

Date:

Action: Approved Staff Recommendation
 Motion of Comm. Perdue, seconded by
 Comm. Wellington with a vote of 4-0;
 Comms. Holmes, Perdue,
 Robinson and Wellington voting
 in favor
 Comm. Bryant absent



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02011

NAME OF PLAN: MARTENS PROPERTY

On 08/17/01, TOLL BROTHERS submitted an application for the approval of a preliminary plan of subdivision of property in the R-200/TDR-4 zone. The application proposed to create 325 lots (109 Single Family Detached Dwelling Units and 216 Single-Family Attached Units) on 102.9 acres of land. The application was designated Preliminary Plan 1-02011. On 04/04/02, Preliminary Plan 1-02011 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02011 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02011.

Approval, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the preliminary plan
- 3) Subject to condition (7), all road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes.
- 4) The final alignment of Newcut Road, as it leaves the Martens Property and enters the adjoining properties to the west, to be determined by the time of site plan
- 5) Limit the preliminary plan to 326 residential dwelling units
- 6) Satisfy the APF test by paying the Development Approval Payment (DAP) under the Alternative Review Procedure for Limited Residential Development provision of the FY 02 Annual Growth Policy for the proposed residential development. The APF test includes:

- a) Policy Area Review: Site-generated traffic has to be mitigated within the Clarksburg Policy Area, which is in a moratorium. There is no capacity available for residential development as of February 28, 2002 (-8,203 units) in the Clarksburg Policy Area. The applicant is satisfying policy area review by paying the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity.
 - b) Local Area Transportation Review: A traffic study to analyze the traffic impact at nearby intersections is required since the proposed land use generates more than 50 total peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.). The applicant is satisfying Local Area Review by paying the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity.
- 7) As a condition of site access, a) construct the outside lanes of Newcut Road Extended (A-302) to the western most point of access as a two-lane divided arterial road including a five foot sidewalk on the south side, an eight foot bike path on the north side, street trees, and grading for a future four-lane roadway, and b) grade Newcut Road right-of-way from the western most point of access to the property line for the future four land divided cross section, and c) participate with the Board of Education in the cost of construction of the full four-lane divided cross-section for 500 feet (or for such shorter length as necessary to provide an exclusive left-turn lane eastbound approaching MD 355) approaching the intersection of Frederick Road (MD 355) over and above the cost of construction of this section as required under a) above.
 - 8) Coordinate with the Montgomery County Board of Education regarding the extension of Wims Road to the subject site through the future school site.
 - 9) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
 - 10) Record plat to provide for dedication of 120 feet of right-of-way for Frederick Road and 80 feet for West Old Baltimore
 - 11) Record plat to reflect common ingress/egress easements over all shared driveways
 - 12) Compliance with the conditions of MCDPS stormwater management approval; All facilities must be outside stream valley buffers
 - 13) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - 14) Final approval of the number and location of dwelling units, sidewalks, and bike paths and other trails will be determined at site plan
 - 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
 - 16) Construct an 8 foot wide hard surface trail in the portion of Clarksburg Greenway that traverses the property
 - 17) Provide a minimum of 113 TDR's and 41 MPDU's dependent on condition # 9
 - 18) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed

- 19) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 20) Other necessary easements
- 21) Consider providing driveway and sidewalk connection from Road "K" to Wims Road if the appropriate easements and rights are established through consent of property owners. Connection of road and sidewalk could be acceptable to MCPS. Final Disposition of connection to be decided with Site Plan
- 22) Street "F" to be identified on record plat as "outlot" with reference note to indicate future dedication to Montgomery County for Roadway by H.O.A. at such time as adjoining property submits Preliminary Subdivision Application