

PROJECT PLAN AMENDMENT 91994004E

Staff recommends approval of Project Plan Amendment No. 82007022I to amend the maximum residential density from 1,106 dwelling units to 1,295 dwelling units (including a minimum of 12.5 percent MPDUs), the maximum commercial density from 206,185 square feet to 106,920 square feet, changes to the mix of uses, minor revisions to the site layout, and to reconfigure eight (8) parcels into seven (7) parcels on 270.92 acres (Overall Property).

The following site development elements shown on the latest electronic version of Project Plan No. 91994004E, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below.

The following Conditions supersede and replace all previous conditions:

All other elements of the Project Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Overall Property Density. The Project Plan Amendment is limited to a maximum of 106,920 square feet of commercial development, 1,295 total dwelling units, consisting of 219 single-family detached, 686 single-family attached, and 390 multi-family units on 270.92 acres.^{1,2}
2. On the Subject Property, provide a plaza with a splash fountain, allowing public access, as shown on the approved site plan.
3. Applicant shall meet all requirements for water quality plan submission and approval, per Chapter 19, Article V - "Water Quality Review in Special Protection Areas" (proposed monitoring plan may be submitted as part of the review of the site plan). Location of units, roads, and other layout concerns will be subject to the final water quality regulations.
4. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
5. Maintenance and Management Organization. A retail maintenance organization shall be formed separate from the residential Homeowner's Association to provide for maintenance and operations of the retail core area, non-standard elements in the street right-of-way and on the private streets and amenities.

PRIOR CONDITIONS, SATISFIED OR REQUIRED BY PRIOR APPLICANTS

¹ If there is no adverse impact on the Project Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to any allowed commercial use, including office or medical office.

² 390 multi-family units include 189 new multi-family units proposed with this amendment.

Prior conditions are for Project Plan Nos. 91994040, 9199404A, 9199404B, 9199404C, 9199404D; and are provided here for reference and are not required of the current Applicant.

6. The following road improvements, at each stage of development, are needed to provide enough capacity to serve the proposed development:
 - a. Stage 1 - Reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
 - b. Stage 2 - Construct an eastbound left turn lane along MD 121 at MD 355. Construct a westbound left turn lane along MD 121 at MD 355.
 - c. Stage 4 - Construct a northbound right turn lane along MD 355 at Stringtown Road.
 - d. Stage 5 - Restripe eastbound Comus Road to provide exclusive left turn lane at MD 355.
 - e. A-260 (Stringtown Road) must be dedicated to a right-of-way of 120 feet. At the preliminary plan, if determined that the property is not part of a participation agreement with MCDOT and other property owners, the safety improvements described in paragraph 4., will be made to Stringtown Road.
7. A-305 (Mid-County Highway) pursuant to Preliminary Plan No. 119950420, as may be amended.
8. Dedication and Construction of A-260 (Stringtown Road) pursuant to Preliminary Plan No. 119950420, as may be amended.
9. Clarksburg Square Road/Route 355 Connection pursuant to Preliminary Plan No. 119950420, as may be amended.
10. Additional Access to A-260 (Stringtown Road) and A-27 (Clarksburg Road) pursuant to Preliminary Plan No. 119950420, as amended.

Provide for an additional connection from Redgrave Place (Main Street) to the boundary of the historic district to permit a future connection to A-260 (Stringtown Road). Connect the private street that leads to the Town Square to A-27 (Clarksburg Road) with approval from the Planning Board and MCDOT provided this private street remains private.
11. Revise the Layout of Streets. Incorporate the following items into the site plans for each stage of development:
 - a. Improvements to the Town Square - Increase the size of the Town Square by utilizing a loop concept as shown on the revised drawing to reduce conflicts with east/west traffic and to improve pedestrian access.
 - b. Relocate A-260 (Stringtown Road) in accordance with the revised alignment diagram to reduce the impact on adjacent residences. Reduce the number of access streets to A-260 from the area of the existing single family detached units (5) on the north side of Stringtown Road to meet the design standards for arterial roads.

- c. Eliminate the access to the proposed elementary school from MD 121 and provide access from the Greenway Road.
- d. Revise the access to A-305 (Mid-County- Highway) to allow a direct connection from Burnt Hill Road to the Greenway Road, and improve the access to the single family detached units by utilizing private drives adjacent to A-305.
- e. The present street system shown in the project plan requires waivers of existing standards. The Prior Applicant and staff have met with MCDOT to discuss the waivers. All waivers must receive final approval from MCDOT before approval of the site plan.

12. Environmental Improvements

- a. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
- b. As part of the preliminary plan, provide an area within the Prior Applicant's stormwater management facilities for stormwater management for the school site.

13. Park/School

The proposed layout of the park/school site is generally acceptable. At the preliminary plan, the final concept plan and related terms and conditions will be finalized in coordination with the Parks Department and Montgomery County Public Schools.

14. Historic Preservation

Incorporate the following items into the project plan before review of the site plan for this area:

- a. Minimize the width of both the right-of-way and paving (50 feet of ROW and 24 to 26 feet of paving, subject to approval by MCDOT) for Redgrave Place (Main Street) located within the Historic District.
- b. Provide access easements, if applicable, to future public sewer at the intersections of A-260 (Stringtown Road) and Redgrave Place (Main Street) with MD 355 (Old Frederick Road).
- c. Provide a small open space along the northern edge of the greenway next to Redgrave Place (Main Street) with an interpretive memorial element for the family of John Clark that incorporates the existing grave markers.
- d. If the ROW is available, construct Main Street to MD 355 within the Historic District prior to completion of Stage 3. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the Prior Applicant and property owner agree, make available the identified outlet to be merged with a portion of the adjacent parcel so as to create another lot.

15. Compatibility with Existing Church and Adjacent Residences Within the Historic District

Increase the setback of the proposed public street located next to the church within the Historic District to 30 feet and provide screening for the existing cemetery. Relocate the tot lot away from the existing church, and maintain the area as open space to provide a potential linkage to the church. The size of lots and setbacks of the proposed development must match, approximately, the development standards in the R-200 Zone for building setbacks and width of lots along the southeastern boundary of the site within the Historic District. Revise the landscape plan to increase visibility to the church. Provide an easement for a pedestrian connection to the church for the proposed, adjacent street.

16. Staging of Amenities

- a. All amenities shown within each stage of development must be completed within that stage of development. The concept design for the greenway, the school/park, and other large play fields, must be completed before approval of the first site plan.
- b. Construction of the amenities within the greenway must be finalized before the completion of Stage 3.
- c. The proposed project shall be developed in accordance with the phasing plan outlined in the Site Plan section under Development Program-Phasing.
- d. A detailed development program shall be developed with the Site Plan to include installation of landscaping, lighting, recreation facilities and amenities.

17. Landscaping

The following items must be incorporated into the site plans:

- a. Street trees, high quality streetlights, sidewalk paving types, and street furniture as part of the design for the streetscape of roads, town square, and the neighborhood squares.
- b. Increased landscaping in the commercial parking area.
- c. Landscaping for the buffer areas adjacent to all arterial roads.
- d. Screening for the existing homes within the Historic District.
- e. Landscaping for all stormwater management areas.

18. Maintenance

- a. Maintenance of the private recreation areas, stormwater management facilities, applicable open spaces, and other amenities on private land must be maintained by an appropriate homeowner's association. Before approval of the first building permit, submit a maintenance document that establishes an overall organization that establishes responsibility for maintenance of these facilities.

- b. Maintenance and Management Organization. A retail maintenance organization shall be formed separate from the residential Homeowner's Association to provide for maintenance and operations of the retail core area, non-standard elements in the street right-of-way and on the private streets and amenities.

19. Civic Parcel (Parcel K)

The Prior Applicant must dedicate the 1.1-acre Parcel K, Block BB, to Montgomery County for use as a Civic Building. In the event Montgomery County has either not entered into an agreement with the Prior Applicant or appropriated funds for the design and construction of the Civic Building by the time that dedication is required, the Prior Applicant may forego dedication and build the Civic Building and lease the building for uses that serve the community, such as a civic building, event center, recreation center, or other such use, as contemplated by Civic and Institutional Uses as defined in the Zoning Ordinance (excluding Ambulance, Rescue Squad, and Hospital), giving a right of first refusal to Montgomery County, followed by other organizations and institutions that can meet the civic purpose. If at the end of any County or civic lease, no civic purpose is found, Prior Applicant can lease the space to tenants that provide services to the Clarksburg community.

Public Amenities. The Prior Applicant must provide at a minimum the following public facilities and amenities. The final design and details of the public facilities and amenities will be determined during site plan approval. The Planning Board may approve other facilities that are equal to or better than these at the time of site plan approval.

Table 1 - Public Amenities of Project Plan No. 91994004D

Location	Public facilities and amenities
West Side	(1) Tot lot Town Green including: Amphitheater & stage, Open play area 1.1-acre civic parcel Picnic/sitting Bike system, Pedestrian system Splash fountain
East Side	(1) Open play area I (1) Open play area II Picnic/sitting (1) Indoor community room Bike system, Pedestrian system
Piedmont Woods Local Park	(1) multi-age playground (1) basketball

Location	Public facilities and amenities
	(2) tennis courts (1) dog park Picnic/sitting Bike system, Pedestrian system, Nature trails, Nature area
Greenway	Picnic/sitting, Bike system, Nature area
Kings Pond Local Park	(1) multi-age playground (1) Fishing Pier Picnic/sitting Bike system, Pedestrian system

PRELIMINARY PLAN AMENDMENT 11995042E

Staff recommends approval with conditions of Preliminary Plan Amendment No. 11995042E to amend the total maximum residential density from 1,106 dwelling units to 1,295 dwelling units (including a minimum of 12.5 percent MPDUs), the maximum commercial density from 206,185 square feet to 106,920 square feet, changes to the mix of uses, minor revisions to the site layout, and to reconfigure eight (8) parcels into seven (7) parcels on 270.92 acres (Overall Property).

The Subject Property consists of approximately 26.3 acres of undeveloped land in the commercial core of the Clarksburg Town Center ("Subject Property").

All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 11995042E as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

The following conditions supersede all previous conditions:

GENERAL APPROVAL

1. This Preliminary Plan Amendment is limited to lots and parcels for 219 detached houses, 686 townhouses, 390 multi-family dwelling units¹, a minimum of 12.5% Moderately Priced Dwelling Units (MPDU), 106,920 square feet of commercial uses², changes to the mix of uses, minor revisions to the site layout and stormwater management on the Overall Property. This Preliminary Plan Amendment also includes the reconfiguration of eight (8) parcels into seven (7) parcels on the Subject Property.

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan is extended and will remain valid for six (6) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period; a final record plat for all modified property lines delineated on the approved Preliminary Plan for proposed Parcel P, Parcel Q, Parcel R, Parcel S, and Parcel U of Block GG; and Parcel G

¹ 390 multi-family units includes 189 new multi-family units proposed on the Subject Property.

² If there is no adverse impact on the Site Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to other allowed commercial uses, including office or medical office.

and Parcel H of Block CC must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letters dated June 25, 2015 and December 23, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

Right-of-Way Permitting

- a. All existing brick sidewalks are subject to maintenance and liability covenants.
 - b. Private streets to be built to tertiary roadway structural standards.
 - c. All pavement/parking markings are subject to MCDOT review and approval at the time of permit.
5. Before recording a plat for Parcel P, Parcel Q, Parcel R, Parcel S, and Parcel U of Block GG; and Parcel G and Parcel H of Block CC; on the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
 6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated January 17, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
 7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 17, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
 8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its December 19, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

FUTURE SITE PLAN APPROVAL REQUIRED

9. On the Subject Property, provide a plaza with a splash fountain, allowing public access, as shown on the site plan.

10. Before clearing or grading or recording a plat, Staff certification of a Planning Board-approved site plan must be approved. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined through site plan review and approval.
11. If an approved site plan or site plan amendment substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, a Preliminary Plan amendment must be approved before certification of the site plan or site plan amendment.

TRANSPORTATION

Frontage Improvements

12. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage of Clarksburg Square Road, for a total right-of-way width of seventy (70) feet.
 - b. All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage of Saint Clair Road, for a total right-of-way width of sixty (60) feet.

Private Road

13. The Applicant must provide and maintain Private Road (Saint Clair Road) on the Subject Property), including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. The record plat must show the Private Road in a separate parcel.
 - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
 - i) The Applicant, at its expense, shall design, construct and maintain the Private Road.
 - ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private

Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.

- iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
- c. Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

SCHOOLS

- 14. Before issuance of each building permit for a residential dwelling unit on the Subject Property, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the 2020-2024 Growth and Infrastructure Policy, as follows:
 - a. No elementary school UPP required;
 - b. No middle school UPP required; and
 - c. A Tier 2 high school is required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

RECORD PLATS

- 15. The record plat must show necessary easements.
- 16. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

17. The record plat must reflect all areas under homeowners' association ownership and specifically identify stormwater management parcels.

Notes and Labels

18. The record plat must reflect all areas under common ownership.
19. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

DEVELOPMENTS WITH MPDUS

20. The final number of MPDUs, as required by Condition No. 1 above, will be determined at the time of site plan approval.

CERTIFIED PRELIMINARY PLAN

21. 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 issuance of building permit(s) or 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.

22. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes: Show resolutions and approval letters on the certified set.

PRIOR CONDITIONS: SATISFIED OR REQUIRED OF PRIOR APPLICANTS

Prior conditions are for Preliminary Plan Nos. 119950420, 11995042A, 11995042B, 11995042C, 11995042D, 1199504R; and are provided here for reference and are not required of the current Applicant.

23. Before any work, activity, encroachment, or entry on parkland or future parkland, the Prior Applicant must obtain a Park Construction Permit from MNCPPC Parks Department.
24. The Prior Applicant must dedicate to M-NCPPC the approximately 66-acre portion of the Overall Property identified as Parcel 200, Tax Map EW42 for use as a local park per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Prior Applicant is to complete improvements on the property to be dedicated, the Prior Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the

Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.

25. The Prior Applicant must dedicate to M-NCPPC the following properties shown on Preliminary Plan No. 11995042B:
- a. Parcel A, Block V at approximately 0.09 acres
 - b. Parcel C, Block V at approximately 0.30 acres
 - c. Parcel D, Block V at approximately 4.79 acres
 - d. Parcel Q, Block A at approximately 11.05 acres

The properties are for use as the Greenway and a shared use path connecting Clarksburg Road to Stringtown Road per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Prior Applicant is to complete improvements on the property to be dedicated, the Prior Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.

26. Parcel K, Block BB as shown on the Preliminary Plan Amendment No. 11995042B must be made available for dedication to Montgomery County in accordance with development program triggers in the certified site plan.
27. Dedication of the proposed park/school, as shown on the Prior Applicant's revised preliminary plan drawing approved with Preliminary Plan No. 119950420, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:
- a. M-NCPPC and the Prior Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing (Sheet 2 of 3 of Preliminary Plan No. 119950420) set out on Circle Page 49 of the staff report dated ___, will occur prior to the execution of the Site Plan Enforcement Agreement.
 - b. Dedication of the approximately eight (8) acre area, identified as area "A" (Sheet 2 of 3 of Preliminary Plan No. 119950420) on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
 - c. The Prior Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately eight (8) acres of dedicated land at a time which ensures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

- d. In the event that dedication occurs when funds for the proposed school are shown in the CIP, Prior Applicant will complete work on the replacement fields prior to the construction of the proposed school.
 - e. In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F," (Burdett Forest Road) as shown on the revised preliminary plan, Prior Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Prior Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" (Burdett Forest Road) begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.
28. In accordance with Condition #No. 28 above and Preliminary Plan No. 119950420, Prior Applicant must enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of the replacement athletic fields must occur as specified in Condition No. 28.
29. Construction Overlook Park Drive from St. Clair Road to Clarksburg Square Road must be complete and this road segments must be open to traffic prior to issuance of Use & Occupancy permit for any of Clarksburg Town Center retail development.
30. Dedication of the following roads as shown on plan must be provided as follows:
- a. Clarksburg Road (MD RT 121) for ultimate 80' right-of- way.
 - b. Piedmont Road (Master Plan A-305) for ultimate 80' right-of-way.
 - c. Stringtown Road (Master Plan A-260) for ultimate 120' right-of-way.
31. The Prior Applicant must dedicate and show on the record plat(s) the following dedications and rights-of-way:
- a. East Side
 - i. Clarksmeade Drive - 25 feet from centerline of pavement
 - ii. Clarks Crossing Drive - 25 feet from centerline of pavement
 - iii. Clarksburg Square Road - 30 feet from centerline of pavement
 - iv. Catawba Hill Drive - 25 feet from centerline of pavement
 - b. West Side (Public)
 - i. Clarksburg Square Road - 30 feet from centerline of pavement
 - ii. Ebenezer Chapel Road - 25 feet from centerline of pavement
 - iii. Public House Road - 30 feet from centerline of pavement
 - iv. Overlook Park Drive - 53 feet total width

- c. West Side (Private)
 - i. General Store Drive Road (St. Clair Road) - within a 60-foot-wide right-of-way/parcel
 - ii. Martz Street - within a 48-foot-wide right-of-way/parcel
- 32. The Prior Applicant must dedicate all road rights-of-way not referenced above to the full width mandated by the Clarksburg Master Plan or as shown on the preliminary plan as may be amended.
- 33. All road improvements must be constructed within the rights-of-way shown on the preliminary plan as may be amended to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 34. Prior to recordation of any plat containing property that is subject to the road abandonment petition, the Prior Applicant must submit a copy of the County Council Resolution confirming the necessary abandonment of portions of the previously dedicated rights-of-way for Overlook Park Drive, Clarksburg Square Road, and Clarksridge Road.
- 35. Prior to approval of the first record plat for private streets on the West Side, the Prior Applicant must provide for review and approval by Staff, a public use and access easement to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following for all private streets:
 - a. Each private street must be located within its own parcel, separate from the proposed development, and must be shown on the record plat.
 - b. Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area and must accommodate public utility easements.
 - c. Obligation for the Prior Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Prior Applicant's expense.
 - d. Obligation to install traffic control devices within the private street easement area, based on prevailing standards, at the County's request, and at the Prior Applicant's expense.
 - e. Obligation for the Prior Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense.
 - f. Obligation for the Prior Applicant to keep the streets free of snow, litter and other obstructions and hazards at all reasonable times, at the Prior Applicant's expense.
 - g. Entitlement for the Prior Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the

public. Closure for recreational purposes, i.e., Block Parties, Parades, Races, etc., must follow MCDOT protocol to include, but not be limited to:

- i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
- ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
- iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
- iv. Written notice in accordance with adopted MCDOT standards.
- v. Coordination with affected civic associations, homeowner's associations and businesses to be notified in writing two weeks prior to event.
- vi. Dimensions of signage in accordance with adopted MCDOT standards.

36. The following phasing requirements are conditioned upon issuance of building permits for Preliminary Plan No. 119950420.

- a. The first 44 dwelling units without any off-site road improvements.
- b. After the 44th building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
- c. After the 400th building permit, the developer has two options:
 - i. Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
 - ii. Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.
- d. After the 800th building permit, the developer must start construction of remaining section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.
- e. Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.

37. The following phasing requirements are conditioned upon issuance of building permits for Preliminary Plan No. 11995042A.

- a. Construction of (1) Public Road A from Stringtown Road to Overlook Park Drive, (2) Overlook Park Drive from Public Road A to Clarksburg Square Road, and (3) Clarksburg

Square Road connection from Overlook Park Drive to Burdette Forest Drive in the residential area to the north must be complete and these road segments must be open to traffic prior to release of 901st residential building permit and prior to issuance of Use & Occupancy permit for any of Clarksburg Town Center retail development.

- b. Construction of Stringtown Road from Public Road A to Snowden Farm Parkway must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
 - c. Reconstruction of Clarksburg Road from Overlook Park Drive to Snowden Farm Parkway must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
 - d. Construction of Snowden Farm Parkway for a length of approximately 400 feet east of Clarksburg Road to complete the gap that currently exists at this location must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
 - e. Reconstruction of Clarksburg Road from Overlook Park Drive to Spire Street must be complete and this road segment must be open to traffic prior to release of Use & Occupancy permit for any of the Clarksburg Town Center retail development.
 - f. Reconstruction of Clarksburg Road from MD 355 to Spire Street must be complete in participation with MCDOT.
 - g. Construction of eastbound and westbound left-turn lanes along Clarksburg Road at MD 355 must be complete and these road segments must be open to traffic prior to release of 1,101st building permit.
38. Certified Preliminary Plan No. 11995042B and record plats must note and delineate the limits of the following rights-of-way abandonments:
- a. Council Resolution No. 16-1487, "AB722, Portion of Clarksridge Road"
 - b. Council Resolution No. 16-1488, "AB720, Portions of Overlook Park Drive"
 - c. Council Resolution No. 16-1489, "AB721, Portion of Clarksburg Square Road"

SITE PLAN AMENDMENT 82007022I

Staff recommends approval of Site Plan Amendment No. 82007022I to amend the maximum residential density from 1,106 dwelling units to 1,295 dwelling units (including a minimum of 12.5 percent MPDUs), the maximum commercial density from 206,185 square feet to 106,920 square feet, changes to the mix of uses, minor revisions to the site layout, and to reconfigure eight (8) parcels into seven (7) parcels on 270.92 acres (Overall Property). All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹

The following Conditions supersede and replace all previous conditions:

DENSITY, HEIGHT & HOUSING

1. Density

Overall Property Density. The Site Plan Amendment is limited to a maximum of 106,920 square feet of commercial development, 1,295 total dwelling units, consisting of 219 single-family detached, 686 single-family attached, and 390 multi-family units on 270.92 acres.^{2,3}

Included in the Overall Project Density, the Subject Property is limited to 106,920 square feet of commercial development, including two drive-thru facilities, and 189 multi-family units on 26.3 acres.

2. Height

The development on the Subject Property is limited to a maximum height as measured from the building height measuring point, as illustrated on the Certified Site Plan, and as follows:

- a. Building 1: 65 feet
- b. Building 3: 35 feet
- c. Building 4: 70 feet
- d. Building 5: 35 feet
- e. Building 6: 35 feet
- f. Building 7: 35 feet
- g. Building 8: 35 feet
- h. Building 9: 65 feet

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

² If there is no adverse impact on the Site Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to other allowed commercial uses, including office or medical office.

³ 391 multi-family units include 190 new multi-family units proposed with this amendment.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated December 19, 2023. and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
- b) The development must provide 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be revised and executed.

ENVIRONMENT

4. Water Quality

The development must comply with the conditions of the Montgomery County Department of Permitting Services Preliminary (MCDPS)/Final Water Quality Plan approval letter dated January 17, 2024

TRANSPORTATION AND CIRCULATION

5. Pedestrian and Bicycle Circulation

- a) The Applicant must provide a minimum of 94 long-term and 12 short-term bicycle parking spaces.
- b) The Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space, as shown on the Certified Site Plan.
- c) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor of Building No. 1, and a bicycle room in the parking garage or in a bicycle room on the first floor of Building No. 9. Short-term spaces must be inverted-U racks (or approved equal) installed along Saint Clair Road or in a location convenient to the main entrance of buildings (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- d) The Applicant must provide a total of three (3) bicycle repair stations, one station for each of the following buildings: Building No. 1, Building No. 4, and Building No. 9.
- e) Provide amended soil treatment a minimum of 10 feet from the curb continuously along the public and private streets for the entire retail core. The depth of the soil treatment shall be a minimum of three (3) feet.
- f) Provide wheel stops in surface parking areas abutting sidewalks.
- g) All brick sidewalks in the public right-of-way are subject to maintenance and liability covenants.

6. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 17, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

7. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) Prior to the issuance of a residential Use and Occupancy certificate for Building No. 1, the Applicant must record a covenant allowing reasonable public access to the plaza and splash fountain.

8. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the Overall Property line for the Project, and, at the parcel lines for Buildings Nos. 1 and 9, excluding areas impacted by parking lots streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

9. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or Use and Occupancy Certificate, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Subject Property (not in the public right-of-way), including, but not limited to the splash fountain and plaza, parking lot landscaping and trees, other required landscaping, lighting, retaining walls, street furniture, and private storm drainage facilities. The surety must be posted before issuance of any building permit of development.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

10. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

11. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant and/or their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

- f) The Applicant must make final revisions to the architectural plans that are consistent with ePlans comments.

OTHER CONDITIONS

12. Maintenance Responsibility

The Applicant or future maintenance organization shall be responsible for the future maintenance associated with the improvements to the Subject Property, including, but not limited to non-standard elements within the right-of-way, benches, lighting, landscaping, retaining walls, brick sidewalks, and parking areas.

13. Architectural Design/Compatibility

- a) The Town Architect must administer the release of building permits in accordance with the approved architectural drawings and specifications included in the prior Certified Site Plan. The Town Architect must certify that any proposed construction complies with the Certified Site Plan, and the certification must accompany each building permit application. The MCDPS must not issue a building permit unless accompanied by the Town Architect's certification.

14. HOA Governing Documents.

- a) The governing documents of any merchant's association established to govern the retail core and/or any documents establishing responsibility for common area maintenance within the retail core must be submitted to M-NCPPC's Office of the General Counsel for approval prior to issuance of the first Use and Occupancy Permit for the retail core. The Office of the General Counsel's review of the documents will be limited to assuring that responsibility for maintenance, capital improvements, or other operating expenses of the retail core are not the responsibility of the residential unit owners.

PRIOR CONDITIONS: SATISFIED OR REQUIRED OF PRIOR APPLICANTS

Prior conditions are for Site Plan Nos. 820070220, 82007022A, 82007022B, 82007022C, 82007022D, 82007022E, 82007022F, 82007022G, and 82007022H; and are provided here for reference and are not required of the current Applicant.

15. Recreation Facilities

- a) The Prior Applicant must meet the square footage requirements for all of the applicable proposed new recreational elements, exclusive of the Sports Court for the Resident's Club, and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Prior Applicant shall provide the recreation facilities shown on the Overall Recreational Facilities Plan Exhibit dated September 15, 2008, as finalized by the Planning Board at the December 11, 2008, hearing.

- c) The Prior Applicant must provide the smaller sport court, referenced as "Plan B" in the November 20, 2008, exhibit provided by the Prior Applicant.
- d) The Prior Applicant must provide at a minimum the following recreational facilities onsite as shown on the prior Certified Site Plan:

Table 1 - Prior Recreation Facilities

Location	Public facilities and amenities
West Side	(1) tot lot Town Green including: - Amphitheater & stage - Open play area 1.1-acre civic parcel - Picnic/sitting Bike system/Pedestrian system
East Side	(1) Open play area I (1) Open play area II Picnic/sitting (1) Indoor community room Bike system Pedestrian system
Piedmont Woods Local Park	(1) multi-age playground (1) basketball (2) tennis courts (1) dog park Picnic/sitting
	Bike system Pedestrian system Nature trails Nature area
Greenway	Picnic/sitting Bike system Nature area
Kings Local Park	(1) multi-age playground (1) Fishing Pier Picnic/sitting Bike system Pedestrian system

16. Right-of-Way Permitting

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Right-of-Way Section in its letter dated June 19, 2015, and hereby incorporates them as conditions of approval. The Prior Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

- a) All existing brick sidewalks are subject to maintenance and liability covenants.
- b) Private streets to be built to tertiary roadway structural standards.

- c) All pavement/parking markings are subject to MCDOT review and approval at the time of permit.

17. Transportation

- d) Private Street #4 shall be revised to become Public Street 'A' with a 60-foot right-way, as approved by the Department of Transportation.
- e) Provide amended soil treatment a minimum of 10 feet back from the curb continuously along the public and private streets for the entire retail core, civic building and town green. The depth of the soil treatment shall be a minimum of three (3) feet.
- f) The Prior Applicant must show on the Certified Site Plan a 40-foot-wide cross section, as measured from face-of-curb to face-of-curb, for General Store Drive (St. Clare Road) that consists of two eight-foot wide on-street parking lanes and two 12-foot-wide travel lanes. The private street must be built to the structural and design standards of MC-2005.02, which may be modified to permit decorative paving material, except as provided above.
- g) Provide wheel stops in surface parking areas abutting sidewalks.
- h) The Applicant must show on the Certified Site Plan a 40-foot-wide cross section, as measured from face-of-curb to face-of-curb, for St. Clair Drive that consists of two eight-foot wide on-street parking lanes and two 12-foot-wide travel lanes. The private street must be built to the structural and design standards of MC-2005.02, which may be modified to permit decorative paving material.

18. Pedestrian & Bicycle Circulation

- a) The Prior Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space, as shown on the Certified Site Plan.
- b) Show 8-foot shared use path along Stringtown Road consistent with approved Stringtown Road engineering drawings approved in February 2013 (SC/SWM permit no. 242670).
- c) Provide an ADA-accessible path connection from Snowden Farm Parkway to the internal sidewalk system on Murphy's Grove Terrace.
- d) The Prior Applicant must provide a brick paving sidewalk on Clarks Crossing Drive from its intersection with Clarksburg Square Road until the end of the existing brick paving along the side of the proposed Community Building and Sinequa Square.
- e) The Prior Applicant must construct a 4-foot-wide natural surface trail within the Greenway. The general alignment of the trail will be coordinated with M-NCPPC Parks Staff subject to field adjustments.

19. Public Use Space, Facilities, and Amenities

- a) Prior Applicant must convey the Clark Family Memorial to the Clarksburg Town Center HOA.

- b) Prior Applicant must adjust the fence location within the Clark Family Memorial per correspondence from the Clarksburg Historical Society dated June 23, 2015.

20. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578.

21. Landscape and Lighting

The Prior Applicant must provide the following:

- a) Prior Applicant shall provide additional landscaping within planting islands in the following alleys in the common areas:
 - i. East Side-Snow Hill, Block F;
 - ii. West Side-Dowden Mews, Block EE; Clarksridge Hideaway, Block FF at a minimum, the landscaping shall include ornamental/flowering trees, evergreen shrubs and grasses or groundcover in the islands to be installed by the Prior Applicant. Existing green areas or panels shall be planted with shade or ornamental/flowering trees, where space permits. The Prior Applicant shall provide, in writing, a letter to the affected homeowners of the additional landscaping to be installed no later than 15 days prior to installation of the landscaping. A copy of the letter shall be provided to the M-NCPPC.
- b) Prior Applicant shall eliminate the shrubs on the edge of the porous pavement in Basil Park Square Circle and group similar shrubs around the proposed ornamental/flowering trees on the east side of the park. Remove the elliptical area on the east side of the park.
- c) Revise the concrete wall in Sinequa Square with a stone wall similar in material to the material used on the Resident's Club/Community Center. The wall should be extended along with the grading to frame the view from Clarksburg Square Road. The proposed street trees shall be aligned to promote this visual viewshed.
- d) Provide additional flowering/ornamental and shade trees to serve as the focal feature to enhance the view from Clarksburg Square Road.
- e) Expand the base of the Grand Staircase to include a seating area with additional planting.

22. Enhancement Planting/Streetscaping and Amenities

Consistent with the provisions of the approved Compliance Program, the community has identified additional landscape enhancements to be provided by the Prior Applicant, and at the Prior Applicant's expense. The costs of the enhancements shall be applied against the \$1 million landscape enhancement fund established by the Plan of Compliance. The Prior Applicant and CTCAC must agree upon a list of enhancements and provide it to Site Plan review staff no later than December 31, 2008. The list of enhancements shall not include any items that were required as a result of prior site plan approvals. In the event a list is not timely submitted, or if the list is incomplete, meaning either that there is not complete agreement as to all of the enhancements or the total cost of the enhancements is less than \$1 million, Site Plan staff shall

decide the list of enhancements to be required. The list of enhancements approved by Site Plan staff must be reflected on the certified site plan, and shall not include any improvements required by a prior site plan approval. In the event the cost of providing the enhancements approved by the Site Plan staff is less than \$1 million, the balance shall be placed in escrow with an independent escrow agent approved by the M-NCPPC's Office of the General Counsel and transferred to the homeowners association ("HOA") when CTC residents take control of the HOA. The balance, or any portion thereof, must be used solely for landscape and streetscape enhancements maintenance, except that all reasonable fees charged by the escrow agent will be paid from the Balance. The HOA's expenditure of this balance is subject to audit by M-NCPPC.

23. Retaining Walls

- a) The Prior Applicant shall provide for an independent inspector to monitor the review, installation and maintenance needs of any retaining walls over five (5) feet.
- b) The retaining walls facing Stringtown Road shall be decorative to include a stone or brick veneer with a suitable continuous decorative cap.

24. Park Development

The Prior Applicant shall comply with the memorandum dated October 13, 2008, from Park Planning and Stewardship as outlined in the following conditions:

- a) Piedmont Woods Recreational Park:
 - i. Prior Applicant to dedicate and convey to M-NCPPC in fee simple the approximately 65-acre parcel of land located on the northeast side of Snowden Farm Parkway to be used as a recreational park facility. Land to be conveyed at time of record plat.
 - ii. Prior Applicant to construct at its expense within the park area the following recreational amenities:
 - 1. Multi-age Playground - A multi-age playground within an approximately 10,000 square foot area. Playground equipment to include enough equipment, including challenging equipment, so that the play equipment use zones fill the entire playground boundary. Overlap the play equipment use zones as much as is allowable by ASTM guidelines to maximize the amount of equipment and provide varied play activities for all ages. Play equipment shall be acceptable to Department of Parks staff and certified by the International Play Equipment Manufacturers Association (IPEMA), meet all ASTM requirements for public playgrounds and shall meet M- NCPPC park standards.
 - 2. Dog Exercise Area - A fenced dog exercise area of approximately the size and configuration shown on the proposed site plan. Fencing around the dog exercise area to include park standard concrete mow strip and to be located entirely outside the utility right of way. No stormwater management facilities to be located within the fenced areas. Include a

- maintenance vehicle access gate and a drinking water source for dogs within each section of the dog exercise area.
3. Hard Surface Courts - Two full sized tennis courts and a full-sized basketball court approximately as shown on the site plan. Provide fencing at tennis courts and on the backside of the basketball courts (at least 4' high) with park standard concrete mow strips.
 4. Picnic Shelters - Three picnic shelters sufficiently sized to contain at least 3 picnic tables in each shelter. Each shelter to include a grill and at least 3 picnic tables.
 5. Restroom and Water Fountain - Centrally located restroom facility and frost-free water fountain.
 6. Parking Lot - Parking for a minimum of 55 cars approximately as shown on the site plan.
 7. Trails - Hard surface and natural surface trails to connect facilities and provide recreational benefits approximately as set forth on the site plan, to be located and sized as acceptable to M-NCPPC Department of Parks staff.
 8. Landscaping, Benches and Signage Landscaping and signage acceptable to M-NCPPC Department of Parks staff, and adequate benches for needed seating.
- iii. A park permit is required before construction of all park amenities. All facilities to be constructed by Prior Applicant must be acceptable to M-NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.
 - iv. Prior Applicant to execute a Public Use Easement and Public Improvements Easement for the purpose of access to and maintenance of the Greenway trail. Easements to allow the full right of public trail use and allow M- NCPPC Department of Parks the full right to maintain and make any improvements to the trail. Said easements to be acceptable to M-NCPPC legal staff as well as the Department of Parks staff.
 - v. Prior Applicant to address in its initial design the following comments to the satisfaction of M-NCPPC Department of Parks staff prior to the approval of the prior Certified Site Plan with the final design occurring prior to issuance of park construction permit:
 1. The style of the picnic shelters and proposed restroom building should fit with the character of the Clarksburg Town Center. Per previous comments, provide shelters and restroom building equal to Classic Recreation Systems, Inc. "Campion" style steel frame shelter with custom ornamentation, cupola, 10:12 pitch metal roof with 2"x6" tongue and groove sub-roof, stone veneer piers and base.

2. The landscape plan must include more trees in clustered, informal groupings, particularly along the main path on Snowden Farm Parkway, along all other walkways, near the picnic shelters, at the edges of the parking lot, within parking lot planting islands, near the basketball court, around the playground, near all seating areas, and on open slopes within the park. Trees should be set back a minimum of 10 feet from paths and 15 feet from structures and fencing. The general quantities and locations of plants shall be determined prior to approval of the certified site plan. The exact types, sizes, spacing, locations and quantities of plants shall be reviewed and may be adjusted during the park permit approval process.
3. Provide additional paths or relocate paths at the tennis courts to meet ADA guidelines for accessible sports facilities. The guidelines require an accessible route to lead to each court. The paving around the restrooms and tennis courts should be simplified.
4. The minimum paved path width shall be five feet to meet ADA requirements. The minimum paved path width for multi-use trails and paths that require maintenance vehicle access is eight feet wide. The path from the parking lot to the dog park shall be ten feet wide and fully paved with ample vehicle turn-around room, as the dog park requires frequent maintenance access. The path around the playground area with its connections to the parking lot shall be widened to 8 feet to allow replenishment of playground surfacing. The paths around the edges of the parking lot may be narrowed in width if necessary to balance the amount of impervious surface in the park. The approximate alignments of trails and paths in the park shall be shown on the certified site plan, however they may be adjusted during the park permit review process.
5. Provide additional elements from the park program of requirements, including the following: a kiosk near the park entrance or restroom building (equal to Classic Recreation Systems, Inc. "Campion" style), a shade structure with seating in the dog park that could be shared by both areas, four nature interpretation signs with durable colored graphics along the natural surface trails, wild bird boxes in natural areas, and three seating areas with benches along the natural surface trail including a story-telling circle.
6. Remove the bio-retention area from the interior of the dog park so that plantings are not trampled. Relocate the area outside of the fence.
7. If possible, reduce the number of bio-retention areas in the park, as these beds have high maintenance requirements and herbicides are not allowed to be used in these areas.
8. Provide a safe pedestrian crossing of Snowden Farm Parkway, in order

- to provide pedestrian access to the park from the surrounding neighborhood.
9. The park entrance pier and sign are too small to be effective. Provide a larger entrance sign for the park constructed of masonry and wood, designed to fit with the character of the Clarksburg Town Center as well as provide identity for the park.
 10. Provide additional seating in the park, including at least one additional bench on each side of the dog park, at least 3 additional benches or a seat wall in or near the playground area, at least 3 additional benches along the trail on Snowden Farm Parkway, and benches along the natural surface trail system as described previously. The two benches in the lawn area adjacent to the playground should be moved onto the playground. Provide occasional groupings of two benches, rather than just single benches near the playground. The exact locations and selection of bench type shall be reviewed and approved prior to park permit, however there will likely be two types: a decorative type within the park, and a simpler version in the playground mulch areas and along natural surface trails.
 11. Provide a hose bib on the exterior of the restroom and quick coupler connections on each side of the dog park for watering and maintenance.
 12. The general quality of the park and all elements within the park (such as site furnishings, structures, pedestrian paving, fencing, walls and landscaping) shall be equal to or better than those provided at Arora Hills Local Park and Dowden's Ordinary Historic Park, which are other developer-built parks in Clarksburg.
 13. Department of Parks staff would prefer to have no lighting in the park, since the park is closed at dark. However, parking lot lighting was indicated as a requirement in the plan of compliance. If lighting is provided within the park, all park facilities should be lighted, including the courts, dog park and restroom so that the park may be used after dark. Lighting the parking lot on its own could encourage illicit use of the park at night. Any decision regarding lighting should be reviewed and confirmed that it would be acceptable to the community.
 14. The lighting footcandle levels in the parking lot were reduced to 0.5 footcandles. If lighting is to be provided within the park, confirm that the lighting levels are appropriate, based on applicable standards (IESNA) and confirm that Park Police concurs with these recommendations. If Park Police recommends higher levels of lighting, additional fixtures may be required.
- vi. Prior Applicant to address the comments in the memorandum dated October 13, 2008, to the satisfaction of M-NCPPC Department of Park staff at the time of park permitting.

- vii. A Park Development Permit will be required for any improvements made to Park property or dedications for parkland. All facilities to be constructed by Prior Applicant must be acceptable to M-NCPPC Department of Parks staff and meet or exceed Parks design standards and specifications. Minor changes may be made to the location of facilities and to specific details during the Park Development Permit process, at the direction of the Park Development Division, without requiring an amendment to the site plan. Prior to approval, the Park Development Permit Set will also need to include sediment control/stormwater management drawings and calculations, utility drawings, tree protection measures, specification and all other information necessary to construct the Application.
 - viii. Plant species selections listed in the site plan set are considered preliminary, subject to the review and approval of the Park Development Division as part of the Park Development Permit process. Prior Applicant will review, and revise plant species based on direction from M-NCPPC Department of Parks staff.
 - ix. Prior to the issuance of the 1,051st building permit, the construction of Piedmont Woods Local Park must be installed per the approved Park Permit plans.
 - x. All plant material installed within the Piedmont Woods Local Park shall be warranted by the Prior Applicant for two years from the date of substantial completion.
 - xi. The heavily re-graded areas north of the proposed parking lot and northeast of the proposed dog park shall be stabilized, seeded and maintained per M- NCPPC Department of Parks approved specification for meadow establishment.
- b) Kings Local Park
- i. Prior to release of the 1001st Building Permit, all required improvements to Kings Local Park shall be installed per the approved Park Permit plans.
 - ii. A park permit is required before construction of all park amenities. All facilities to be constructed by Prior Applicant must be acceptable to M-NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.
 - iii. Prior Applicant to construct at its expense within the Local Park area the following recreational amenities:
 - iv. Playground/Seating Area-A playground and seating area comparable to similar facilities in Aurora Hills Local Park (as shown on construction documents dated May 2007). The required facilities in Kings Local Park shall be comparable in size and design quality, including, but not limited to the quantity and quality of play equipment, surfacing, colored concrete edging and site furnishings. The facilities shall be shown on the certified site plan.

Complete construction details and specifications shall be included and approved as part of the Park Permit for construction.

- v. Fishing Pier-A minimum eight (8) foot-wide, handicap accessible pier terminating in a 12' x 24' fishing pier platform shall be provided. The structure shall be constructed of recycled, engineered marine plastic such as Trelleborg or equal quality, and to include railings if determined by M-NCPPC Department of Park staff to be needed.
- vi. Handicap Accessible, Asphalt Trail - An eight (8) foot-wide, handicap accessible asphalt trail shall be provided from the corner of Overlook Park Drive and Clarksburg Road to the pond area and shall access the picnic shelters and playground area. The approximate alignment of the trail shall be shown on the certified site plan and may be adjusted during the park permit process.
- vii. Site Furnishings- Approximately 6 benches and a bike rack capable of holding 6 bikes shall be provided. Location and type shall be approved at the time of park permit.
- viii. Landscaping-A landscape plan shall be approved as part of the certified site plan. The exact species, size and number of plants may be adjusted during the park permit approval process.
- ix. Park entrance signage- Two (2) wood and stone park entrance signs shall be provided near (1) the parking area, and (2) at the corner of Clarksburg Road and Overlook Park Drive. Concept drawings shall be approved and included with the certified site plan. Construction details shall be approved as part of the park permit.
- x. Retaining Walls-Any needed retaining walls on park property shall be constructed of concrete block, similar to the existing walls at the corner of the school. Location, design, and height of the walls shall be shown on the certified site plan and may be modified at the time of park permit. Construction details and specifications shall be provided with the park permit.

c) Clarksburg Greenway and Greenway Trail

- i. Prior Applicant to dedicate and convey to M-NCPPC, in fee simple, the land east of Overlook Park Drive along the stream valley from Stringtown Road to Clarksburg Road, approximately as set forth in the site plan. Land to be conveyed shall not include any stormwater control facilities or stormwater access roads and shall be conveyed free of trash and unnatural debris. Final detailed park property boundaries to be finalized and clearly set forth on the certified site plan. Land to be conveyed at time of record plat.
- ii. Prior Applicant to construct, at its expense, an 8'-wide, hard surface trail along the southwest side of the Overlook Park Drive alignment, within publicly owned or controlled land. Trail to be constructed to park standards and specifications and construction to be coordinated with M-NCPPC Department

- of Parks and Montgomery County Department of Transportation staff.
- iii. Prior Applicant to provide a 4'-wide, natural surface trail system within the dedicated Clarksburg Greenway from Kings Local Park lake area to Stringtown Road. Trail to include a safe road crossing at Clarksburg Square Road, and a safe, adequate and well lighted alignment under Clarksburg Square Road. Alignment to be substantially as set forth on the site plan with final details of the alignment and construction details to be set forth on the certified site plan.
 - iv. All trails to include bridges and boardwalk, where determined by M-NCPPC Department of Parks staff to be needed. An adequate number of benches to be located along trails.
 - v. Provide a safe hard surface trail crossing of Stringtown Road and natural surface trail crossing of Clarksburg Square Road. Provide details of Greenway Trail connection to Clarksburg Village section of trail, including crossing of Stringtown Road and crossing of road bridge. Details to be provided by Prior Applicant on certified site plan.
 - vi. All plantings and landscaping in the Clarksburg Greenway, Kings Local Park, and Piedmont Woods Recreational Park to be approved by M-NCPPC Department of Parks staff. All plantings and landscaping to be consistent with the guidance set forth in the letters from Holly Thomas to Doug Powell dated June 20, 2008, and June 23, 2008, with the Standards and Specifications set forth in "Planting Requirements for Land-Disturbing Activities and Related Mitigation on M-NCPPC Montgomery County Parkland," Revised January 2008.
 - vii. All hard surface and natural surface trail alignments and construction details for trails, bridges, boardwalk, and other trail amenities to be specified on the certified site plan and be acceptable to M-NCPPC Department of Parks staff. Minor adjustments or modifications to the trail alignments and construction and amenities details may be made at time of park permitting without the need to amend the site plan.

25. Architectural Guidelines

- a) The Town Architect shall be required to administer the West Side Architectural Guidelines for the Town Center. The Town Architect must certify that any proposed construction complies with the West Side Architectural Guidelines, and the certification must accompany each building permit application. The Department of Permitting Services must not issue a building permit unless the Town Architect has certified that the construction will comply with the West Side Architectural Guidelines.
- b) Pursuant to the approved Architectural Guidelines, dated February 10, 2010, the Architectural Guidelines West Side Design Code must be submitted for staff review and approval prior to certified site plan. Any changes to the Staff approved Architectural

Guidelines must be approved by the Planning Director. If the proposed change is denied, the Prior Applicant may appeal the Planning Director's decision to the Planning Board.

- c) The retail maintenance organization and homeowners association Declaration of Covenants must require the Town Architect to be hired and to review each building permit application for compliance with the Architectural Guidelines.

26. Architectural Design/Compatibility

- a) The Prior Applicant must retain a third-party Registered Architect, as the Town Architect, to administer the release of building permits in accordance with the approved architectural drawings and specifications included in the prior Certified Site Plan. The Town Architect must certify that any proposed construction complies with the Certified Site Plan, and the certification must accompany each building permit application. The MCDPS must not issue a building permit unless accompanied by the Town Architect's certification.
- b) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet SD1 through SD5 of the submitted architectural drawings, as determined by Staff.
- c) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- d) Enhance high visibility side facades by providing at least two architectural treatments from the following list: box or bay window, minimum of two windows, shutters, fireplace, brick water table, trim and headers on exposed side consistent with front elevation. Locations for high visibility side facades include: Lots 1, 14, 35, 42, 57, 58, 72, 80, 81, 88 (Block BB); Lots 33, 38, 50 (Block GG), Lots 31, 32, 55 (Block H). The details of the architectural treatments must be shown on the Certified Site Plan.

27. HOA Governing Documents.

- a) The governing documents of the residential HOA must be submitted to the M-NCPPC's Office of the General Counsel for approval prior to issuance of the 901st residential building permit. The Office of the General Counsel's review of the documents will be limited to assuring that residential units within Clarksburg Town Center are included within the residential HOA, and that the residential unit owners are not responsible for any costs associated with maintenance, capital improvements, or other operating expenses of the retail core.
- b) The governing documents of any merchants association established to govern the retail core and/or any documents establishing responsibility for common area maintenance within the retail core must be submitted to M-NCPPC's Office of the General Counsel for approval prior to issuance of the first Use and Occupancy Permit for the retail core. The Office of the General Counsel's review of the documents will be limited to assuring that responsibility for

maintenance, capital improvements, or other operating expenses of the retail core are not the responsibility of the residential unit owners.

28. MPDU Unit Architecture

The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

29. Maintenance of Public Amenities

The Prior Applicant is responsible for maintaining all publicly accessible amenities within areas that they own including, but not limited to the Town Green. The residential HOA will be responsible for maintaining the new Community Building and Sinequa Square.

Pursuant to Site Plan No. 82007022B approval, accessory structure setbacks are shown below and either single-family detached houses with garages or the previously shown "Courtyard" houses with attached garages can be according to the following table:

Table 2 - Site Plan No. 82007022B

Zoning Ordinance Development Standard	Site Plan 820070220/A	Approved by Site Plan No. 82007022B
Residential Accessory Structure Setbacks/Standards		
Setback (Inside Lot)		
-From Front Street Line	Not provided for all lots	60 feet
-From Side/Rear Lot Line	Not provided for all lots	0 feet
-From Alley Line	Not provided for all lots	0 feet
Setback (Corner Lot)		
-From Side Street (where abutting lots front)	Not provided for all lots	10 feet
-From Side Street (where abutting lots do not front)	Not provided for all lots	10 feet
-From Rear Lot Line	Not provided for all lots	0 feet
Maximum Height of Accessory Structure	Not provided for all lots	27 feet

30. Prior to issuance of any building permit in Block GG, the Prior Applicant must re-record plat(s) for Lots 33-53 in Block GG.

31. Prior Development Program

The Prior Applicant must construct the development in accordance with a development program table below.

Table 3 - Prior Development Program Table

Deadline	Task
Before Certified Site Plan approval	Include the Amended Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution on the approval or cover sheet.
	Provide phasing or sequence for the various stages of construction of the approved development, which includes building of roads, townhouse units, the installation of on-site landscaping, lighting, and amenities and phasing of applicable stormwater management, sediment and erosion control, and afforestation.
	Provide architectural treatment for high visibility side facades
Before sediment control plan approval	Demolition of existing structures, and clearing and grading
Before sediment control permit issuance	Financial surety to M-NCPPC for the required 18.81 acres of forest planting.
	Five-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel
Before issuance of first residential building permit	Execute an MPDU Agreement-to-Build between the Prior Applicant and DHCA (Condition #18)
	Certification from a qualified professional that the lighting plans conform to the IESNA standards (Condition #20.a)
Before issuance of first [above grade] building permit	Site Plan Surety and Maintenance Agreement (Condition #21)
Prior to the issuance of 30 th residential building permit in Block GG	Harness Point tot lot including lighting and landscaping in Block GG to be completed (the 30 th building permit represents the 70 th percentile of all building permits assigned to Third Try LC in Block GG).
Prior to the issuance of 26 th residential building permit in Block H	Grading, seeding, seating areas, lighting and landscaping must be installed in Block H (the 26 th building permit represents the 75 th percentile of all remaining building permits to be issued in Block H).
Before issuance of the 88 th residential building permit in Block BB	Complete construction of all improvements in the Civic Parcel (Parcel K, Block BB) (Condition #12)
	Complete construction of Town Green (Parcel L, Block BB) (Condition #12)
Prior to the issuance of 901 st residential building permit	Clarksburg Square Road land bridge improvements must be bonded.
Prior to the issuance of 951 st residential building permit	Resident's Club/Sinequa Square: <ul style="list-style-type: none"> ■ The Residents Club building addition must be completed, and U&O obtained.

Deadline	Task
	<ul style="list-style-type: none"> ■ Raised pool deck that connects the new Residents Club building to the shade structure on the pool deck must be completed. ■ Residents Club/pool parking, trees and lighting must be installed. ■ Fine grading, sodding, benches, paths and landscaping for Sinequa Square must be installed. ■ Private area lighting - Sinequa Square and parking area on Sugarloaf Chapel must be installed. <p>Clark Family Memorial:</p> <ul style="list-style-type: none"> ■ Clearing, grading, sod, fence, benches, plaque, and, if appropriate, treated headstones must be installed. <p>Roads:</p> <ul style="list-style-type: none"> ■ Clarksburg Square Road land bridge improvements, including the brick piers and fencing, must be installed and the road open to traffic. ■ Stringtown Road must be bonded or included in CIP.
Prior to the issuance of 975th residential building permit	Clarksburg Square Road from Overlook Park Drive to Public House Road must be installed and the road open to traffic.
Prior to the issuance of the 1,001 st residential building permit	<p>Construction of Kings Local Park substantially complete; all amenities to be installed, including the multi-age play area, trails, picnic tables, grills, porta john enclosures, and fishing pier.</p> <p>Trail connection to Clarksburg United Methodist Church and associated landscaping must be installed per agreement with the Church.</p>
Prior to the issuance of the 1,051 st residential building permit	<p>Construction of Piedmont Woods Local Park substantially complete; all amenities to be installed, including the trails, picnic shelters, basketball court, tennis courts, multi-age play areas, water fountain, porta john enclosure, dog park, landscaping and park signage.</p> <p>Dedicate the entire Civic Parcel (Parcel K, Block BB) to Montgomery County provided that Montgomery County has either entered into an agreement with the Prior Applicant or appropriated funds for the design and construction of the Civic Building. (Condition #12)</p>
Prior to: 1. The issuance of 1,051 st residential building permit, and 2. The issuance of first U&O for the Retail/commercial area	<p>Roads:</p> <ul style="list-style-type: none"> • General Store Drive (St. Clare Road) from Stringtown Road to Clarksburg Square Road must be constructed. • Stringtown Road must be open to traffic.
Within nine months after base and binder paving of Clarksburg Square Rd	The remaining streetscape and special sidewalk treatment for Clarksburg Square Rd not required of or installed by the previous developer must be completed.
Within nine months of completing General Store Drive from Stringtown Road to	The Greenway Trail adjacent to that section of General Store Drive must be installed.

Deadline	Task
Overlook Park Drive	
Within nine months of completing Overlook Park Drive from General Store Drive to Clarksburg Square Road	The Greenway Trail adjacent to that section of Overlook Park Drive must be installed.
Within nine months of completing Overlook Park Drive from Clarksburg Square Road to Clarksburg Road	The Greenway Trail adjacent to that section of Overlook Park Drive must be installed.
Prior to release of the Performance Bond or Surety for each Block or Phase	Certification from a licensed civil engineer that all private streets and sidewalks within the respective Phase or Block have been built to the specified standards.
Before issuance of the final use and occupancy certificate or prior to release of the Performance Bond or Surety for each Block or Phase	Streetlamps and sidewalks adjacent to each building must be installed. Street tree planting may wait until the next planting season.
	On-site amenities including, but not limited to, sidewalks, site furniture, benches, trash receptacles, bicycle facilities, lighting and landscaping associated with that building must be installed.
Before issuance of the final occupancy certificate for the final unit in each stick adjacent to the Mews in Block BB	Residential Mews in Block BB: Mews, pedestrian pathways, sidewalks, landscaping and lighting adjacent to each stick of townhomes or 2/2 unit will be installed excluding stormwater management facilities.