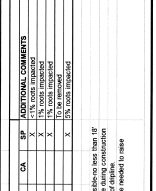
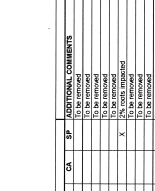
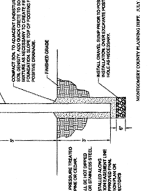
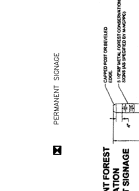
MONTGOMERY COUNTY, MARYLAND

Charles P. Johnson & Associates, Inc.

1100 WASHINGTON AVENUE, SUITE 200

COLUMBIA, MARYLAND 21046

Table with 4 columns: NO., DATE, SHEET NO., SHEET TOTAL.



PLANTING METHOD (1-3 gallon container grown stock)

Planting method (1-3 gallon container grown stock) diagram showing the process from container to planting hole with various annotations and steps.

PLANTING LAYOUT

Planting layout diagram showing a grid of planting locations with dimensions and labels for different tree sizes.

DETAIL - ROOT PRUNING

Detail of root pruning diagram showing a tree with roots cut around its base, with labels for 'ROOT PRUNING' and 'DETAIL - ROOT PRUNING'.

UNDISTURBED SOIL / DISTURBED SOIL

Diagram of undisturbed soil vs disturbed soil on a slope, showing root distribution and labels like 'UNDISTURBED SOIL' and 'DISTURBED SOIL'.

C. CORRECT AND INCORRECT PLANTING DEPTH

Diagram of correct and incorrect planting depths, showing a tree planted too deep or too shallow with labels 'C. CORRECT AND INCORRECT PLANTING DEPTH'.

SEEDING AND WHIP PLANTING SPECIFICATION

Diagram of seeding and whip planting specifications, showing a cross-section of a tree and labels 'SEEDING AND WHIP PLANTING SPECIFICATION'.

HANDLING AND PLANTING OF SEEDLING (4)

Diagram of handling and planting of seedling, showing a cross-section of a tree and labels 'HANDLING AND PLANTING OF SEEDLING (4)'.

PLAN NOTES

Plan notes section providing additional instructions and specifications for the project.

Table with 4 columns: TREE SPECIES AND SIZE (DBH), SPECIFICATION TABLE QUANTITIES, CONDITION, ETC. (FEET), BF, TP, CA, SP, ADDITIONAL COMMENTS.

NOTES

Notes section providing additional instructions and specifications for the project.

Appendix D



November 27, 2012

Shane Pollin
The Duffie Companies
1701 Elton Road
Silver Spring, Maryland 20903

Project: Traffic Noise Impact Analysis: Garnkirk Farms
Location: Montgomery County, Maryland
Report Number: Report #5468

Subject: Report for Traffic Noise Impact Analysis

Dear Mr. Shane Pollin,

Polysonics has completed a Traffic Noise Impact Analysis for the Garnkirk Farms site located along Shawnee Lane and the proposed Observation Drive in Montgomery County, Maryland. We performed a 24-hour on-site traffic noise survey to determine the traffic noise impact from Shawnee Lane. Forecasted traffic volumes and proposed grading information were used to determine future unmitigated noise contours for the site.

The Montgomery County Noise Guidelines stipulate a 60 dBA L_{dn} maximum noise level for outdoor recreation areas and 45 dBA L_{dn} for indoor areas.

There are several outdoor recreation areas located throughout the property. The results of the analysis indicate that future unmitigated traffic noise levels above 60 dBA L_{dn} will impact the pool of the multifamily building. If there are outdoor recreation areas planned within the courtyards of the multifamily building, they may be impacted as well.

In order to mitigate the outdoor noise levels to the required sound levels, a solid wood barrier along the pool area is recommended. The height and extent of the barrier can be determined by a Barrier Analysis.

Future unmitigated noise levels calculated at upper floor receiver locations indicate that proposed residences will be impacted by future unmitigated noise levels below 65 dBA L_{dn} , with the highest noise level reaching 63.4 dBA L_{dn} . Enhanced building materials such as modified windows, doors, and wall construction will not be necessary for this site.

Please let me know if you would like any further information.

Sincerely,
Polysonics Corp.

A handwritten signature in black ink, appearing to read "Chris Karner".

Christopher Karner
Consultant

Direct line: 540-341-4988 x-2102