




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


September 22, 2010

Agenda Date: September 30, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Deputy Director of Parks 
Mitra Pedoeem, Chief, Park Development Division

FROM: William E. Gries, Land Acquisition Specialist 

SUBJECT: Kings Local Park - Authorization to convey 1.5017 acres, more or less, unimproved, to NNP II-Clarksburg, LLC (FKA Terrabrook Clarksburg, LLC) for construction of a stormwater management facility.

RECOMMENDATION

Staff recommends that the Montgomery County Planning Board approve the conveyance of 1.5017 acres, more or less, unimproved, at Kings Local Park to NNP II-Clarksburg, LLC, the developer of Clarksburg Town Center, subject to a reserved 15 foot wide trail easement for future public use along Clarksburg Road. This acreage is needed by the developer for the construction of a stormwater management facility. The conveyance would be for no consideration as the property in question was initially dedicated by the developer at "no cost" to M-NCPPC as a condition of approval for Clarksburg Town Center.

BACKGROUND

The Preliminary Plan and Site Plan for Clarksburg Town Center, as approved by the Montgomery County Planning Board, required the dedication of certain lands to M-NCPPC for public park use. By deed dated June 28, 2004, Terrabrook Clarksburg, LLC (now doing business as NNP II-Clarksburg, LLC) conveyed two of these parkland dedication areas to M-NCPPC, including a 6.60 acre parcel located at the corner of Clarksburg Square Road and Overlook Park Drive. This parcel is shown outlined in red on attached Map "A".

The West Side and Greenways Final Water Quality Plan for Clarksburg Town Center included in Site Plan #8-20070220, approved by Planning Board Resolution (MCPB 09-15) on July 9, 2009 requires the construction of an additional stormwater management facility within this 6.60 acre parcel. This stormwater management facility will be comprised of a box culvert that will temporarily store and filter stormwater before it releases it to a stone recharge facility which will ultimately replenish the groundwater supply. To facilitate this construction, NNP II - Clarksburg, LLC has requested that the Commission convey to it 1.5017 acres, more or less, out of the 6.60 acres previously conveyed as parkland. After the additional stormwater management facility is completed, NNP II-Clarksburg, LLC will

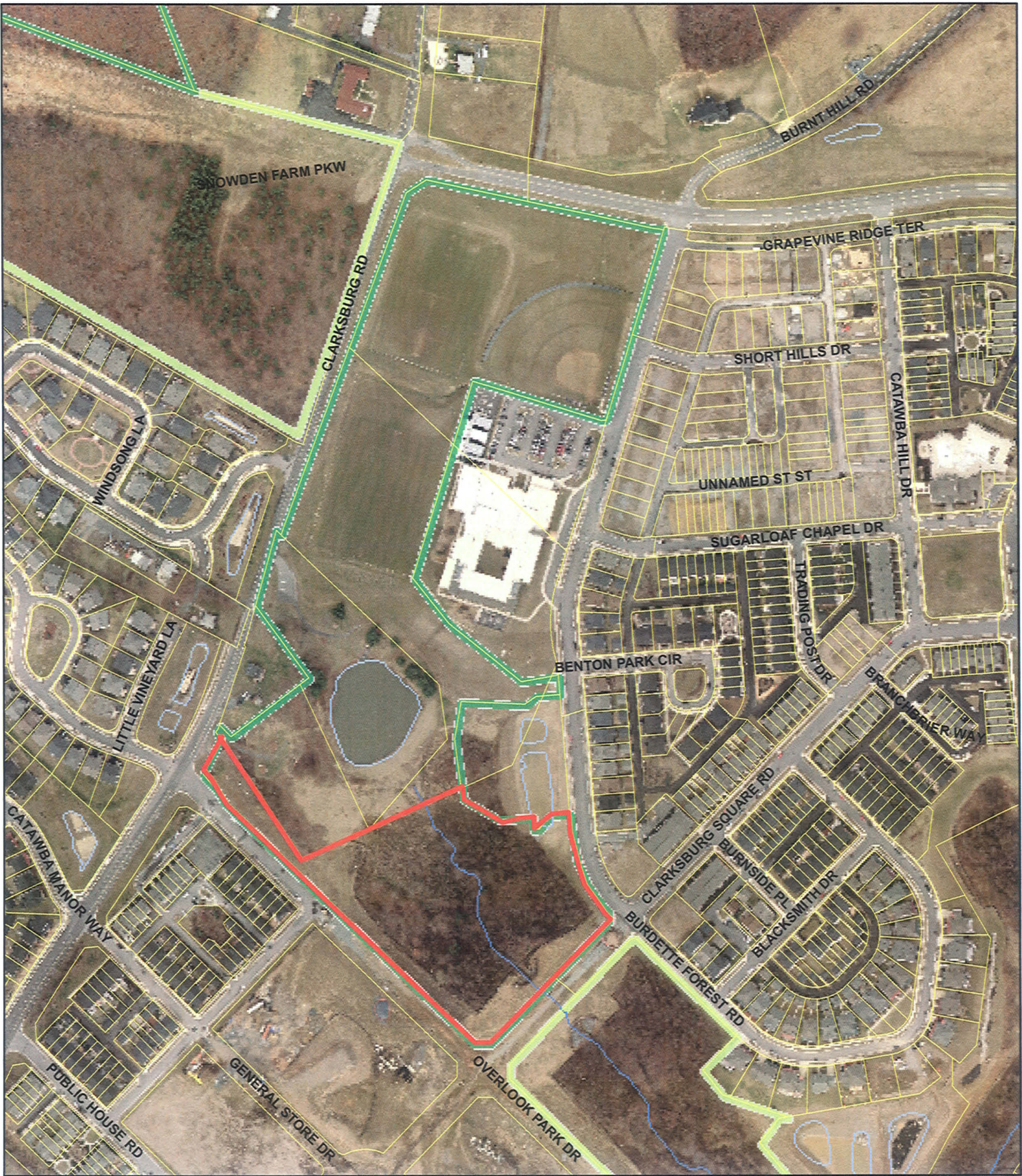
convey this land, including the stormwater management facility to the Clarksburg Town Center HOA for management and maintenance as a common open space area/SWM facility. In the end, there will be no net loss of open space/parkland in Clarksburg Town Center. There will only be a change of ownership and slight modification of use. The 1.5017 acres recommended for conveyance to NNP II-Clarksburg, LLC is shown shaded in yellow and labeled as Parcel B on attached Map "B". A 15 foot wide trail easement along Parcel B's frontage on Clarksburg Road should be reserved for possible future public use as part of the "Clarksburg Greenway".

Department of Parks staff has reviewed this request and finds that the conveyance of the 1.5017 acres shown on Map "B" to NNP II-Clarksburg, LLC will not adversely affect any recreation facilities at Kings Local Park and that this conveyance is in the public's interest. This conveyance is consistent with the Department of Parks policy of excluding development required stormwater management facilities and their maintenance responsibilities, from public parkland wherever possible. Further, the Environmental Planning Division of the Planning Department supports this conveyance in the interest of advancing stormwater management efforts in Clarksburg Town Center and the Little Seneca Creek Special Protection Area.

CONCLUSION

Staff is recommending that Montgomery County Planning Board 1) approve the "no cost" conveyance of 1.5017 acres, more or less, unimproved to NNP II-Clarksburg, LLC, as described above, for the purpose of constructing of a stormwater management facility required by the West Side and Greenways Final Water Quality Plan for Clarksburg Town Center and 2) that a 15 foot wide trail easement along Parcel B's frontage on Clarksburg Road be reserved for future public use. In that this property is titled in the name of the Maryland-National Capital Park and Planning Commission, this approval action will have to be ratified by the full Commission at one of its upcoming, regularly scheduled meetings.

Kings Local Park



1" = 300'

Parcel Boundaries
Parks
STATUS
Existing
Proposed



Today's Date: 5/26/09
Sources: M-NCPPC, 2008

Map "A"

