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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
ITEM # **3**
1/12/06



MEMORANDUM

DATE: December 29, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301-495-4542)
Development Review Division *CC*

REVIEW TYPE: Preliminary Plan Amendment

APPLYING FOR: Subdivision Regulation waivers to modify road construction and lot frontage standards

PROJECT NAME: Greenway Village @ Clarksburg

CASE NO. 12002033B (formerly 1-02033B)

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations

ZONE: PD-4

LOCATION: In the southeast quadrant of the intersection of Piedmont Road and Skylark Road

MASTER PLAN: Clarksburg

APPLICANT: Clarksburg Skylark LLC

ATTORNEY: Linowes and Blocher

ENGINEER: Charles P. Johnson and Associates

FILING DATE: May 18, 2005

HEARING DATE: January 12, 2006

Staff Recommendation: Approval of Preliminary Plan No. 12002033B, Pursuant to the FY 2002 Annual Growth Policy for Ceiling Flexibility for Developer Participation Projects, including a Preliminary Water Quality Plan, and the following waivers: a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of a public road; a waiver of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations; a waiver of §50-26(f) pursuant to §50-38(a) to permit centerline radii of certain roadways to be less than 100 feet; and a waiver of §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, in the locations shown on Exhibit A; and subject to the following conditions:

- 1) Compliance with MCDPWT conditions of approval dated December 19, 2005.
- 2) All previous conditions of approval as contained in the Planning Board Opinion dated November 7, 2002 remain in full force and effect.

SITE DESCRIPTION and SURROUNDING AREA:

The subject property consists of 374-acres of land located in the Clarksburg Master Plan area at the southeast quadrant of the intersection of Piedmont Road and Skylark Road (Attachment A). The property is zoned PD-4 and falls within the Clarksburg Special Protection Area (SPA) for the Little Seneca Creek watershed. The site is bisected by a major tributary of Little Seneca Creek.

Most of the property is currently under construction, or being graded, per previously granted approvals for residential uses. A future retail use area will remain undeveloped pending future site plan approval.

PREVIOUS APPROVALS

The subject preliminary plan was originally submitted on September 28, 2001. The plan proposed to create a mixed-use development consisting of residential and retail uses. The original application was brought before the Planning Board for a public hearing on February 7, 2002 and was approved for a maximum of 1,330 dwelling units (600 single family detached, 386 single family attached, and 344 multi-family units) and 89,000 square feet of retail uses. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 6, 2002 (Attachment B).

Subsequent to this approval, an application for Site Plan was filed for Phases 1 and 2 of the development. The site plan included 486 dwelling units on 164 acres of the overall property and was approved by the Planning Board on September 12, 2002. This site plan approval was followed by a request to amend the approved preliminary plan. That amendment was approved by the Planning Board on October 10, 2002 with conditions as set forth in the Opinion dated November 7, 2002 (Attachment C), including the granting of waivers for lot frontage and road centerline radii needed to permit the layout reflected in the approved Phase 1 and 2 site plan. A second site plan for Phases 3, 4 and 5 of the project was approved by the Planning Board on July 22, 2004. The plan included 844 dwelling units on another 210 acres of the overall tract. The

conditions of approval for the site plans are set forth in the Planning Board Opinions dated October 16, 2002 and September 28, 2004 (Attachment D).

PROPOSED PRELIMINARY PLAN AMENDMENT

The currently proposed preliminary plan amendment requests Planning Board approval of several waivers from the Subdivision Regulations, Chapter 50 of the Montgomery County Code. The waiver requests involve variation from the lot frontage and roadway design standards of the Chapter. The waivers are needed to permit the lot and roadway layout reflected in the approved Site Plan for Phases 3, 4 and 5 of the development. Although the design variations were discussed by the Planning Board as part of the site plan approval, it was acknowledged at that time that preliminary plan amendment was needed to formally address the waivers and complete the record.

Discussion of Waivers

By letter dated November 18, 2005, and supplemental e-mail dated December 29, 2005 (Attachment E), the Applicant has requested five waivers from the Subdivision Regulations. Each waiver is discussed below along with staff findings and recommendations.

- Waiver of Section 50-26(h)(3) to permit sidewalk on only one side of Blue Flag Circle, a one-way tertiary street serving lots on only one side of the street.

Section 50-26(h)(3) requires sidewalks on both sides of a tertiary street unless the Planning Board waives the requirement for one or both sides of the street, based on a finding that pedestrians will be able to safely use the roadway. The applicant cites reduction in impervious surfaces within a SPA and the fact that houses are located on only one side of the proposed street as justification for the waiver. Staff agrees with the applicant's justification and believes the proposed sidewalk, on the side of the street fronting the proposed lots, will provide safe access for pedestrians. Therefore, staff recommends approval of the waiver.

- Waiver of Section 50-26(e)(3) pursuant to Section 50-38(a) to permit less than 25 foot truncation at roadway intersections.

Section 50-26(e)(3) requires corner lots at intersections to be truncated for road dedication purposes by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements. The applicant states that the proposed radius truncations, which permit houses to be located closer to the road right-of-way, facilitate the community's neo-traditional design. Staff supports the proposed waiver based upon our finding that intersection sight distance and sign installation will not be adversely impacted by the design. Montgomery County Department of Public Works and Transportation (DPWT) and Fire and Rescue Service (MCFRS) staff have reviewed the waiver request and submitted their approval

letters (Attachment F). Staff recommends approval of the waiver request and believes it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- Waiver of Section 50-29(a)(2) pursuant to Section 50-38(a) to permit single family detached lots 5,6 and 42/Block U; 8-11/Block FF; 16-24/Block W; 44-53/Block X; and 22, 25-28, and 31/Block R to have no frontage on a public street.

Section 50-29(a)(2) requires, except as otherwise provided in the zoning ordinance, that all single family detached lots abut a road or street which has been dedicated for public use, or which has acquired the status of a public street. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements. The applicant bases the waiver request on the practical difficulties created by the application of this requirement to the implementation of the neo-traditional design of Greenway Village. Such a design implements the intent and recommendations of the Clarksburg Master Plan by facilitating a community which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, and green areas dispersed throughout. Staff supports the requested waiver of frontage on a public street for the subject lots in Phases 3, 4, and 5, as was previously granted for certain lots in Phases 1 and 2 of the development. Staff believes the proposed neo-traditional neighborhood design best implements the intent of the Clarksburg Master Plan, particularly with regard to integrating green spaces throughout the development. The requested waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increase the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. MCFRS has reviewed the alternative fire access proposed for the lots without public street frontage and determined that all the houses will be adequately served by the proposed driveways. Based on these findings, staff recommends approval of the waiver request and believes it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

- Waiver of Section 50-26(e)(1) to permit several streets to intersect at less than right angles.

Section 50-26(e)(1) requires that streets be laid out so as to intersect as nearly as possible at right angles. In no instance may two new streets intersect at an angle less than seventy (70) degrees. The applicant states that environmental buffer areas, which dictate curvilinear roadway configurations, prevent certain streets from intersecting at right angles. However, in no instance is will an intersection angle be less than 70 degrees. MCDPS has approved the intersections from a circulation standpoint, and approvals have been granted by DPWT and MCFRS. Staff believes the proposed road intersections have been designed as nearly as possible to right angles given the environmental constraints of the site. Therefore, staff believes the roads meet the requirements of Section 50-26(e)(1) and that a waiver of the section is not necessary.

- Waiver of Section 50-26(f) pursuant to Section 50-38 to permit a centerline radii of less than 100 feet on Arora Hills Drive and Blue Flag Circle.

Section 50-26(f) states that the centerline radius for a tertiary street shall be a minimum of 100 feet. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements. The applicant is requesting streets with less than 100 foot radii to maintain the integrity of the neo-traditional design. To meet minimum DPWT operational requirements, the affected roadways will be signed as one-way, with no on-street parking. MCFRS concur with the DPWT findings that this configuration will be acceptable. Staff concurs with the applicant's justification and supports the waiver request. Staff recommends approval of the waiver request and believes it is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

CONCLUSION

Based on the findings discussed above, staff believes that the requested waivers of the Subdivision Regulations are justified for the subject preliminary plan. Therefore, staff recommends approval of the preliminary plan amendment to modify the previous conditions to grant the requested waivers. All other conditions of approval as contained in the Planning Board Opinion dated November 7, 2002 remain in full force and effect.

Attachments:

- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan Opinion dated 3/6/02
- Attachment C – Preliminary Plan Opinion dated 11/7/02
- Attachment D – Site Plan Opinions
- Attachment E – Applicant's Written Waiver Request
- Attachment F – Agency Correspondence