



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-003
Site Plan No. 82007022H
Clarksburg Town Center
Date of Hearing: January 6, 2022

JAN 27 2022

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, pursuant to Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and/ standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220 for 194,720 square feet of commercial uses, which includes up to 69,720 square feet of specialty retail; 1,213 residential dwelling units, including 152 MPDUs; a waiver to permit a reduction in the number of parking spaces; and reconfirmation of the previously approved reduction in setbacks from adjacent residentially-zoned properties, on approximately 270 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Road and Frederick Road (MD 355) ("Overall Property"), in the Clarksburg Policy Area, 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*, and as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2020, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007022A (MCPB No. 10-59), to correct the unit count from 1,213 to 1,206 residential dwelling units, including 151 MPDUs; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007022B (MCPB No. 13-125), to reinstate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots; and

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007022C (MCPB No. 15-81), for construction of a driveway approach onto Clarksridge Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block HH in support of Site Plan No. 820140050; and

WHEREAS, on September 21, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007022D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 206,185 square feet, including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H; and revise Kings Pond Local Park and Piedmont Woods Local Park; and

WHEREAS, on March 24, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82007022E (MCPB No. 16-034), to replace 11 multi-family units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.36 acres in the RMX-2 zone, located on Block N in the northwest quadrant of the intersection of Catawba Hill Road and Sugarloaf Chapel Drive within the Clarksburg Town Center development; and

WHEREAS, on December 15, 2020, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 82007022G, to rename General Store Drive to Saint Clair Road; addition of a handicap accessible sidewalk and viewing area at the stage and amphitheater; adjustments to street tree locations, spacing, and species; adjustments to the cemetery location and associated Forest Conservation revisions; modifications to the St. Clair Road retaining wall, sewer alignment, and easements; reconfiguration of stormwater management facilities on Blocks BB, CC, and GG; revisions to the Block CC retail streetscape; revisions to the Civic Building parking lot; conversion of sections of sidewalk within Block BB and the Greenway Trail to pervious paving; addition of Parcel AA, DD, and M to Martz Street, the north private alley, and pedestrian access to the condominium parcel; adjustments to PUE's and the addition of a PIE along Public House Road within Block BB; additional notes and references added to the plans referencing park permit numbers and final approved park permit plans; relocation of a light pole from Lot 48 to Lot 46; and modified fire access at Condominium Building A and Condominium Building B; and

WHEREAS, on April 21, 2021, CTC Development Inc. ("Applicant") filed an application for approval of an amendment to the previously approved site plan to convert the originally approved 24 manor home condominium units (including 8 MPDUs within 2 buildings) on Block M, Parcel A and Block S, Parcel C (the "Subject Property") to 12 rear-loaded townhouse dwelling units (including 7 MPDUs) on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82007022H, Clarksburg Town Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 23, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 6, 2022, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 6, 2022, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Rubin, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82007022H to convert the originally approved 24 manor home condominium units (including 8 MPDUs within 2 buildings) on Block M, Parcel A and Block S, Parcel C to 12 rear-loaded townhouse dwelling units (including 7 MPDUs) on the Subject Property by adding the following conditions which apply only to the Subject Property:¹

Density, Height & Housing

1. Density

The Site Plan is limited to up to 12 townhouse dwelling units, including 12.5% MPDUs, on the Subject Property of 0.56 acres.

2. Height

The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated December 15, 2021 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- b) The development must provide a minimum of 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential unit(s) on the Subject Property, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

Environment

4. Water Quality

The development must comply with the conditions of the MCDPS/Final Water Quality Plan approval letter dated June 29, 2021 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS if the amendment does not conflict with any other conditions of the Site Plan approval.

Transportation & Circulation

5. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated June 24, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

6. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

7. Lighting

- a) Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan

conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit (excluding retaining walls), the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private utilities, associated improvements of development, including bikeways, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

9. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

10. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, other agency approval letters, including Fire Access Plan, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for the Overall Property, except for those modified by this Amendment for the Subject Property, remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan Amendment No. 82007022H, Clarksburg Town Center, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, nor schematic development plan were required for the subject site. The Site Plan Amendment is consistent with Project Plan Amendment No. 91994004D for the Clarksburg Town Center in terms

of land uses and maximum densities, design layout, development standards, and conditions of approval.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is zoned RMX-2 per the Zoning Map in effect prior to October 30, 2014. The Amendment was reviewed under the Zoning Ordinance in effect prior to October 30, 2014, which is allowed under the grandfathering provisions for applications approved before October 30, 2014 in Section 59.7.7.1.B.3. The approved Amendment converts the originally approved 24 manor home condominium units, including 8 MPDUs within two buildings, to 12 rear-loaded townhouse dwelling units, including 7 MPDUs. This change in unit type is supported by DHCA due to the high demand for townhouse MPDU units. As demonstrated in Table 1 below, the Amendment meets the general requirements and development standards of the RMX-2 zone, under the optional method of development. Table 1 below lists those development standards related to the Overall Property and the specific standards for the Subject Property that are being modified by the Subject Amendment. All other development standards remain in full force and effect as approved.

Table 1, Data Table for the RMX-2 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted / Required	Previously Approved with Site Plan 82007022E	Approved for 82007022H
Density & Land Use Overall Property			
Residential D.U.s (> 30 acres site area) [59-C-10.3.6]	150 min.	1,118	1,106
Max. Residential Density (d.u. / acre) [59-C-10.3.7]	7 d.u./acre ² (1,428 d.u.)	6.26 ³	6.19
Unit Mix ⁴			
One-family detached	10 - 20%	219 (19.6%)	219 (19.6%)
One-family attached	30 - 50%	674 (60.3%)	686 (60.3%) ⁵
Multi-family	25 - 45%	225 (20.1%)	201 (20.1%) ⁶

² Max residential density established by the 1994 Clarksburg Master Plan, p.43.

³ Calculated by dividing the total number of units by 178.63 acres, which is the area covered by residential uses in the RMX-2 Zone.

⁴ Mix of units allocated by the 1994 Clarksburg Master Plan, p.44.

⁵ The approved conversion of the 24 manor houses to 12 townhouses increases the cumulative total of one-family attached by 12 units to 686 dwelling units and reduces the cumulative total of multi-family units by 24 units to 201 dwelling units.

MPDUs [Chapter 25A]	12.5%	12.5% (140 MPDUs)	12.5% (139 MPDUs) ⁶
Min. Individual Lot Setbacks for Subject Property			
One-family attached (Block M) Lots 71 - 78			
Main Structure Setbacks Public Street (Front) Public Street (Front / Side) Side yard (Interior Unit) Side yard (End Unit) Rear yard	To be Determined at Site Plan	N/A	5 feet 5 feet 0 feet 5 feet 5 feet
One-family attached (Block S) Lots 6 - 9			
Main Structure Setbacks Public Street (Front) Public Street (Front/Side) Side yard (Interior Unit) Side yard (End Unit) Rear yard	To be Determined at Site Plan	N/A	10 feet 5 feet 0 feet 5 feet 5 feet
Max. Building Height for Subject Property			
Residential One-family attached Block M, Lots 71 - 78 Block S, Lots 6 - 9	To be Determined at Site Plan	N/A	45 feet 45 feet
Vehicle Parking Spaces [Section 7.7.1.B.3.b] for Subject Property			
East Side Residential			
One-family attached (12 units)	24 (2 spaces/unit)	N/A	24 spaces

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Locations of Buildings and Structures

The locations of buildings and structures are adequate, safe, and efficient. The Amendment replaces 24 multi-family dwelling units (including 8 MPDUs) with 12

⁶ This Application proposes to provide the minimum 12.5% MPDUs which reduces the previously approved number of MPDUs from 8 units to 7 units, resulting in a cumulative total of 139 MPDUs.

one-family attached dwellings units (including 7 MPDUs). The attached units are adequately oriented towards Clarksburg Square Road and Burdette Forest Road, and rear loaded from private alleys off Burdette Forest Road. This orientation combined with minimum or no setbacks from the road is consistent with other built units on Clarksburg Square Road, which will allow for a seamless continuation of the streetscape treatment and pedestrian experience.

Open Spaces

The Amendment does not contemplate any modifications to the approved open space network.

Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The Amendment is not making any revisions to any existing landscaping. The landscape plan includes street trees, which will replace existing street trees as necessary, if disturbed during construction. It includes ornamental trees in front yards and in between rear driveways, which adequately scale down the buildings while providing shade and aesthetic value. Evergreen trees at the entrances to the alleyway efficiently screen a portion of the alleyway and narrow its perceived width.

Recreation Facilities

The Amendment does not contemplate any modifications to the approved recreation facilities. The change in unit type from multi-family to one-family attached units, combined with a decrease in the overall number of units, has decreased the recreation demand points for the Overall Property and project. As a result, the approved recreation facilities continue to be adequate, safe, and efficient at meeting the recreation demand for the total of 1,106 units within the Clarksburg Town Center on the Overall Property.

Pedestrian and Vehicular circulation systems

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Both Clarksburg Square Road and Burdette Forest Road have existing sidewalks that will service the new one-family attached dwelling units. The existing 5-foot accessible sidewalk adequately and safely accommodates pedestrian circulation within the site and to the fronts of the units. Vehicular circulation is accommodated via two new driveways that are accessed off Burdette Forest Road. The new driveway, located on Block M, connects with the existing alley system also located within Block M. The new driveway, located on Block S, does not connect to any existing alley systems due to a retaining wall that is necessary to address substantial grade change between parcels. The new driveways provide adequate and safe access to the rears of each unit while improving connectivity within Block M.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The 12 one-family attached dwellings units (including 7 MPDUs) are compatible with the surrounding existing development in terms of unit type, massing, and orientation. The unit type in the immediate vicinity of the new units, including Block M and Block S, is predominantly one-family attached with some one-family detached. Both existing and approved units are consistently oriented towards the street and rear-loaded from alleys.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

Environmental Guidelines

The proposed Amendment includes two parcels: Parcel A and Parcel C. Both of these parcels were included in the previous Preliminary Plan and Site Plan approvals. The Preliminary Plan included a Preliminary Forest Conservation Plan and a Preliminary Water Quality Plan. The Site Plan included a Final Forest Conservation Plan and a Final Water Quality Plan.

Forest Conservation

The Amendment does not contemplate any modifications to the approved Final Forest Conservation Plan 82007022D.

Stormwater Management

The Final Water Quality Plan has been amended with this Application. The Montgomery County Department of Permitting Services has approved their portion of the Final Water Quality Plan by amending the previous Combined Preliminary / Final Water Quality Plan approval in a letter dated June 29, 2021. The revised Final Water Quality Plan meets the required stormwater management goals via a reduction in impervious surfaces, micro bioretention, and existing structural measures including a surface sand filter and extended detention dry pond that were previously designed to include this area.

The elements of the Final Water Quality Plan under the M-NCPPC's Planning Board's purview include forest conservation, environmental guidelines, and impervious surface limits. The Amendment does not propose any modifications that alter the previous findings related to forest conservation and the environmental guidelines. The Amendment is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law, Chapter 22A. The Clarksburg SPA does not include a numerical limit on impervious surfaces; however, impervious surfaces should be minimized as much

as possible. The Applicant provided a revised Impervious Surface exhibit that demonstrates that the proposed modifications result in a decrease in the impervious area on Parcel A and Parcel C, for a net reduction of 550 square feet, or 0.013 acres from the previously approved Site Plan.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 27 2022 (which is the date that this resolution is mailed to all parties of record); and

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

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Rubin, with Chair Anderson and Commissioners Cichy, Verma, and Rubin voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, January 13, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board