

**MEMORANDUM****Date:** March 10, 2006**TO:** Montgomery County Planning Board**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Carlton W. Gilbert, Zoning Supervisor, Development Review Division *CG***FROM:** Elsabett Tesfaye, Senior Planner, Development Review Division  
(301) 495-1301 *ET*

- SUBJECT**
1. **Preliminary Water Quality Plan:** Garnkirk Farms, North of Shawnee Lane, between Gateway Center Drive and MD 355, Clarksburg; Clarksburg Master Plan and Hyattstown Special Study Area.
  2. **Local Map Amendment No. G-832:** Reclassification of 37.176 acres of land from the R 200 Zone to the PD-11 Zone for properties known as Lot 27 and Lot 28 Garnkirk Farms. Located on the north side of Shawnee Lane, Between Gateway Center Drive and MD 355, Clarksburg.

**Ralph J. Duffie, Inc. Applicant**  
**1994 Clarksburg Master Plan and Hyattstown Special Study Area**

**FILLING DATE** November 22, 2004  
**PLANING BOARD** March 23, 2006  
**PUBLIC HEARING:** March 28, 2006

**RECOMMENDATION:**

1. Staff recommends **APPROVAL** of the Preliminary Water Quality Plan for Garnkirk Farms.
2. Staff recommends **APPROVAL** of Local Map Amendment No. G-832 for the following reasons:
  - (1) The proposed Local Map Amendment and the Development Plan will be consistent with the purpose clause and all applicable standards for the PD-11 Zone as set forth in the Zoning Ordinance.

- (2) The proposed reclassification is in conformance with the land use recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area.
- (3) The proposed reclassification is compatible with existing and planned land uses in the surrounding area.
- (4) Public facilities are adequate to serve the proposed development.

## **FINDINGS**

### **A. Proposal Summary**

The applicant is requesting a reclassification of approximately 37.18 acres of land from the R-200 Zone to the PD-11 Zone. The applicant proposes to develop the property with 459 residential units, including 188 multi-family units (41%), 172 single-family attached units (2 over 2s) (37%), 77 townhouses (17 %), and 22 single-family detached units (5%). The Development Plan designates 67 of the proposed 459 units as Moderately Priced Units (MPDUs). The propose development includes a total of 1,070 parking spaces (garage, driveways, parking garage and surface), a club house and play and sitting areas.

### **B. Description of Property**

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. The property, which is identified as lot 27 and lot 28 Garnkirk Farms Subdivision Plat, is generally rectangular in shape and 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 wooded.

### **C. Surrounding Area**

Staff defines the surrounding area as bounded by Clarksburg Road to the north and northwest, I-270 to the west, West Old Baltimore Road to the south and Frederick Road (MD 355) to the east and northeast. This area lies within the 900-acre area that is identified as the Transit Corridor District Study Area in the 1994 Clarksburg Master Plan. The surrounding area is characterized, at present, 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 uses.

Immediately west and north of the subject property is located a technology and business park in the I-3 Zone. The Gateway Commons development, a 292-unit



The Development Plan depicts three driveway access points—one from Shawnee Lane and two from the future Observation Drive.

The Master Plan recommends Shawnee Lane (A-301) as an arterial roadway with an ultimate right-of-way of 120 feet. The proposed access point to the subject property from Shawnee Lane will be aligned with the access point to the Eastside development located to the south. The applicant proposes to construct two lanes of the future Observation Drive from Shawnee lane for a length of 1,700 feet along the property's eastern property line.

The proposed development will be constructed in three phases as indicated on the Development Plan. The Development Plan provides the following development data:

	<b>Permitted/Required</b>	<b>Proposed/Provided</b>
<b>Total Gross Area (ac.)</b>	Sufficient for 50 d.u.	37.18
<b>Zone</b>	R-200 (existing) PD 7-11 (recommended by master plan)	PD-11
<b>Density:</b> Residential (d.u. /ac.)	7-11 d.u/ac minimum 50 d.u.	11 d.u/ac 459 d.u. total.
<b>Unit Types (minimum %)</b> SF detached; SF Attached (2 over 2): Townhouse Multi-family	Permitted 20% 20% 35%	5% 22 d.u. 37% 172 d.u 17% 77 d.u 41% 188 d.u
<b>Green Area (%)</b>	50%	51% (18.8 Ac)
<b>Parking Spaces</b>	801	1,070

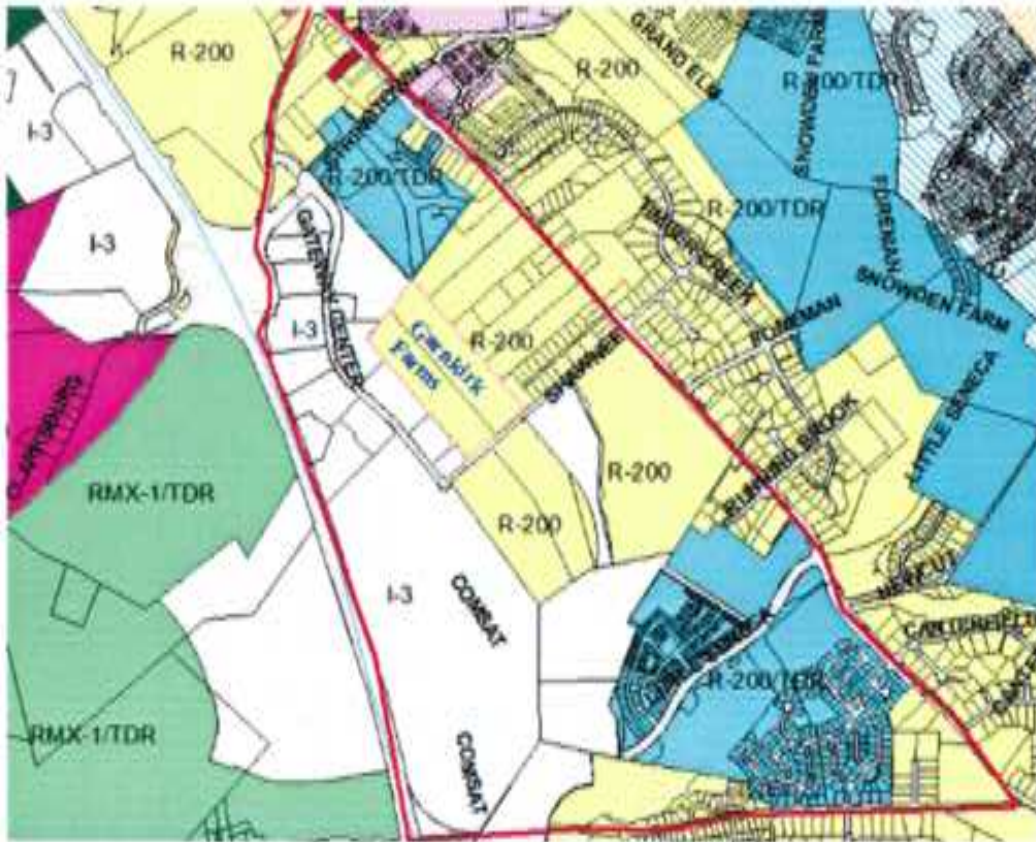
In addition to the local map amendment, this property is subject to other development approval procedures including approval of a Preliminary Water Quality Plan, a final water quality plan, a preliminary plan of subdivision and site plan review by the Montgomery County Planning Board.

#### **E. Zoning History**

The property was placed in the R-R Zone during the 1958 Countywide Comprehensive Zoning. In October of 1973, Text Amendment 73013 rezoned the property from the R-R to the R-200 Zone. The 1994 Clarksburg Master Plan and



Hyattstown Special Study Area (G-710) retained the property's R-200 Zoning. The land use element of the master plan also placed the subject property in the transit corridor district with recommended residential development density of between 7d.u./ac and 11 d.u./ac (PD 7-11 Zone).



#### F. Master Plan Recommendation

The 1994 Clarksburg Master Plan and Hyattstown Special Study Area recommends the site for a Planned Development land use with 9 to 11 dwelling units per acre. The Master Plan identifies the property as part of the Transit Corridor District. The Master Plan recommends the following land use objectives for the Transit Corridor District:

- 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 residential character along MD 355.
- Continue the present of employment uses along I-270.
- Provide housing at designated areas along the transit-way near significant employment uses.
- Allow small amounts of office and retail uses at transit stop areas as part of mixed-use development pattern.

- Establish strong pedestrian and bicycle linkages to the greenway.
- Improve east-west roadway connections.
- Provide an open space system that includes small civic spaces at the Transit stops.

**G. Public Facilities:**

**1. Water and Sewer Service**

- a. **Service Categories:** The subject property is Water Category W-1 and Sewer Category S-3.
- b. **Water and Sewer Service:** The Washington Suburban Sanitary Commission (WSSC) has indicated that a new pressure zone to be fed from the 836A zone. A 12-inch water line abuts the property and programmed sized water main extensions (16 inches in diameter or greater) are not required to serve the property. WSSC also found that local service is adequate and that the proposed rezoning of the subject property will have a negligible impact and estimated fire flow requirements would increase.

With respect to sewer, WSSC has indicated that non-CIP-sized sewer extensions are required to serve the property. Flow from the proposed development is estimated at 83,000 GPD. WSSC also indicated that program-sized sewer mains are not required to serve the property and that the transmission capacity is adequate. The proposed rezoning of the property would not significantly impact the sewerage system.

Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

**2. Roadways**

The following roadways are located within the Transit Corridor District:

**Shawnee Lane:** The subject property has a frontage on Shawnee Road from which it will be accessed directly via a driveway. The Master Plan recommends that Shawnee Lane be reconstructed as a four-lane divided roadway arterial between Gateway Center Drive and Frederick Road (MD 355). The proposed Development Plan includes dedication of land for the widening of Shawnee Lane.

**Gateway Center Drive (A-300):** This is currently a two-lane roadway extended between Clarksburg Road to the north and Shawnee Lane to the south. Gateway Center Drive is also the main street for the Gateway I-270 employment center. The Master Plan recommends that Gateway Center

Drive be upgraded to a four-lane arterial roadway within a variable 80 to 120-foot right-of-way.

**Clarksburg Road (A-260):** The Master Plan classifies the portion of Clarksburg Road (between I-270 and A-305) as an arterial highway with four lanes and a right-of-way width of 120 feet. Clarksburg Road (north) provides access from the I-270 interchange to the subject property through Gateway Center Drive (west) and Shawnee Lane.

**I-270:** The Master Plan classifies I-270, which is located west of the subject property, as a freeway with eight lanes and a master plan right-of-way of 350 feet.

**Newcut Road Extended (A-302):** An east –west Master Plan roadway extending between Clarksburg Road (west) and Ridge Road (east), south of the subject property. In the vicinity of the subject property, A-302 is recommended for a four-lane divided arterial highway with a right-of-way width of 120 feet.

**Frederick Road (MD 355):** A major highway parallel to I-270 which extends from Frederick County to the north through Montgomery County to Washington DC to the south. Frederick Road in the vicinity of the subject property is currently a two-lane road. The Master Plan recommends that this portion of MD 355 (A-251) be upgraded to a 4-lane divided arterial highway. The subject property is accessed from MD 355 through Shawnee Lane.

### 3. **Schools**

The Department of Planning and Capital Programming of the Montgomery County Public Schools (MCPS) indicated that the property is located within the Clarksburg Elementary School, Rocky Hill Middle School, and Damascus High School service areas. The proposed development of 489 (as initially proposed) dwelling units is estimated to generate 92 elementary, 37 middle and 57 high school students. The Department stated that the current Annual Growth Policy (AGP) schools test finds capacity adequate in the Damascus Cluster.

The Montgomery County Public Schools Department of Planning and Capital Programming of MCPS has also offered the following comments:

Currently, enrollment at Clarksburg Elementary School exceeds capacity and is projected to exceed capacity through 2010-11. In August 2006, a new elementary school is scheduled to open in the area—Clarksburg /Damascus Elementary School #7—and enrollment at Clarksburg Elementary School will be reduced as boundaries for the new school are implemented. In August 2009 another new elementary school is scheduled to open in the area—Clarksburg/Damascus Elementary School #8—and enrollment at Clarksburg Elementary

School will further be reduced when boundaries for this new school are adopted. Enrollment at Rocky Hill Middle School is projected to be within capacity through 2008-09, and then to exceed capacity in 2009-10 and 2010-11. As Clarksburg builds-out, an additional middle school will be needed to address enrollment growth. This additional middle school is not yet programmed. Enrollment at Damascus High School exceeds capacity currently and is projected to exceed capacity through 2010-11. However, in August 2006, a new high School—Clarksburg /Damascus Area High School—is scheduled to open, and from 2006-07 through 2010-11 enrollment will be reduced as boundaries for the new school are implemented.

## H. ANALYSIS

### I. Purpose of the Zone

**Section 59-C-7.11** of the Zoning Ordinance establishes the purpose of the Planned Development Zone as follows:

**It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.**

**It is further the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.**

**It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.**



**Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.**

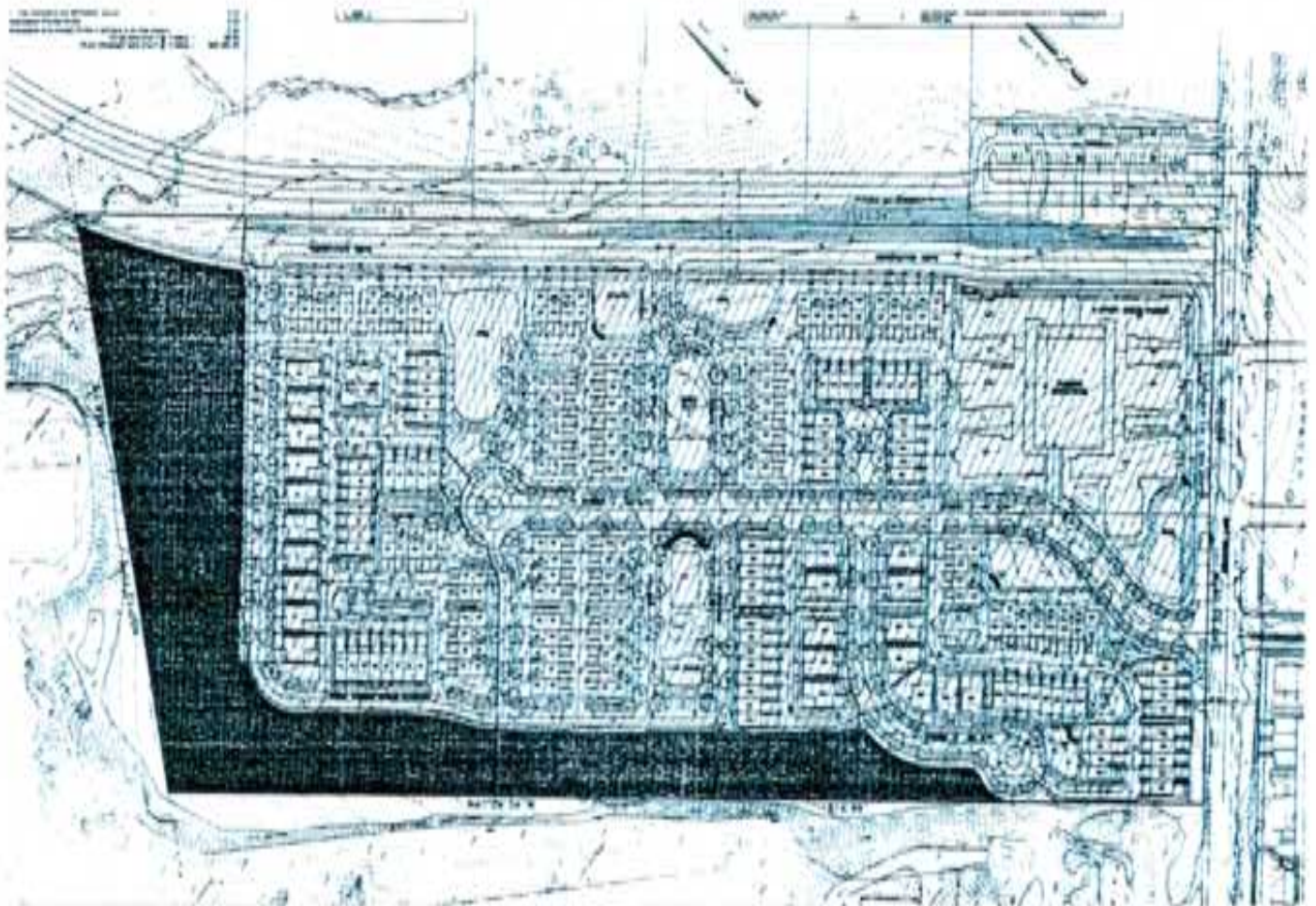
**It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.**

**It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.**

**Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.**

**It is further the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.**

**This zone is in the nature of a special exception, and shall be approved or disapproved upon findings that the application is or is not proper for the comprehensive and systematic development of the county, is or is not capable of accomplishing the purposes of this zone and is or is not in substantial compliance with the duly approved and adopted general plan and master plans. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each planned development, and the district council and the planning board are empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.**



The applicant has worked with staff to address concerns and issues associated with this application such as mix of unit types, location of buildings, retention of existing forest and transportation related issues. The development plan has been revised several times to accommodate these and other issues (including issues and concerns raised during the Preliminary Water Quality and stormwater management concept approval process at DPS). The last amended development plan was submitted on February 24, 2006. Staff finds the revised development plan to be consistent with the purposes of the zone as well as the General Plan and the Clarksburg Area Master Plan.

The proposed development plan depicts 459 single and multi-family units. In a pre hearing statement, the applicant has provided the following table to show consistency with the recommendations of the Clarksburg Master Plan for the transit area:

	Master Plan Recommendation	Revised Development Plan Proposal
Multi-Family	30% to 50% multi-family	41%
Single-family attached	40% to 60%	54.3%
Single-family-detached	5% to 10	4.8%

The proposed development plan provides a range of dwelling types to satisfy the intended purpose of the Zone within the immediate neighborhood (Transit Corridor District). However, concerns have been voiced both by planning staff (see attached Community Based Planning Comments) and the community regarding the design considerations to promote on site compatibility in terms of heights and density.

The concerns voiced are specifically focused on the nature of the proposed four-story, 2 over 2 units that are depicted on the development plan and counted in the computation for housing type as single-family attached units with maximum heights of 60 feet (the illustrative elevations submitted on January 11 show a height of 58 feet at ridge line of roof, measured from the lowest level slab). The applicant's original submission (November of 2004) of the development plan did not make references concerning heights of any of the buildings in the proposed development. The applicant first provided information on the proposed heights for the various types of units on the revised development plan and illustrative elevations submitted on January 11, 2006. The project data table of the last revised development plan (submitted February 24, 2006) also provides the proposed heights for the various types of residential units.

**Division 59-C-7: Planned Unit Development Zones** of the Zoning Ordinance does not specify height limits for the various housing types within the medium high density category (PD 9, 11 and 13). References such as "4-story or less" and "over 4-story" are found under the percentage requirements for multi-family units in a table for residential unit mixes under Section 59-C-131. However, these references are not framed as height requirements under which a finding of compliance is to be made. The only other reference to height in the proposed zone is contained in Section 59-C-7.15 (Compatibility) which specifies the following:

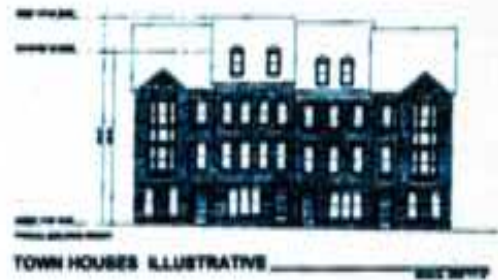
- (b) In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the



following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:

- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and
- (2) No building can be constructed to a height greater than its distance from such adjoining land.

The proposal meets these requirements.





The applicable zoning sections for the proposed application do not provide for specific design standards for 2 over 2s or one-family attached residential units such as the ones depicted in the proposed development plan. Section 59-A-2.1. of the Zoning Ordinance defines one-family attached dwelling unit as follows:

**Dwelling unit, one-family attached:** A dwelling unit that is in a structure consisting entirely of dwelling units, each of which (1) is attached to one or more other dwelling units, (2) has at least one direct entrance from the outside, and (3) has an abutting ground level outdoor area for the exclusive use of its occupants. This definition does not include a "dwelling unit, townhouse," as defined in this section.

The definition is general and it fails to clarify what constitutes an outdoor private area. For example, it is not clear whether or not the outdoor private area includes a grassed and/or landscaped area, driveway, patio, porch, deck, sunroom, rooftop deck, atrium and/or balcony. Nor there are design guidelines for the appearance, size and location of private outdoor areas for 2 over 2s or single-family attached units.



At this (zoning) stage of the review process, staff's analysis and review of the application is limited to the application's compliance with the requirements and standards of the applicable zoning sections as specified in the Zoning Ordinance. Most Plans submitted with the application are concepts and do not project the detailed development of many of the features in the development plan. In-depth analysis of design, heights, density and appearances of the various types of units would be made at post zoning review stages where the various plans are presented at a design development phase that is beyond concept and with a complete layout and specification of detail. It should be noted, however, in response to concerns voiced by the planning staff, the applicant has offered (e-mail 3/10/06) the following design specification regarding the outdoor private area for the two over two units.

*At site plan, the applicant will provide a ground level outdoor green area in the front or side yard of each two over two units for the exclusive use of the occupants of such unit.*

The revised Development Plan provides for a unified form of development at an overall density that is consistent with the recommendations of the master plan. The proposed development also promotes maximum social and community interaction through pedestrian and vehicular linkages, and recreational amenities including a central community facility and small-scale open spaces. Staff encourages the idea that area dedicated for the storm Water Management facility be developed as an additional amenity with recreation features such as, a pathway, seating areas and landscaping.

An approximate 100-foot-deep forested area along the property's western boundary (for approximately 75 percent of the length of the property) separates the proposed residential development from the adjoining industrial zoned properties and serves as a buffer between the two uses. The forested area will be left undisturbed and is counted as part of the forest conservation requirement. The Environmental Planning staff has recommended that a measure should be taken to improve the quality of the retained forest by enrichment planting with suitable hardwood species. Staff encourages the applicant to institute the measure since the retained forest with the recommended improvement would provide for a more desirable physical environment for the future residents of the proposed development.

The property is within the Clarksburg Special Protection Area (SPA) and therefore, is subject to Preliminary Water Quality review and approval by the Planning Board. The Environmental Planning staff has recommended approval of a Preliminary Water Quality Plan for the proposed development. The Department of Permitting Services has also conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview with the following conditions:

- Provide clear access to all stormwater management structures from a public right-of-way. Additionally, the structures that are between/near houses and buildings must provide sufficient clearance (in all directions) to provide maintenance. In that regard proposed structures 13, 19, 25, 27 and 28 appeared particularly difficult to access or were shown under the pool area. Rearrangement could affect lot yield.
- The storm drain systems in public rights-of-way must be approved by the appropriate agency.

The Development Plan shows coordination with the future Transit-way (Observation Drive) and associated transit stop that are located adjacent to the subject site. As noted, the subject property is located adjacent to Observation Drive and as indicated by the applicant, nearly all of the proposed residential units are located within one-quarter mile of the proposed future Transit Stop. The applicant has agreed to place the Cawood Property in reservation for future transit related parking. The Cawood property is located at the northeast corner of the intersection of Observation Drive and Shawnee Road, across the street (future Observation Drive) from the subject site.

The plan also provides for an internal vehicular circulation pattern with a vista of the 6.69-acre retained forested area (western and northern portion of the property) and a sidewalk system to promote an effective pedestrian circulation network through out the development. With a total of 1,070 parking spaces (an average of 2.33 spaces per dwelling unit), adequate parking accommodation is provided for residents and visitors.

Staff is of the opinion that the proposed development generally complies with the purpose of the Planned Development Zone. The proposed development will be a logical extension of the planned communities proposed for the adjacent properties to the northeast, south and southwest.

#### **59-C-7.12. Where Applicable.**

**59-C-7.121. Master plan:** 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.

**59-C-7.122. Minimum area:** No land can be classified in the planned development zone unless the district council finds that the proposed development meets at least one of the following criteria:

- (a) That it contains sufficient gross area to construct 50 or more dwelling units under the density category to be granted;
- (b) That it would be a logical extension of an existing planned development;

- (c) That it would result in the preservation of an historic structure or site (as indicated on the current historic sites identification map or as recommended by the planning board as being of historic value and worthy of preservation);
- (d) That the accompanying development plan would result in the development of a community redevelopment area;
- (e) That the site is recommended for the PD zone in an approved and adopted master or sector plan and so uniquely situated that assembly of a minimum gross area to accommodate at least 50 dwelling units is unlikely or undesirable and the development of less than 50 dwelling units is in the public interest.

The proposed development is consistent with the 1994 Clarksburg Master Plan and Hyattstown Special Study Area Master Plan, which recommends the subject property for PD 7-11. The proposed development substantially exceeds the minimum gross area required by the PD Zone to construct 50 or more dwelling units.

**59-C-7.13: Uses permitted**

Pursuant **Section 59-C-7.131**, all types of residential uses, including accessory uses, are permitted in the PD Zones. The proposed PD-11 is classified as a medium density development with the following required minimum percentage for each dwelling unit type.

		Minimum (Maximum) Percentage			
		One-Family		Multiple-Family	
Medium: PD-9, PD-11 & PD-13	Less than 20	P	25	25	NP
	200-800	P	20	35	NP
	More than 800	P	20	35(60)	P(30)

As proposed and depicted on the development plan, the proposed development is consistent with this requirement.

**59-C-7.14. Density of Residential Development.**

**An application for the planned development zone must specify one of the density categories specified under this sub-section.**

As noted, the Master plan recommends a PD 7-11 Zone for the subject property. The applicant is requesting the PD-11 Zone which is at the higher

end of the recommended Zone. The Zoning Ordinance places the PD-11 Zone in the Medium Density Development category with a maximum of 11 dwelling units per acre. Given the size of the property, a total of 408 units (not including bonus density for MPDU's) are allowed and full development (including MPDUs) in the PD-11 Zone would permit 489 units. The applicant proposes a total of 459 (including MPDU's).

**59-C-7.15: Compatibility**

- (a) **All uses must achieve the purposes set forth in section 59-C-7.11 and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.**
  
- (b) **In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone:**
  - (1) **No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and**
  - (2) **No building can be constructed to a height greater than its distance from such adjoining land.**

The proposed development is generally compatible with the existing and future land uses in the area in terms of land use, density and bulk.

**59-C-7.16. Green area.**

**Green area must be provided in amounts not less than indicated by the following schedule:**

The Medium Density PD-11 Zone requires a minimum green area of 50 percent. The applicant's development plan proposes 51 percent green area.

**59-C-7.17. Dedication of land for public use**

**Such land as may be required for public streets, parks, schools and other public uses must be dedicated in accordance with the requirements of the county subdivision regulations, being chapter 50 of this Code, as amended, and the adopted general plan and such adopted master plans and other plans as may be applicable. The lands to be dedicated must be so identified upon development plans and site plans required under the provisions of article 59-D.**

The Transportation Planning Section review of the proposal indicates that the applicant will be constructing Observation Drive (A-19) from Shawnee Lane to the northern-most point of access as a two-lane arterial roadway including a five-foot sidewalk within the frontage of the Property. The applicant statements indicate that the developers of the proposed planned Community will dedicate the land necessary for the widening of Shawnee Lane and construct that portion of Observation Drive that is within the boundaries of the subject property. The Transportation Planning staff has put forward a number of conditions that would be addressed during post-zoning stages (see Section J of this report).

**59-C-7.18. Parking facilities.**

**Off-street parking must be provided in accordance with the requirements of article 59-E.**

A total of 801 parking spaces are required. According to the parking schedule, a total of 1,069 parking spaces (the proposed site plan shows 1,070 parking spaces) are provided. The proposed off-street parking is consistent with the Zoning Ordinance. The following table shows the break down of the parking spaces:

Unit Type	Number of units	Required spaces per DU	Required No of spaces	Proposed No. of Spaces
Townhomes	77	2 sp/du	154	308 Garage/Driveway
2 over 2s	172	2 sp/du	344	344 Garage/Driveway
Single-family Detached	22	2 sp/du	44	44 Garage
Multi-family				
One Bedroom	92	1.25 sp/du	115	115 Parking garage
Two Bedroom	96	1.50 sp/du	144	144 parking garage
				115 (surface)
<b>Total</b>	<b>459</b>		<b>801</b>	<b>1,070</b>

**II. Specific Findings**

**59-D-1.61. Findings.**

**Before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements in Article 59-C for the zone. In so doing, the District Council must make the following specific findings, in addition to any other findings, which may be necessary and appropriate to evaluate the proposed reclassification:**



- (a) **The zone applied for substantially complies with the use and density indicated by the master plan or sector plan, and does not conflict with the general plan, the county capital improvements program, or other applicable county plans and policies.**

The requested reclassification of the PD-11 Zone substantially complies with the recommendations contained in the Clarksburg Master Plan. As noted, the master plan recommends a PD 7-11 Zone for the subject property. As such, the applicant is requesting the higher end of the recommended density. The proposed 459 units (including MPDUs) shown on the development plan are within the maximum density allowed in the PD-11 Zone. The proposed development will not conflict with the county's capital improvements program (CIP) or other applicable county plans and policies.

- (b) **That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.**

The proposed development would comply with the purposes, standards, and regulations of the PD-11 Zone. The development plan shows coordination with the future transit-way and associated transit stops that are located at very close proximity to the subject property. The property is separated from the sparsely developed, low-density residential properties located along the proposed 150-foot right-of-way for the future Observation Drive and the Transit-way facility. Maximum safety will be provided through vehicular accesses and sidewalk systems. The development plan also provides coordinated vehicular connections to future developments on adjacent properties (Eastside). The site is located across the street from Eastside, a recently approved (PD-11 Zone) residential development, and it would be compatible with that development. The proposed development will be adequately buffered from the adjoining employment facilities to the north and west by retention of existing forested area. Amenities include recreational facilities located at a central location as well as open play and seating areas.

- (c) **That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.**

The review and analysis of the subject proposal by the Transportation Planning Section finds the proposed access to the site, as shown on the development plan, to be safe and adequate. Furthermore, the

internal pedestrian circulation and walkways, as shown on the development plan, provide for a safe and adequate movement of pedestrian traffic.

However, there is concern regarding the combination of public and private streets serving the development as shown on the development plan. Staff believes that the issue of public and private streets needs to be addressed in depth at preliminary plan stage. In particular, the depiction of the single-family detached houses on the northern most portion of the property fronting a private street does not appear to be consistent with the subdivision requirement, which specifies that single-family dwellings must have frontage on a public road.

- (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.**

The Environmental Planning Section analysis of the proposed development identifies the following concern raised by Department of Permitting Services as one of the number of issues to be addressed in subsequent reviews:

“...The Department of Permitting Services (DPS) has expressed concern about the location of some stormwater quality structures that are between/near houses and road access. DPS listed structures 13, 19, 25, 27 and 28 as being particularly hard to access or are shown under a pool area. DPS has also urged that the appropriate authority must approve the storm drain systems in public rights-of-way. If at later stages of stormwater management review and design DPS determines that a stormwater management facility, or sediment control facility is not properly located or sized and it must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside of the forest conservation area. This may mean the reconfiguration of site layout, and loss of developable area.”

- (e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas.**

The applicant in this case is the current owner of the property and has indicated that a site plan review agreement and/or Home Owners Association documents and agreements showing methods of assuring maintenance will be entered into during site plan review.

## I. Master Plan

Upon reviewing the proposal for Master Plan consistency, the Community Based Planning Division has offered the following comments:

### **RELATIONSHIP TO CLARKSBURG MASTER PLAN**

#### Land Use Plan

The subject property is located within the Transit Corridor District of the 1994 Clarksburg Master Plan Area. The Transit Corridor District includes properties fronting MD 355 which have developed over many decades in accord with traditional patterns found elsewhere in the "Up-County": single-family detached lots fronting the road. The most significant planning challenge in this District is to maintain and continue this residential character while addressing the need for increased traffic capacity along MD 355.

The Transit Corridor District also includes properties traversed by the proposed transit-way. The planning challenge here is to introduce housing into a predominantly employment area. The scale and intensity of residential uses must be compatible with neighboring subdivisions along MD 355, yet densities must be high enough to be supportive of transit.

The Master Plan recommends a mixed-use neighborhood at the north most transit stop. It states that Gateway 270, an office park approved for one million square feet, will be the major employment center. A mix of residential and local retail uses is proposed at the transit stop itself.

The southern transit stop will be employment-oriented and serve the LCOR property, a major office park only partially developed. A mix of residential uses at this stop will occur if vacant land on the LCOR (COMSAT) property is developed for residential uses other than office or research. The Land Use Plan for the Transit Corridor is shown in Figure 3.

The Master Plan objectives listed on pages 54 to 58 of the Plan 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 transit-way 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 connections.
- Provide an open space system, which includes small civic spaces at the transit stops.

The Master Plan recommended housing mix for the Transit-way Area of the Transit Corridor District be as follows:

Multi-Family	Attached	Detached
30-50 percent	40-60 percent	5-10 percent

### **MASTER PLAN LAND USE OBJECTIVES**

The proposed project is consistent with the Clarksburg Master Plan as follows:

Provide housing at designated areas along the transit-way near significant employment uses.

The proposed development provides a significant amount of housing into this employment area as recommended in the Master Plan with the PD-11 zoning recommendation. This level of residential density is appropriate given that it is within walking distance to a future transit station and to existing employment uses. Residential uses are the most appropriate uses for this site because of the location of the transit station.

The Master Plan designates land adjoining the transit stops as residential and will result in approximately 1,000 units in close proximity to employment. There are a number of different residential parcels that comprise the Transit District and will give the opportunity to achieve a wide range of unit types.

Balance the need for increased carrying capacity along portions of MD 355 with the desire to retain a residential character along MD 355.

The Master Plan recognizes that MD 355 through this part of Clarksburg cannot remain a two-lane roadway in the long term given its regional significance in the northern part of the County. At the same time, widening of MD 355 to six lanes would be in direct conflict with the Master Plan objective to retain the road's present residential character.

The Master Plan makes the following recommendations to achieve a balance between the need for increased carrying capacity and the desire to retain a pleasant residential character:

- MD 355 should be reclassified from a major thoroughfare to an arterial street.
- An alternative north-south thoroughfare (Observation Drive) is recommended to help accommodate anticipated traffic.

The Master Plan recommends the construction of Observation Drive Extended (A-19) as a four-lane divided arterial with a 150-foot right-of-way. As stated on page 122 of the Master Plan, "this roadway is an extremely important element of the Master Plan for several reasons:

- It will one day connect with Observation Drive in Germantown, thereby offering an alternative route to MD 355.
- It is proposed to be wide enough to accommodate a separate bus lane or light rail.
- It will help provide additional access to the Study Area's major employment areas.

The Master Plan indicates that the alignment of Observation Drive in the vicinity of Shawnee Lane is along the eastern edge of the Duffie/Garnkirk Farms property as shown in Figure 1. This portion of Observation Drive also incorporates the Corridor Cities Transit-way within a shared 150-foot wide right-of-way and a transit station at the Duffie property.

The Master Plan states that if the Maryland Department of Transportation or Montgomery County Department of Public Works and Transportation develops a revised alignment for the transit-way or Observation Drive through Clarksburg, it recommends that the Planning Board and County Council consider such an alignment. It further states that any such revision which is approved by a vote of the County Council may proceed without the need for another Master Plan amendment, but only after the County Council and the Planning Board provide an opportunity for comprehensive public input including, but not limited to, a public hearing by the County Council.

Encourage an interconnected street system as typically found in older towns.

An interconnected street system is essential in achieving a walkable and transit serviceable community. The Development Plan achieves this by proposing street connections to adjacent Eastside development along Shawnee Road. In addition to the vehicular connections, a pedestrian sidewalk network also provides connectivity and encourages transit ridership.

Diversity of Housing Types

The Master Plan endorses a mix of unit types at the neighborhood level. Throughout the Transit Corridor District a range of unit types must be achieved



with 30-50 percent multi-family, 40-60 percent attached, and 5-10 percent single-family detached units. The proposed Development Plan achieves a wide range of unit types within this property. The proposed range of units is single-family detached, townhouses, multi-family, and 2 over 2 townhouses. It provides a range of units within the single-family attached category and multi-family units.

The Planning Board recommended during the review of the Eastside rezoning application that it would be important to ensure that adjacent properties within the Transit Corridor District achieve a more extensive range of unit types. For this reason, the proposed Development Plan includes at least five (5) percent or 22 single-family detached units as recommended in the Master Plan.

Neighborhood Recreation Areas and Civic Open Space

The Master Plan calls for recreation opportunities for residents within individual neighborhoods, in addition to County operated parks (see page 162 of the Master Plan). These areas are to accommodate private recreation needs for tot lots and picnic areas, and provide usable open areas for gathering and social interaction.

**CONCERNS TO BE ADDRESSED AT THE TIME OF SITE PLAN**

**1. Unit Mix**

The proposed unit mix compares to the Master Plan as follows:

Unit Type	Master Plan	Proposed
Single-Family Detached	5- 10 percent	4.8 percent
Single-Family Attached	40-60 percent	16.8 percent Townhouses 37.4 percent (2 over 2 units)
Multi-family	30-50 percent	41 percent

The Clarksburg Master Plan calls for a mix of unit types to ensure diversity of units within the community. The 2 over 2 unit types need to provide adjacent outdoor space for each unit. The 2 over 2 units are stacked vertically achieving 4 stories with 60 feet in feet height. The front of the units are shown to have landscaped foundation plantings and are setback from sidewalks a minimum of 6 feet. Front entrances are indicated with a sidewalk and separate entrances should be provided. An outdoor area for the exclusive use of the occupants should be shown on the plans. Parking garages and driveway spaces are proposed in the rear adjacent to a residential alley.

The 2 over 2 units as contained in the site plan should meet the Zoning Ordinance definition of single-family attached.

The Master Plan mix of units can be achieved if the 2 over 2 units are developed as single-family attached units, to allow the development to achieve the maximum allowable 30 to 50 percent multi-family range. This can be achieved by providing front yard garden terraces in front of the units. The site plan must indicate that usable front yard garden terraces will be provided to ensure that the definition requirement of single-family units can be met.

Layout of units and transit serviceability - Front facing units need to line Street A and be shown at the time of site plan.

In addition, the multi-family units adjacent to the corner of Observation Drive and Shawnee Lane need to be developed with front entrances fronting the adjacent streets, especially given the proximity to the future transit station.

### **3. Circulation, Public Street Access and Parking**

The required parking should be provided in the rear of units and within designated parking areas such as the garages internal to the multi-family units. Required parking should not be allowed along the streets due to the need to accommodate guest parking.

### **4. Open Space and Recreation**

The plan needs to provide more open space developed with recreation near the multi-family units to achieve adequate recreation for the most intensely developed unit type.

### **5. Compatibility-Buildings exceeding 50 feet in height should be set back additional feet from the public right-of-way to ensure adequate landscaping and transition.**

Internal compatibility of rear alleys and garages needs to be improved by the use of walls screening the alleys and planted with landscaping. This is especially important at the entrance streets to the community where rear garages and alleys are in view.

### **6. Stormwater Management Areas - Stormwater management areas are proposed as underground structures.**

Given the intensity of the development, these areas must be usable for passive recreation and developed with amenities such as landscaping, walkways and seating. The stormwater management areas are highly visible and directly adjacent to units and major entrances to the community.

### **7. Landscape and Lighting - The site plan must include a landscape and lighting plan that achieves a high level of amenity because of**

**given the close proximity of units and the need to soften the view of so many units.**

Front garden terraces of the single-family attached units should be landscaped and defined. Open spaces and stormwater management areas should be landscaped with shade trees defining areas and creating attractive seating areas for enjoyment. Units should be landscaped with foundation plantings, including sidewalls of end units, so that building walls are softened by landscaping. Residential alleys with parking areas should provide adequate space for shade trees to improve the visual character of these alleys.

Streetscape along all perimeter roadways will be required. Furnishing of the public rights-of-way will include seating, trash receptacles and street lighting. Internal streets should also receive street trees and pedestrian scaled lighting along both sides of the streets including private streets.

The proposed Development Plan achieves this type of open space by providing a significant, centrally located commons, which is sufficiently wide enough to accommodate recreation facilities, such as tot lots and picnic areas.

## **CONCLUSION**

The proposed Development Plan conforms to the Master Plan recommendations by providing sufficient residential density adjacent to transit and employment areas. The 2 over 2 units need to provide an adjacent outdoor space for each unit to be defined as single-family attached units to meet the required mix of units recommended in the Master Plan. The arrangement of units, street system, and open spaces achieves the vision of the Master Plan in creating a transit-serviceable, traditional community.

In a supplemental submission dated March 6, 2006 14, 2004 the applicant has responded to the Community Based Planning Comments (See attached letter from the applicant).

## **J. Transportation Issues**

Upon reviewing the subject proposal the Transportation Planning staff offered the following comments:

### Site Access and Vehicular/Pedestrian Circulation

The proposed Garnkirk Farms development will have two access points from Observation Drive and one access point from Shawnee Lane that will be aligned with the access point to the Eastside development. Staff finds the proposed access to the site, as shown on the development plan, to be safe and adequate. Staff also finds that the internal pedestrian circulation and

walkways as shown on the Development Plan provide for a safe and adequate movement of pedestrian traffic.

Local Area Transportation Review

A traffic study was submitted to determine the impact of the proposed development on the area transportation system. Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development's 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 determine the total future CLVs. The result of CLV calculation is shown in the following table.

**Table I**

<b>Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour</b>								
	<b>Existing</b>		<b>Background</b>		<b>Total*</b>		<b>Total**</b>	
	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>	<b>AM</b>	<b>PM</b>
MD 121/Gateway Center Drive	840	848	1,270	1,549	1,406	1,610	1,227	1,296
MD 355/Stringtown Road	1,438	1,309	1,350	1,317	1,350	1,317	1,350	1,317
MD 355/Shawnee Lane	1,401	1,223	1,616	1,396	1,689	1,482	1,442	1,232
Gateway Center Drive/Shawnee Lane	117	228	240	389	365	510	365	510

\* Total development conditions without proposed roadway improvements

\*\* Total development conditions with proposed roadway improvements

As shown in the above table, all existing intersections analyzed are currently operating at acceptable 1,450 CLVs. Under the background development condition, two intersections, Clarksburg Road (MD 121) and Gateway Center Drive (becomes Gateway Center Drive/Stringtown Road Extended under the background and total development conditions) and MD 355 and Shawnee

Lane, exceed the acceptable congestion standard of 1,450 CLV during the PM and AM peak hours, respectively. Under the total development condition, the congestion at these intersections further deteriorated and must be improved. The applicant proposed to participate in cost sharing for the intersection improvements at those two intersections to mitigate the site-generated trips and reduce the CLV to within the congestion standard of 1,450. Upon implementation of the roadway improvements conditioned in this memorandum, the Gateway Center Drive/Stringtown Road Extended (MD 121) and MD 355/Shawnee Lane intersections will operate within an acceptable level of congestion that is 1,450 CLV.

### Master Plan Transit Requirements Review

The 1994 Clarksburg Master Plan recommends a complete transit system as a part of Transportation and Mobility Plan to support future development with emphasis on transit in accordance with Plan objectives for a transit-oriented community in Clarksburg. The Master Plan recommends the location of the transit-way 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 Stop. The Development Plan shows the right-of-way of Observation Drive (A-19) to include transit-way. 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 ten years. Staff supports the applicant's proposal to place the Cawood Property in reservation for future acquisition by the governmental authority should it be required for transit related parking.

### **CONCLUSION**

Staff concludes that the 459-dwelling unit residential development of the Garnkirk Farms proposed under PD-11 with roadway improvements that are conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

The Transportation staff has recommended the following conditions as part of the APF test for transportation requirements related to approval of the subject application:

1. Total development under the proposed zoning application is limited to 459 dwelling units.
2. The applicant shall construct Observation Drive (A-19) from Shawnee Lane to the northern-most point of access as a two-lane arterial roadway including a five-foot sidewalk within the frontage of the Property. The phasing plan for Observation Drive construction



pertaining to the number of building permits shall be determined as a part of preliminary plan review.

3. The applicant shall participate in constructing two exclusive left-turn lanes from northbound Gateway Center Drive to Westbound Stringtown Road Extended at the intersection of Gateway Center Drive and Stringtown Road Extended. The applicant shall coordinate with the Montgomery County Department of Public Works & Transportation to incorporate these improvements with the Capital Improvements Program (CIP) project for Stringtown Road.
4. The applicant shall participate in constructing exclusive right-turn lanes from southbound MD 355 to westbound Shawnee Lane and from eastbound Shawnee Lane to southbound MD 355 at the intersection of MD 355 and Shawnee Lane. The applicant shall coordinate with the Eastside developer in providing these intersection improvements. Applicant shall be required to participate in implementation of a different intersection improvement if a new traffic count at the time of preliminary plan determines the need for a change in improvements, provided that the staff approves the method of traffic counts at this location.
5. The applicant shall place the Cawood Property in reservation for ten years for future acquisition by the governmental authority should it be required for transit related parking. The Cawood Property is located in the northeast quadrant of the Observation Drive/Shawnee Lane intersection. The applicant acquired this property and showed conceptually in the Development Plan how that parcel can accommodate the parking that may be in the future required for the transit station.
6. The applicant shall dedicate the master planned right-of-way for Observation Drive (A-19) and Shawnee Lane (A-301) inside the property.

**K. Environment Issues**

Upon reviewing the subject proposal the Environmental Planning staff has offered the following comments:

Discussion

Environmental Planning Staff has reviewed the rezoning request and believes that the plan generally meets the environmental requirements of the PD zone. However, Staff believes that the following issues stemming from our review of the Development Plan should be addressed in subsequent reviews:

1. The forest being retained is L-shaped and varies in width from approximately 275 feet at its widest point (along the northwestern boundary), to 100 feet at the narrowest point (along the southwestern boundary). While these dimensions fully meet the legal definition of 'forest' the configuration potentially limits the long-term survival of the forest to be retained, and its ability to fully provide some of the functions of a forest. The applicant should take steps to reconfigure the proposed forest conservation easement into a more compact block of contiguous forest, during subsequent stages of the review process.
2. The applicant should be encouraged to improve the quality of the retained forest by enrichment planting with suitable hardwood species, absent the change recommended above.
3. The applicant must submit a Final Forest Conservation Plan (FCP) by time of site plan submission. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. Additionally, forest conservation and common area access easements will also be required, and should be provided during the course of site plan review and recordation of property.
4. The Department of Permitting Services (DPS) has expressed concern about the location of some stormwater quality structures that are between/near houses and road access. DPS listed structures 13, 19, 25, 27 and 28 as being particularly hard to access or are shown under a pool area. DPS has also urged that the appropriate authority must approve the storm drain systems in public rights-of-way. If at later stages of stormwater management review and design DPS determines that a stormwater management facility, or sediment control facility is not properly located or sized and it must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside of the forest conservation area. This may mean the reconfiguration of site layout, and loss of developable area.

### **Forest Conservation**

This site has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) (#4-03176 issued September 10, 2003 and recertified in November 2005). The applicant has submitted a concept forest conservation plan for review with this rezoning request. Environmental Planning staff has reviewed the plan and finds that it meets the basic parameters of forest conservation law. The site contains 33.43 acres of forest. The conservation threshold is 6.69 acres and the afforestation threshold is 5.01 acres. The plan shows that 6.69 acres of forest will be retained onsite and a further 5.34 acres planted offsite. This indicates that the conservation threshold (i.e. the minimum retention threshold) will be met onsite as required,

and the project will technically meet the requirements of Forest Conservation Law. Staff has conceptually approved the plan. The Planning Board is not required to take action on the forest conservation plan at this (rezoning) stage of the review process. The Planning Board will take action on the forest conservation plan with the preliminary plan of subdivision. A Category I Forest Conservation Easement will be required for any forest that is credited for forest save. All areas proposed for afforestation must meet the requirements of Section 108.E. of the Forest Conservation Regulation.

### **Environmental Guidelines**

This development complies with the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County, January 2000*). There is no encroachment into wetlands or stream buffers.

### **Compliance with SPA Regulations**

The site is entirely within the Clarksburg Special Protection Area (SPA). Under the SPA law (Section 8 of the Water Quality Inventory of Montgomery County Executive Regulation 29-95 – *Water Quality Review for Development in Designated Special Protection Areas*), development projects within an SPA are subject to approval of a water quality plan. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS reviews and conditionally approves the elements of the final water quality plan under its purview (e.g. stormwater management, sediment and erosion control, etc.), while the Planning Board determines whether the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements, have been satisfied.

DPS conceptually approved the portion of the applicant's Preliminary Water Quality Plan under its purview on February 2, 2006. The DPS conceptual approval included steps for monitoring in accordance with BMP monitoring protocols, and conditions that the applicant needed to address in the submission of the Final Water Quality Plan. In particular the applicant was to:

- Provide clear access to all stormwater management structures from a public right-of-way. Additionally, the structures that are between/near houses and buildings must provide sufficient clearance (in all directions) to provide maintenance. In that regard proposed structures 13, 19, 25, 27 and 28 appeared particularly hard to access or were shown under the pool area. Rearrangement could affect lot yield.
- The storm drain systems in public rights-of-way must be approved by the appropriate agency.

Although there are no imperviousness limitations within the Clarksburg SPA east of Interstate 270, the SPA law requires that all opportunities to reduce impervious surfaces be evaluated. In that regard staff has advised the applicant to consider every opportunity, including stacking housing units, to increase green space and reduce impervious surfaces. Staff recommends that the Planning Board approve the Preliminary Water Quality Plan. The Final Water Quality Plan must be submitted for review prior to submission of the Site Plan.

### **Watershed Protection/Water Quality**

The property is located in the Upper Little Seneca South subwatershed of the Little Seneca Creek watershed. That section of Little Seneca Creek is designated as a Use IV-P waterway indicating its suitability for an adult trout "put-and-take" population. The *Countywide Stream Protection Strategy* (CSPS, 1998) rates subwatershed stream and habitat conditions, as ranging from 'good' to 'excellent'.

### **Water and Sewer**

The property is located in Water Service Category W-1 and Sewer Service Category S-3. Public water and sewer must be extended to serve the property. The Clarksburg Master Plan recommends that both public water and sewer should be extended to serve the property.

## **L. Community Concerns**

The applicant discussed the proposed development with the community in February of 2006 at a meeting called by the Clarksburg Civic Association. In separate e-mail messages, the President of the Clarksburg Civic Association and the Vice president of the Clarksburg Town Center Advisory Committee (CTCAC) have voiced concerns regarding the following issues:

- Build out timetable in relation to transit-way and roadways availability
- Terminus transit location consideration
- Supporting roads
- The street layout & relationship of buildings to streets
- School capacities
- Storm water management and monitoring
- Sediment control
- Reforestation
- Vehicular circulation
- Heights of buildings and how they will be measured
- Building to the maximum of zoning permitted
- Location of multi-family units

### Buildout timetable with relation to transit-way and roadways availability

Clearly Observation Rd to Stringtown will have to be built before residents can move in. Should there be a condition that Observation Drive through to Germantown be built? Without it, can I-270 and MD-355 and other roads be able to handle the extra traffic from these residents? When are road closures scheduled? From experience, now is the time to plan for roads that must be closed in the future for their scheduled improvements. Are unscheduled repairs taken into account? That is, are alternate pathways always available?

### Terminus transit location considerations

The Clarksburg Master Plan expects the transit-way to continue through Clarksburg, not have an interim terminus there. Any terminus at any phase of transit-way construction will have much more traffic driving to it and parking attempted near it, than would a transit-stop that is not a terminus. Will this plan need to handle an interim terminus? That is will the Shawnee / Observation intersection ever be the final stop? If so can this plan handle that? Will the feeding roads be sufficient?

### Stormwater management and sediment control

For G-832 (and all plans being approved), rules regarding stormwater management and sediment control should be even more stringent than they are - the aquatic life that is dying off doesn't care that the developers have "followed the rules". The rules simply aren't good enough, if stream water and groundwater quality is in jeopardy. Many of us depend on good water quality for our drinking water. The report also mentions that they are overusing curb and gutters, which cause a rush of higher temperature water into the streams after a rain (bad). We second the report's recommendation that DEP, DPS, and Park and Planning work more closely together to minimize environmental damage in the Clarksburg SPA. We ask that the Planning Board build extra stringent rules into the plan, knowing that the current regulations as being implemented are not going far enough.

The Clarksburg Town Center Advisory Committee has also expressed concerns with the above listed issues and following additional issues:

- The classification of "2 over 2" condominium units as single family attached is unacceptable. These structures are multifamily units.
- The recommended housing mix per the Master Plan, Page 39, reads that no more than 30-50% of dwelling units in the Transit-way Area will be Multi-Family. By masquerading the 2/2 as SFD, the Garnkirk property is attempting to fall under the radar of this Master Plan objective.

- Calculations of the already identified multi-family units (188) and the "2 over 2" condominiums (172) would net 360 multi-family dwelling units or a whopping 78% of the total 459 d/u. This exceeds the Master Plan recommendation and is, again, unacceptable.

## **Conclusion**

As noted, a number of master plan, transportation, environmental and other related issues were identified by the planning staff to be addressed at the later stages of the review process, i.e. Preliminary Plan Review and Site Plan Review. Therefore, the design, layout, and density currently shown on the proposed development plan are subject to changes based on the out-come of subsequent reviews. Relative to the requested reclassification to the PD-11 Zone, staff finds that the proposed Local Map Amendment with the associated Development Plan will be consistent with the purpose clause and all applicable standards for the PD-11 Zone, and will be in accord with the land use recommendations of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area. Therefore, staff recommends approval of the PD-11 Zone and the proposed Development Plan. Furthermore, staff recommends approval of the proposed Preliminary Water Quality Plan.