


Miles Coppola: Pre-Preliminary Submission No. 720210010

 Angelica Gonzalez, Planner Coordinator, Upcounty Planning, Angelica.Gonzalez@Montgomeryplanning.org, 301-495-4583

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 Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561

Completed: 5/28/21

Description

Request to determine the alignment of the MD 355 Bypass through the Subject Property.

Location: Along Clarksburg Road and north of Interstate 270

Master Plan: 1994 Clarksburg Master Plan & Hyattstown Special Study Area & 2014 Ten Mile Creek Area Limited Amendment

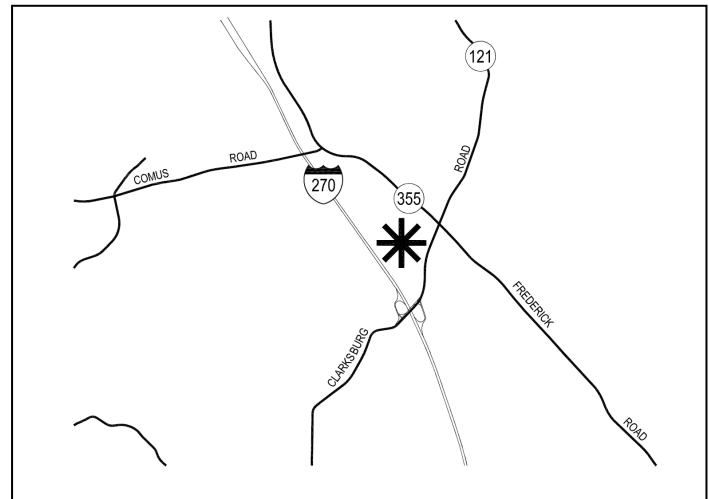
Zone: R-90, R-200, CRT-2.0 C2.0 R-2.0 H-120, and Clarksburg East Environmental Overlay Zone

Property Size: 97.15 acres

Applicant: Brookfield Washington, LLC

Acceptance Date: January 13, 2021

Review Basis: Chapter 50



Summary

- This Pre-Preliminary Application requests binding direction from the Planning Board on the preferred alignment of the MD 355 Bypass through the Subject Property as contemplated in the Master Plan.
- Staff supports the MD 355 Bypass alignment identified as Option 2, which, despite greater environmental impacts, secures a connection to MD 355 along the Subject Property frontage, provides greater intersection spacing from the intersection of Frederick Road and Clarksburg Road, and places the intersection with MD 355 further away from the Clarksburg Historic District.
- The Applicant will be required to construct a road connection between existing Clarksburg Road and Frederick Road, with the ultimate cross section to be determined as part of the subsequent preliminary plan.
- To date, Staff has received citizen correspondence on the Application regarding environmental concerns.

SECTION 1 – EXECUTIVE SUMMARY

Based on the information provided and available at this time, Staff is recommending approval of Option 2 as the preferred alignment; however, Staff can also support the alignment of Option 1, if the Applicant can obtain ownership of an intervening parcel of land between the Subject Property and MD 355 and provide a connection to MD 355.

Pre-Preliminary Plan No. 720210010 was accepted on January 13, 2021 pursuant to Section 50-5.2.C – Alternative procedure for pre-preliminary application submission. Pre-Preliminary Plans can serve two purposes: 1) to receive advisory recommendations from the Design Review Committee (DRC). The Applicant receives comments and direction from county and state agencies at DRC and identifies if the Application has major issues preventing the Applicant to proceed; or 2) to receive binding advice from the Planning Board on specific items decided at a public hearing. The Board must act to i. approve the pre-preliminary submission; ii. disapprove it, stating in writing the reasons for disapproval; or iii. approve it, subject to conditions or modifications as the Board finds necessary. Once binding advice is received from the Planning Board, the Applicant has 90 days to submit a Preliminary Plan application that is supported by the Board's decision at the Pre-Preliminary Plan stage. The Applicant has submitted a Pre-Preliminary Plan Application and is requesting a binding decision by the Planning Board on the proposed alignment of the portion of the future MD 355 Bypass through the Subject Property while considering recommendations included in the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* ("1994 Plan") and in the 2014 *Ten Mile Creek Area Limited Amendment* ("Master Plan").

The Application proceeded to the Development Review Committee on February 2, 2021 where the Applicant received comments from the various reviewing agencies. In response to DRC comments, the Applicant submitted revised plans and a revised Statement of Justification narrowing the scope of the Application to determine the preferred bypass alignment (Attachments A & B).

The Master Plan's goal was to refine *"the 1994 Plan's recommendations to better achieve two important objectives: the creation of a complete, well-defined corridor town that provides jobs, homes, and commercial activities; and the preservation of natural resources critical to the County's well-being"* (Master Plan, page 5). The Ten Mile Creek Master Plan area identified in the Master Plan was created from the 1994 Plan to protect sensitive environmental resources in Ten Mile Creek. Independent environmental consultants studied the effects of several development scenarios on Ten Mile Creek's water quality and evaluated the existing and planned road network and plans for transit service. As a result, the Master Plan's recommendations included substantial open space requirements and environmental buffers throughout the watershed. The Master Plan did not finalize the alignment for the MD 355 Bypass, but deferred to later study, specifically recommending a facility plan. However, to date no large-scale study on the alignment has been conducted, leaving the alignment through this portion of Clarksburg to be determined as part of the development of the Subject Property. While the Master Plan suggested that the bypass alignments should be studied through a facility plan when the Miles Coppola properties develop, the authorship of the study is not specified, though facilities plans are typically required of public projects once they are added to the six-year CIP schedule. Since the anticipated development of the Subject Property is preceding prior to any public process for the bypass, applicable agencies have been studying the alignments of the bypass presented by the Applicant as part of the Pre-Preliminary Plan through the typical development review process. A road connection between existing Clarksburg Road and Frederick Road (MD 355) will be constructed by the Applicant on the Subject Property. The Preliminary Plan will determine the ultimate cross section of this road and will analyze and determine horizontal and vertical alignment, grading, location of transit facilities, and full environmental impacts. The overall intent of the

bypass was to minimize impacts to the Clarksburg Historic District and provide an alternative route on the west side of Frederick Road. After studying a number of alternatives that analyze the overall Clarksburg bypass, the Applicant presented two options that would provide for the bypass on the north side of Stringtown Road.

Preference is made to the alignment that can secure the full connection to MD 355 (Frederick Road). At minimum, the preferred alignment should also provide a full vehicular road connection with a master-planned shared use path along the bypass alignment between Frederick Road and Clarksburg Road. Full right-of-way dedication must support the final master-planned road section to include space for bus rapid transit (BRT) facilities. The Preliminary Plan must meet all additional conditions of approval to ensure the Application conforms to the Master Plan vision for the site as well as meet all zoning and related regulatory requirements.

As such, Staff supports the submission of a preliminary plan and recommends Option 2 for the future MD 355 Bypass as shown below in Figure 1, which, despite greater environmental impacts, secures a connection to MD 355 along the Subject Property frontage, provides greater intersection spacing from the intersection of Frederick Road and Clarksburg Road, and places the intersection with MD 355 further away from the Clarksburg historic district. Option 1 is not implementable since there is no control of a property where the Applicant has proposed the future MD 355 Bypass connection. Although Option 2 is the preferred alignment, Staff could also support Option 1 should the Applicant be able to secure the ability to construct on the intervening properties to the north and immediately adjacent to the Clarksburg fire station. These properties are currently not under the Applicant's ownership and are not part of the application but would be necessary for Option 1 to be implemented. This is discussed in greater detail in the analysis section below.

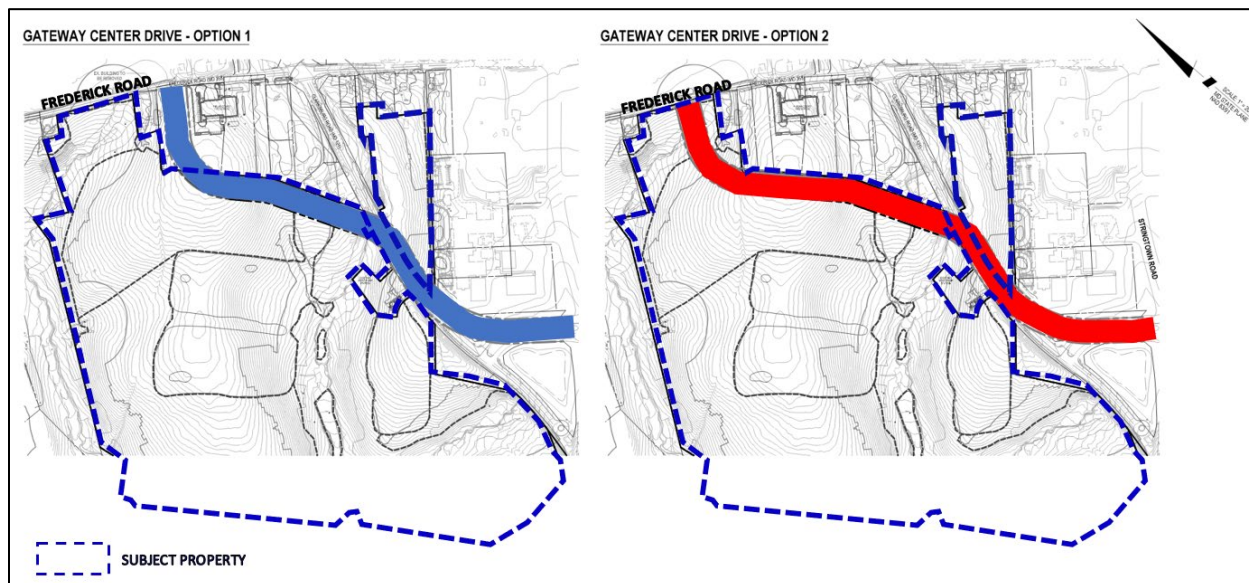


Figure 1 – MD 355 Bypass Alignments: Option 1 (Blue) and Option 2 (Red)

SECTION 2 – STAFF RECOMMENDATION

Staff supports the submission of a preliminary plan and recommends Option 2 for the future MD 355 (Frederick Road) Bypass alignment. Any future Preliminary Plan application should, at a minimum, address the following:

1. MD 355 Bypass – Staff supports the Applicant’s proposed alignment for the bypass as discussed in detail below. In particular, Staff recommends the Applicant pursue the Option 2 alignment. However, the Option 1 alignment may be acceptable should the Applicant be able to ensure construction on the intervening properties to the north and immediately adjacent to the Clarksburg fire station, which currently are not part of the application. The Preliminary Plan must provide:
 - a. Concept design for the bypass detailing road cross section, horizontal and vertical alignment, easements, and location of transit facilities, to be reviewed and analyzed as part of the future preliminary plan.
 - b. Environmental impacts of the bypass with respect to extent of cut and fill, grading, stream and wetland impacts will be further reviewed and analyzed as part of the future preliminary plan.
2. Road Dedication – The Preliminary Plan shall provide adequate right-of-way dedication to support the full master planned facilities of the bypass. Dedication shall support both the recommended alignment via Clarksburg Road as well as accommodate a future extension of Observation Drive.
3. Road Construction – The Applicant must construct a road connection following the bypass alignment through the Subject Property. The connection must run between Clarksburg Road and Frederick Road. The road must meet public road standards and meet requirements for the 2018 Bicycle Master Plan. Details of the cross section for the road and phasing will be determined as part of the preliminary plan.
4. Transportation Study – The Preliminary Plan must include an updated transportation study to determine the impact of the development on the transportation system (Section 50.39.K) considering all approved background development as well as new road connections.
5. Future development must be in substantial conformance with the Zoning Ordinance and consistent with the recommendations in the 2014 Ten Mile Creek Area Limited Amendment.
6. The Applicant is encouraged to locate the bypass intersection segment with Clarksburg Road as far uphill (existing Miles Coppola farm access road) to the north as possible to avoid and minimize environmental impacts to the nearby stream valley.
7. The Applicant must coordinate with staff to minimize environmental impacts along the MD 355 frontage, regardless of the alignment.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 27, 2021, and hereby incorporates them as conditions of the Pre-Preliminary Plan approval.

9. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated May 27, 2021 and incorporates them as conditions of the Pre-Preliminary Plan approval.

SECTION 3 – SITE LOCATION & VICINITY

Site Location & Vicinity

The Subject Property consists of 3 parcels identified as Parcel A, Parcel P033 on Tax Map EW21, totaling 18 acres, Parcel B, Parcel P303 on Tax Map EW21 totaling 63 acres, and Parcel C, Parcel 570 on Tax Map EW21 totaling 16 acres (“Subject Property” or “Property”). The Subject Property totaling +/-97.15 acres is bisected by Clarksburg Road (MD 121) as shown in Figure 2 below. The Subject Property is located on Clarksburg Road (MD 121) and north of Interstate 270 (I-270). The Property is zoned R-90, R-200 and CRT-2.0, C2.0, R-2.0, H-120 and located within the Clarksburg East Environmental Overlay Zone as shown in Figure 3. The Subject Property is within the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* and the 2014 *Ten Mile Creek Area Limited Amendment*.

The Subject Property is undeveloped and includes approximately 73 acres of forest with the remaining land in agricultural production. The Property is in the Little Seneca Creek - Ten Mile Creek Watershed, and within the LSTM 206 subwatershed, which is classified by the State of Maryland as Use Class I-P waters. It is located within the Ten Mile Creek Special Protection Area. There are streams, wetlands, and areas of 100-year floodplain within the environmental buffers, and areas with slopes that are fifteen percent and greater. There are no mapped erodible soils on the Property.

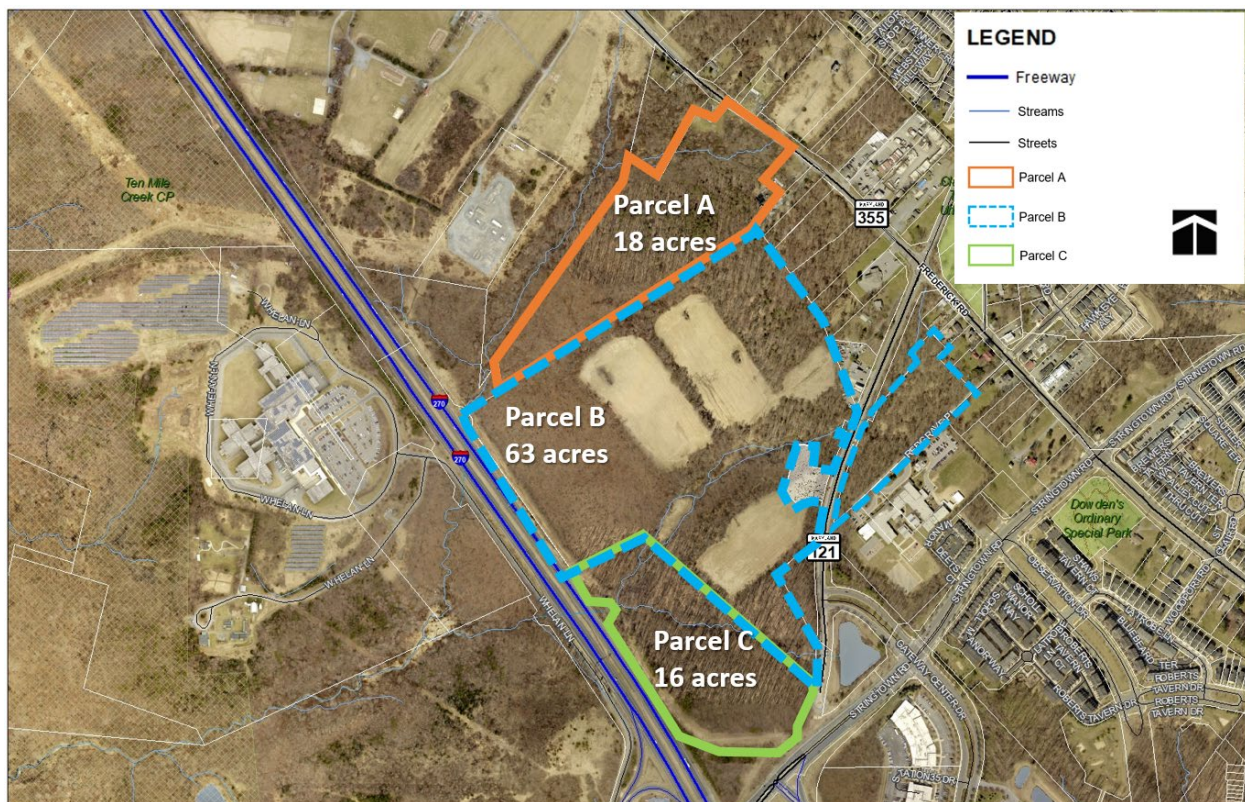


Figure 2 – Subject Property

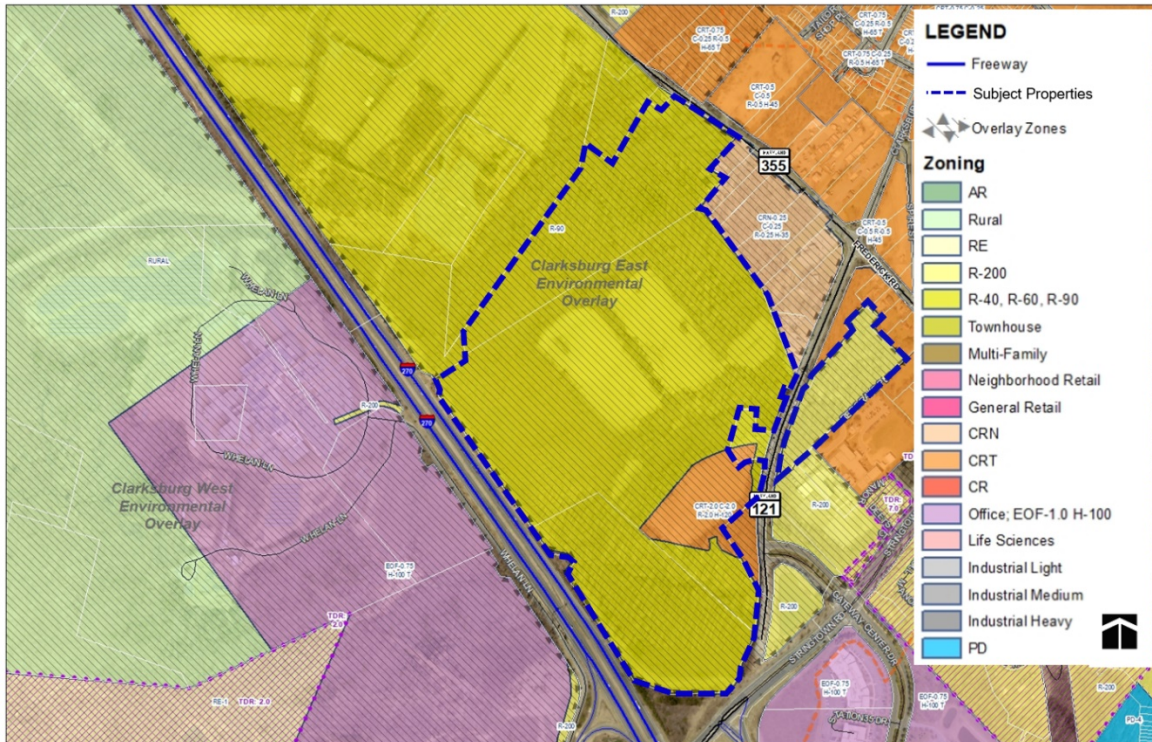


Figure 3 – Zoning Map

A portion of the Subject Property is currently vacant (Parcel A) and the remaining portions serve as agricultural uses (Parcels B & C) as shown in Figure 2. Parcels A and the portion of Parcel B west of Clarksburg Road are currently accessed from Clarksburg Road through the adjacent Liberty Gas Station property. There is no existing access to the portion east of Clarksburg Road.

A single-family detached residential dwelling unit and vacant land in the R-90 zone are located to the northwest of the Property. A catering facility is also located northwest of the property that was recently approved for residential townhouse and multi-family development known as Ashford Woods (Preliminary Plan No. 120210110). Single-family detached residential dwelling units, vacant land, a service station, institutional facility, and the future firehouse are located to the northeast of the Properties in the CRN-0.25, C-0.25, R-0.25, H-35 and CRT-0.5, C-0.5, R-0.5, H-45 zones. Vacant land, open space, and an institutional facility are located to the southeast in the R-200 and CRT-0.5, C-0.5, R-0.5, H-45 zones. The Property is bounded by I-270 southwest of the Property and across the I-270 includes Montgomery County owned parkland and the Montgomery County Correctional Facility in the EOF-0.75 H-100T zone. Northeast of the Property includes several properties located within the Clarksburg Historic District; one of which is the Clarksburg School identified as a historic site.

SECTION 4 – PROPOSAL

Pre-Preliminary Plan No. 720210010 was accepted on January 13, 2021, and the Applicant is seeking a binding decision from the Planning Board on the preferred alignment of the MD 355 Bypass through the Subject Property. The Applicant has provided two options for the bypass, both utilizing a realignment from the south from Gateway Center Drive, as shown in Figure 4, and described in detail below. In both cases, the Applicant will construct a road connection between existing Clarksburg Road and Frederick Road, with the ultimate cross section to be determined by the preliminary plan. The road will additionally provide

bike and pedestrian connectivity through the Subject Property from Clarksburg Road to Frederick Road. As conditioned, the Applicant will provide additional study of the designs for the road to include cross section, vertical and horizontal alignment, and measures of environmental impact. MCDOT additionally requests similar study of an option to extend the bypass as an extension of Gateway Center Drive through the existing intersection with Clarksburg Road and then through the central portion of the Subject Property. This is in comparison to the Option 1 and Option 2 alignment which merges Gateway Center Drive with Clarksburg Road until splitting further to the north. This option was not pursued or recommended by this pre-preliminary plan due to significant grading challenges and impacts to wetlands and stream valley, as well as lack of ownership of an intervening triangular property separating the intersection from the Subject Property (Figure 3).

Option 1

The Applicant proposes an extension of Gateway Center Drive via a portion of Clarksburg Road, continuing through the Subject Property as shown in blue in Figure 4. The MD 355 Bypass would intersect Frederick Road approximately 650 feet to the northwest of the existing Clarksburg Road / Frederick Road intersection and immediately adjacent to the new fire station. However, the section of the bypass adjacent to the fire station would run through one or more properties that are not in the control of the Applicant; ideally such an alignment would require additional land acquisition or partnership with the adjacent landowners. With land acquisition, a vehicular connection would need to be constructed between existing Clarksburg Road and Frederick Road following the alignment, specifically to provide proper fire access and adequate community connectivity.

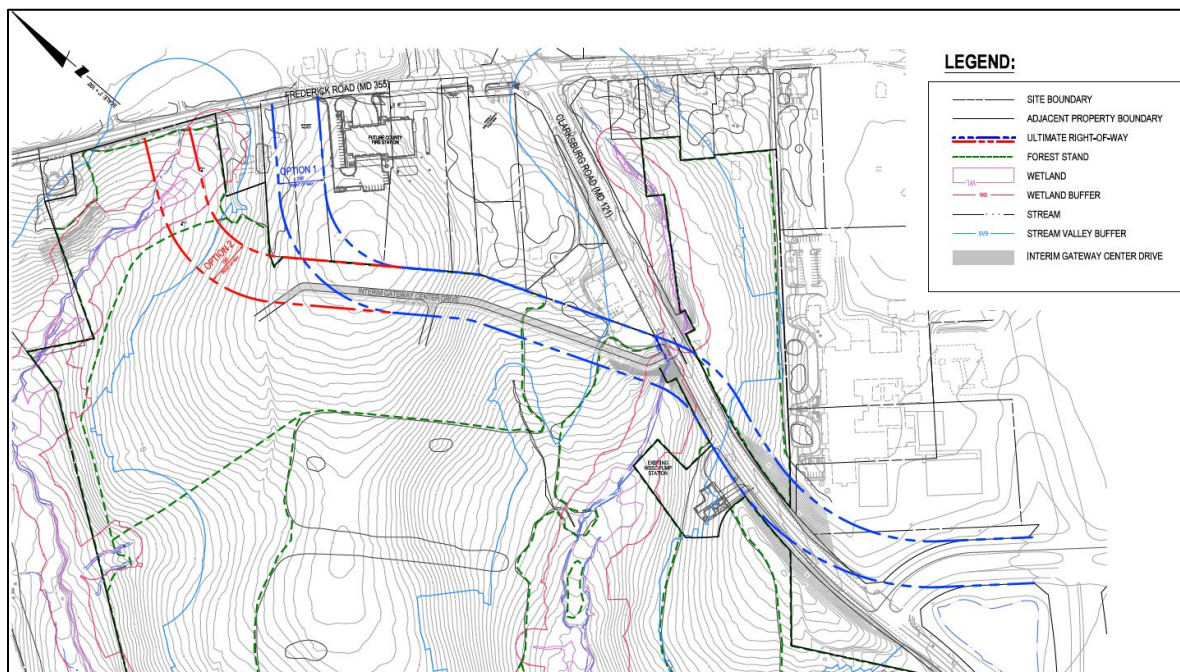


Figure 4 – MD 355 Bypass Alignments: Option 1 (Blue) and Option 2 (Red)

Option 2

The Applicant proposes using the same alignment extension of Gateway Center Drive via Clarksburg Road, but would intersect Frederick Road further in the northwest portion of the Subject Property (shown in red in Figure 4), and approximately 1,200 feet to the northwest of the existing Clarksburg Road / Frederick Road intersection. The bypass alignment under this option is located entirely within the Subject Property. The Applicant will provide a road connection from Clarksburg Road through the Subject Property to

Frederick Road aligning with the future bypass. As conditioned, the full design details of the road will be determined as part of the preliminary plan.

Road Dedications

The Applicant will provide a plan for road dedication that can accommodate the ultimate alignments for either Option 1 or Option 2. Additionally, the Applicant will provide dedication for a potential extension of Observation Drive from the southeast in the case the future public bypass project utilizes that alignment in addition to the Gateway Center Drive alignment. It is worth noting that other options were considered during the review of this Application which are discussed in the Analysis section of the report below.

SECTION 5 – ANALYSIS

Overall Clarksburg Transportation Network

The 1994 Plan proposed creating seven neighborhoods in Clarksburg that would be oriented toward pedestrians and would maintain connections to the overall transit network (Policy 7) (Master Plan, pages 7-8). Within these neighborhoods the 1994 Plan would aim to incorporate a hierarchy of roads and streets (Policy 5) that would allow through traffic to bypass the developed areas in the Town Center's Historic District, connect streets within neighborhoods for improved local movements, and include pedestrian-friendly designs for streets that link neighborhoods to through-routes (1994 Plan, pages 24 & 29/Master Plan pages 7-8). These policies are carried forward as part of the Master Plan (Master Plan, pages 25-26).

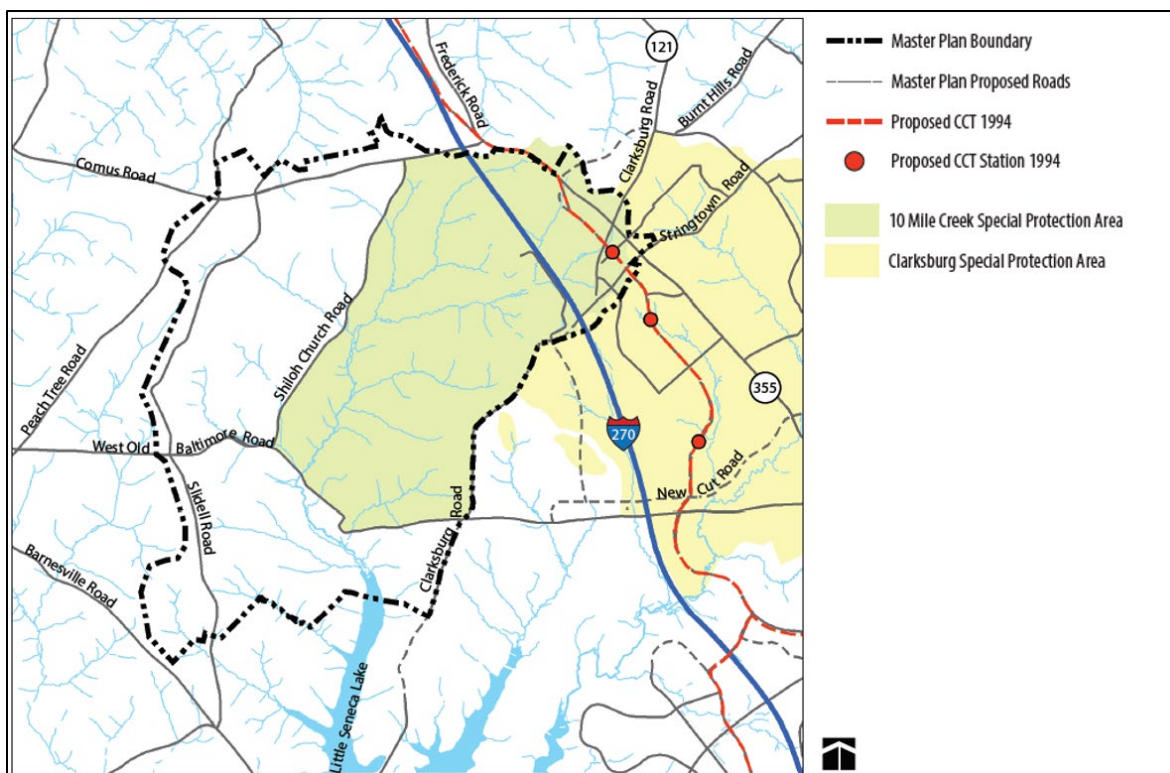


Figure 5 – Master Plan: Road Network

MD 355 Bypass

The MD 355 Bypass is a recommended transportation facility in both the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* and 2014 *Clarksburg Ten Mile Creek Area Limited Amendment* to provide

a joint highway and transitway to carry through-traffic around the Clarksburg historic district (Master Plan, page 25). The proposed alignments, running to the southeast of the district, are intended to minimize impacts to the historic district by alleviating the need to widen MD 355 beyond its current 2-lane configuration. Earlier transportation studies have suggested that future traffic volumes would well exceed the capacity of Frederick Road through this corridor, necessitating additional capacity. Additionally, early studies for the Corridor Cities Transitway (“CCT”) were to see the line extend through Clarksburg along the MD 355 corridor to terminate beyond the county line to the north, though this alignment was never pursued beyond the initial study, with existing plans for the CCT now terminating a mile south of the Subject Property. This report focuses on a limited portion of the alignment through the Miles Coppola Property from Gateway Center Drive to MD 355. The proposed future bypass alignment provides adequate right-of-way (ROW) dedication to accommodate a future dedicated transitway, CCT or any other potential future route, that otherwise would not be able to fit within the existing constrained Frederick Road ROW through the historic district.

In addition to recommendations to avoid impacts to the historic district, the Master Plan also recommends efforts be taken to limit impacts to wetlands and other environmental features (Master Plan, pages 25-26).

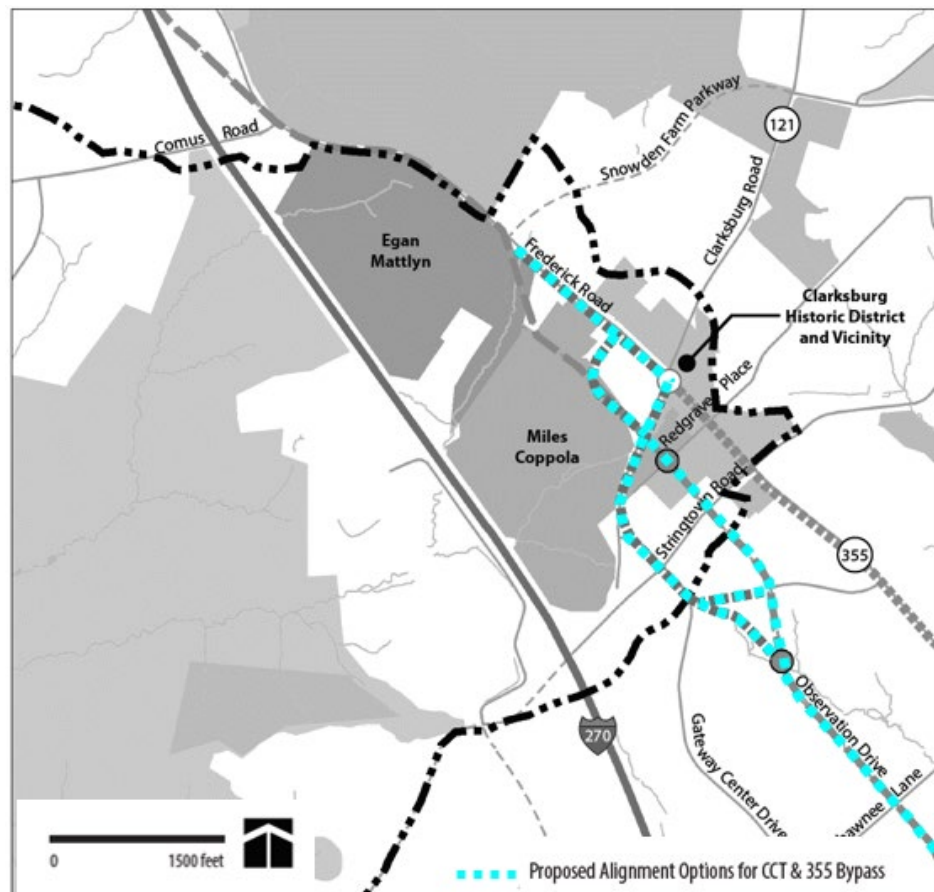


Figure 6 – Master Plan: Potential Alignments

Several alignments are alluded to, sometimes in language conflicting with illustrated maps, but not explicitly recommended as shown in Figure 6. Both the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* & 2014 *Ten Mile Creek Area Limited Amendment* left the specific alignment of the bypass open-

ended. The Master Plan instead recommends that alignments be studied as part of an area-wide facility plan (Master Plan, page 26) with the intent to identify and avoid wetland impacts, determine appropriate right-of-way dedication, accommodate bus rapid transit (BRT) facilities, and provide access to developable properties. The authorship and responsibility of the facility plan is not specified and to date, no large-scale study has been conducted. Although the facility plan has not been prepared as of the date of this report, these items were considered and analyzed based on the available information as part of our recommendations. More detailed analysis and a final determination of the bypass alignment is expected to occur during review of any subsequent regulatory applications or larger-scale public project.

Importantly, Staff recommends that a full road connection be constructed following the proposed alignment prior to the full build-out of the Application. This connection foremost provides an incremental improvement in support of the Master Plan bypass while also providing pedestrian and bike connectivity for the community to the town center as recommended in the Master Plan.

Clarksburg Road Alignment

Following staff guidance, this Application proposes following a portion of the existing Clarksburg Road alignment running north from Stringtown Road (see red line in Figure 7) for the bypass. This accommodates a full future alignment with either Gateway Center Drive or Observation Drive to the south. The option to extend the existing portion of Observation Drive, which currently terminates at Stringtown Road, across to Redgrave Place and then to Clarksburg Road is not recommended as part of this plan. Nevertheless, as conditioned, adequate right-of-way dedication for this alignment will be provided should a connection be pursued in the future, though no grading or construction will occur as part of this Application.

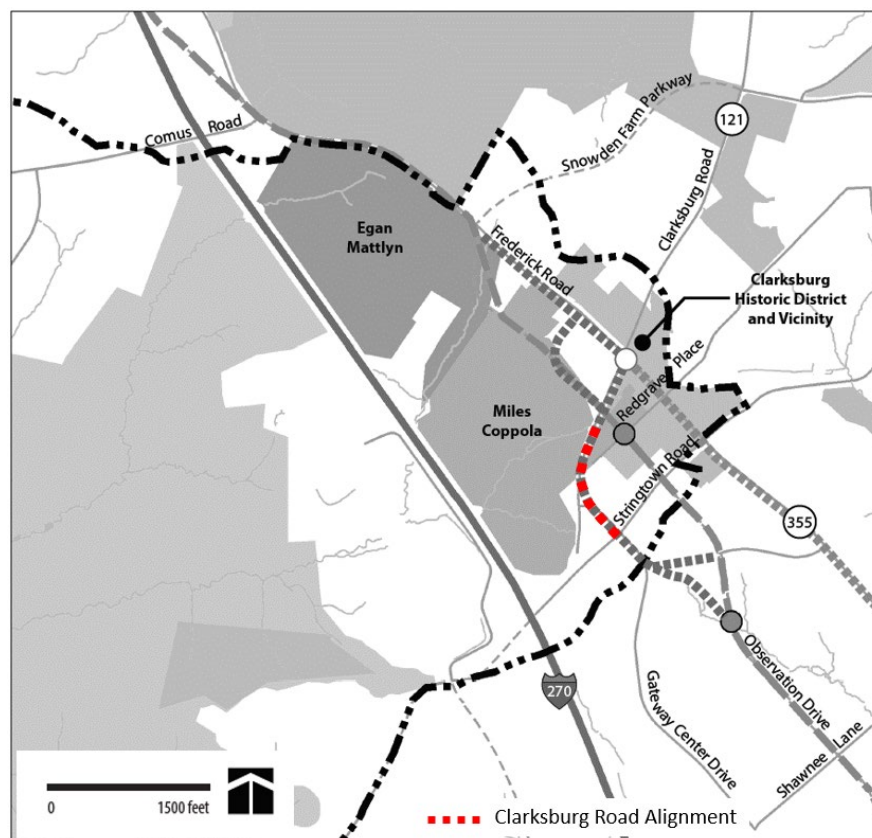


Figure 7 – Proposed Portion - Clarksburg Road Alignment

This recommended alignment is based on the expediency of using the already constructed and completed Clarksburg Road, which itself was recently realigned to intersect Stringtown Road at Gateway Center Drive. Additionally, this will avoid significant impacts that would be caused by an extension of Observation Drive, namely to Clarksburg Elementary School, which controls the property along the portion of an alignment between Stringtown Road and Redgrave Place as shown in Figure 8. The existing historically significant former Clarksburg Schoolhouse building also lies directly in the path and would have to be relocated at significant expense and impact. Additionally, the steep grade between Redgrave Place and Clarksburg Road presents a significant and costly engineering challenge.

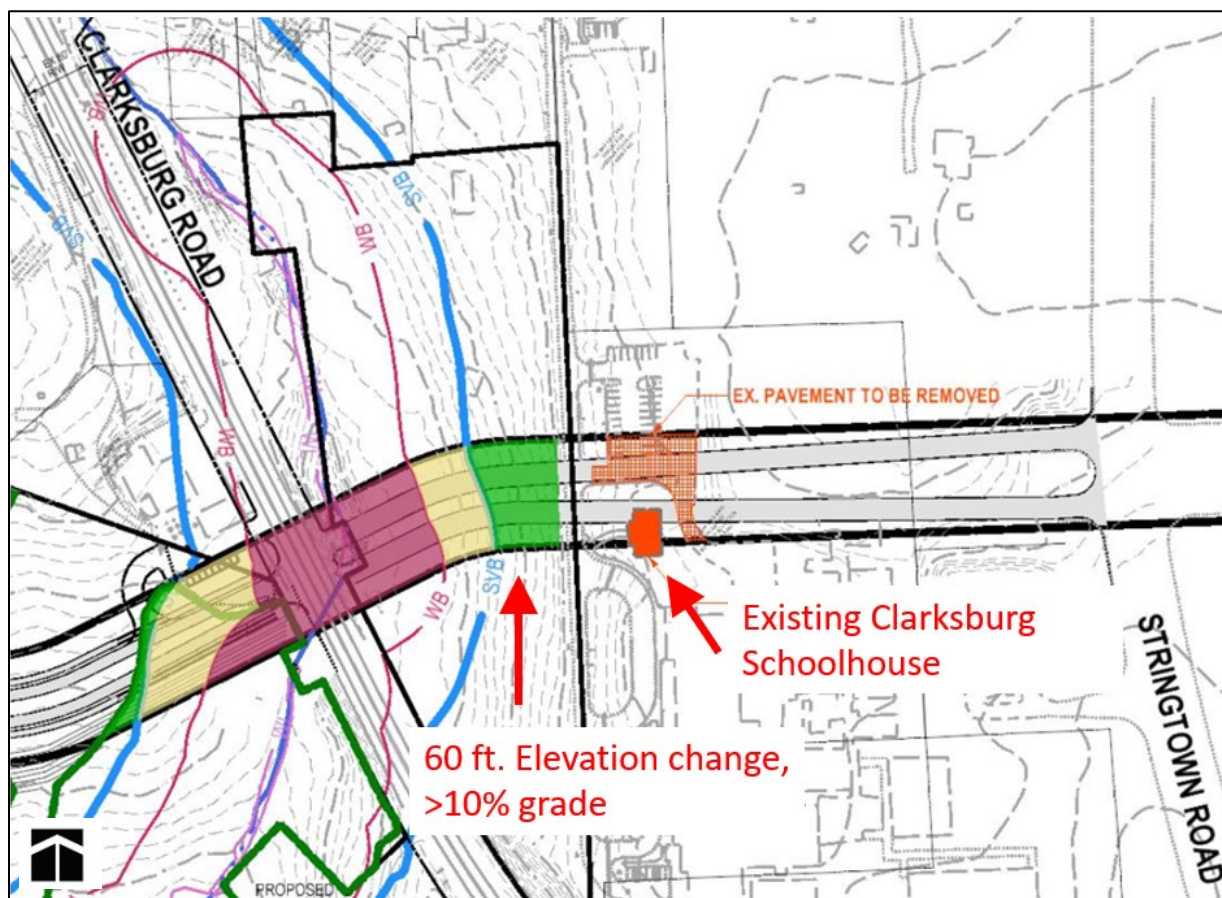


Figure 8 – Extension of Observation Drive Alignment

To this end, the Application will provide full right of way dedication to allow both the extension of the existing Clarksburg Road as well as dedication to support an extension of Observation Drive through the Subject Property as shown in Figure 8. Additionally, the bypass will enter the Subject Property off Clarksburg Road immediately adjacent to the neighboring Liberty gas station that can support such a connection.

The Applicant has provided two alignment options through the Subject Property. These options extend the bypass from existing Clarksburg Road to Frederick Road, both utilizing the same proposed intersection point with Clarksburg Road immediately south of the Liberty Gas Station property. They differ in the connection point to Frederick Road. Option 1 intersects Frederick Road immediately north of the Clarksburg fire station ("Option 1" and shown in Figure 12), and Option 2 intersects Frederick Road approximately 500 feet further to the north ("Option 2" as shown in Figure 9). The analysis below focuses

on the following criteria to determine the preferred future bypass alignment – a) Master Plan conformance, b) environmental impacts, c) buildability, and d) connectivity. The analysis below begins with Staff preferred MD 355 Bypass alignment – Option 2.

Option 2

This bypass alignment would extend from Gateway Center Drive at Stringtown Road, along Clarksburg Road, extend through the Property and intersect Frederick Road approximately 1,200 feet to the northwest of the existing Clarksburg Road / Frederick Road intersection and approximately 500 feet to the north of the Option 1 proposal. This option is shown below in Figure 9.

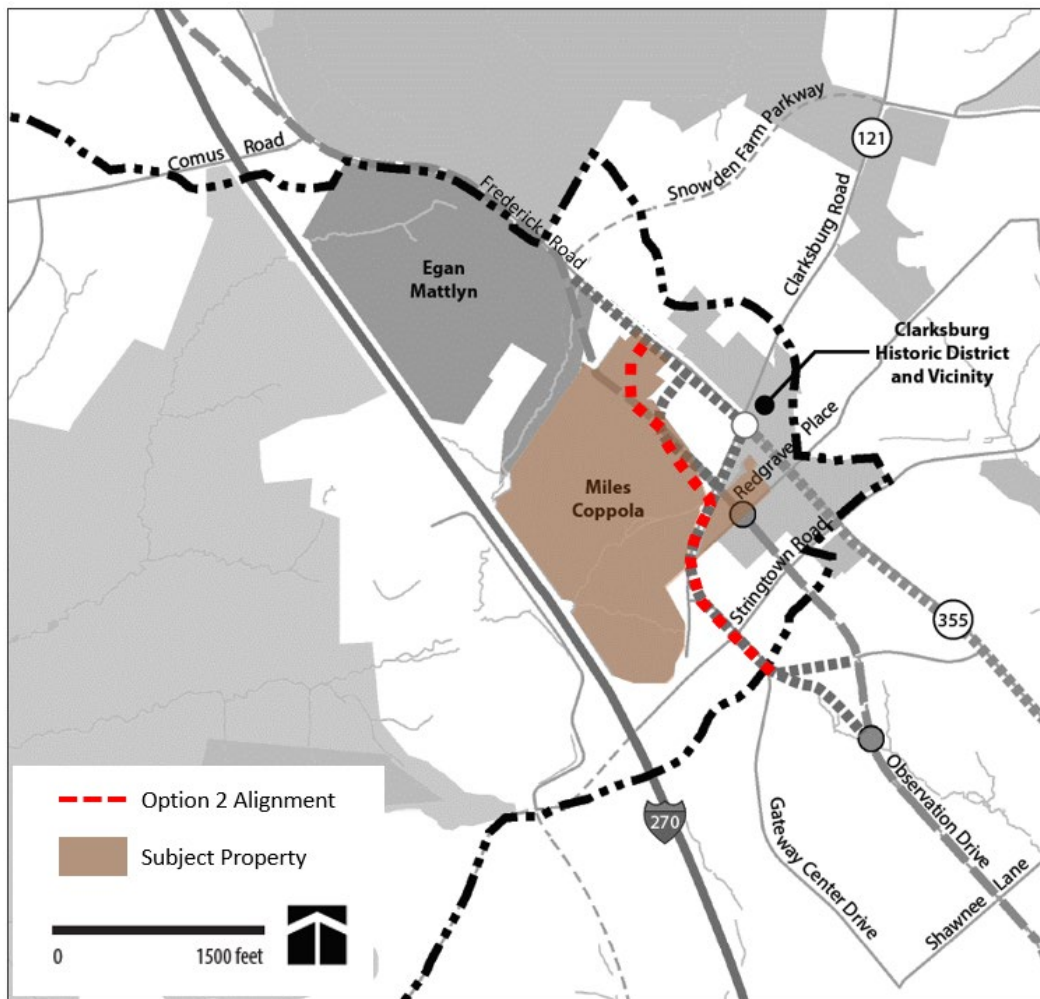


Figure 9 – Option 2 MD 355 Bypass Alignment

Master Plan

The 2014 *Ten Mile Creek Area Limited Amendment* master plan provides brief guidance to intersect the bypass with MD 355 at a point approximately 0.3 miles to the north of the intersection with Clarksburg Road, following a path running from the existing intersection of Clarksburg Road and Stringtown Road in the south, along Clarksburg Road, through the upper portion of the Miles Coppola Property, and intersecting MD 335. This general alignment was proposed to limit both impacts to streams and wetlands as well as the historic district and is in lieu of an alignment from the earlier 1994 Plan to connect to Snowden Farm Parkway to the north. As proposed, Option 2 generally conforms to

this Master Plan guidance, though Option 1 more precisely matches the 0.3-mile distance from the Clarksburg Road / MD 355 intersection as shown in the Master Plan to avoid the wetland and stream impacts (Master Plan, page 27). The Master Plan recommends a facility plan to determine the alignment of the bypass, to be triggered by the development of the Subject Property. This Pre-Preliminary Plan application, and subsequent preliminary plan application, serves the general purpose of such a facility plan for the Miles Coppola Property section, particularly in regard to determining the alignment of the bypass through the Subject Property along with determining the cross section and horizontal and vertical alignments of the road itself. Right-of-way will be provided to meet the full master planned cross section of the bypass, including width to accommodate dedicated transitway.

Environmental Impacts

Based on preliminary environmental information provided in the Application's NRI/FSD #420210650, approved on April 13, 2021, along with a supplemental study of environmental impacts, the Applicant has estimated this Option will result in 30,001 square feet of wetland buffer impacts (highlighted in pink in Figure 10) and 50,574 square feet of stream valley buffer impacts (highlighted in yellow in Figure 10). The Applicant did not quantify the square foot or linear foot impacts to wetlands and streams, nor did they provide the amount of cut and fill that will be necessary to construct the bypass through this area. However, given the extent of these wetlands and the topography across this stream valley, the impacts to this headwater stream system will be extensive.



Figure 10 – Option 2 Environmental Impacts

This option includes forest impacts that the Applicant has estimated to be 136,906 square feet of forest removal (highlighted in green on Figure 10).

The majority of this alignment follows Option 1, except in the area where the connection bends in the northernmost area and connection is made to Frederick Road, which is highlighted in red below in Figure 11. Instead of the alignment running through off-site properties, the alignment continues entirely within the Subject Property. Therefore, the ability to build the bypass will not be hindered by off-site property acquisition



This option will accommodate a full vehicular and pedestrian connection across the Subject Property and accommodate the full alignment of the bypass. The proposed intersection with Frederick Road would be approximately 1,200 feet to the north of the Frederick Road / Clarksburg Road intersection, roughly twice the distance as provided by Option 1. Also, this connection is more centrally located between the two signalized intersections (at Snowden Farm Parkway and Clarksburg Road). If designed and built, this alignment would be adequate to support all planned public infrastructure.

The bypass alignment would extend from Gateway Center Drive at Stringtown Road, along Clarksburg Road, extend through the Property and intersect Frederick Road next to the new fire station as shown in blue in Figure 12 below.

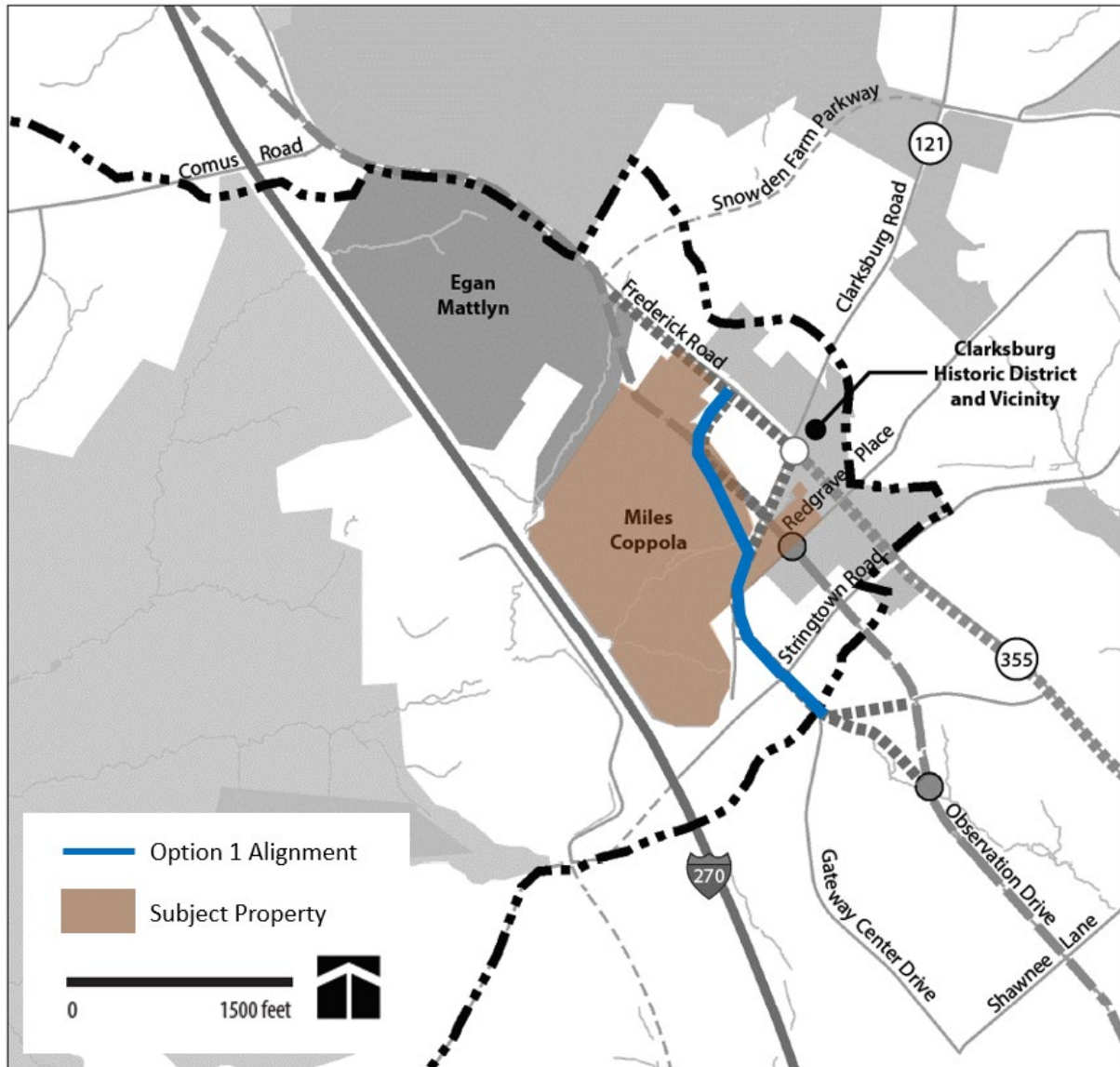


Figure 12 – Option 1: Connection to MD 355

Master Plan

This alignment generally follows an alignment as proposed by the 2014 *Ten Mile Creek Area Limited Amendment* (Master Plan, page 35), running from the existing intersection of Clarksburg Road and Stringtown Road in the south, along Clarksburg Road, through the upper portion of the Miles Coppola property, and intersecting Frederick Road approximately 0.3 miles south of Snowden Farm Parkway, as explicitly noted in the Plan (Master Plan, 26). The one deviation from the Master Plan is the awkward stream crossing at Clarksburg Road. The Master Plan calls for a crossing at the current entrance to the property at a much higher elevation and further outside the stream valley, thus requiring less disturbance to sensitive areas. Rights-of-way will be provided to meet the full master planned cross section of the bypass, including width to accommodate dedicated transitway. Option 1 is generally consistent with the Master Plan.

Environmental Impacts

A desktop analysis of environmental impacts was prepared by the Applicant based on environmental information provided in the Application's NRI/FSD #420210650, approved on April 13, 2021, as shown in Figure 13. Option 1 avoids impacts to headwater streams and the associated wetland system near Frederick Road, including the wetland and stream buffers in this area. The Master Plan's focus on the protection of environmental features and water quality likely resulted in this alignment's inclusion in the Master Plan's recommendations (Master Plan, page 26). The Applicant has estimated that 6,471 square feet of wetland buffer (highlighted in pink on Figure 13) and 26,220 square feet of stream buffer (highlighted in yellow on Figure 13) would be impacted by Option 1. Additionally, this would require 89,451 square feet of forest removal (highlighted in green on Figure 13), although this figure does not include the forest removal that would be necessary to make this alignment's connection through the offsite properties, out to MD 355.

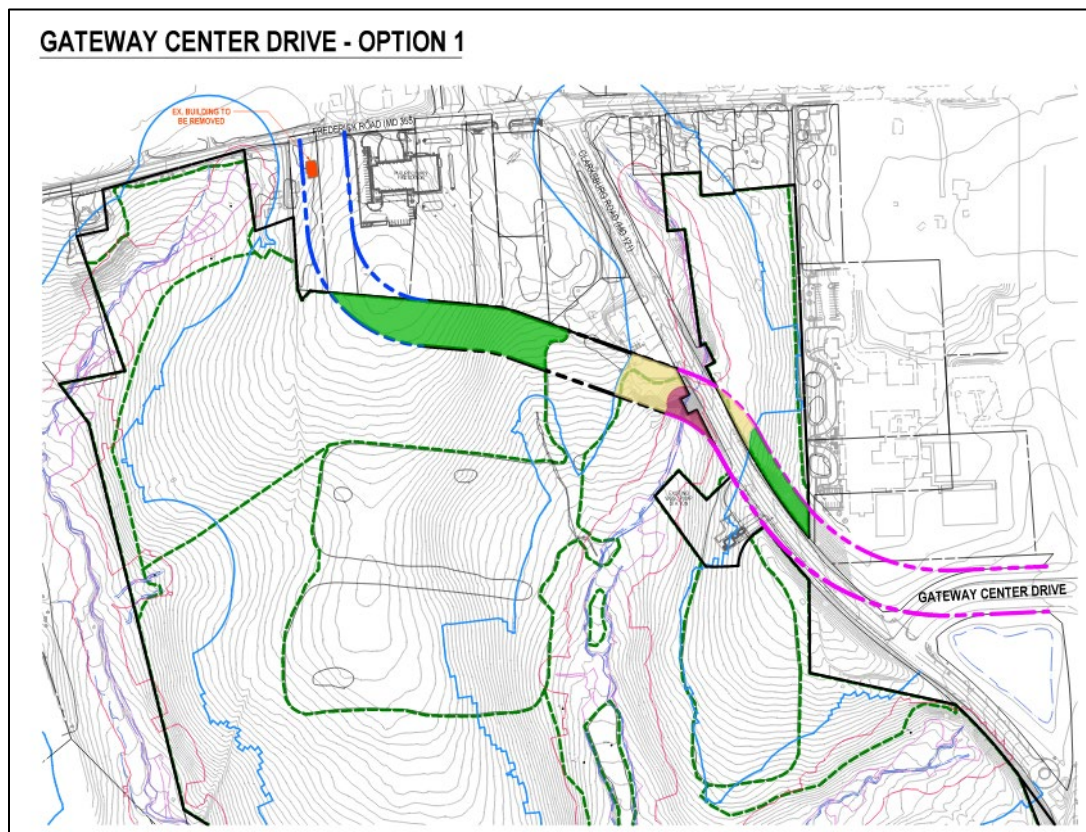


Figure 13 – Option 1 Environmental Impacts

To summarize the environmental impacts for the two options, Option 2 results in greater environmental impacts to the stream and wetland system near Frederick Road. The Applicant has estimated that 30,001 square feet of wetland buffer will be impacted by Option 2 compared to 6,471 square feet of wetland buffer under Option 1, a difference of 23,530 square feet (wetland buffer impacts highlighted in pink in Figures 13). In addition, the Applicant has estimated that 50,574 square feet of stream buffer will be impacted by Option 2 compared to 26,220 square feet of stream buffer impact under Option 1, a difference of 24,354 square feet (stream buffer impacts are highlighted in yellow on Figures 13 and 10). Additionally, Option 2 requires 136,906 square feet of forest removal compared to 89,451 square feet for Option 1, a difference of 47,455 square feet (forest impacts are highlighted in green on Figures 13 and 10). Both options propose the same impacts to forest, streams, wetlands, and their buffers where the

Bypass intersects Clarksburg Road. As conditioned, additional environmental details will be provided by the Applicant that will be further analyzed and reviewed by Staff as part of the future preliminary plan. This includes cut and fill, grading, stream and wetland impacts. This allows for a deeper understanding on how environmental impacts can be mitigated as a result of the MD 355 Bypass alignment.

Buildability

Under this Option the portion of the bypass at the intersection point to Frederick Road is located outside of the Subject Property; this would therefore add a significant hurdle to implementing this portion of the alignment. As shown below, the bypass is anticipated immediately adjacent to the future fire station. To accommodate master planned right-of-way width of 130-feet, two properties would need to be acquired to support the full width of the bypass. The property west of the future fire station is currently vacant and identified as parcel U 279767 and highlighted in yellow in Figure 14. The other property is improved with a single-family detached house and identified as parcel P975 and highlighted in orange.

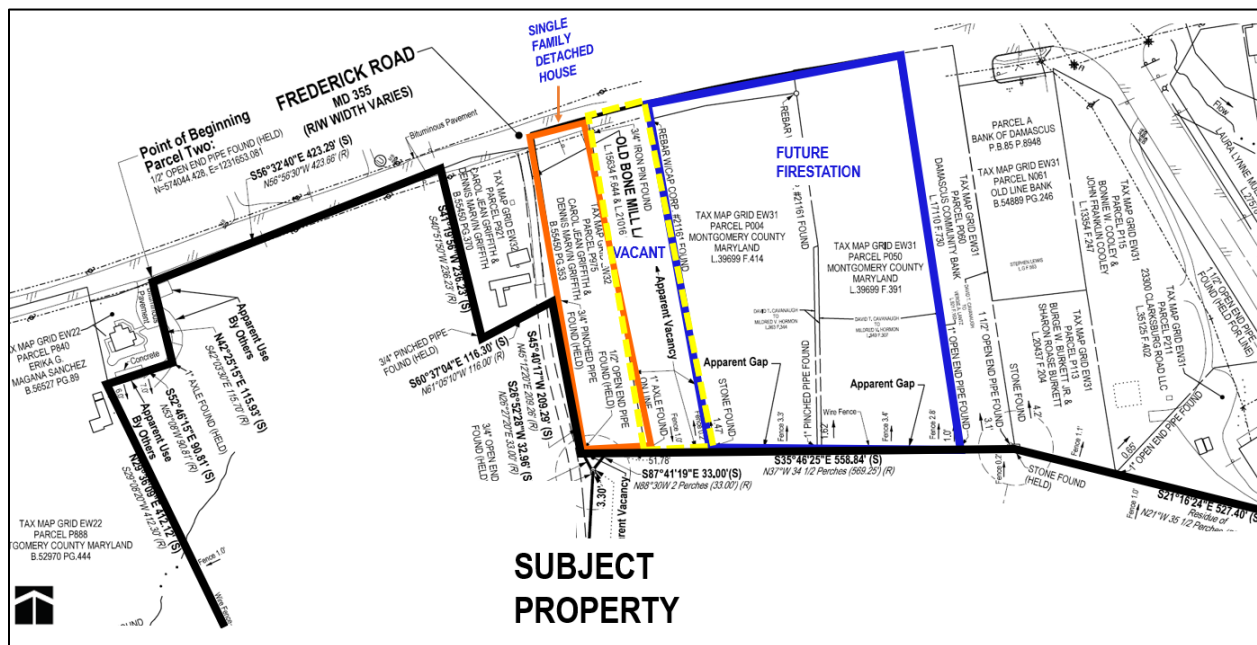


Figure 14 – Adjacent Properties Exhibit

Without control of the two properties, the Applicant would be unable to complete even an interim connection. Without this connection, the development would be limited to 100 residential units within the R-90 portion of the Subject Property until a secondary access becomes available for fire access (Attachment B). To resolve this issue, Staff requested that the Applicant acquire the vacant property via a Quiet Title Action. This would allow an interim connection for the bypass and a secondary road connection from the Property to Frederick Road to accommodate the additional development. In response to Staff comments, the Applicant has not expressed interest in acquiring the property (Attachment B). The Applicant has determined that this “vacant” parcel has not been occupied or claimed by anyone for decades after the properties on either side of it were carved off from a larger 6-acre parcel and conveyed. No one has claimed ownership of the missing parcel and no taxes have been paid on it. As such, the Applicant believes the preferred route is for the County to acquire the property either for the non-payment of taxes or through an uncontested condemnation proceeding. In this scenario, the Applicant is willing to work with the County following acquisition to enable both an interim fire access (if and when required) and the ultimate bypass, assuming the Planning Board determines this alignment to be

appropriate. The two options were also reviewed by the Maryland State Highway Administration and the Montgomery County Department of Transportation, among other agencies and no issues were identified. SHA has expressed that either options are acceptable and did not identify a preference between the two options (Attachment D). MCDOT and DGS recommends the bypass intersect MD 355 at the northern alignment shown as Option 2. Option 1 requires land acquisition for the right-of-way from an unknown property owner and MCDOT also expressed grading concerns and conflicts with forest conservation easements; therefore, Option 1 was not preferred (Attachment C). At this time Montgomery County has decided not to condemn this property (Attachment C). Option 1 was also considered as potential for the adjacent fire station to have vehicular access for personal vehicles. This access has since been dropped due to grading issues and a forest conservation easement where the access was proposed. MCDOT has expressed their support of Option 2, provided the road can meet MDSHA's requirements and the Application should meet all county road standards per Chapter 49 (Attachment C).

During the final review of the Application, Staff was made aware of a 47,480-square-foot property located west of Clarksburg Road in the CRT zone that will be acquired by the Applicant in the future. This is vacant property and highlighted in red in Figure 15. It is unclear why the Applicant has acquired this property and did not include acquisition of the vacant property near the fire station. The Application Area was not updated as part of the Pre-Preliminary Plan. The Applicant should include the missing vacant property located along Clarksburg Road on subsequent applications if it is acquired.

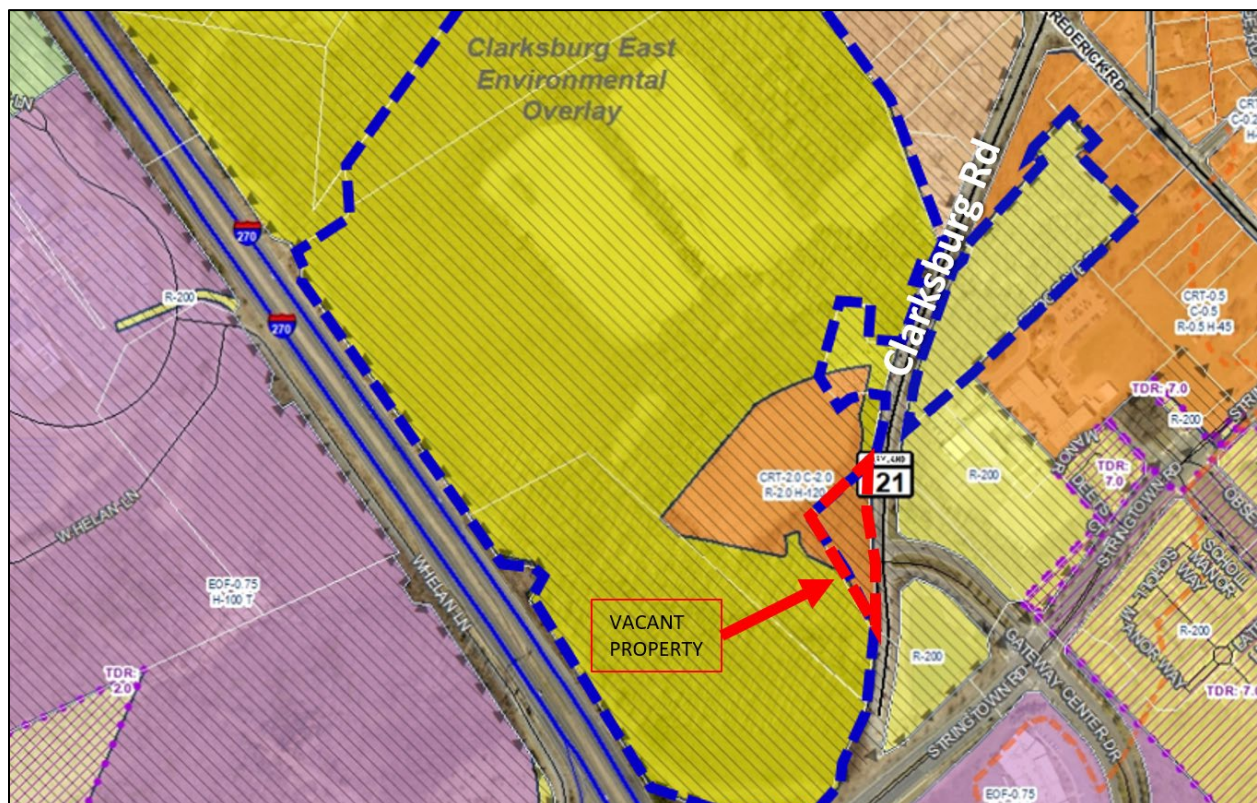


Figure 15 – Adjacent Property

Ultimately, this option may not be able to support the bypass in the timeframe of the subsequent development application, and it is unclear how the Applicant would achieve a secondary road connection for fire access.

Connectivity

This option will accommodate a full vehicular and pedestrian connection across the Subject Property and accommodate the full alignment of the bypass. The proposed intersection with Frederick Road would be approximately 600-feet to the north of the Frederick Road / Clarksburg Road intersection. In comparison with Option 2, this intersection would be located closer to the existing Frederick Road / Clarksburg Road intersection, though it remains within acceptable SHA intersection spacing guidelines. MCDOT has expressed some concern the location may not meet sight distance requirements due to the presence of a crest in the road immediately to the south, though no study has yet been conducted. Regardless of the option selected, a sight distance study will be required as part of the Preliminary Plan application. In such a condition, a significant regrading of the highway may be necessary.

Other Options - Connection to Frederick Road

Although Staff has focused on Option 1 and Option 2 as alternatives for the MD 355 Bypass, several other alternatives were considered. These alternatives are discussed briefly below.

I. No Build

A 'no build option' – simply keeping the road alignments as-is and widening Frederick Road as traffic levels warrants was explored. This option has the least impact on the environment as it restricts impacts to areas immediately surrounding existing roads. However, Frederick Road through the historic district is constrained by a master-planned right-of-way of 50-feet, which can only maintain a reduced-width modified 2-way road. With prior studies indicating additional traffic growth through this corridor, the no-built option would likely result in widening to meet area congestion standards. Such widening is in conflict with Master Plan direction to the contrary to avoid widening of Frederick Road through the historic district. Additionally, this option would preclude the construction of dedicated BRT through this section of the corridor due to these same right-of-way constraints. Any impacts to the Historic District would require review and approval by the Historic Preservation Commission. Therefore, Staff does not support this option.

II. Observation Drive

The 1994 Plan illustrated an alignment for the dedicated Corridor Cities Transitway ("CCT") along and extending Observation Drive north of Redgrave Place to Frederick Road. While the Master Plan does not explicitly advocate for this alignment, the sketch alignment is retained in several diagrammatic maps as a possible alternative. The Applicant has explored this option through the Subject Property (Figure 16), an alignment similar to the earlier discussed Options 1 and 2. This option differs in that it would accommodate an extension of Observation Drive to the intersection point of Clarksburg Road as opposed to aligning the bypass with Clarksburg Road.

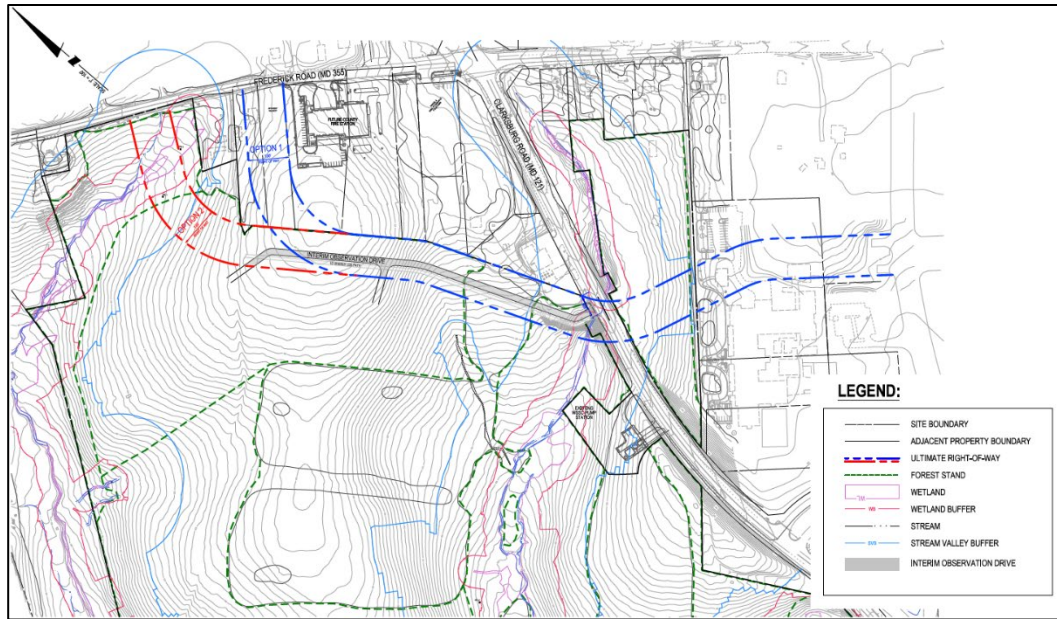


Figure 16 – Observation Drive Bypass Alignment Exhibit

This option is not pursued in this application beyond the provision of right-of-way dedication to accommodate the alignment should this option be pursued in the future through a publicly funded project. This alignment would incur significant additional impacts in comparison to the Option 1 and Option 2 alignments in the area between Redgrave Place and Clarksburg Road. Roughly half of this portion of the alignment falls on the Clarksburg Elementary School property, with potential impacts to the school itself as shown in Figure 17. Co-located on the property is the existing historically significant former Clarksburg Schoolhouse building, which lies directly in the path. The building would have to be relocated at significant expense and impact. Additionally, the steep grade between Redgrave Place and Clarksburg Road, exceeding 10 percent, presents a significant and costly engineering challenge.

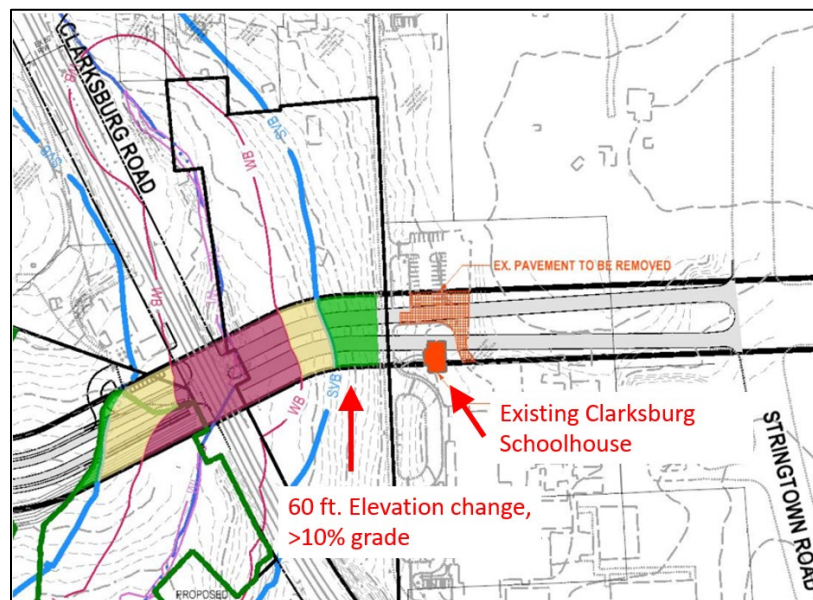


Figure 17 – Studied Extension of Observation Drive Alignment

Nevertheless, this Application will not preclude such a connection in the future should that be pursued. To this end, the Applicant will provide full right of way dedication to allow both the expansion of existing Clarksburg Road as well as dedication to support an extension of Observation Drive through the Property. Additionally, the bypass will enter the Subject Property off Clarksburg Road immediately adjacent to the neighboring Liberty gas station that can support such a connection.

SECTION 6 – CITIZEN CORRESPONDENCE

To date, Staff has received comments from the Friends of Ten Mile Creek, who have requested a copy of the exhibits illustrating the proposed MD 355 Bypass alignments. The community group has also raised a general concern with the environmental impacts of the future MD 355 Bypass and has requested a status update on the facility plan (Attachment E). Staff has responded to the community with direction on how to access the materials and acknowledged their concerns. The Master Plan recommends that alignments be studied as part of an area-wide facility plan (Master Plan, page 26) with the intent to identify and avoid wetland impacts, determine appropriate right-of-way dedication, accommodate bus rapid transit (BRT) facilities, and provide access to developable properties. A large-scale facilities study has not been conducted and is not anticipated for the foreseeable future. Although the facility plan has not been prepared as of the date of this report, the bypass alignment is being analyzed based on the available information as part of our recommendations. More detailed analysis and a final determination of the bypass alignment is expected to occur during review of any subsequent regulatory applications or larger-scale public project. Final design details, including horizontal and vertical alignments of the bypass, will be determined during the review of the preliminary plan. Additional environmental study will also be conducted with respect to extent of cut and fill, grading, stream, and wetland impacts as part of the preliminary plan. Finally, as conditioned, Staff has also requested that the Applicant explore opportunities to minimize environmental impacts along the MD 355 frontage.

SECTION 7 – CONCLUSION

Two options have been studied for the northern connection of the MD 355 Bypass to Frederick Road. Staff supports Option 2 for the future MD 355 Bypass since this option ensures the potential for the full connection envisioned to MD355. Option 1 supports an alignment that was established in the Master Plan (Master Plan, page 35) and results in significantly less environmental impacts - including avoidance of a significant headwater wetland system on the north end of the site. However, Option 1 requires land acquisition of vacant parcel U279767 bordering Frederick Road for short-term implementation of an interim design. Option 1 will also require additional land acquisition for long-term implementation. As such, the connection to MD 355 is only viable with the alignment shown in Option 2, which uses the Subject Property's frontage. Although Option 2 has greater environmental impacts, it secures a connection to MD 355, provides greater intersection spacing from the intersection of 355 and Clarksburg Road, and places the intersection on 355 further west at the edge of the historic district. The two options were also reviewed by the Maryland State Highway Administration and the Montgomery County Department of Transportation, among other agencies and no issues were identified. SHA has expressed support of both alignments while DOT and DGS have confirmed their support for Option 2 (Attachments C & D). Therefore, Staff recommends that the Applicant proceed with alignment Option 2; however, Option 1, is acceptable if the applicant can ensure construction on land which they currently have no control.

ATTACHMENTS

Attachment A – Pre-Preliminary Plan Submission

Attachment B – Statement of Justification & Correspondences

Attachment C – Montgomery County Department of Transportation Memo

Attachment D – Maryland State Highway Administration Memo

Attachment E – Community Correspondence

Statement of Justification

Miles Coppola Pre Application No. 720210010

This Pre-Application is being submitted on behalf of Brookfield Washington, LLC, contract purchaser, on behalf of the current property owners, under Sections 5.1 and 5.2 of the Montgomery County Subdivision Regulations. These provisions allow an applicant to seek a decision on certain aspects of a future subdivision plan. Applicant wants the Planning Board to review the questions posed below, in order to provide sufficient confirmation for the future processing of a full Preliminary Plan of Subdivision and a Site Plan.

BACKGROUND

The subject property, referred to as the Miles Coppola site, is the subject of both the 1994 Clarksburg Master Plan, and the 2014 Ten Mile Creek Area Limited Amendment. The 1994 Plan placed the property in the Town Center District for Clarksburg. At that time, development in Clarksburg was primarily focused on the historic district along Maryland 355 but, consistent with the County's General Plan, Clarksburg was intended to be a future satellite city along the I-270 corridor. Consistent with that vision, the 1994 Plan called for mixed use zoning (MXPD) on the Miles Coppola site to allow various uses at moderate densities, making the Miles Coppola property a critical component of Clarksburg Town Center. That Plan, however, placed the property in Stage 4 for development, in order to enable Clarksburg to develop over a period of years as public infrastructure investments were made to support the development.

In 2014, the County amended the Master Plan recommendations for the Miles Coppola property and others in Stage 4, primarily to address plans for public water and sewer and environmental constraints. The goal was to provide land use recommendations to achieve desired community elements envisioned for Clarksburg in a 1994 Plan, while protecting the quality of Ten Mile Creek. Its recommendations also acknowledged that market conditions no longer supported the earlier goal for large amounts of land in Clarksburg to be used for office and employment activities. In general, on the east side of I-270, the Amendment noted that the proximity to I-270 and the Town Center, offered opportunities to accommodate modest levels of residential development on the Miles Coppola property (up to 356 units with the MPDU bonus) which would be complementary to the Town Center and help to support enhanced transit and roadway improvements, while strengthening protection of environmental resources.

More specifically, at pages 37-38, the Plan recommended the following for the Miles Coppola property:

- Including the Miles Coppola properties in a proposed Clarksburg East Environmental Overlay Zone with a 15% imperviousness limit and an 80% open space requirement.
- Directing development to two potential development areas. The southern area, located near Clarksburg Road, benefits from access to Clarksburg Road and the Town Center

- and, therefore, is appropriate for more intense development. The Plan Amendment recommends CRT zoning (CRT 2.0, C2.0, R2.0, H120) for this area with a residential zone (R-90) on the remainder of the Miles Coppola property to concentrate density and imperviousness on the southern developable area near major roads and within proximity to the Historic District and Town Center.
- Allowing housing or commercial uses on the southern developable area that complement, but do not compete with, the core Town Center. High density residential housing, lodging or office development would support the Town Center.
- Orienting residential development on the northern developable area toward the MD 355 bypass to take advantage of proximity to future transit and to enable residents to reach businesses or activities in the Town Center using an integrated network of roads, trails, and sidewalks.
- Concentrating and integrating development to allow more of the existing forest and natural terrain to remain undisturbed, reduce imperviousness, and contribute to improved water quality.
- Permitting varied unit types via of the overlay zone, including single-family attached, single-family detached and multi-family, with flexibility regarding building heights.
- Permitting a maximum density of three units per acre (approximately a 279 unit limit), or 3.66 units per acre with an MPDU density bonus on a portion of the property to be zoned R-90.

At pages 26-30, the Plan also modified previous plans for the extension of Gateway Center Drive through the property as a Maryland 355 bypass. More specifically, it showed possible alternative routes for the bypass and for the planned CCT in order to better avoid stream and forest impacts.

Most recently, the County adopted a new Growth and Infrastructure Policy. As part of that process, and based on an earlier Metropolitan Washington Council of Governments study, the County reaffirmed the importance of new housing in Clarksburg. In order to implement the revised land use recommendations, that master plan recommended an overlay zone incorporating the 15% impervious cover restriction, the 80% open space objective and certain flexibility for use of the R-90 zone to accommodate a variety of housing types.

PRE-APPLICATION ISSUES

Applicant is seeking a Planning Board determination on several threshold issues that are critical to the design, planning and approval process for development of this property, consistent with the Ten Mile Creek Area Master Plan recommendations. More specifically, as discussed below, applicant is seeking the following determinations:

- The proposed development substantially conforms to the Master Plan.
- The proposed development conforms with the R-90, CRT and Clarksburg East Environmental Overlay Zone standards.
- Approval of the proposed alignment for Gateway Center Drive Extended/Observation Drive Extended in an interim configuration, pending future planning and design for the Maryland 355 bypass, the acquisition of land necessary for its construction, and the funding of the project, as well as concept approval for the ultimate alignment once those

components are satisfied. Applicant is proposing to proceed with the Miles Coppola project while implementing the interim recommendation, while enabling Montgomery County and the State of Maryland to build the ultimate alignment at a future date.

- A determination that public facilities will be adequate to support and service the project.
- The development pods on the Diagrammatic Development Plans attached as exhibits, reflect an appropriate layout for the subdivision and for internal roads given environmental constraints and the location and the type of development contemplated.

DISCUSSION

1. Master Plan Conformity.

The 2014 Ten Mile Creek Area Master Plan Amendment examined this property closely in terms of its future development. It made significant changes to the contemplated use and development pattern and provided specific recommendations at pp. 36-38 of the Plan. The combination of specific zoning and land use recommendations in that amendment as identified above, provide useful guidance for the site's development. Applicant believes it has addressed all of the Master Plan recommendations and seeks a Planning Board determination that a Preliminary Plan that implements this Pre-Application, substantially conforms to the Master Plan.

2. Conformity with Zoning

The site is split zoned, R-90 and CRT-2.0, C-2.0, R-2.0, H-120. It also is controlled by the Clarksburg East Environmental Overlay Zone. The Master Plan provisions discussed above provide the primary guidance for use and density under the applicable zones. Subject to those Master Plan Guidelines, the zones permit the residential uses proposed here at the requested density and heights.

3. Gateway Center Drive/Observation Drive.

The original Clarksburg Master Plan called for construction of a Maryland 355 bypass to avoid concentrating traffic through the Clarksburg Historic District on Maryland 355. It effectively called for "relocating" Maryland 355 approximately 500 feet to the west of the Historic District, running through the Miles Coppola property and the Egan property farther to the north, ultimately connecting with existing Maryland 355. It was planned to be wide enough to accommodate a separate bus lane or light rail. Twenty years later, in the Ten Mile Creek Area Amendment, the County determined that the alignment and configuration initially contemplated would have adverse effects on Ten Mile Creek. Instead, as seen at pages 26-30 of the Plan, it recommended revising the alignment, reconfiguring the road by reducing the number of through lanes to two lanes, plus the CCT, within a 130 foot wide right-of-way. The plan concluded that this would avoid significant forest, stream wetland impacts, while still providing access to the developable properties. It showed the original alignment where it crosses Redgrave Place, but also showed two alternative alignments there with a future determination of the appropriate right-of-way, considering potential modifications to the design of the CCT.

Applicant has worked with the Montgomery County Department of Transportation to study the issue further. Based on these further reviews, it is apparent that the function of the original bypass concept has evolved as has planning for a transit-way in this area. Among other issues, it now appears that any rail based transit-way would not continue north of Clarksburg Road and even that system is in doubt. Rather, it appears that some form of a bus rapid transit system will be more likely. Additionally, contemplated improvements to I-270, lower than projected traffic volumes on Maryland 355, and programmed intersection improvements for the MD 355/MD 121 intersection, call into question the extension of a major arterial road through the Miles Coppola property, particularly given its potential environmental impacts. Accordingly, applicant is proposing a two phased plan for the road. The first phase would be a connection of Gateway Center Drive from Clarksburg Road into the property providing access for the new community. Later, if the County and State determine to build a bypass through the property, north of Clarksburg Road, the plans show how this could be accomplished. Applicant is seeking a confirmation from the Planning Board that this phased approach is appropriate. We expect the Montgomery County Department of Transportation, Department of Permitting Services and Department of Environmental Protection, and the Maryland State Highway Administration to offer comments on this. We are hoping that all will agree on the proposed configuration and phasing.

4. Adequacy of Public Facilities.

Applicant has conducted a traffic impact study for the project (attached to the application) that shows the transportation system is adequate to serve the proposed development. A second threshold issue is school capacity. Montgomery County recently adopted a new Growth and Infrastructure Policy and incorporated school capacity calculations that are effective January 1, 2021. Applicant is seeking a determination that school capacity also is adequate for the project.

5. Development Pods.

The 2014 Master Plan Amendment, and the Clarksburg East Environmental Overlay Zone provide new controls for development of the Miles Coppola property. Most significantly, they provide for a minimum requirement of 80% open space. The regulations also limit impervious cover to 15%. The plans being submitted with this pre-application show a maximum impervious cover of 15% and a minimum open space area of 80% of the tract. Applicant would like to confirm compliance with these requirements. Additionally, the new master plan and zoning impose requirements for wetland and stream valley buffers. Applicant submitted an NRI/FSD on September 20, 2020 showing appropriate buffers for intermittent and perennial streams of 200 feet and buffers for ephemeral streams at 50 feet. The area shown for development also avoids steep slopes 15% or greater.

Applicant is also included on the Diagrammatic Development Plans, an internal road system as well as active and passive open spaces and amenity features. This Diagrammatic Plan has been designed to provide the maximum amount of usable open space for both

active and passive recreation for each of the two development pods, in a manner that will not require excessive grading. The concept will also enable applicant to achieve a substantial portion, but not all, of the density assigned to the property by the Master Plan. The concept will provide two walkable development pods, with a mix of unit types (single-family, single-family detached, single-family attached and triplex units), in a configuration reflecting the overall Clarksburg Town Center concept. Applicant would like to confirm that this Diagrammatic Plan conforms with the Master Plan provisions, the Overlay Zone, and the Subdivision Regulations.

AMENDMENT
STATEMENT OF JUSTIFICATION

Miles Coppola Property
Pre-Application No. 720210010

I. INTRODUCTION

This is an amendment to the Statement of Justification previously submitted with this application. It incorporates by reference, our letter to Park and Planning Staff dated March 24, 2021, which itself limited the scope of the pre-application. At that time, we had proposed limiting the scope solely to the alignment of the 355 bypass and a confirmation that the 356 proposed units can be approved under the current Growth and Infrastructure Policy and APF requirements. Staff has suggested deferring the APF determination until the formal preliminary plan of subdivision application. Based upon current and projected transportation requirements and school capacity calculations, we agree with staff that deferring the APF determination until the formal Preliminary Plan should not jeopardize the ability of the Planning Board to approve this application. Accordingly, the sole issue to be discussed in the upcoming Pre-Application Planning Board review is the alignment of the bypass.

II. SUPPLEMENTAL INFORMATION

In connection with the bypass alignment, we have had ongoing discussions with Staff, the Montgomery County Department of Transportation and our own team. Staff has provided advice to us based on those discussions, as reflected in Staff's email of April 23, 2021, and in a meeting held with Staff on April 30 in final preparation for the Pre-Application review. Based on that meeting, we are submitting additional materials to assist in Staff's presentation. In brief, the additional exhibits which are attached hereto analyze the various alternatives for the 355 bypass.

More specifically, they reflect two alternatives at the northern end of the bypass, referred to as Option 1 and Option 2, reflecting, first, a connection to 355 next to the Clarksburg Firehouse, as proposed in the 2014 Ten Mile Creek Master Plan. Second, they reflect an alternative option with the bypass connecting to 355 at a point farther north as was previously considered under the 1994 Master Plan. Additionally, the materials reflect two alternatives south of Old Clarksburg Road, the first of which would be a connection to Observation Drive as was previously considered in the 1994 Master Plan and the second shows a connection to Gateway Center Drive as depicted in the 2014 Master Plan amendment. We are including page 27 of that Ten Mile Creek amendment to show that alignment.

As far as exhibits now being submitted, the first shows the right-of-way alignments and proposed dedication for the various options all combined on one sheet. The second shows only the two northern connections with the southern Gateway Center Drive alternative, and the third shows the two northern alignments connecting to Observation Drive. Fourth, we have calculated the wetland buffer, stream valley buffer, and forest area impacts for each of the options (Option 1 and Option 2), each with an alternative of a Gateway Center Drive connection and an Observation Drive connection. These last exhibits also show impacts to buildings and pavement on neighboring properties.

As we discussed in our most recent meeting, applicant requires Planning Board determination as to which option should be included in the right-of-way dedication for the preliminary plan application we hope to submit in the near future.

As we also discussed, the construction of a bypass is not currently planned or funded by Montgomery County and right-of-way for it has not been acquired. Nonetheless, applicant is prepared to dedicate the right-of-way through its property based on the Planning Board's pre-

application alignment determination. Until the bypass is built, Applicant intends to construct an interim access road to serve the development, connecting to Old Clarksburg Road. We understand the fire and rescue requirement for a second point of access in order to construct more than 100 units on the R-90 portion of the property. Staff also has requested that we work with the County to acquire right-of-way to connect a second access point to 355 which would operate unless and until the bypass is built. We are working with the County Attorney and the Department of Transportation in order to determine the County's ability to acquire right-of-way to locate this secondary access next to the Clarksburg firehouse, more or less in alignment identified as Option 1. An alternative second point of access would be more or less in the alignment shown as Option 2 for the bypass. In each case, the interim access road would be replaced eventually by the bypass.

III. SUMMARY

In short, we are asking the Planning Board to approve the alignment for the bypass through the subject property identifying, the preferred connection to 355 and the preferred connection to either Observation Drive or Gateway Center Drive. In order to ensure the County's ability to construct the future bypass, we also would like the Planning Board's approval of the alternatives in each case should that become necessary.

From: Titman, Dorothy R. <drtitman@lercheearly.com>
Sent: Wednesday, April 7, 2021 10:31 AM
To: Van Alstyne, Chris <chris.vanalstyne@montgomeryplanning.org>; Butler, Patrick <patrick.butler@montgomeryplanning.org>; Pereira, Sandra <sandra.pereira@montgomeryplanning.org>; Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>; Kishter, Mary Jo <maryjo.kishter@montgomeryplanning.org>
Cc: neil.patel@brookfieldrp.com; Cris.Maina@brookfieldpropertiesdevelopment.com; DPark@solteszco.com; pisaja@solteszco.com; Harris, Robert R. <rrharris@lercheearly.com>
Subject: ON BEHALF OF ROBERT HARRIS/Miles Coppola - Next Steps - Pre-Preliminary Plan Revisions 4/1/2021

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Chris, thanks for your email of April 1. With this email, and the attachments to it, I am responding to your supplemental request to the extent possible. In doing so, I recognize that filing a Pre-Application to obtain a Planning Board decision on the 355 bypass was a suggestion Staff made to answer the bypass issue, before delving into more detailed Preliminary Plan/design issues. We agreed that it made sense because it narrowed the issues. Based on the recommendations in the Ten Mile Creek Area Limited Amendment, the environmental issues and other practical factors, I assumed the issue of the bypass alignment would be easy to resolve. That said, as my March 24 email to Staff confessed, I am afraid we complicated things a bit by attempting to have a variety of other questions addressed as well as part of the Pre-Application. Given the importance of resolving the threshold issue of the bypass alignment ASAP, my March 24 letter agreed to defer issues other than the bypass alignment and the APFO determination until formal Preliminary Plan.

In order to advance our collective work on these two issues, and to get to the Planning Board in May, I will respond in sequence to the request in your April 1 email.

Environmental Analysis

The initial Pre-Application included an environmental impact analysis for an Observation Drive bypass compared to the Gateway Center Drive alignment that had been suggested and reviewed previously by DOT and some of your colleagues at Park and Planning. In order to provide further information, in support of the recommended Gateway Center Drive alignment, we are providing additional design plans and environmental information now. This includes impacts to streams, wetlands and wetland buffers, forest and tree clearing and impervious surface calculations. Applicant has no strong preference between either an Observation Drive alignment or a Gateway Center Drive alignment, or, for that matter, a configuration that simply runs the bypass along Old Clarksburg Road, (the "no build" option) but we believe the environmental impact combined with the impact of the Observation Drive alignment on the historic Clarksburg School, support the Gateway Center Drive alignment.

Equally important, we believe the Ten Mile Creek Area Limited Amendment eliminated the earlier 1994 consideration of the Observation Drive alignment, recommending either the Gateway Center Drive alignment or the Old Clarksburg Road "no build" option, which Staff appears to be ruling out at this time. We understand the designation of the Gateway Center Drive alignment in the 2014 Master Plan was, in part, a function of the relative environmental impact of the various options as well as the recognition that the Observation Drive alignment would have a major direct conflict with the historic Clarksburg School, Redgrave Place and other existing uses. Therefore, it appears to be relatively straightforward for the Staff and the Planning Board to conclude that the Gateway Center Drive alignment is the correct one and we are fine with that.

The related question on the bypass that has to be resolved is the manner in which it would connect to MD 355. Here again, at your request, we are providing additional environmental impact information comparing the 1994 proposed bypass alignment through the stream buffer, with the reconfiguration recommended in the 2014 Master Plan. Clearly, the connection of the bypass to MD 355 next to the new Clarksburg firehouse, has a smaller environmental impact. Again, as with the issue of evaluating either an Observation Drive alignment or a Gateway Center Drive alignment, I believe the 2014 Master Plan makes the answer to this question very clear, irrespective of the environmental issues. Page 27 of the 2014 Plan calls for the bypass to intercept MD 355 next to the firehouse (or to run up Clarksburg Road under the "no build" option). Finally, our March 24, 2021 letter to Angelica provided a simple six-issue matrix comparing the two options. Based on these factors, it should be easy for the Planning Board to conclude that connecting a Gateway Center Drive bypass to MD 355 at the firehouse is the way to go.

Fire Access

As indicated in our March 24 letter, we are prepared to defer this question until Preliminary Plan approval. To some degree, it is a byproduct of the decision on the bypass itself. Beyond that, however, a secondary fire access for the R-90 portion of the tract only becomes necessary if and when that portion of the property is developed with more than 100 units. At the same time the CRT zoned portion also could support up to 100 units because it has its own access. We already have had initial discussions with MCDOT and Fire and Rescue about an interim secondary fire access for the R-90 portion of the site through the Clarksburg firehouse site, given that the access is only for emergency purposes, not for general traffic. Alternatively, the vacant parcel next to the firehouse property could be acquired (see next issue below). The plan would be to include an interim emergency fire access (either through the firehouse or through the vacant parcel) until such time as a bypass is built. If and when that occurs, the bypass itself would serve as the secondary fire access enabling elimination of the interim fire access. Again, however, both the R-90 and the CRT portions of the property can be developed without a second point of emergency access.

Quiet Title Action/Condemnation

We have undertaken research into the title issues for the vacant parcel (see attached survey showing vacant parcel between Tax Parcels 4 and 975) and have had preliminary discussions with MCDOT about it acquiring the parcel. While the idea of a Quiet Title Action was raised, this does not appear to be the most direct route towards acquiring this property. Through exhaustive title research, we have determined that this “missing” parcel has not been occupied or claimed by anyone for decades after the properties on either side of it were carved off from a larger 6 acre parcel and conveyed. No one has claimed ownership of the missing parcel and no taxes have been paid on it. As such, we have concluded that the County can acquire the property either for the non-payment of taxes or through an uncontested condemnation proceeding. We would plan to work with the County to pursue this condemnation to enable both an interim fire access (if and when required) and the ultimate bypass, assuming the Planning Board determines that the Master Plan alignment is indeed the appropriate bypass alignment. We note that constructing the final road cross section for the bypass itself ultimately will require condemnation of other properties to the south of the subject property, as well as part or all of the gas station property, so the condemnation proceeding could be comprehensive to all such parcels if and when the bypass is programmed. Soltesz, however, has had discussions with MCDOT for an interim cross section using only our client’s land. In the meantime, the plans we have submitted show how interim access to the subject property would be made from Clarksburg Road.

Clarksburg Road Access

See discussion above.

Dedication Area

With this email, applicant is providing a plan for road dedication to accommodate the interim and ultimate alignment for the bypass and access road with the recognition that the exact dedication lines would be set at the time of Preliminary Plan. These plans show how either the contemplated Gateway Center Drive bypass or the Observation Drive alternative, although very unlikely, could be accommodated. Again, applicant would dedicate the necessary land for either option at the time of Preliminary Plan.

Adequate Public Facilities

We believe an APFO determination can be made at the time of Pre-Application. We recognize that the final number of units, square footage and uses may change which would require a subsequent APFO determination, but our intention is to proceed with the number and type of units designated in the Pre-Application and seek a determination at this time of transportation and school capacity to accommodate the project. It is important to applicant be able to lock in such a determination in order to justify the major expense in pursuing resolution of the bypass, fire access and environmental issues discussed above.

Bob

Robert R. Harris, Attorney

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Robert R. Harris

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301-841-3826

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March 24, 2021

Ms. Angelica Gonzalez
M-NCPPC – Upcounty Planning Division
2425 Reedie Drive
Wheaton, MD 20902

Re: Miles Coppola Property – Pre-Application No. 720210010

Dear Angelica:

Pursuant to our group discussion yesterday, the purpose of this letter is to condense the scope of the Pre-Application we submitted in December in order to expedite Planning Board review of the most critical questions we posed. More specifically, we believe this matter can be presented to the Planning Board more quickly if we are not asking the Board at this time to review the overall site layout, conformity of that layout with the Master Plan, environmental overlay zone standards and the open space configuration. Rather, limiting the scope of this Pre-Application solely to the alignment of the 355 bypass contemplated in the Master Plan, and a confirmation that the 356 proposed units can be approved under the current Growth and Infrastructure Policy and APFO requirements, greatly simplifies this request. We will defer the other issues to a formal Preliminary Plan application to be submitted later.

The application submitted last December included various plans, and materials supporting both the two questions we now wish to take to the Board, as well as the others which we are deferring until Preliminary Plan. The Development Review Committee met on February 2, 2021 and provided comments on all of the issues, including the two we now request to take to the Planning Board. Subsequent to that, pursuant to Staff's request, we submitted updated NRI/FSD materials and have had several discussions to confirm various points. With this letter, we are providing a condensation of some of that information in order to support Planning Board action on the two remaining questions.

First, we are confirming that the maximum development on the property will consist of 201 townhomes and 155 triplex units, for a total of 356 units. Based on the current 2020 Growth and Infrastructure Policy, existing school capacity, and the Transportation Impact Statement submitted initially with the application, we believe this Pre-Application meets the requirements for adequacy of public facilities for both transportation and schools and would like Planning Board confirmation.

Second, we discussed the issue of the bypass more extensively on our call yesterday and are providing supplemental information on the two alternative alignments we believe the Planning Board should evaluate and from which they should select the preferred bypass alignment. Those are: (1) a bypass extension of Gateway Center Drive through the site, extending to 355 next to the new fire house ("Option 1") and (2) a variation of that which would continue the bypass, through the site and connect MD 355 further to the north ("Option 2"). Both are effectively an extension of Gateway Center Drive, versus Observation Drive.

Another option, which Staff termed the "no build option," was an alternative also recommended in the 2014 Ten Mile Creek Area Limited Amendment, calling for the bypass to follow Old Clarksburg Road to the intersection with 355, rather than traversing the Miles Coppola property. For various reasons, Staff does not believe that option to be viable and we are prepared to focus primarily on "Option 1." This option was included in the original application materials and has been reviewed by Park and Planning Staff, the Maryland State Highway Administration and the Montgomery County Department of Transportation, among other agencies.

Per Staff's request, we are resubmitting concept plans for Options 1 and 2 and will be providing various environmental calculations for Option 2 as you have requested.

We believe the main attributes of Option 1 versus Option 2 are as follows:


	Option 1	Option 2
Recommended in Master Plan	X	
Environmental impact to wetlands, stream buffer and forest in the Ten Mile Creek sub tributary at the northern edge of the site (calculations are being prepared).		X
Requires acquisition of vacant parcel next to firehouse to complete the bypass.	X	
Does not require County acquisition of part/all of the gas station property on Old Clarksburg Road for interim access road or full bypass (see attached concept plans).	X	X
Intersection with 355 is farther from Historic District		X
Functions in terms of traffic	X	X

While Applicant assumes the Board will select Option 1 for the reasons above, Applicant would be prepared to proceed with Option 2 if the Planning Board recommends it instead.

A related issue to either option is the connection to Old Clarksburg Road. As with other portions of the intended 355 bypass, farther to the south, right-of-way has to be acquired for the full bypass farther to the south of the subject property, and County CIP funding will be required for construction. (As reflected in the attached plans, and based on prior discussions with MC-DOT, we do not believe additional right-of-way is required from the gas station that adjoins the site). There also may be some uncertainty about the future construction of any bypass given the considerable changes in land use patterns in the Clarksburg area in contrast to the 1994 Master Plan, primarily the elimination of millions of square feet of employment which may make the bypass unnecessary. Elimination would also greatly reduce impervious cover. Therefore, Applicant is prepared either to reserve or dedicate the right-of-way for a future bypass for either Option 1 or Option 2 depending on whichever is selected by the Planning Board. In the interim, applicant would construct an access road for the Miles Coppola development as shown in the plans submitted with the initial Pre-Application and resubmitted here. This road will be within a wider right-of-way which would accommodate construction of a future bypass (either Option 1 or Option 2) if and when the County decides to build the bypass. This includes an interim entry point on Old Clarksburg Road that has been reviewed and tentatively approved by the Montgomery County Department of Transportation.

With the reduced scope of this Pre-Application request and the application materials submitted previously and reviewed by Staff/DRC members, the Planning Board can determine both the preferred alignment for a future bypass and the adequacy of public facilities. With these determinations, applicant can proceed to assemble more detailed information necessary for a formal Preliminary Plan application.

Cordially yours,



Robert R. Harris

cc: Patrick Butler, Sandra Pereira, Matt Mills, Mary Jo Kishter, Chris VanAlstyne, Katherine Nelson, Neil Patel, Cris Mania, Daniel Parks, Phil Isaiah



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

May 27, 2021

Ms. Angelica Gonzalez, Planner Coordinator
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

RE: Pre-preliminary Plan
No. 720210010
Miles Coppola

Dear Ms. Gonzalez:

We have completed our review of the pre-preliminary plan uploaded to eplans on May 5, 2021. A previous plan was reviewed by the Development Review Committee at its meeting on February 2, 2021. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

Significant Plan Review Comments

1. **Applicant's Request:** For this pre-preliminary plan, the applicant requested a determination of the bypass alignment. The applicant proposes two alternatives at the northern end of the bypass, reference as option 1 and 2. Option 1 connects next to the proposed Clarksburg Firehouse as proposed in the 2014 Ten Mile Creek Master Plan. The second option connects at a point farther north as previously considered under the 1994 Master Plan. For option 1, the applicant does not own the property; however, they do own the property for option 2. Additionally, there are two alternatives south of Old Clarksburg Road, the first of which would be a connection to Observation Drive as previously considered in the 1994 Master Plan and the second shows a connection to Gateway Center Drive as shown in the 2014 Master Plan amendment.

Office of the Director

101 Monroe Street, 10th Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax
www.montgomerycountymd.gov/mcdot

MCDOT Response: The Master Plan states that alternative alignments for this road should be studied as part of a facility planning study when the Miles-Coppola properties develop. This pre-preliminary plan application and subsequent preliminary plan application serves the general purpose of such facility plan for the Miles Coppola property, particularly in determining the alignment of the bypass through the subject property. The applicant proposes two intersecting points along MD 355. MCDOT recommends the bypass intersect MD 355 at the northern alignment shown as option 2. Option 1 was discussed; however, the road would need property for the right-of-way from an unknown property owner. At this time, Montgomery County has decided not to condemn this property. Option 1 was also considered since the firestation was originally proposing to provide vehicular access for personal vehicles. Based on discussions with DGS, they have ruled out the access point since it would require grading on the unknown property owner's parcel. Therefore, DGS will install a retaining wall which would prevent access to the bypass if it were built in the option 1 location.

The applicant proposes two alternative alignments for where the bypass intersects with Clarksburg Road. One option would connect the bypass to Observation Drive and the other to Gateway Center Drive. Both options appear to have environmental and grading issues. We are concerned about the southern alignment alternative, referenced as the second alignment connecting to Gateway Center Drive. The applicant should provide additional information at preliminary plan stage to understand how the bypass would operate inconjunction with Clarksburg Road.

The applicant has not submitted a road cross section for an interim or ultimate condition. The cross section should be submitted at the time of preliminary plan and improvements are recommended at that time. At this time, MCDOT has only evaluated the alignments as shown. No vertical alignment has been evaluated. The applicant shows an interim condition of the road being constructed. However, the Montgomery County Code 49-33(f) states "the construction of half roads or any road of less than the width required by this Article is prohibited." Based on the County Code, the applicant must construct the entire road section. This roadway may be able to be completed in phases with the development; however, this along with any other improvements should be evaluated at the preliminary plan.

At the time of preliminary plan the applicant shall provide the following:

- adequate right-of-way to support the full master planned facilities of the bypass
- Additional study for the bypass to include but not limited to vertical alignment, grading, easements, road cross section, additional environmental impacts, location of transit (station and lane alignment), for Options 1 and 2.
- In addition, the applicant should study an alternative Gateway Center Drive alignment that continues through the existing intersection with Clarksburg Road through the site.

- Lastly, prior to submitting any documents for preliminary plan, the applicant should request a meeting with MCDOT and Planning staff.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,

Rebecca Torma

Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/720210010 Miles Coppola.docx

cc-e: Correspondence FY 21



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

May 26, 2021

Mr. Mike Lenhart
Lenhart Traffic Consulting, Inc.
645 Baltimore Annapolis Blvd., Suite 214
Severna Park, MD 21146

Dear Mr. Lenhart:

Thank you for the opportunity to review the **Traffic Impact Study (TIS)** prepared by **Lenhart Traffic Consulting, Inc.** dated **November 17, 2020** for the proposed **Miles Coppola** development – **21APMO006XX** located on **MD 121A Clarksburg Road** (Mile Point: **0.25**) in **Montgomery County**, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- The proposed development consists of up to 356 multifamily units along the north side of MD 121A.
- There is one single access point assumed to MD 121A in order to provide a conservative analysis.

Based on the information provided, please address the following comments in a point-by-point response:

Travel Forecasting and Analysis Division (TFAD) Comments by (Mr. Scott Holcomb):

1. TFAD defers to MCDOT regarding the existing signal timings used for the queue analyses as this information is not included in the report. If changes are proposed to the timing that is there today, the signal plan approval process should include signal timing, removing elements that hinder sight distance, making drivers aware that they are approaching an intersection, specifically for the eastbound left turn movement at Intersection #1 due to the lack of available storage.

Traffic Development & Support Division (TDSD) Comments by (Mr. Eric Waltman):

1. TDSD has completed our review of the applicant's point-by-point response and find it satisfactory. We have no further comment at this time.

Mr. Mike Lenhart
SHA Tracking No.: 21APMO006XX
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May 26, 2021

District 3 Traffic Comments by (Mr. Alex Yelin):

1. District 3 Traffic finds the queueing analysis satisfactory and has no further comment.

District 3 Access Management Comments by (Mr. James Macfarlane):

1. MDOT SHA has reviewed the two options for the proposed Clarksburg Bypass alignment and determined that both options are acceptable.
2. An Access Permit will be required for the proposed access on Clarksburg Rd. Once available, please submit detailed engineering plans to MDOT SHA for review.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit electronically (via our online system <https://mdotsha.force.com/accesspermit>) the proposed improvement plans (including a set of hydraulic plans and computations) and all supporting documentation to the Access Management Division. Please reference the SHA tracking number on any future submissions.

Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <https://www.roads.maryland.gov/mdotsha/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

Mr. Mike Lenhart
SHA Tracking No.: 21APMO006XX
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May 26, 2021

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@mdot.maryland.gov or shaamdpermits@mdot.maryland.gov.

Sincerely,



for Erica Rigby,
District Engineer, District 3, SHA

ER/jwm

cc: Ms. Rola Daher, SHA – TFAD
Mr. Derek Gunn, SHA District 3 Acting Deputy District Engineer
Mr. Scott Holcomb, SHA – TFAD
Mr. Robert Owolabi, SHA District 3 Traffic
Mr. William Stroud, SHA – TDSD
Ms. Rebecca Torma, Montgomery County Department of Transportation
Mr. Chris Van Alstyne, Montgomery Planning
Mr. Eric Waltman, SHA – TDSD
Mr. Kwesi Woodroffe, SHA District 3 Regional Engineer
Mr. Alex Yelin, SHA District 3 Traffic
Mr. Oscar Yen, SHA – TDSD

ATTACHMENT E

From: Gonzalez, Angelica
Sent: Wednesday, May 12, 2021 4:38 PM
To: rg steinman <lifeonurth@gmail.com>
Cc: John Parrish <lifeonearth@verizon.net>; Anne James <acjamesfineart@gmail.com>; Pereira, Sandra <Sandra.Pereira@montgomeryplanning.org>; Butler, Patrick <Patrick.Butler@montgomeryplanning.org>
Subject: RE: Meeting request re: Miles Coppola (720210010)

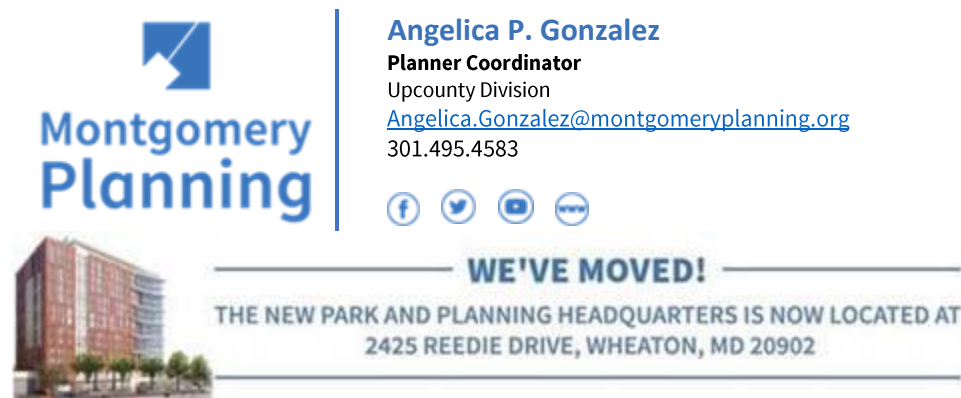
Good Afternoon Ms. Steinman,

To clarify, the Miles-Coppola extension request scheduled on tomorrow's Planning Board Consent Agenda is limited to an extension of the regulatory review period for the Pre-Preliminary Plan application. The Miles Coppola Pre-Preliminary Plan application (#720210010) is tentatively scheduled for a public hearing on the June 10th Planning Board agenda. We are currently reviewing the application and the staff report will be available on May 31st.

To access the proposed bypass alignments, please select the following link to our DAIC website – <https://eplans.montgomeryplanning.org/daiclinks/pdoxlinks.aspx?apno=720210010&projname=MilesCoppola>.

While the Master Plan recommended that the bypass alignments be studied when the Miles Coppola properties develop, the authorship of the study is not specified. Applicable agencies have been studying the alignment presented by the applicant in the Pre-Preliminary Plan. More detailed analysis and a final determination of the bypass alignment is expected to occur during review of any subsequent regulatory applications.

Thank you,
Angelica



From: rg steinman <lifeonurth@gmail.com>
Sent: Monday, May 10, 2021 9:48 AM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Cc: John Parrish <lifeonearth@verizon.net>; Anne James <acjamesfineart@gmail.com>
Subject: Meeting request re: Miles Coppola (720210010)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello Angelica,
Hope things are going well for you.

We have reviewed the Miles-Coppola extension request and we have some concerns regarding the alignment of the 350 bypass. We would like to know what alignments are being studied. We are concerned with environmental impacts. As no graphics of the routes being studied have been provided, we hope you can provide these graphics in the meeting so that we can evaluate the environmental impacts.

Also, the Master Plan called for a facility plan regarding the alignment of this road. What is the status of the Facility Plan?

Thank you very much,
~ rg Steinman, John Parrish for
Friends of Ten Mile Creek and Little Seneca Reservoir