

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-087
Site Plan No. 820210090
Hammer Hill
Date of Hearing: July 28, 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, on March 25, 2022, Jaisai Property, LLC ("Applicant") filed an application for approval of a standard method site plan for the construction of 13,600 square foot Daycare Center (Over 30 persons) and an existing 3,200 square foot Clinic (Up to 4 Medical Practitioners) on 3.52 acres of CRT-0.5, C-0.5, R-0.5, H-45 and Clarksburg East Environmental Overlay zoned-land, located at 23319 Frederick Road and 23100 Stringtown Road ("Subject Property"), in the Clarksburg Policy Area and 2014 *Clarksburg Ten Mile Creek Limited Amendment Master Plan* ("Master Plan") ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820210090, Hammer Hill ("Site Plan" 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 July 15, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 28, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Vice Chair Verma, 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. 820210090 for the construction of 13,600 square foot Daycare Center (Over 30

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

persons) and an existing 3,200 square foot Clinic (Up to 4 Medical Practitioners), the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1) Density

The Site Plan is limited to an existing 3,200 square foot Clinic (Up to 4 Practitioners) and a 13,600 square-foot Daycare Center (Over 30 Persons) on the Subject Property.

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.

Green Space, Facilities and Amenities

3) Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 34,755 sq. ft. of Public Open Space (22.7% of net lot area) on-site.
- b) Before the issuance of Use and Occupancy Certification for the structure containing the Day Care Center (Over 30 Persons), all Public Open Space areas on the Subject Property must be constructed.

4) Rural Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 25,376 square feet of Rural Open Space (86.0% of net lot area located within the Clarksburg East Environmental Overlay Zone.)
- b) The Applicant must record a protective easement or covenant recorded in the Montgomery County Land Records. Such protective easement or covenant must be reviewed and approved by Planning Staff and in a form approved by the M-NCPPC Office of General Counsel.
- c) Before the issuance of Use and Occupancy Certification for the structure containing the Day Care Center (Over 30 Person), all Rural Open Space areas on the Subject Property must be constructed.

5) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities within the Subject Property including, but not limited to landscaping, benches, retaining walls, stairways, bike racks, playground equipment, trash cans, lighting, fences, mailboxes, walkways and other hardscapes.

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.

Site Plan

6) Quality Building and Site Design

- a) The architectural elevations for the Day Care Center (Over 30 Persons) building must be shown on the Certified Site Plan.
- b) The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.

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.

Environment

- 8) The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- 9) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 10) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 11) Prior to the start of any demolition, clearing, grading or construction for this Application, whichever comes first, the Applicant must record an M-NCPPC approved

Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the afforestation requirement for a total of 0.57 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase in the Seneca Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available in any bank.

- 12) Prior to the start of any demolition, clearing, grading or construction for this Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
- 13) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3-inch caliper trees. The number of trees and planting locations are shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- 14) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings shown on the approved Final Forest Conservation Plan.
- 15) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- 16) Impervious surfaces for the Application are limited within the Clarksburg Special Protection Area and within the portion of the Ten Mile Creek Special Protection Area that is outside of the Clarksburg East Environmental Overlay Zone to the amounts specified on the approved Impervious Surface Plan.
- 17) Impervious surfaces are limited to no more than 15 percent of the Application within the Clarksburg East Environmental Overlay Zone, as shown on the approved Impervious Surface Plan.
- 18) Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant of the Subject Property must enter into an agreement with

the Planning Board to limit impervious surfaces within the Clarksburg Special Protection Area and the portion of the Ten Mile Creek Special Protection Area that is outside of the Clarksburg East Environmental Overlay Zone, to the amounts shown on the approved Impervious Surface Plan. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

- 19) Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 15 percent of the Application within the Clarksburg East Environmental Overlay Zone, and as shown on the approved Impervious Surface Plan. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

Transportation & Circulation

- 20) The Planning Board has reviewed and accepts the recommendations of the DPS Right-of-Way Section (DPS-ROW) in its memo dated April 20, 2022 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.

21) Site Plan Surety and Maintenance Agreement

- a) Prior to issuance of any building permit, 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 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:
- i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, landscaping, on-site lighting, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private utilities, paths and sidewalks, and associated improvements of development including storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
 - iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety 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.

22) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated August 10, 2016 and amended on February 1, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS, Fire Department Access and Water Supply Section may amend if the amendment does not conflict with other conditions of Site Plan approval.

23) The Planning Board has reviewed and accepts the recommendations of the MCDPS – Water Resources Section in its Combined Preliminary/Final Water Quality Plan/Site Development Stormwater Management Plan letter dated April 5, 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 – Water Resources Section if the amendment does not conflict with any other conditions of the Site Plan approval.

24) 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.

25) 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, approved Fire Department Access Plan, and MCDOT approval letter.
- 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.
- f) Show a paved pedestrian path from the daycare building to the property line shared with the adjacent Clarksburg Elementary School. The exact alignment shall be approved by Staff at the time of Certified Site Plan review.

- g) Submit a revised Final Forest Conservation Plan to reflect the proposed pedestrian path from the daycare building to the Clarksburg Elementary School.
- h) Submit the Impervious Surface Exhibit that has been updated to reflect the required pedestrian path from the daycare building to the Clarksburg Elementary School and signed by a professional engineer.
- i) Ensure consistency of the Public Open Space and Rural Open Space calculations between the data table and the open space exhibit, Sheet 004.
- j) The Certified Site Plan must contain the following note:

"The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the preconstruction meeting with the M-NCPPC inspector. A copy of the approved Certified Site Plan is required to be on-site at all times."

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Hammer Hill Site Plan #820210090, 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/or as 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:

1. *The development satisfies any previous approval that applies to the site.*

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable since there are no development plans or schematic plans associated with the Subject Property.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable since the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.

a. Use Standards

The Site Plan satisfies the use standards, development standards and general requirements for Clinic (Up to 4 Medical Practitioners) and Daycare Center (Over 30 Persons) in the Commercial Residential Town (CRT) Zone, under the Standard Method Development in Section 4.5.3.

According to Section 3.1.6, a Clinic (Up to 4 Practitioners) is a permitted use in the CRT zone. A Daycare Center (Over 30 Persons) is a limited use in the CRT Zone. The limited use standards are as follows under Section 3.4.4.F.2:

“Use Standards

- a. Where a Day Care Center (Over 30 Persons) is allowed as a limited use, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.”

The Subject Property does abut the R-200 zone in the southwest corner which is a Residential Detached zone. As a result, this Site Plan Application is being reviewed and approved by the Planning Board.

The following table, Table 1, shows the Application’s conformance to the development standards of the zone.

b. Development Standards

The Subject Property includes approximately 3.52 acres zoned CRT-0.5 C-0.5 R-0.5 H-45. The Application satisfies the applicable development standards as shown in the following data table, with the modifications approved to the Build-to Area and Transparency requirements indicated with an asterisk (*):

Table 1 – Site Plan Data Table - CRT-0.5 C-0.5 R-0.5 H-45, Standard Method

Data Table	Allowed/Required	Approved
Gross Tract Area/Usable Area	N/A	3.52 acres
Dedication	NA	0.16 acres
Net Area	NA	3.36 acres
Minimum lot area	N/A	N/A
Density (FAR)	0.5 FAR (mapped)	0.11 FAR (16,800 sq. ft.)
Principal Building Setbacks (Min.)		
Front	0 ft. (clinic)	190 ft. (Frederick Road) 41 ft. (Stringtown Road)
Side	0 ft. (clinic) 18 ft. (daycare)	121 ft. (clinic) 122 ft. (daycare)
Rear	N/A	N/A
Min. Parking Setbacks		
Front	Behind front building line in BTA	All parking is located behind front building line in BTA
Side Street	Behind side street building line in the BTA	All parking is located behind side street building line in BTA
Side	10 ft.	77 ft.
Rear	10 ft.	27 ft.
Build-To-Area		
Front Setback	20 ft. max.	291 ft.*
Building in front street BTA	70% min.	100%
Side street setback	20 ft. max.	41 ft.*
Building in side street BTA	35% min.	100%
Min. Public Open Space	10% (15,310 sq. ft.)	22.7% (34,755 sq. ft.)
Max. Building Height (Principal)	45 ft. (mapped)	22 ft.
Building Orientation, entrance facing street or open space	Required	Provided
Building Orientation, max entrance spacing	100 ft.	65 ft.
Building Transparency		

Ground Story, Front	40% min.	12.8 % (Stringtown Road)*
Ground Story, Side/Rear	25% min.	11.3%*
Blank Wall, front (max)	35 ft. max.	21 ft. (Stringtown Road)
Blank Wall, side/rear	35 ft. max.	18.5 ft.
Allowed Building Elements, Gallery/awning	Yes	Awnings Provided
Parking - Vehicle		
Clinic ²	Min: 4 sp., Max: 13 sp.	52 spaces
Daycare ³	Min: 41 sp., Max: 55 sp.	52 spaces
Parking - Bicycles		
Clinic	1 short time, 1 long term	2 short term, 4 long term ⁴
Daycare	1 short term, 3 long term	2 short term, 4 long term ⁵

Pursuant to Section 59.4.5.3.C, the Planning Board finds that the modified Build-to Area for the Front and Side Street setbacks: i) deviate from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site, which include preservation of the historic setting in front of the historic Hammer Hill house along the Frederick Road/ MD 355 frontage as well as accommodate the grade change along Stringtown Road; and ii) the Site Plan incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks and parks by providing a lead-in sidewalk into the Property from Stringtown Road and sidewalks along all frontages.

Similarly, the Planning Board finds that, pursuant to Section 59.4.5.3.C, the modified Building Transparency requirement for the Front and Side walls: i) deviates from the Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or proposed land use due to the need for a continuous façade of materials required by the use; and ii) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks and parks by improving landscaping and the pedestrian experience.

² Based on a minimum of 3.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

³ Based on a minimum of 1.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

⁴ One long term bicycle parking space has been previously provided on existing covered porch of medical clinic.

⁵ One long term bicycle parking space has been previously provided on existing covered porch of medical clinic.

The Site Plan satisfies the use standards, development standards and general requirements for the Clarksburg East Environmental Overlay Zone. Under Section 4.9.5.E, any development that must file a preliminary plan of subdivision under Chapter 50 requires approval of a site plan.

Table 2 – Site Plan Data Table – Clarksburg East Environmental Overlay, Standard Method

	Required	Approved
Minimum Rural Open Space	80.0% (23,647 sq. ft.)	86.0% (25,376 sq. ft.) ⁶
Maximum Impervious Surface Area	15% (4,434 sq. ft.)	14.8% (4,403 sq. ft.) ⁷

c. General Requirements

i. *Site Access*

Access is adequate to safely and efficiently serve the Application.

Access to the day care will be provided from a single existing access point on Frederick Road/MD 355, located approximately 200 ft. north of the intersection with Stringtown Rd. No new streets will be constructed. The daycare will utilize the existing driveway and construct a new surface parking facility in the rear of the Subject Property.

Due to the expected peak hour trip generation, a left turn lane will be added to the northbound travel direction on Frederick Road to serve vehicles entering the site from the south. No new acceleration/deceleration lanes are recommended along the frontage of the Subject Property because this would be contrary to the Historic District and would compromise pedestrian and bicycle safety.

Additionally, as conditioned, the Applicant will provide a sidewalk within the Subject Property up to the property boundary shared with

⁶ The Rural Open Space requirements for the Clarksburg East Environmental Overlay Zone are based on the portion of the property formerly known as Parcel N366. The previous area associated with this parcel is 29,549 or 0.68 acres

⁷ The maximum impervious surface area for the Clarksburg East Environmental Overlay Zone is based on the portion of the property formally known as Parcel N366. The previous area associated with the parcel is 29,549 sq. ft. or 0.68 acres)

the Clarksburg Elementary School in the event that in the future this sidewalk could be extended into the school property.

ii. *Parking, Queuing, and Loading*

The Applicant is providing 52 off-street parking spaces, exceeding the 42-space minimum, and 4 long-term bike parking spaces as required. The Application meets the parking requirements for the use.

iii. *Open Space and Recreation*

The Site Plan will develop under the standards of the CRT zone (Standard Method) and the Clarksburg Environmental East Overlay Zone. The entire Property is covered by the CRT Zone but only a small portion of the Property is located in the Clarksburg Environmental East Overlay Zone. Because there are two different zones associated with the Property, there are two different types of open spaces required under the Zoning Ordinance: Public Open Space and Rural Open Space.

The CRT zone requires that a minimum of 10.0 percent (15,319 sq. feet) of the Site Plan be devoted to Public Open Space based on Section 59.6.3.6 of the Zoning Ordinance. The Site Plan provides 22.7 percent (34,755 sq. ft.) Public Open space, which exceeds the required 10 percent, for passive recreation and enjoyment of the historic setting in the Clarksburg Historic District. As a commercial use, the Site Plan is not required to meet Recreation Guidelines. However, the day care use is providing significant green space in front of the historic structure. The Public Open Space is left unprogrammed in order to preserve the historic setting within the Clarksburg Historic District. Under Section 6.3.3.A, the table of allowed features allows for "open space such as lawn, garden, ornamental planting area, patio, walk, and pathway" is an allowed feature for Public Open Space. Furthermore, the Public Open Space meets the design requirements of Section 6.3.6.B because the open space: (1) does abut a public sidewalk or other public pedestrian route; (2) is a minimum of 15 feet in width; (3) does include seating and shade, and; (4) is a contiguous space.

The Clarksburg East Environmental Overlay Zone requires 80.0 percent (23,647 sq. ft.) of the Property within the zone as Rural Open Space per Section 59.4.9.5.D.4 of the Zoning Ordinance. The

Site Plan provides Rural Open Space in the amount of 86.0 percent (25,376 sq. ft.). Section 6.3.4 does not prohibit any specific uses from Rural Open Space in the CRT or Clarksburg East Environmental Overlay Zone. Specific uses are only prohibited within Rural Open Space located in the RC or RNC zones. The structure for the day care center is not located in the Rural Open Space, the play area associated with the day care is located in Rural Open Space. Given the location, historic context, and lack of environmental features on the Subject Property, having a play area associated with an allowed use is an appropriate amenity to include in this particular Rural Open Space area.

Rural Open Space is required to be recorded in a protective easement or covenant recorded in the land records under Section 6.3.4.B.1. Property located in Rural Open Space also seeks to limit disturbance to the maximum extent possible during construction as well as minimize any potential nuisance or conflict with agricultural uses. There are no agricultural uses nearby making potential nuisances or conflicts a non-issue. However, by placing the playground area within the Rural Open Space, it does minimize the level of disturbance compared to, for example, a parking lot or building. Under the Open Space Allocation requirements in Section 6.3.4.B.2, Rural Open Space must include a list of items one of which is "historic, archaeological, and cultural site, cemetery, and burial ground". The Subject Property is located in the Clarksburg Historic District and includes the historic Hammer Hill structure on the Subject Property. Thus, the Rural Open Space meets these requirements.

Configuration of Rural Open Space requires the following:

- a. *The minimum width for any rural open space is 75 feet unless the Planning Board grants an exception for items such as a trail easement or linear park when their purpose meets the intent of Section 6.3.4.*

The Rural Open Space exceeds 75 feet in width.

- b. *A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.*

All of the Rural Open Space is contiguous.

- c. *Where feasible, the rural open space must adjoin any neighboring area of open space, other protected area, or non-protected natural area that would be a candidate for inclusion as part of a future area of protected rural open space.*

The Rural Open Space will adjoin the Public Open Space located outside the Clarksburg East Environmental Overlay Zone. It is not feasible to adjoin the Rural Open Space with any other open space on an adjacent property.

The Public Open Space and Rural Open Space meet the requirements of Division 6.3 of the Zoning Ordinance.

iv. *General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The provided landscaping and outdoor lighting are safe, adequate, and efficient for the daycare center. The Site Plan includes a variety of landscaping and outdoor lighting throughout the Subject Property, primarily around the daycare center, the parking lot, and along Stringtown Road.

The landscaping is adequate, safe, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover in-and-around playground areas, parking facilities, pedestrian areas, streetscapes, and adjacent to the daycare center. The daycare center will have extensive foundation plantings, including shrubs and ornamental grasses, helping to soften the edges of the buildings. The Site Plan includes an existing historical structure and driveway, a terraced pedestrian walkway, three playground areas, and additional smaller landscape areas that incorporate a wide palette of plant materials that are appropriate with groundcover, shrubs, ornamental grasses, and ornamental trees to provide inviting and comfortable open spaces, while also providing respite from the public areas of the surrounding streets. The Site Plan will also include street trees along Stringtown Road and the existing driveway off Frederick Road in order to promote a cohesive community and environment, while also providing landscaping that provides variations to stimulate visual interest, framed views, and focal points within the Subject Property.

Lighting on-site consists of a mix of 8 freestanding streetlights with luminaires mounted on poles at 20 feet above the parking areas, 5 freestanding area lights with luminaires mounted on poles at 20 feet above the playground areas, and 21 wall mounted luminaires mounted at a height of 9 feet around the daycare center. All site lighting is provided as light emitting diode (LED) fixtures. The light poles and fixtures will be installed throughout the Subject Property to illuminate the pedestrian, occupant, and vehicular circulation environment.

The photometric plan submitted by the Applicant shows that the lighting will adequately illuminate the site creating a safe environment without creating light spillage or excessive glare on adjacent properties or the rights-of-way. All site lighting provides adequate, safe and efficient illumination.

v. *Screening*

The Subject Property is surrounded on all sides except for one side by other properties in the CRT zone. According to the Table in Section 59.6.5.2.C, screening is not required when the General Building type, with a non-industrial use, abuts another Commercial/Residential Zone. However, the southwest side of the Subject Property abuts one small sliver of R-200-zoned property which sits between the Subject Property and the right-of-way for Observation Drive. The General Building type, with a non-industrial use, does require screening when abutting a residential detached zone such as R-200 when the abutting property is vacant or improved with an agricultural or residential use. This R-200 zone property is vacant, although unlikely to ever be built upon. Nonetheless, the screening is required. The Application provides a landscaping-based screening in this location that complies with "Option A" for the General Building type in Section 59.6.5.3.C.7.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 5, 2021. The plan will meet stormwater management requirements through the use of micro bioretention with enhancement. The approval is for elements of the Water Quality Plan of

which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

The Application meets all applicable requirements of Chapter 19 and Chapter 59 for SPA Water Quality Plans. As previously discussed in this report, the Application satisfies the required elements of the SPA Water Quality Plan under the Planning Board's purview, including forest conservation, environmental buffer protection, and impervious surface limits.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. Per Chapter 22A of the Montgomery County Code, a Final Forest Conservation Plan was submitted as part of the Site Plan. The Final Forest Conservation is consistent with the Preliminary Forest Conservation Plan that was approved as part of Preliminary Plan No. 120210180.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The layout provides, safe, well- integrated parking, circulation, building massing and open space. The Application integrates the existing and expanded parking area by locating the parking behind the buildings while providing safe pedestrian circulation to all structures on the Property. The architecture and massing on the building integrates well with the massing and architecture to appear more like an accessory structure to the existing historic structure. The open space is well integrated by primarily preserving the historic setting of the Clarksburg Historic District and utilizing the open space as passive green area. The Site Plan provides well-integrated circulation patterns by widening the existing shared use path along Stringtown Road and a new sidewalk along Frederick Road/MD 355 in an increasing pedestrian-oriented area of the Clarksburg Historic District. The Applicant does not propose, and the Planning Board opposes the use of acceleration or deceleration lanes at the entrance on Frederick Road due to the location within the historic Clarksburg Town Center. Instead, the Planning Board recommends reducing the speed limit between Stringtown Road and Clarksburg Road/MD 121 from 30 mph to 25 mph.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan substantially conforms to the recommendations included in the 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area* ("Clarksburg Master Plan") and the 2014 *Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* ("10 Mile Creek Master Plan").

1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area

The Clarksburg Master Plan is the underlying master plan for the Clarksburg vicinity. The Site Plan meets the general goals of the Clarksburg Master Plan by "promoting a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations" (Page 10). The Clarksburg Master Plan "proposes a transit-oriented, multi-use Town Center which is compatible with the scale and character of the Clarksburg Historic District" (page 26). The Clarksburg Master Plan also "continues the historic function of Clarksburg as a center of community life" (Page 26).

The Property falls within the analysis area identified as the "Town Center District" (Page 41). The Town Center District includes the Clarksburg Historic District, and both areas are discussed in detail on pages 42-53. The Site Plan complies with the following recommendations:

- Create a Town Center which will be a strong central focus for the entire Study Area.
- Encourage a mixed-use development pattern in the Town Center to help create a lively and diverse place.
- Encourage infill within the historic district in accord with the historic development patterns.

Consistent with the Historic District design guidelines (Pages 47-48), the Application also:

- Orients the building to the street, with parking behind.
- Preserves and enhances the existing rural character of streets.
- Assures that all road improvements, including both changes to existing roads and creation of new roads, are sensitive to the historic character of the Clarksburg Historic District.
- Provides new construction compatible with existing historic buildings.
- Assures that prominent resources in the Historic District are highlighted as focal points.

- Encourages appropriate landscaping, lighting, open space and creation of a gateway.

2014 Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan

The 10 Mile Creek Master Plan “retains the core of the Clarksburg Master Plan’s vision, refining the Clarksburg Master 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” (page 5). The Property is located in the far northeast corner of the 10 Mile Creek Master Plan boundary where the 10 Mile Creek Master Plan emphasizes “community building,” as opposed to the majority of the plan boundary which emphasizes “environmental protection” (Page 13). In furtherance of the more specific goals within “community building,” the Site Plan complements the Town Center, strengthens the Historic District, and balances mixed-use (Page 13).

The Property falls within one of the subwatershed boundaries with the most impervious surface (Pages 15 and 17). The 10 Mile Creek Master Plan allows the highest levels of imperviousness for new development in the Town Center District where existing imperviousness levels are already high (Page 17). The Site Plan utilizes a shared driveway consistent with the 10 Mile Creek Master Plan recommendations (Page 21).

The Property also falls within the area of the 10 Mile Creek Master Plan “East of I-270” and within the Historic District. The 10 Mile Creek Master Plan rezoned properties within the Historic District to CRT-0.5 C-0.5 R-0.5 H-45 and excluded the Historic District from the Clarksburg East Environmental Overlay Zone (Page 38). The 10 Mile Creek Master Plan also provides guidelines to the Historic Preservation Commission when reviewing historic area work permits. “The Clarksburg Master Plan identified the Historic District as a focal point of the Town Center, encouraging sensitive and appropriate infill development in the District as an important component of the Clarksburg Master Plan’s objective for the Town Center” (Page 38). The CRT Zone “allows densities and building heights that will encourage infill development in the District and will allow new uses to be introduced that may help to invigorate the District” (Page 38). The Site Plan Application is consistent with these recommendations and will help to stabilize and reinvigorate the Historic District, while also serving an important Montgomery County need.

The Site Plan is in substantial conformance with 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area* and the 2014 *Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan*.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Application will be served by adequate public services and facilities including schools, police and fire protection, public roads, storm drainage, and other public facilities, as determined as part of the accompanying Preliminary Plan No. 120210180 which findings are incorporated herein.

9. *On a property in a Rural Residential or Residential zone, the development is compatible with the character of the residential neighborhood.*

Not applicable, this finding does not apply to this Application.

10. *On a property in all other zones, the development is compatible with existing and approved or pending adjacent development.*

The Subject Property is zoned CRT, a mixed-use zone, with the surrounding properties being a mix of CRT and R-200 zoned properties. The development of the Property with a daycare center by the nature of the use will be compatible with the existing elementary school and residential development surrounding the Property.

As conditioned, the location of buildings and structures is safe, adequate, and efficient. The daycare center is positioned to provide frontage and activation along Stringtown Road, while also providing a complementary massing to the existing historical structure on the Subject Property. The building is positioned such that the end façade is aligned to extend parallel to Stringtown Road, which provides frontage, opportunities to frame the street, and creates an articulated edge for the street. The end building façade is articulated in the same manner as the front façade, providing a comparable level of detail and articulation for the daycare center. All of the exterior façades and roof are well articulated and detailed in order to provide visual interest from all sides and angles of the Subject Property. The material palette for the daycare center is a mix of stained wood, Hardie board and batten, and Hardie horizontal square channel siding for the different programmatic areas of the building. The daycare center includes a mix of flat roofs with a large central gable that is finished with a standing seam metal roof. The perimeter of the building is punctuated with doors and windows, with shed roof awnings located above the windows that also feature the same standing seam metal roof. The front entry for the daycare center is located on the north side of the building and is covered by an extension of the gabled roof above. Access to the front entry is from the parking area and drop-off, with the primary walkway

extending around the full perimeter of the daycare center, along with fencing. The daycare center provides a residential-like massing that is similar in scale and proportion to the existing historical structure on the Subject Property to provide visual and aesthetic compatibility. Overall, the Site Plan is compatible with the character of the surrounding existing development.

Development of this Site Plan does require the use of retaining walls to create usable grade at some locations. The daycare center includes a pedestrian walkway with switchbacks that provide pedestrian access to-and-from the sidewalk along Stringtown Road. The switchbacks will be constructed with a series of high aggregate concrete retaining walls, which will range from three to four feet in height. Due to the visibility and prominent location of the retaining walls along Stringtown Road, the retaining walls will feature an integral color and high aggregate concrete finish, along with extensive landscaping and signage for the Daycare Center in order to soften the impact, while visually connecting the retaining walls to the architecture and site design.

- 11. To approve a site plan for a restaurant with a drive-thru, the Planning Board must find that there is a need for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 12. For a property zoned C-1 or C-2 on October 29, 2014 that has been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property was not zoned C-1 or C-2.

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 § 59-7.3.4.H; 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 SEP 21 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).

* * * * *

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 Rubin, seconded by Vice Chair Verma, with a vote of 5-0, Chair Anderson, Vice Chair Verma, and Commissioners Cichy, Patterson, and Rubin voting in favor at its regular meeting held on Thursday, September 8, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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