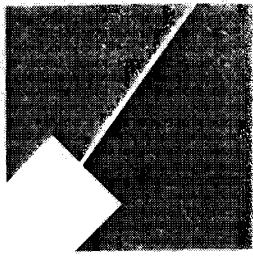


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

ITEM# 4

DATE: 6/3/04



MEMORANDUM

DATE: May 28, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief, *RCH*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision for 1600 residential units, 500 senior units and 1,538,000 square feet of employment/retail/public uses

APPLYING FOR: Preliminary Plan Review and Preliminary Water Quality Plan

PROJECT NAME: Cabin Branch

CASE NO. 1-03110A

REVIEW BASIS: Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

ZONE: RMX-1/TDR and MXPD

LOCATION: Bound by West Old Baltimore Road to the south, Interstate 270 to the east and Clarksburg Road (MD 121) to the west

MASTER PLAN: Clarksburg

APPLICANTS: Gosnell Property
Winchester Property
Adventist HealthCare Property
Faller Property
Magee Property

ATTORNEYS: Holland and Knight
Miller, Miller and Canby
Dufour and Kohlhoss

HEARING DATE: June 3, 2004

Staff Recommendation: Approval of Phase I, Subject to the Following Conditions:

- 1) Applicant is bound by All Binding Elements for Local Map Amendment G-806 (Attachment A).
- 2) Total development under Phase I of this preliminary plan application is limited to the following uses and density as prescribed in Transportation Planning memo, dated May 26, 2004 (Attachment B):
 - 1,600 residential dwelling units
 - 1,538,000 square feet of commercial space
 - 500 dwelling units of elderly housing
- 3) To satisfy Policy Area Transportation Review, the applicant shall:
 - a. Construct Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270;
 - b. Upgrade West Old Baltimore Road to two-lane arterial roadway standards acceptable to the Department of Public Works and Transportation (DPWT) and Transportation Planning staff between Newcut Road and MD 121;
 - c. In accordance with the Clarksburg Master Plan, construct two parallel two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway; and
 - d. In accordance with the Clarksburg Master Plan, upgrade MD 121 to arterial roadway standards between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270.
- 4) To satisfy Local Area Transportation Review, the applicant shall:
 - a. Provide the following improvements at MD 121/I-270 Northbound on/off ramp:
 - Add northbound left-turn movement to provide dual left turn lanes

- Add separate westbound left-turn lane
 - Signalize the intersection
 - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane and a median island subject to SHA's requirements
- b. Provide the following improvements at MD 121/I-270 Southbound on/off ramp:
- Add a westbound through lane
 - Signalize the intersection
 - Add eastbound on-ramp to southbound I-270
- c. Provide the following improvements on MD 121 frontage:
- Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road
 - Four-lane roadway between Street "A"/Whelan Lane and First Avenue
 - Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road to accommodate traffic safely and efficiently at this intersection
- d. Participate in providing the following improvements at MD 121/Gateway Center Drive intersection:
- Stripe westbound approach of MD 121 to include a separate left-turn lane and through lane
 - Stripe northbound approach of Gateway Center Drive to activate dual left-turn lanes
 - Install traffic signal
 - Construct westbound through lane on MD 121 to accept dual left-turn movements and join existing westbound lanes at I-270/Northbound on/off ramp intersection
- e. Participate in providing the following improvements at MD 121/Frederick Road (MD 355) intersection:
- Widen eastbound approach of MD 121 and stripe additional left-turn lane (dual left)
 - Construct northbound through lane on MD 355 to accept dual left with transition to join existing conditions

- Modify traffic signal
- f. Participate in providing the following improvements at MD 355/West Old Baltimore Road intersection:
- Widen eastbound approach of West Old Baltimore Road to provide separate right-turn lane
 - Widen northbound approach of MD 355 to provide separate left-turn lane. A three-lane section will be provided on MD 355 between West Old Baltimore Road and Brink Road
 - Widen southbound approach of MD 355 to provide separate right-turn lane
- g. Participate in widening the southbound approach of MD 355 to add additional through lane at the MD 355/Newcut Road intersection.
- h. Participate in widening MD 355 south of Brink Road to provide a four-lane divided section. The four-lane section would join the existing four-lane section at Willstone Manor Lane.
- 5) Roadway improvements 3a through 3d above (and referenced as 2d through 2d in the Transportation Planning memo) shall be sequenced in accord with sub-phases of Phase I as contained in Christopher Turnbull's letter to Ronald C. Welke dated February 12, 2004 and Ronald C. Welke's letter to Christopher Turnbull dated March 8, 2004 (Attached to Transportation Planning memo – Attachment B).
- 6) At Site Plan, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will recommend mutually acceptable trip reduction measures for Planning Board review and approval. Also, the parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, taking into consideration trip reduction goals.
- 7) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width shown in the Adopted June 1994, Clarksburg Master Plan unless otherwise designated on the preliminary plan.
- 8) 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. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 9) Compliance with the conditions of approval for the preliminary forest conservation plan including: reforestation of the stream buffers starting in the first growing season after MCDPS issuance of the first sediment control permit; and a 5-year maintenance

period for all planted areas. Final forest conservation plan(s) to be approved at the time of site plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

- 10) Compliance with the conditions of approval of the Preliminary Water Quality Plan (Attachment C).
- 11) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers
- 12) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways
- 13) Record plat to reflect dedication to the Board of Education of an elementary school site as shown on the approved preliminary plan. Applicant to grade the site to elevations that are acceptable to MCPS and construct such retaining walls as are necessary to support the program requirements of an elementary school facility. The bounds of the school parcel shall exclude the retaining walls.
- 14) Record plat to reflect dedication of a local park to MNCPPC in the location shown on approved preliminary plan, generally in the contiguous land located between the proposed elementary school site and Street "J", and south of Streets "G" and "H" continuing south along the Little Seneca tributary stream to West Old Baltimore Road. The northern portion of the dedicated land to be of sufficient size and grading for active recreation. Recreation facilities and grading to be located outside of stream buffers and other environmentally sensitive areas.
- 15) Park layout to be substantially as set forth on the approved preliminary plan. Final details of park design and layout, as well as final grading and stormwater management plans, to be reviewed along with the Site Plan. Applicant shall design, obtain all permits and regulatory approvals for construction, and construct all on-site park facilities. Construction of all park facilities shall be done by the Applicant in accordance with Park and Planning Department standards and specifications.
- 16) No retaining walls or stormwater management ponds or facilities will be located on dedicated parkland. Applicant to work with M-NCPPC staff on park grading issues at time of Site Plan to minimize the size of needed retaining walls adjacent to parkland.
- 17) Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in a pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to Site Plan approval to establish exact locations of needed trails. Trails within parkland to be constructed to Park and Planning Department standards and specifications.

- 18) Trail access from the community to Black Hill Regional Park to be provided by the Applicant, including construction by Applicant of an 8' wide hard surface trail along Newcut Road and south along Street W to West Old Baltimore Road. Applicant to work with M-NCPPC staff to provide a park like entrance setting and character to Street W since this street will be the primary point of access to Black Hill Regional Park. Layout and buffering of office buildings along Street W to provide a pleasant and aesthetic entrance to Black Hill Regional Park.
- 19) Compliance with the MCDPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, May 13, 2004 (Attachment D).
- 20) Compliance with conditions of approval of MCDPWT letter dated, May 14, 2004 (Attachment E) unless otherwise amended by DPWT.
- 21) At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board Review. The plan shall include, but not be limited to:
 - Location and types of stormwater management facilities for quality and quantity controls that comply with the MCDPS - Preliminary Water Quality Plan including appropriate geotechnical studies
 - Location of major onsite water and sewer lines
 - Details of grading including location and typical structural detail of retaining walls
 - School sites and Park sites
 - Recreational guideline concept plan
 - Proposed schedule for clearing and grading of site
- 22) At least sixty (60) days prior to submission of a complete Site Plan application the applicant shall submit a "Infrastructure - Roads only Site Plan" for Planning Board Review. This plan shall include:
 - Final widths of all public and private right-of-ways
 - Cross sections of all roads
 - Median breaks
 - Intersection spacing
 - Any special features to be allowed n public right-of-ways
- 23) Access and improvements along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration.
- 24) No clearing, grading or recording of plats prior to site plan signature set approval.
- 25) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.

- 26) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 27) Applicant to work with MNCPPC staff before individual Site Plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 28) Maintenance of common open space facilities, including retaining walls and historic structure to be addressed prior to approval of any and all subsequent Site Plan approvals.
- 29) A landscape and lighting plan must be submitted as part of the Site Plan application for review and approval by technical staff.
- 30) Phase I of the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion. Record plats may be recorded in phases based upon the following schedule:
 - Stage I (expires 37 months from the date of mailing of the Planning Board Opinion): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
 - Stage II (expires 73 months from the date of mailing of the Planning Board Opinion): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
 - Stage III (expires 109 months from the date of mailing of the Planning Board Opinion): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
 - Stage IV (expires 145 months from the date of mailing of the Planning Board Opinion): all remaining development.

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for extension must be filed.

- 31) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion.
- 32) Other necessary easements shall be shown on the record plats.

BACKGROUND:

This 540 acre tract of land was given specific attention on the 1994 Clarksburg Master Plan. It is part of the Cabin Branch Neighborhood that was designated as the only area west of I-270 to be proposed for significant residential and commercial development. The subject property was zoned RE-1/TDR, RMX-1/TDR, MXPDP and I-3 as a result of the 1994 Master Plan revision.

On June 27, 2002, the Planning Board considered pre-preliminary plan No. 7-02042 for the Cabin Branch. Specific issues were looked at as part of the hearing pending the intent of the applicants to request a rezoning for a portion of the property to the MXPDP. The issues that were discussed include:

- Alignment and character of Newcut Road
- The character of A-304
- Implementation of the MXPDP
- Yield calculations

Subsequent to the pre-preliminary plan, a number of land holders for the Cabin Branch Property applied for a local map amendment (G-806) to rezone 283.5 acres of the easternmost portion of the subject property from the RE-1/TDR, RMX/TDR and I-3 Zones to the MXPDP zone. The Planning Board considered local map amendment G-806 on June 3, 2003. At that hearing the Board heard the staff position regarding:

- Conformance with the master plan
- Specific requirements of the MXPDP Zone
- Compatibility with existing and planned uses in the surrounding area

The Planning Board recommended approval of the local map amendment G-806; the District Council approved the request and formally adopted the resolution on September 9, 2003 (Attachment F).

SITE DESCRIPTION:

The 540-acre property is located west of I-270 in Clarksburg. The area, also known as the Clarksburg Triangle, includes approximately 243-acres with the Clarksburg Special Protection Area (SPA). West Old Baltimore Road is the southern most boundary of the property, I-270 the eastern most boundary, and MD-121 the western and northern boundaries. The property is zoned RMX and MXPDP. The current land uses include active agricultural, abandoned agricultural, and forest. The site includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream).

ISSUE: Site Grading

Applicant's Position: The applicant believes that the proposed grading plan for the subject property should be considered adequate given the constraints of the site and the need to balance other master plan and design objectives. The applicant believes negative environmental impacts can be mitigated with engineering solutions.

Staff's Position: Overall, staff believes the submitted preliminary plan balances out many competing objectives that have been identified in the previous zoning case and area Master Plan. The site has many constraints including the need to meet the grades of MD 121, a relatively flat school sites, and maximum allowable grades for parking lots and some buildings and internal street. However, Environmental Planning staff does not support the proposed grading plan for this site and is requesting that the Planning Board direct the applicant to reduce the overall amount of cut and fill (See staff memo – Attachment G). Condition # 27 addresses this issue.

Discussion

The preliminary plan of subdivision includes numerous cuts and fills throughout the 540-acre site. To locate the land uses as shown, existing topography is being altered by removing the tops of hills and filling the valleys to create flat or moderately sloped building sites. Environmental Planning staff have reviewed the proposed grading and believe that in some locations, the amount of cutting is unusual and the fill excessive.

The locations of concern include: the west side of the Cabin Branch tributary where the proposed elementary school is located on 50 feet of fill with two 7-foot retaining walls along MD 121 and three 16-foot retaining walls adjacent to the stream buffer; other sections on the west side of the Cabin Branch tributary which require 30 and 35 feet of fill material and retaining walls of up to 13 feet; and the future MNCPPC Park also has a 26-foot retaining wall separating it from the adjacent stormwater management facility. Most of the retaining walls are adjacent to stream buffers.

Although Environmental Planning staff acknowledge that the site can be engineered to support the uses proposed by the applicant, they are concerned that the cut and fill and soil compaction will alter existing hydrology and inhibit groundwater recharge into native soils. They believe relocated MD 121 could be lowered, and internal roads could be reconfigured and made steeper to reduce the amounts of fill.

Environmental Planning staff does not believe the water quality plan submitted can guarantee the protection of some of the seeps, springs and wetlands on the site, nor can the water quality plan protect the hydrology in which some mature trees grow. The primary reason is the excessive cutting and fill proposed for the site.

Based on these concerns, Environmental Planning staff has requested a condition on the Preliminary Plan requiring the applicant to reduce the cut and fill on the site. They

are also encouraging the Planning Board to consider requiring re-grading of the dedicated public use sites to minimize the fill.

In response to these concerns, the proposed conditions of approval include a condition (#27) which places that applicant on notice that grading will be further analyzed as part of site plan, but does not require re-grading of the site. Given the existing topography on the subject property and the fixed elevations of the I-270 interchange and existing MD 121, the options for significantly reducing grading on the proposed plan, while still meeting the overlapping objectives of the master plan, are limited. The proposed plan provides a grid pattern street network, neo-traditional layout of the residential development areas, local park and school sites and commercial/office/retail areas which have been determined to be in conformance with the master plan goals and the schematic development plan.

Despite the need for extensive fill and retaining walls, both Montgomery County Public Schools and MNCPPC Montgomery County Park staff have accepted the proposed locations of the school and park sites. The acceptance is conditioned upon site grading and retaining wall construction by the developer, and exclusion of the retaining walls from the public dedication area so that long-term maintenance of the walls is the responsibility of the neighborhood homeowners association. Given these acceptances, staff is not recommending a condition to re-grade or relocate the public use sites.

RELATIONSHIP TO THE CLARKSBURG MASTER PLAN

Land Use Plan

The subject 540-acre property is located within the Cabin Branch Neighborhood of the 1994 Clarksburg Master Plan Area. It is located west of I-270, east of Clarksburg Road (MD 121), and north of West Old Baltimore Road near Black Hill Regional Park and Ten Mile Creek Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood is one of the most important public policy objectives. A summary of the Master Plan objectives is as follows:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Create a transit-oriented land use pattern.
- Maximize access to the proposed open space system.
- Provide a suitable transition to the rural/open space character south of West Old Baltimore Road towards Boyds.
- Provide an interconnected roadway system.

- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover.

During the Clarksburg Master Plan process, the Planning Board and County Council devoted considerable discussion to the appropriate land use and zoning for the subject property. The Cabin Branch Neighborhood is the only portion of the western side of -270 that is proposed for significant residential development. Most of the development in the Cabin Branch Neighborhood is recommended to occur on the Cabin Branch property.

The Master Plan states the recommended mix of uses for this neighborhood as follows:

Residential	1,950 dwelling units plus MPDU units
Employment	2.4 million square feet
Public Uses	Places of worship, childcare, community building, elementary school, and park

The applicants intend to develop Cabin Branch as a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. However, further refinement of the site design along MD 121 and West Old Baltimore Road should occur at time of site plan review to insure compatibility of the proposed project with the surrounding Ten Mile Creek and Boyds communities.

PROJECT DESCRIPTION

The proposed Preliminary Plan incorporates the Master Plan principles of a mixed-use, transit-oriented, and pedestrian-friendly neighborhood. Specifically, the Plan includes an interconnected street system and an emphasis on access to open space. The Plan is generally consistent with Pre-Preliminary Plan No. 7-02042 that was reviewed by the Planning Board on June 27, 2002, and in conformance with the approved Development Plan that was submitted as part of the Local Map Amendment No. G-806.

The Master Plan recommends a maximum of 2,194 units for the entire Cabin Branch community and Linthicum West including all MPDU's (or 1,886 for Cabin Branch community). The Master Plan specifies a distribution range:

Detached 45%-55%	987 units
Attached 35%-45%	768 units

Multi-Family 10%-20% 439 units

The Cabin Branch development will contain all multi-family units for the entire neighborhood; zoning assigned to the remaining properties is not appropriate for multi-family dwelling units.

The proposed Preliminary Plan for Phases I and II assumes a 12.5 percent MPDU increment for a total residential density of 1,886 units (768 attached, 679 detached, and 435 multi-family) for the subject property. The proposed Preliminary Plan contains the required 635 Transfer of Development Rights (TDR's) that are to be purchased. The Plan also is within the maximum development potential recommended by the Master Plan and binding elements of Local Map Amendment No. G-806.

The Master Plan includes many employment sites along I-270 to help implement the Plan's vision of I-270 as a high-technology employment corridor. The most significant area of new employment is located in the Cabin Branch Neighborhood where up to 2.3 million square feet of office-type uses could occur. The Master Plan recommends this development occur as part of a mixed-use concept to allow the opportunity for housing.

The 22-acre area located north of West Old Baltimore Road adjacent to Black Hill Regional Park was rezoned from the RMX-1/TDR to the MXP Zone as part of Local Map Amendment No. G-806. The layout of this employment area provides a green edge along West Old Baltimore Road, consistent with a rural character.

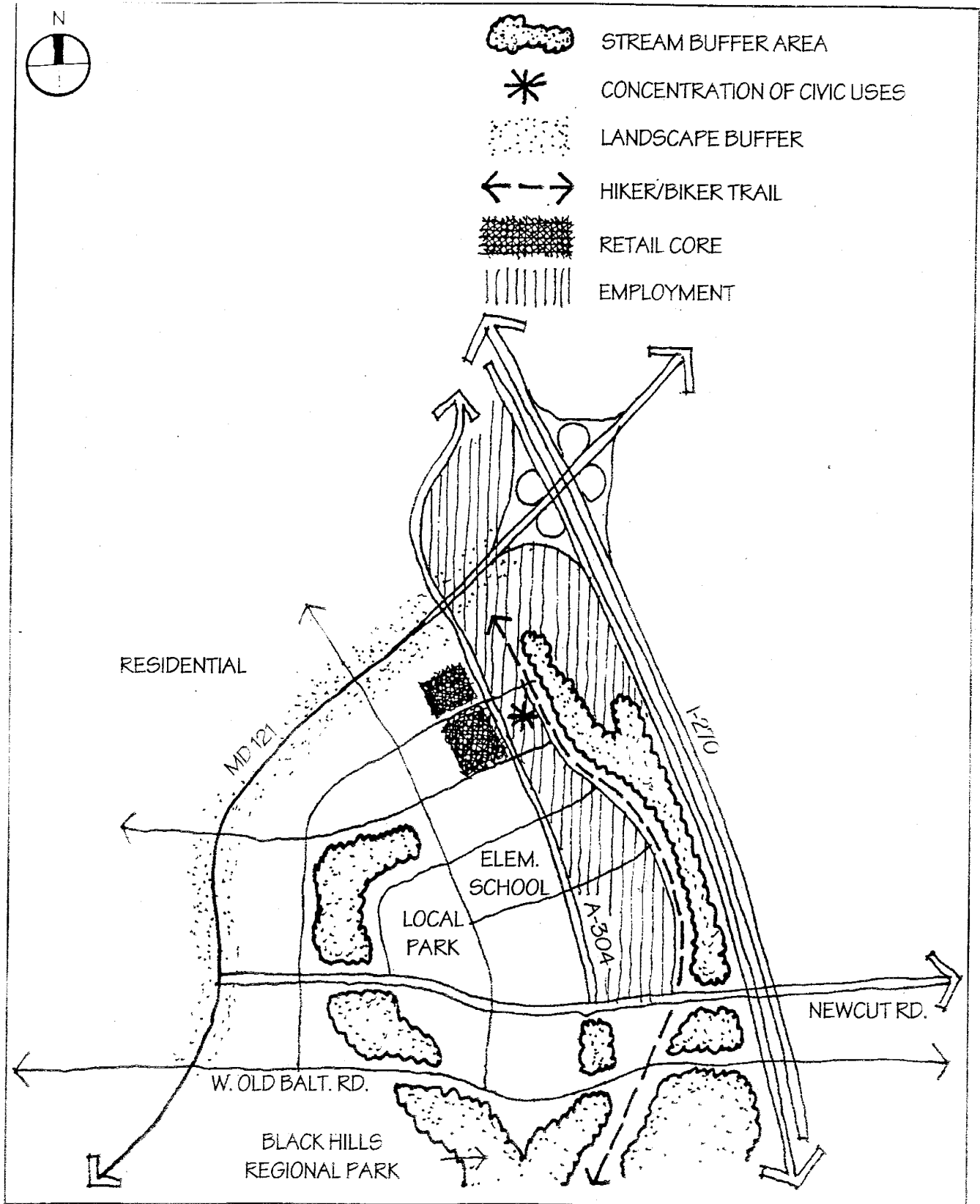
As shown on the Cabin Branch Neighborhood Concept Diagram, the Master Plan recommends a landscape buffer along MD 121 to help maintain the present rural character along MD 121 and to provide a strong transition between the Cabin Branch and Ten Mile Creek East Neighborhoods. Staff recommends that the Plan be redesigned so that the lot orientation should front on West Old Baltimore Road and the setback along MD 121 increase to comply with the Master Plan land use policies and objectives, at the time of site plan review. See Figure 1.

Public Facilities

The Master Plan objective is to "*Locate public/civic uses adjacent to major stream valley.*" The Plan also calls for "*A local park, an elementary school, and other civic spaces to be located in close proximity to each other as well as to the stream valley.*"

The Preliminary Plan shows a combination park/school within the neighborhood. These facilities border the West Fork Stream Valley Park and the historic property, which would be used as a community facility. The proximity of these uses is efficient and beneficial.

Cabin Branch Neighborhood Concept Diagram



It is also important that every parcel comprising this Preliminary Plan is self sufficient with respect to private recreation. This will be assured at the time of site plan review.

Development District Funding Mechanism

The Clarksburg Master Plan promotes “the formation of development districts (or other financing mechanisms) to implement the Plan’s staging policies (page 193). To date, the Clarksburg Town Center Development District has been formed by County Council resolution. Two other districts have been proposed for the Newcut Road Neighborhood located east of I-270; these districts are still under review by the County Executive.

The applicants propose to use development districts to satisfy the infrastructure needs of the Cabin Branch Neighborhood. Staff concerns are that any development district for the Cabin Branch Neighborhood meet the district intent of (1) supplying benefit to more than a single development; (2) provide facilities and greater benefits that those items conditioned by future preliminary plan (s); (3) that the fiscal burden for households within the development districts be determined as reasonable by the Montgomery County Department of Finance; and (4) assuring a conservative level of risk for the value of land secured for the development district bond issuance.

These factors are evolving as each of the development districts are formed. The extent of commercial development not subject to development district funding and tax-exempt health care businesses will have an effect on the burden of the special tax on future homebuyers due to the significant infrastructure costs generated by the Cabin Branch Neighborhood.

TRANSPORTATION:

Site Access and Circulation

The access to the site is proposed from MD 121, West Old Baltimore Road, and the future I-270/Newcut Road interchange. The site access and internal vehicular/pedestrian circulation system shown on the development plan is safe and adequate. The following is a general description of the master plan roadway network in the vicinity of the site.

1. Clarksburg Road (MD 121): Classified as an arterial roadway with six lanes from I-270 to A-304, four lanes from A-302 to A-304, two lanes from A-302 to West Old Baltimore road and a master plan right-of-way of 150, 120, and 80 feet, respectively. This roadway provides access from the I-270 interchange to the site and western boundary of the site.

2. West Old Baltimore Road: Classified as an arterial roadway with two lanes and a master plan right-of-way of 80 feet. This roadway provides access from MD 355 and the southern boundary of the site.
3. Newcut Road: Classified as an arterial roadway with four lanes and a master plan right-of-way of 120 feet. This roadway provides access from the future I-270 interchange and MD 355. Due to the impact to the stream valley, this roadway is proposed to be terminated east of the Cabin Branch stream valley with a series of traffic circles as shown on the development plan. Staff supports this proposal.
4. A-304: Classified as an arterial roadway with four lanes from Newcut Road Extended (A-302) to MD 121 and a master plan right-of-way of 120 feet. This four-lane roadway is proposed to be replaced with two two-lane mixed-use roads with on street parallel parking. Staff supports this proposal.
5. I-270: Classified as a freeway with eight lanes and a master plan right-of-way of 350 feet. This freeway is the eastern boundary of the site and currently is under review as part of the Major Investment Study by the Maryland State Highway Administration.

Congestion Levels at Nearby Intersections

Ten local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

Table I
Intersection Capacity Analysis with CLV
Under Various Development Schemes During the Peak Hour

Intersections Analyzed	Existing		Background			
	Phase 1 **					
	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	423	417	913	1043	1401	1499
MD 121/I-270 SB off-ramp	309	181	561	530	1081	863
MD 121/Whelan Road (Street "A")	231	237	273	315	1165	1163
MD 121/West Old Baltimore Road	253	302	329	420	407	493
MD 121/Gateway Center Drive	791	974	1778	2562	1780	2252
MD 121/MD 355	1569	1525	2173	1729	2137	1536
MD 355/Stringtown Road	1448	1055	1692	1475	1481	1482
MD 355/Newcut Road	1319	1133	1677	1562	1000	993
MD 355/West Old Baltimore Road	1426	1328	2056	2165	1993	1687
MD 355/Brink Road	1599	1441	1681	1997	1111	1277

** Roadway improvements to be provided by the applicant as a part of Phase I are included in this total traffic condition analysis.

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500) except at the intersection of MD 121 and MD 355 during both the AM and PM peak hours and at the intersection of MD 355 and Brink Road during the AM peak hour. Under the background development

(developments approved but not built) condition, MD 355 intersections with MD 121, Stringtown Road, Newcut Road, West Old Baltimore Road, and Brink Road, and the MD 121/Gateway Center Drive intersection exceed the acceptable congestion standard. Under the total Phase 1 development conditions with the roadway improvements to be provided as part of Phase 1 development, all examined intersections will operate at either acceptable condition or at a better level than the background condition except at the intersection of MD 121 and Gateway Center Drive during the AM peak hour. The bike/bus shelter program to be provided by the applicant in the Cabin Branch Neighborhood will offset the marginal increase of CLVs at this location. Also, the improvement to be provided at this intersection will significantly improve the total traffic condition compared to the background condition during the PM peak hour.

Staging Ceiling and Phasing Program

Based on the FY04 AGP staging ceiling capacity, there is insufficient capacity available for both the housing and employment developments (-811 jobs and -5,028 housing units as of April 30, 2004) in the Clarksburg Policy Area. In August 2002, Transportation Planning staff analyzed phases of roadway infrastructure that will support certain levels of development in Clarksburg and developed the phasing program. The detailed phasing program is described in our letter to Terry Miller dated August 23, 2002. The proposed Phase 1 development of the Cabin Branch project is consistent with the phasing program "Phase 2A" in the staff's letter. Therefore, the Cabin Branch Neighborhood development would be adequately accommodated in the Clarksburg Policy Area by the proposed roadway improvement package from a Policy Area Transportation Review perspective.

The applicant proposed the sub-phasing program which includes the sequenced sub-phased roadway improvement and development density of the overall Phase 1 development. Staff supports the proposed sub-phasing program and recommends this sub-phasing program as a condition of approval of the subject preliminary plan, "Condition No. 4".

The size and mixed-use character of the development proposed for this site lends itself to traffic mitigation efforts that will reduce dependence on the single-occupant automobile and encourage the use of public transit and ride sharing. Therefore, Transportation Planning staff recommends that the applicant include mutually acceptable trip reduction measures to be determined at Site Plan of Subdivision.

Transportation Planning staff conclude that the subject Preliminary Plan satisfies the APF requirements since all nearby intersections are anticipated to operate within the acceptable congestion standard or the site trips are mitigated by the trip mitigation measures and the applicant proposes the roadway improvements to adequately address the staging ceiling issue.

ENVIRONMENTAL:

Forest Conservation

The applicant has submitted a preliminary forest conservation plan for staff review. The applicant is proposing to remove 58.97 acres of forest, retain 71.85 acres of forest and plant 58.32 acres of forest. Part of the property is developed using an optional method of development. Section 22A-12(f) of the forest conservation law requires properties developed under an optional method of development to meet certain forest retention requirements on site. The forest conservation plan indicates that the applicant will meet the conservation threshold on onsite and that they will meet all planting requirements through a combination of onsite forest retention, onsite forest planting, and landscape credit.

Under the MNCPPC's implementation of the Special Protection regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Approximately 243 acres of the 540-acre site are within the Clarksburg SPA. Those portions of the site that drain to Cabin Branch, a Use I-P waterway are not in the SPA except for two pods that were included because of the potential for groundwater contamination. The Cabin Branch tributary and the tributary parallel to I-270 both drain to Little Seneca Lake. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body Environmental Planning staff is requesting the planting requirements be treated as if the entire site is located within the Clarksburg SPA. Therefore, Environmental Planning is requesting a condition on the preliminary plan of subdivision requiring the applicant to plant the stream buffers after DPS approval of the first sediment control/grading permit and that the applicant provide a five-year maintenance period for all planting areas credited toward the forest conservation plan.

Stream Buffer Encroachments

The only encroachments into the environmental buffers associated with this plan are necessary stormwater management conveyances, some utilities, natural surface trails, widening of West Old Baltimore Road, and future construction of A-302 (Little Seneca Parkway)/I-270 Interchange.

Conditions of approval require the applicant to honor the approved stream buffers and keep all permanent stormwater management facilities, except for necessary conveyances, out of the stream buffers. No temporary sediment control facilities may be located in forested stream buffers. The Environmental Guidelines permit temporary sediment control facilities in unforested portions of stream buffers, which are recommended to continue for this site.

Water Quality Plan

A water quality plan is required for this site as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting

Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied. Staff is recommending a conditional approval of the preliminary water quality plan (Attachment C).

PARKS:

Park Planning and Resource Analysis staff recommends approval of the Preliminary Plan with the proposed parkland dedications for the reasons as set forth herein.

The Clarksburg Master Plan, approved and adopted in 1994, provides for a local park, referred to as Clarkmont Local Park by the Master Plan, in the area that comprises the Cabin Branch development. This park is one of only two parks master planned for the west side of Interstate 27, and Clarkmont Local Park is intended to adequately accommodate the active recreational needs of the communities west of Interstate 270 and north of Old Baltimore Road. The nearby Black Hill Regional Park has considerable passive recreational opportunities but does not include ball fields and hard surface courts.

Clarkmont Local Park was intended in the Master Plan as a 10-15 acre park that would include much needed recreational facilities such as playing fields, hard surface courts, playgrounds, picnic areas, pathways and parking. Because this part of Clarksburg currently has no local parks, it is considered important by Park Planning and Resource Analysis staff that needed recreational facilities be provided at the time of construction of the planned development of the Cabin Branch area to provide the needed park amenities for the new residents.

The land being offered to M-NCPPC for this park by the developers of the Cabin Branch development project includes about 8-9 acres of land suitable for active recreational facilities and an additional 40-50 acres of contiguous natural area open space for passive recreation. A portion of the active recreation park area is separated, however, from the open space park areas by a proposed retaining wall that is over 20' tall in places which can create some safety issues if not properly addressed, and may somewhat limit the park design opportunities. The Applicant has worked with staff to address some of the park design issues and has agreed to construct, or pay for construction of, all recreational facilities and park amenities needed for a completed local park to immediately serve the needs of the community. The applicant through the use of appropriate fencing can address the safety issues.

Staff concludes, therefore, that the proposed area offered by the Applicant for the local park, although somewhat small and limited in the areas available for active recreation, is acceptable and appropriate since the total park area provides considerable passive recreational opportunities as well as the active recreational amenities, and since

the entire park will be provided by the Applicant in usable form at the time the development is constructed.

HISTORIC PRESERVATION:

On Wednesday, December 17, 2003 the Montgomery County Historic Preservation Commission (HPC) was presented with two, proposed development plans for the Master Plan Site # 13/24, The Byrne Warfield Farm. This Master Plan site is part of the larger Cabin Branch Preliminary Plan. The HPC has review and approval authority on alteration and new construction within the five-acre environmental setting of this historic resource.

The members of the HPC who attended this meeting strongly objected to a plan to relocate the historic structure and favored a plan to retain the structure in its current location. The HPC expressed that the owners should focus on developing a plan that would retain as much of the 5-acre parcel of land as open space for the historic site. The Commissioners did not object to a potential homeowners association (HOA) use for the property, yet felt it necessary to maintain the rural character of the house and its associated landscape, i.e. new construction should not compete with the historic house. Prior to the Site Plan review for this structure, the developer will be required to submit a formal Historic Area Work Permit application for any alterations or additions to the historic building or its associated environmental setting.

SCHOOLS:

Montgomery County Public Schools (MCPS) has worked with the applicant to identify an acceptable elementary school site for dedication to the Board of Education at no cost. The MCPS have reviewed a conceptual sketch and grading plan that is deemed acceptable. The site will need to be graded to meet MCPS specifications and the required retaining walls will need to be constructed by the applicant prior to conveyance to MCPS. The boundaries of the school site property to be conveyed must not include any retaining walls. These requirements are specifically detailed in the conditions of approval.

Attachments:

Attachment A - Binding Elements G-806
Attachment B – Transportation Planning memo
Attachment C – Preliminary Water Quality Plan Approval memo
Attachment D – MCDPS Water Quality Plan Approval memo
Attachment E – MCDPWT memo
Attachment F – G-806 Resolution
Attachment G – Countywide Planning – Environmental memo
Attachment H – Community Based Planning memo
Attachment I – Park Planning Resource Analysis memo
Attachment J – Correspondence