



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-85
Project Plan No. 91994004D
Clarksburg Town Center
Date of Hearing: July 23, 2015

SEP 14 2015

RESOLUTION

WHEREAS, under Montgomery County Code §7.7.1.B.3, the Montgomery County Planning Board is authorized to review project plan applications under the provisions of the Montgomery County Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on June 12, 1995, the Planning Board approved Project Plan No. 919940040 for 1,300 residential dwelling units, 150,000 square feet of retail space, and 100,000 square feet of office space; on approximately 270 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355) ("Subject Property"), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area, as amended in 2011¹ ("Master Plan") area; and

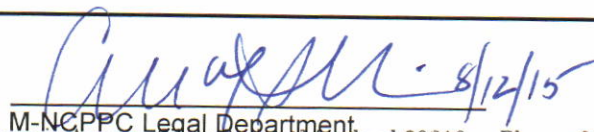
WHEREAS, in May 2005, a Project Plan Amendment No. 91994004A was submitted but never completed; and

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-16, approved Project Plan No. 91994004B, for 194,720 square feet of commercial uses, including up to 69,720 square feet of specialty retail; and 1,213 residential dwelling units, including 12.5% moderately priced dwelling units ("MPDUs"); and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the Project Plan No. 91994004B, designated as Project Plan Amendment 91994004C (MCPB No. 10-58) to correct the unit count from 1,213 to 1,206 residential dwelling units including 12.5% MPDUs on the Subject Property; and

¹ In 2014, a Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area Master Plan was adopted as the Ten Mile Creek Area Limited Amendment. The Subject Property was not included within the area that was subject to the Amendment.

Approved as to
Legal Sufficiency:



WHEREAS, on August 28, 2014, Third Try LC ("Applicant") filed an application for approval of an amendment to the previously approved project plan including the following modifications:

- 1) Reduce the total number of residential units by 86, from 1,206 to 1,120;
- 2) Increase commercial square footage by 11,465 square feet, which includes the addition of office and medical uses yielding a total of 206,185 square feet;
- 3) Revise the design and layout of the Commercial Core;
- 4) Redesign Block H;
- 5) Add a Community Building to the Residents' Club;
- 6) Add a parking area on Sinequa Square;
- 7) Revise Kings Pond Local Park and Piedmont Woods Local Park; and

WHEREAS, Applicant's project plan application was designated Project Plan No. 91994004D, Clarksburg Town Center ("Application," "Amendment" or "Project Plan"); and

WHEREAS, this Application was reviewed under the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 9, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 23, 2015, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 23, 2015 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Dreyfuss and Fani-Gonzalez voting in favor. Commissioner Wells-Harley was absent from the hearing, and Presley was recused from participating.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Project Plan No. 91994004D for 206,185 square feet of commercial uses, which includes up to 129,545 square feet of retail and 76,640 square feet of office; and 1,120 residential dwelling units, including 140 MPDUs; with reconfirmation of the previously approved reduction in setbacks from adjacent commercially-zone properties, subject to the following conditions:²

² For the purpose 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.

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 91994004B (MCPB Resolution No. 09-16 dated July 16, 2009) as modified by Project Plan No. 91994004C (MCPB Resolution No. 10-58 dated June 15, 2010), except as modified by this Application, and as shown on the Certified Project Plan.

2. Development Ceiling

The development is limited to a maximum of 206,185 SF of commercial uses, including office and retail uses, and a maximum of 1,120 dwelling units (including 12.5% MPDUs), on 270.92 acres.

3. Housing

The development must provide a minimum of 12.5 percent of the units as MPDUs onsite, consistent with the requirements of Chapter 25A.

4. Building Height/Mass

The height of the buildings for the uses listed shall not exceed the maximum permitted height as follows:

One-family attached	45 feet
Multi-family (2 over 2s)	55 feet
Retail/Commercial	40 feet
Office	70 feet
Mixed-use: Office/Retail	60 feet
Grocery	70 feet
Civic Building	60 feet
HOA Community Building	40 feet

5. Civic Parcel (Parcel K)

- a) The 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 Applicant or appropriated funds for the design and construction of the Civic Building by the time that dedication is required, the 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, Applicant can lease the space to tenants that provide services to the Clarksburg community.

6. Public facilities and amenities

- a) The Applicant must provide at a minimum the following public facilities and amenities:

Location	Public facilities and amenities
West Side	(1) tot lot Town Green including: - Amphitheater & stage - Open play area II Plaza with splash fountain 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 Pond Local Park	(1) multi-age playground (1) Fishing Pier Picnic/sitting Bike system Pedestrian system

- b) 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.

7. Maintenance and Management Organization

The Applicant shall form a retail maintenance organization, 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.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 91994004D, Clarksburg Town Center, shown at the end of Review Cycle no. 2 as submitted via ePlans to the M-NCPPC are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board FINDS, with the conditions of approval, that:

(a) The development complies with all of the intents and requirements of the RMX-2 and RDT zones.

The Subject Property is split zoned RMX-2 and RDT per the Zoning Map in effect on October 29, 2014. Section 59-C-10.1 of the Zoning Ordinance establishes the RMX-2 Zone, which is identified as Residential-Mixed Use Development, Specialty Center. Division 59-C-10 does not include a purpose and intent section for the RMX (Residential Mixed-Use) Zones, and the term 'specialty center' is not defined in the Zoning Ordinance.

Therefore, the Planning Board relied on the term 'Residential-Mixed Use Development' to find that the Application meets the general intent of the zone. Section 59-C-10.3.1 adds further guidance with the language:

"This optional method of development accommodates mixed use development comprised of planned retail centers and residential uses, at appropriate locations in the County. This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans." and

"Approval of this optional method of development is dependent upon the provision of certain public facilities and amenities by the developer. The requirement for public facilities and amenities is essential to support the

mixture of uses at the increased densities of development allowed in this zone”

Thus, for optional method projects, the RMX-2 zone emphasizes the importance of: 1) providing a mix of uses; 2) complying with applicable master plan recommendations; 3) providing public facilities and amenities sufficient to accommodate the mix of uses and added densities available; and 4) complying with applicable development standards. The Amendment complies with these requirements.

This Amendment continues to use the optional method of development and is in conformance with the Master Plan. It provides a mixed-use development with a total of 1,120 dwelling units (including 12.5% MPDUs) and a total of 206,185 SF of commercial uses including both office and retail space, on the 270.92-acre site. The development complies with the intent and recommendations of the Master Plan by providing a pedestrian-friendly and walkable Town Center through increased mixed-use density, trail connections to the larger Greenway network, reduced parking, on-street parking, and a variety of open spaces.

Public facilities and amenities which support the increased density achieved through the optional method are provided throughout the community. The largest and most significant are the Greenway, Kings Pond Local Park, and the 66-acre Piedmont Woods Local Park improved with a number of recreational facilities. In the Commercial Core, there is a planned dedication of a 1.10-acre site to Montgomery County for a future Civic Building (which, if not accepted by the County must still be used to provide civic uses to the community) and associated parking area. In addition, a Town Green with an amphitheater and a plaza with a splash fountain are also provided. In the residential area, east of the Greenway, the Amendment will improve the Residents' Club with a new community building and an area of surface parking.

The Subject Property is zoned RMX-2 and RDT, which are governed by the development standards in Sections 59-C-10.3 and 59-C-9 of the Zoning Ordinance, respectively. The Application meets the applicable requirements of the RMX-2 zone, under the optional method of development, as demonstrated in the Project Data Table below. The Amendment also complies with the development standards of the RDT Zone, separate and aside from the provisions for the optional method of development. The RDT Zone encompasses Piedmont Woods Park on the northeast side of Snowden Farm Parkway.

The Amendment meets the density requirements of each applicable zone and recommendations in the Master Plan. The residential density of 6.27 du/ac is below the maximum density of 7 du/ac recommended by the Master Plan (p.43). The

commercial density at 0.18 FAR is well below the maximum 0.5 FAR allowed and the gross leasable floor area is well below the maximum 600,000 SF allowed by the RMX-2 Zone.

The Planning Board reconfirms its prior approval of the reduction of the minimum setback requirements of Section 59-C-7.15(b) of the Zoning Ordinance to allow two townhouse units to be located less than 30 feet away from an abutting commercial or industrial zoning, such as the CRT Zone in the Clarksburg Historic District. The Zoning Ordinance allows the Planning Board to reduce this setback by no more than 50% "upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property." The 50% setback reduction will not adversely affect the adjacent property or the new residential units. The orientation of the units and the landscaping provided improve compatibility between the two zones. In addition, uses in the CRT Zone are oriented towards MD 355 and away from the new residential units. A reduction of the minimum setback requirements has been applied to other portions of the development that have been built; therefore, this setback reduction is consistent with prior Planning Board determinations.

The Amendment meets parking requirements pursuant to Section 7.7.1.B.3.b of the Zoning Ordinance in effect after October 30, 2014, which allows grandfathered plans to reduce the parking requirements of a previously approved plan in a manner that satisfies the parking requirements of the current Zoning Ordinance. The parking waiver requested by the Applicant for the commercial core is not necessary given the provisions above, which decreased the parking requirements from 876 to 586 spaces for the commercial core. The residential parking requirements are met through private garage spaces, on-lot pad sites and surface parking facilities.

The data table below lists the required development standards approved by the Planning Board and binding on the Applicant. The Planning Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the RMX-2 zone and RDT zone.

DATA TABLE

Development Standard	Zoning Ordinance Permitted/ Required	Previously Approved with Project Plan 91994004C	Approved & Binding on Applicant
Site Area (acres)			
Gross Tract Area (GTA)	n/a	<u>270.0</u>	<u>270.92</u>

Area in RMX-2 Residential Commercial Area in RDT		204.0 66.0	204.92 (178.63) (26.29) 66.0
Land to be Dedicated for public use	n/a	<u>132.92</u>	<u>130.45</u>
Land for Civic Building		0.89	1.10
School Land to MCPS		1.92	1.92
School Land to MNCPPC		7.24	7.24
Park Land to MNCPPC		80.14	83.02
ROW for Public Streets		42.73	37.17
Net Area	n/a	137.08	140.47
Density & Land Use			
Max. Commercial (FAR) [59-C-10.3.4]	0.5 (300,000 SF)	0.16 (194,720 SF)	0.18 ³ (206,185 SF)
Max. gross leasable (non-residential) floor area (SF) [59-C-10.3.5]	600,000	194,720	206,185
Commercial Land Use (SF)			
Retail	150,000	194,720	129,545
Office	n/a	0	76,640
Residential D.U.s [59-C-10.3.6] (> 30 acres site area)	150 min.	1,206	1,120
Max. Residential Density (du/acre) [59-C-10.3.7]	7 d.u./acre ⁴ (1,428 d.u.)	6.86	6.3 ⁵
Unit Mix ⁶			
One-family detached	10-20%	219 (18%)	219 (19.6%)
One-family attached	30-50%	700 (58%)	665 (59.3%)
Multi-family	25-45%	287 (24%)	236 (21.1%)
MPDUs [Chapter 25A]	12.5%	12.5%	12.5% (140 MPDUs)
Min. Building Setbacks (ft) [59-C-10.3.8]			
From one-family residential zoning ⁷			

³ Calculated by dividing total gross floor area by 26.29 acres, which is the area covered by commercial uses in the RMX-2 Zone.

⁴ Max residential density established by the 1994 Clarksburg Master Plan, p.43.

⁵ Calculated by dividing the total number of units by 178.63 acres, which is the area covered by residential uses in the RMX-2 Zone.

⁶ Mix of units allocated by the 1994 Clarksburg Master Plan, p.44.

- Residential buildings	100	50	50
- Commercial buildings	100	50	50
From residential zoning other than one-family ⁵			
- Residential buildings	30	15	15
- Commercial buildings	50	25	25
From Any Street ⁵			
- Residential buildings	0	0	0
- Commercial buildings	0	0	0
From abutting commercial or industrial zoning (CRN Zone) ⁵			
- Residential buildings	30	15	15
- Commercial buildings	25	12.5	12.5
Max. Building Height (ft)			
Residential	To be determined at Site Plan		
One-family attached			
Lots 1-88, Block BB			40
Lots 81-88, Block BB			45
Lots 33-38, Block GG			45
Lots 39-77, Block GG			40
Lots 25-60, Block H			40
Multi-family			55
Accessory structures			25
Commercial	To be determined at Site Plan		
Building 1			60
Building 2			35
Building 3			35
Building 4			70
Building 5			35
Building 6			35
Building 7			35
Building 8			40
Building 9			35
Building 10			35
Building 11			40
Building 12			70
Building 13			55
Building 14			30
Building 15			40

⁷ The Planning Board may reduce the minimum setbacks, no greater than 50%, upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property.

Min. Green Area or outside amenity area [59-C-10.3.3] ⁸			
Residential (178.63 acres)	50%	52.1%	51.8% (91.83 ac.)
Commercial (26.29 acres)	15%	47.2%	51.6% (13.81 ac.)
Vehicle Parking Spaces [Section 7.7.1.B.3.b] ⁹			
East Side Residential			
One-family attached (36 units)	72 (2 spaces/unit)		72
Visitor spaces (Block H)	n/a		13
Residents Club	n/a		54
Subtotal	72	n/a	139
West Side Residential			
One-family attached (133 units)	266 (2 spaces/unit)		266
Multi-family 2-over-2 (58 units)	116 (2 spaces/unit)		116
Visitor spaces	n/a		
Block GG			10
On-street private			30
On-street public			72
Subtotal	382	n/a	494
West Side Mixed-Use Commercial			
Retail (111,545 SF GLA)	Min 390/ Max 669		
Restaurant (22,000 SF)	Min 88/ Max 264		
Office – General (31,360 SF)	Min 63/ Max 94		
Office – Medical (45,280 SF)	Min 45/ Max 181		
Civic (20,000 SF)	Min 0.5/ Max 2		
Subtotal	Min 596/ Max 1,248		886
Total spaces	Min 1,050	n/a	1,519
Bicycle Parking (number of racks)			
King's Pond Park			5
Piedmont Woods Park			8
Resident's Club			4
Regional Center/Library			9
Retail Core Area			28
Total	5%/sp provided	n/a	54
Motorcycle Parking			
Number of spaces	18 (2%/sp provided)	n/a	20

⁸ Green Area is calculated based on 204.92 acres in the RMX-2 Zone. Piedmont Woods Park is in the RDT Zone and not part of the calculations for Green Area.

⁹ Parking calculated pursuant to Section 7.7.1.B.3.b of the Zoning Ordinance in effect after October 30, 2014, which allows grandfathered plans to reduce the parking requirements of a previously approved plan in a manner that satisfies the parking requirements of the current Zoning Ordinance.

(b) The development conforms to the Clarksburg Master Plan.

The Amendment is consistent with the Master Plan. The Amendment provides a mixed-use community with office, retail, restaurant, and civic uses in addition to a variety of housing types including one-family detached, one-family attached, and multi-family units, which create a lively and diverse place. The clustering of non-residential uses on the West Side combined with significant open spaces, such as the Town Green, the plaza with splash fountain and the Greenway beyond, create a strong central focus and identity for the Town Center. The Town Center continues to be a pedestrian oriented neighborhood by providing a well-connected street system, orienting buildings towards the streets, and providing a variety of open spaces.

(c) Because of its location, size, intensity, design, operational characteristics and staging, the development is compatible with and not detrimental to existing or potential development in the general neighborhood.

The location, size and intensity of the Amendment are compatible with the existing and potential development in the general neighborhood. The Amendment reduces the total number of residential units by 86 (from 1,206 to 1,120) and increases commercial density by 11,465 SF, which includes the addition of office and medical uses to a total of 206,185 SF. The location, size and intensity of the development continue to be compatible with the Clarksburg Historic District to the west, the Highlands at Clarksburg and Clarksburg Village developments to the south, and Clarksburg Ridge and Catawba Manor developments to the north by locating higher density uses and heights near and within the future commercial area in the center of the Subject Property, and lower density uses and heights towards the periphery.

The design elements utilized are compatible with existing development by having street oriented development with minimal setbacks, parking and servicing in rear, and residential units rear loaded from alleys. In addition, material selection for architecture and streetscape is also compatible with existing materials. Elements of the previously approved Design Guidelines were incorporated in the plan, including architectural elevations of all the commercial buildings.

The operational characteristics are compatible with, if not improved, for existing and future developments by completing the internal road network including the road connection between the East and West Sides of the Greenway (aka the Land Bridge), and providing access from Stringtown Road via General Store Drive (private). The Amendment also provides a shared use path along the west side of the Greenway which accommodates pedestrian and bicycle circulation from Clarksburg Road to Stringtown Road for the greater community. Connectivity of the internal street network creates a consistent development pattern and furthers compatibility.

The staging of the development provides amenities and the necessary infrastructure in pace with the construction of the residential units and commercial buildings. The staging is compatible with, and not detrimental to, existing or potential development in the general neighborhood.

(d) The development does not overburden existing public services nor those programmed for availability concurrently with each stage of construction.

The staging program provides a timely provision of services and infrastructure. Since the development has a valid Adequate Public Facilities ("APF") approval for transportation facilities, water and sewer, etc., and the amended development density is within the limits previously approved, the Amendment satisfies the LATR/PATR requirements of the APF approval.

Conditions of the APF approval required improvements to public transportation infrastructure within and around the Subject Property, which are now being implemented through a roadway improvement package agreement, described in the Memoranda of Understanding dated June 25, 2015, between the Applicant and the Montgomery County Department of Transportation. Funding for the roadway improvement package has been secured through County Council appropriation.

Public facilities and services continue to be available and will be adequate to serve the development. The development is served by public water and sewer systems. The Amendment has been reviewed and approved by the Montgomery County Fire and Rescue Service, who have determined that the project will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as, police stations, firehouses, and health services are operating according to the Growth Policy resolution in effect when the APF approval was granted and will be adequate to serve the development. No additional residential units are included with this Amendment; therefore, the development is not subject to a School Facility Payment.

(e) The development is more efficient and desirable than could be accomplished by the use of the standard method of development.

The Amendment continues to apply the optional method of development, which is more efficient and desirable than the standard method. The optional method allows for greater densities in exchange for greater public amenities and facilities. The Amendment maintains roughly the same density of commercial and residential uses as previously approved. The commercial density has increased to 0.18 FAR (from 0.16 FAR), while residential density has decreased to 6.27 du/ac (from 6.86 du/ac). As discussed above, the Amendment continues providing an extensive number of

public amenities and facilities. It includes two Local Parks, a Greenway, Town Green, public plaza, location for a Civic Building with parking, and a new community building next to the Residents' Club with an additional parking area.

The standard method for the RMX-2 zone must comply with the standards and requirements of the R-200 zone. The standard method would yield lower density, require greater setbacks, larger lots, no public amenities or open space, and a one-family housing type, all in contrast with the recommendations of the Master Plan. The average density for R-200 is no more than 2.44 du/ac, which is much lower than the density of 5-7 du/ac recommended in the Master Plan and envisioned for the Town Center.

Overall, the public facilities and amenities provided will support the mix of uses and densities approved. The use of the optional method of development in the RMX-2 zone is necessary to achieve the vision and recommendations in the Master Plan. Therefore, the optional method of development is much more desirable and efficient for the Subject Property.

(f) The development includes moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.

The Amendment provides 24 MPDUs, which combined with the 116 approved MPDUs (provided by others), yields a total of 140 MPDUs, or 12.5% of the total of 1,120 dwelling units for the overall Clarksburg Town Center project, consistent with the requirements of Chapter 25A, and as approved by the Department of Housing and Community Affairs. The 24 MPDUs provided are located on the West Side and consist of rear-loaded townhouse and 2-over-2 units.

(g) When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, the Project Plan may be approved by the Planning Board based on the following findings:

The development does not propose any transfers of public open space or development density from one lot to another.

(h) The development satisfies any applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.

As conditioned and fully discussed at the hearing on this Application and included in the Planning Board Resolution MCPB No. 15-86 approving Site Plan No. 82007022D, which was adopted at the same time as this Resolution, the

Amendment is in compliance with the Montgomery County Environmental Guidelines, and the Forest Conservation Law (Chapter 22A). Amended FCP 82007022D was submitted on June 4, 2015. As part of the FCP, the Applicant will be retaining 41.39 acres of the original 48.49 acres of existing onsite forest, including 25.97 acres of forest within the environmental buffer. Approximately 2.42 acres of onsite forest within the environmental buffer has been cleared under the original FCP approval to accommodate project elements such as road crossings, utilities, and stormwater management measures. The Applicant proposes to meet the 22.58 acre forest conservation planting requirement onsite through forest and landscape plantings.

The Applicant has withdrawn its request to modify the Category I conservation easement with a viewshed management plan for the forest conservation planting areas within the environmental buffer located between Stringtown Road and the future retail center so that the project meets the goals and the requirements outlined in the SPA law, Environmental Guidelines, Forest Conservation Law, and Clarksburg Master Plan.

(i) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.

As conditioned and fully discussed in the at the hearing on this Application and included in the Planning Board Resolution MCPB No. 15-86 approving Site Plan No. 82007022D, which was adopted at the same time as this Resolution , the Amendment meets all applicable requirements for water quality resources protection under Chapter 19. In a letter dated June 23, 2015, Montgomery County Department of Permitting Services has conditionally approved their portion of the SPA Final Water Quality Plan including site performance goals, stormwater management, sediment and erosion control and BMP and stream monitoring. The Planning Board's responsibilities include forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces. Consistent with SPA requirements outlined in the Environmental Guidelines, areas of the environmental buffer currently lacking forest will be reforested, forest planting will be expedited, and a five-year maintenance program for newly planted forest will be required. The development results in approximately 12.19 acres of environmental buffer disturbance; however, this is a net reduction of 1.53 acres from the 13.72 acres of buffer disturbance on the previously approved Site Plan. Mitigation for the buffer disturbance will be provided onsite. The Clarksburg SPA does not have a specific numerical limit on impervious surfaces and the Applicant has demonstrated efforts to reduce imperviousness, including a net reduction of 1.53 from the previously approved site plan.

- (j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the Master Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

This finding is not applicable to this Application.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is SEP 14 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Presley, with Chair Anderson and Commissioner Fani-González voting in favor, Commissioner Presley abstaining, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board