

TREGONING PROPERTY
SITE PLAN NO. 820240080
PRELIMINARY PLAN AMENDMENT NO. 12023012A AND
FINAL FOREST CONSERVATION PLAN NO. F20240420



Description

Application for forty-four (44) dwelling units including thirty-eight (38) single-family detached dwelling units and six (6) townhouse dwelling units (including 13% MPDUs) plus two development rights; amend Preliminary Plan Conditions 1 and 16 regarding density and Private Alleys.

No. 820240080, 12023012A, & nnd
F20240420

Completed: 9-13-2024

MCPB
Item No. 11
9-26-2024

Montgomery County
Planning Board
2425 Reddie Drive, Floor 14

Planning Staff

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LOCATION/ADDRESS

On Kings Valley Road, West of Preakness Drive

MASTER PLAN

1994 Clarksburg Master Plan & Hyattstown Special Study Area

ZONE

RE-1 Zone

PROPERTY SIZE

37.85 acres (17.81 acres for development, 20.04 acres to remain undeveloped)

APPLICANT

Elm Street Development

ACCEPTANCE DATE

April 3, 2024

REVIEW BASIS

Chapters 50, 59, and 22A

Summary:

- Staff recommends **approval with conditions** of Site Plan No. 820240080, Preliminary Plan Amendment No. 12023012A, and Final Forest Conservation Plan No. F20240420.
- As an MPDU optional method of development project, the Applicant proposes to provide 44 dwelling units, with 13% MPDUs, on 17.81 acres (Parcel 104) out of a total of 37.85 acres, with two development rights retained on the remaining 20.04 acres (Parcel 617).
- Preliminary Plan Amendment No. 12023012A requests to revise Conditions 1 and 16 for density and to allow Private Alleys A and B to be located within designated easement areas, rather than placed within individual parcels; and a waiver of Subdivision Section 50.4.3.E.6.b.
- The Applicant will provide amenities for residents and visitors including a pedestrian trail connection, a natural area, a multi-age play area, picnic and seating areas, interactive landscape elements, and inclusive adaptive recreation elements.
- Staff has not received any community correspondence on these Applications.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 12023012A:

Staff recommends approval with conditions of the Preliminary Plan Amendment No. 12023012A to amend Conditions 1 and 16 regarding density and Private Alleys A and B to be located within designated easement areas, rather than separate record parcels, including a waiver of Section 50.4.3.E.6.b.

All site development elements shown on the latest electronic version of Preliminary Plan Amendment No. 12023012A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following condition.¹ Conditions 1 and 16 modify the previous conditions, and all other conditions remain in full force and effect:

Modified Condition

1. This Preliminary Plan is limited to 38 lots for 38 single-family detached dwelling units and 6 lots for 6 townhouse dwelling units, including a minimum of ~~12.5~~ 13% MPDUs on 17.81 acres (Parcel 104) out of a total of 37.85 acres, and two development rights retained on the remaining 20.04 acres (Parcel 617). 37.85 acres.
16. The Applicant must provide Private Alleys A and B, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Road”), subject to the following conditions:
 - a) Record plat must clearly delineate the Private Alleys and include a metes and bounds description of the boundary of the respective Private Alleys. The Private Alleys will be subject to all conditions below referencing Private Roads. show the Private Road in a separate parcel.
 - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
 - i. The Applicant, at its sole cost and expense, shall design, construct, and maintain the Private Road.
 - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice,

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner, homeowner’s association, or any successor (s) in interest to the terms of this approval.

litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.

- iii. The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns, or questions regarding the Private Road.
- c) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d) Before final inspection of the last residential unit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the approved drawings, paving detail, and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan.

SITE PLAN 820240080

Staff recommends approval with conditions of Site Plan No. 820240080, for forty-four (44) dwelling units including thirty-eight (38) single-family detached dwelling units and six (6) townhouse dwelling units (including 13% MPDUs). The development must comply with the conditions of approval for Preliminary Plan No. 120230120 as listed in the MCPB Resolution No. 23-118, dated December 27, 2023, and as amended. All site development elements shown on the latest electronic version of the

Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.²

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 44 residential dwelling units, consisting of 38 single-family detached dwelling units and 6 townhouse dwelling units, including 13% MPDUs on 17.81 acres (Parcel 104) out of a total of 37.85 acres, with two development rights retained on the remaining 20.04 acres (Parcel 617).

2. Height

The development is limited to a maximum height of forty (40) 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 (DHCA) in its letter dated September 10, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations 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 13% 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), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. Common Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 4.62 acres of common open space (12% of net lot area) on-site.
- b) All common open space areas on the Subject Property must be completed on the following schedule as shown on the Certified Site Plan:
 - i. Prior to the final inspection for the last residential unit on Lots 32-35, Block B, the common open space area located between Public Road A, Kings Valley Road, and Lots 32-35 must be completed.
 - ii. Prior to the final inspection for the last residential unit on Lots 40-44, Block B, the common open space area located between Public Roads A and B and Lots 40-44 must be completed.

² For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner, homeowner’s association, or any successor (s) in interest to the terms of this approval.

- iii. Prior to the issuance of the 30th building permit for a residential unit (the 70th percentile), the natural surface trail located in the Forest Conservation easement area located behind Lots 19-27 must be completed.
5. Common Open Space Covenant
The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).
6. Recreation Facilities
The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.
7. Maintenance of Public Amenities
The Applicant is responsible for maintaining all publicly accessible amenities within HOA parcels including, but not limited to the Private Alleys, landscaping, benches, retaining walls, bike racks, playground equipment, trash cans, lighting, mailboxes, walkways, and other hardscapes.
8. Stormwater Management
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated July 29, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

TRANSPORTATION & CIRCULATION

9. 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 May 31, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
10. Before Certified Site Plan approval, the Applicant must provide protected intersection design at the Private Roads A and B intersections with Public Roads A and B for MNCPPC Staff and MCDPS review and approval; any change to the protected intersection by MCDPS required for engineering plan approval will not require a Site Plan amendment.
11. Fire and Rescue
The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its revised letter dated July 15, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

SITE PLAN

12. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the design guidelines provided on the Site Plan 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.

13. Lighting

- a) Before 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, if necessary and not addressed by full cut-off or BUG-equivalent fixtures.
- 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.

14. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or Use and Occupancy Certificate (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by 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:

- 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 only for facilities located on the Property (not in the public r.o.w.), including, but not limited to plant material, on-site lighting, outdoor recreational facilities, site furniture, mailbox pad sites, retaining walls, fences, railings, private alleys, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. 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.

15. Development Program

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

16. 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, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “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.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Include approved Fire Department Access Plan.
- 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) All driveways must measure a minimum of 18 feet in depth as measured from the property line to the garage façade.
- g) Applicant must provide an exhibit showing the location and materials of all recreational amenities, including but not limited to natural areas, the trail system, the multi-age play area, landscape and inclusive adaptive recreation elements, and the picnic and seating areas.
- h) Provide cutsheets on the photometric sheets for the selected lighting poles and fixtures.
- i) Provide Private Road sections, curb and gutter, and apron details.
- j) Applicant must provide a natural surface trail through the Category I Conservation Easement on Block B, behind Lots 19-27, on the Landscape and Site Plan drawings consistent with the Final Forest Conservation Plan drawings.

FINAL FOREST CONSERVATION PLAN F20240420

Staff recommends approval with conditions of the Final Forest Conservation Plan No. F20240420 (“FFCP”). All site development elements shown on the latest electronic version of Final Forest Conservation Plan No. F20240230, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions³. The following Conditions supersede all previous Conditions of Approval that were approved with Preliminary Forest Conservation Plan No. F20230420:

1. 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.
2. 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.
3. 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.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) Record Category I Conservation Easements over all areas of forest retention, forest plantings and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easements must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page of the easement agreements must be referenced on the record plat.
 - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the approved FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Install permanent conservation easement fencing in the locations shown on the approved FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - d) 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 forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - e) Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as

³ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, homeowner’s association, or any successor in interest to the terms of this approval.

shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.

- f) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 7.11 acres of new forest planting, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
5. 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 Afforestation/Reforestation plantings for Planting Areas P1, P2, P3 and P4 (outside of the LOD) as shown on the approved FFCP.
6. Before Certified FFCP set approval, the Applicant must show the location of the natural surface trail in the Category I Conservation Easement on Block B, behind Lots 19-27.
7. At time of installation, the natural surface trail is to be field located with the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: COMMUNITY CORRESPONDENCE

The Applicant has complied with all application submittal, noticing, and sign posting requirements under COMCOR 50.10.01.04 of the Subdivision Regulations. The required hearing notice sign was adequately posted at the Subject Property. Written notice of the Application was mailed by the Applicant to all required parties.

A pre-submission meeting was held on December 19, 2023, at 7:00 PM at Hallie Wells Middle School in Clarksburg and was attended by a total of ten (10) community members. There were concerns and questions shared about potential safety concerns with the extension of Hoffman Drive, increases in vehicular traffic generated, construction traffic impacting the surrounding neighborhood, the sidewalk to be provided along Kings Valley Road as being superfluous and unnecessary, and the timing and length of construction time for the development. The concerns and questions were addressed by the Applicant team. The Applicant's summary notes of the meeting can be reviewed in Attachment I.

Signs were posted along Hoffman Drive, Ridge Road, and Kings Valley Road, referencing the proposed Applications. The Applicant was notified regarding the requirements of the Development Guidelines to notify surrounding property owners within 30 days of the public hearing.

As of the published date of this Staff Report, no community correspondence has been received.

SECTION 3: SITE LOCATION & DESCRIPTION

VICINITY

The Tregoning Property is composed of two existing parcels, Parcel 104 and Parcel 617. Both parcels are zoned RE-1 and located southwest of the intersection of Kings Valley Road and Preakness Drive in Clarksburg. Parcel 104 (“Subject Property”) is a triangular shaped parcel that is the primary focus for development within this Site Plan and Preliminary Plan Amendment Application (“Application”). Parcel 617 is an irregularly polygonal-shaped parcel that will remain in its existing state. Surrounding properties are predominantly residential in character with single-family detached residential houses on a mix of lot sizes, all within the RE-2C, R-200, and RC Zones. The Subject Property abuts residential properties to the north and east which are zoned RE-2C, with a TDR-2.0 receiving area located to the northeast. Damascus Recreational Park and the Magruder Branch Trail are located to the east across King Valley Road. To the west are residential properties and Cedar Grove Elementary School on R-200 zoned land. To the southwest is Parcel 617 and directly south of Parcel 104 is RC-zoned land that is currently utilized for agriculture. The Cedar Grove Historic District is located to the south of Parcel 617.

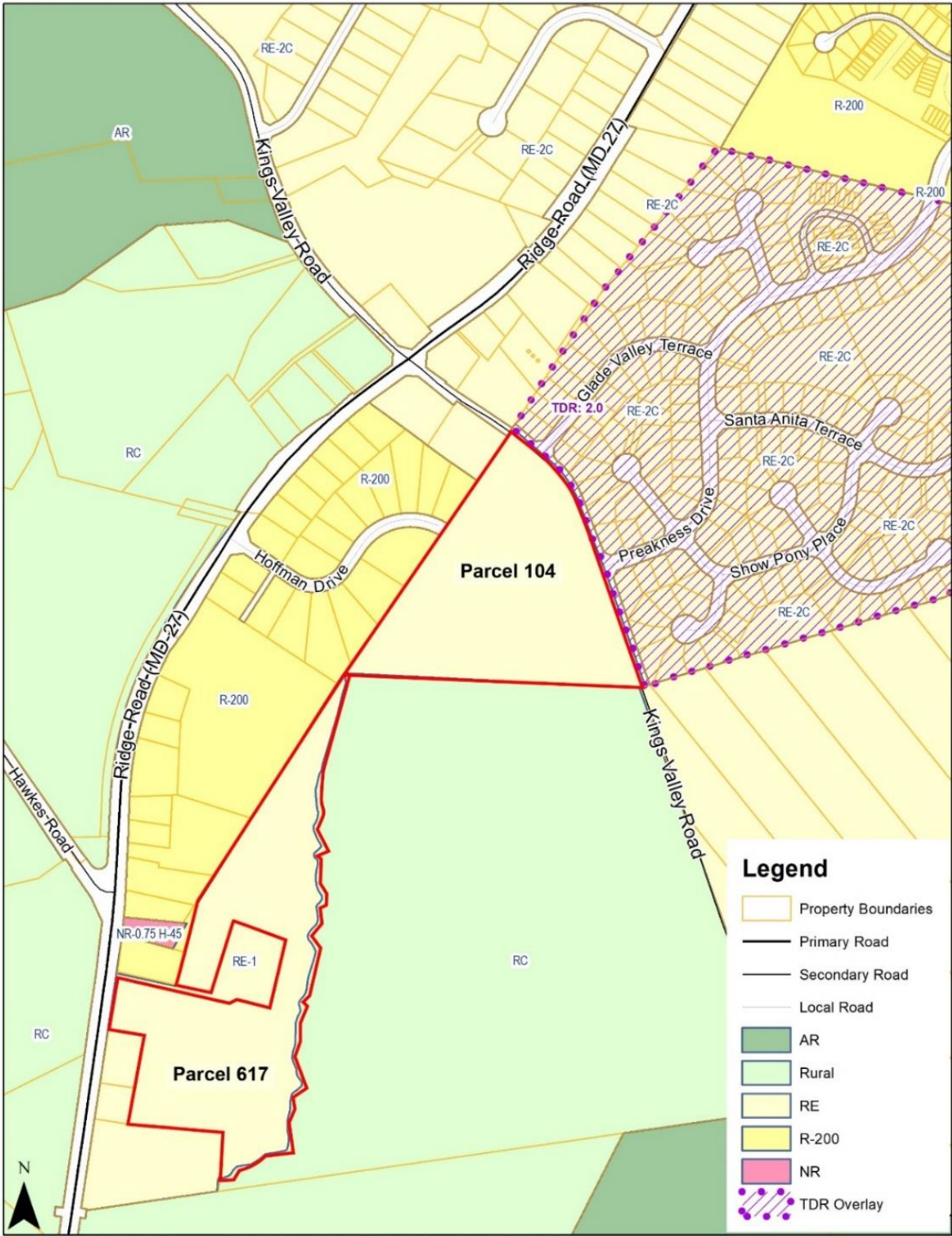


Figure 1 - Zoning Map

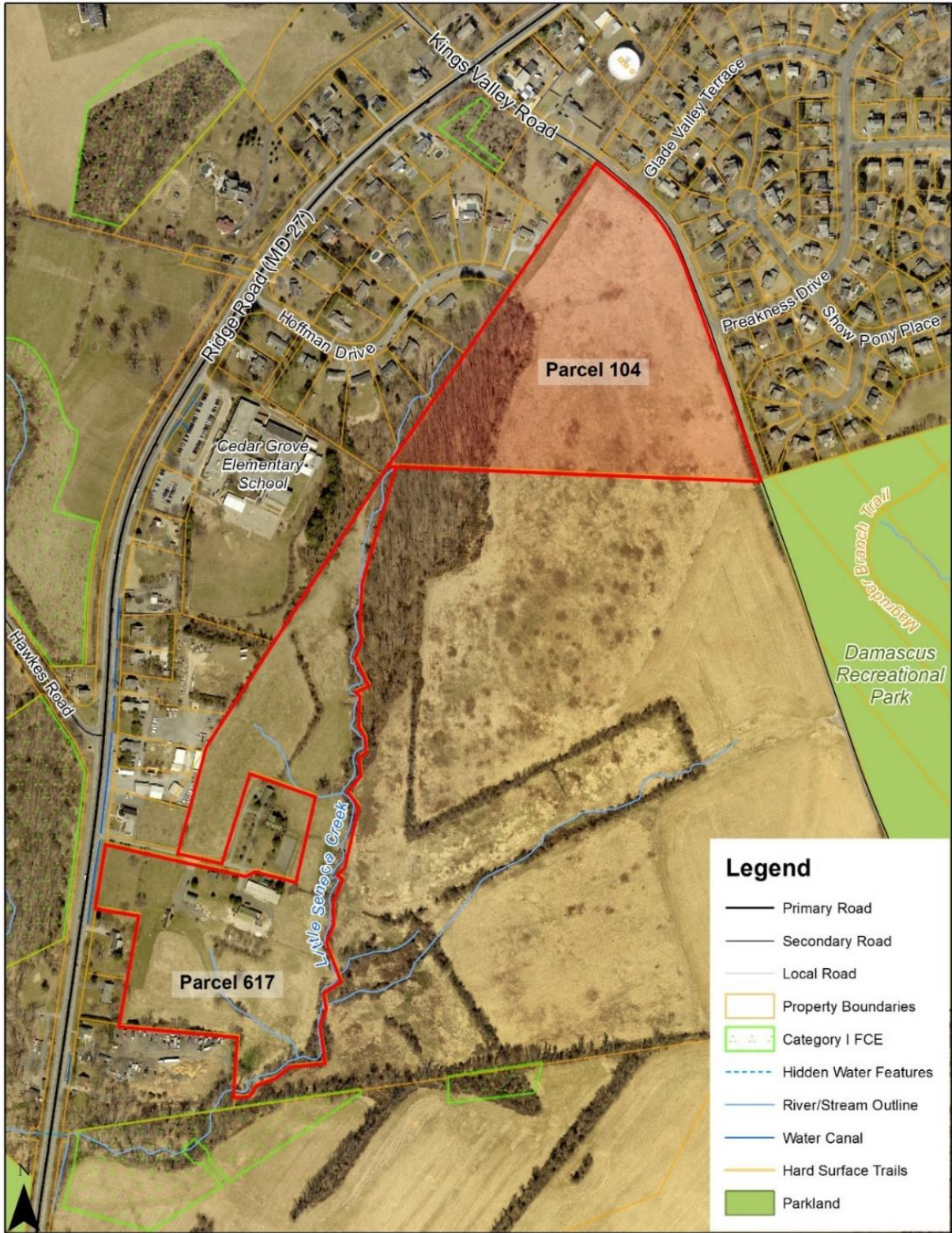


Figure 2 – Aerial View of the Subject Property

PROPERTY DESCRIPTION

Parcel 104 is approximately 17.81 acres and Parcel 617 is approximately 20.04 acres, resulting in a total of 37.85 acres. Parcel 617 is developed with existing structures and is proposed to remain in its current state. For the purposes of this Application, Parcel 104 is identified as the Subject Property as it is the area that will be developed for dwelling units. Additionally, Parcels 104 and 617 are identified within this Application as the Overall Property (“Overall Property”). The Subject Property, as depicted in Figures 1 and 2 above, is undeveloped and utilized for agricultural purposes. There are no existing structures located onsite. Parcel 104 is bisected with a ridge line that runs northeast to southwest and divides the property into two watersheds. Approximately two-thirds of Parcel 104 drains to the west-southwest and is located within the Little Seneca Creek Watershed, a Use Class IV-P watershed. The southeast portion of Parcel 104, about one-third of the parcel, drains to the east-southeast and is located within the Upper Great Seneca Watershed, a Use Class III-P watershed. There is a stream located off-site and adjacent to the southwest property line of Parcel 104 within the Little Seneca Creek Watershed with a forested stream buffer that extends onto the Property. The stream flows south and briefly crosses the Subject Property in the southwest corner as it flows onto Parcel 617. There are also steep slopes associated with the stream channel alignment. Except for the forested area on the Subject Property, the remainder of the Subject Property is unforested and is currently being used for active agricultural practices. No known rare, threatened, or endangered species or habitats exist on the Overall Property. There are no designated historic sites on or near the Property.

SECTION 4: PREVIOUS APPROVALS & PROPOSAL

PREVIOUS APPROVALS

Pre-Preliminary Plan No. 720220020

On March 3, 2023, the Planning Board, by Resolution MCPB No. 23-018 (Attachment F), approved Pre-Preliminary Plan No. 720220020 with binding decisions on the issues of the Hoffman Drive connection, off-site connection to Damascus Recreational Park, and location and distribution of MPDUs on the Subject Property.

Preliminary Plan No. 120230120

On December 27, 2023, the Planning Board, by Resolution MCPB No. 23-118 (Attachment G), approved Preliminary Plan No. 120230120 to create forty-four (44) lots for single-family dwelling units, composed of thirty-eight (38) lots for single-family detached dwelling units and six (6) lots for townhouse dwelling units, including 13% MPDUs, on the Subject Property.

PROPOSAL

SITE PLAN NO. 820240080 AND PRELIMINARY PLAN AMENDMENT NO. 12023012A

Site Plan No. 820240080 was accepted on April 3, 2024, and the Applicant proposes to construct 44 single-family dwelling units, composed of 38 single-family detached dwelling units and six townhouse dwelling units, including 13% MPDUs, with associated public streets, two alleys, open spaces, recreational amenities, and master plan recommended improvements on Parcel 104, and retain two development rights on Parcel 617 (“Application”). As part of the Application, new public streets and private alleys will be constructed to serve all dwelling units. Density from Parcel 617 is being transferred to Parcel 104 while retaining two development rights. The Application is subject to the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*. Additionally, a Preliminary Plan Amendment is necessary to revise Conditions 1 and 16 for density and to allow Private Alleys A and B to be located within designated easement areas, rather than placed within individually separate parcels (“Amendment”).



Figure 3 – Site Plan Layout Rendering

TRANSPORTATION

Vehicular access to the Proposed Development will be provided primarily through two public roads: Kings Valley Road and Hoffman Drive (Figure 4). The Subject Property has frontage only on Kings Valley Road. Hoffman Drive has an approximately 20-foot-wide pavement that accommodates two travel lanes for vehicular access. Kings Valley Road has an approximately 25-foot-wide pavement that also accommodates two travel lanes for vehicular access. Existing travel lanes on Hoffman Drive will remain unchanged but will be extended into the Proposed Development for vehicular and pedestrian access to the east side. Existing travel lanes on Kings Valley Road will also remain unchanged, but an intersection will be added to provide access to the Subject Property to the east side of the Proposed Development.

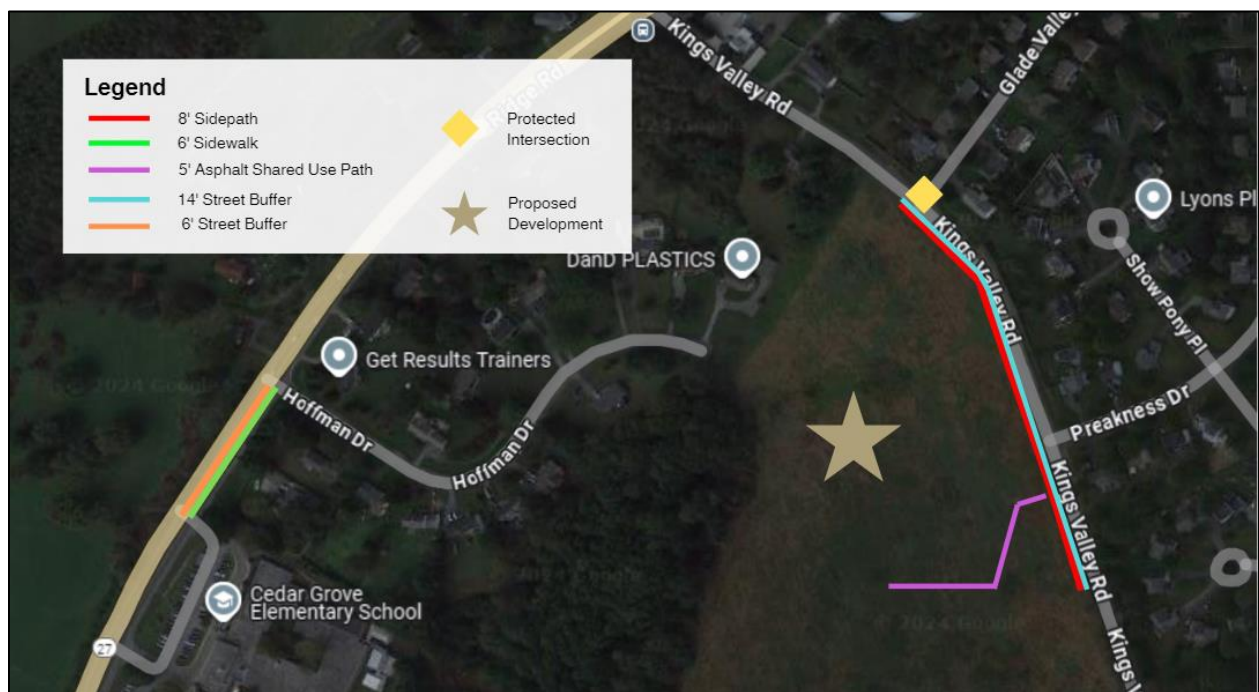


Figure 4 – Proposed Pedestrian and Bicycle On-Site and Off-Site Improvements

Pedestrian and bicyclist connectivity to and through the Subject Property will be improved along the two frontage roads, Hoffman Drive and Kings Valley Road, outside and inside of the Proposed Development. The Applicant will be constructing an 8-foot-wide sidepath with a 14-foot-wide street buffer along the frontage on Kings Valley Road. A 5-foot-wide asphalt shared use path will also be provided from the Subject Property adjacent to Unit 35, and connected to the sidewalk on the Site, to connect to the proposed 8-foot-wide sidepath along Kings Valley Road (Figure 4). As part of the off-site improvements required for the Proposed Development, an approximately 360 feet long 6-foot-wide sidewalk with a 6-foot-wide street buffer will be constructed along Ridge Road to connect Cedar Grove Elementary School to Hoffman Drive to the north (Figure 4).

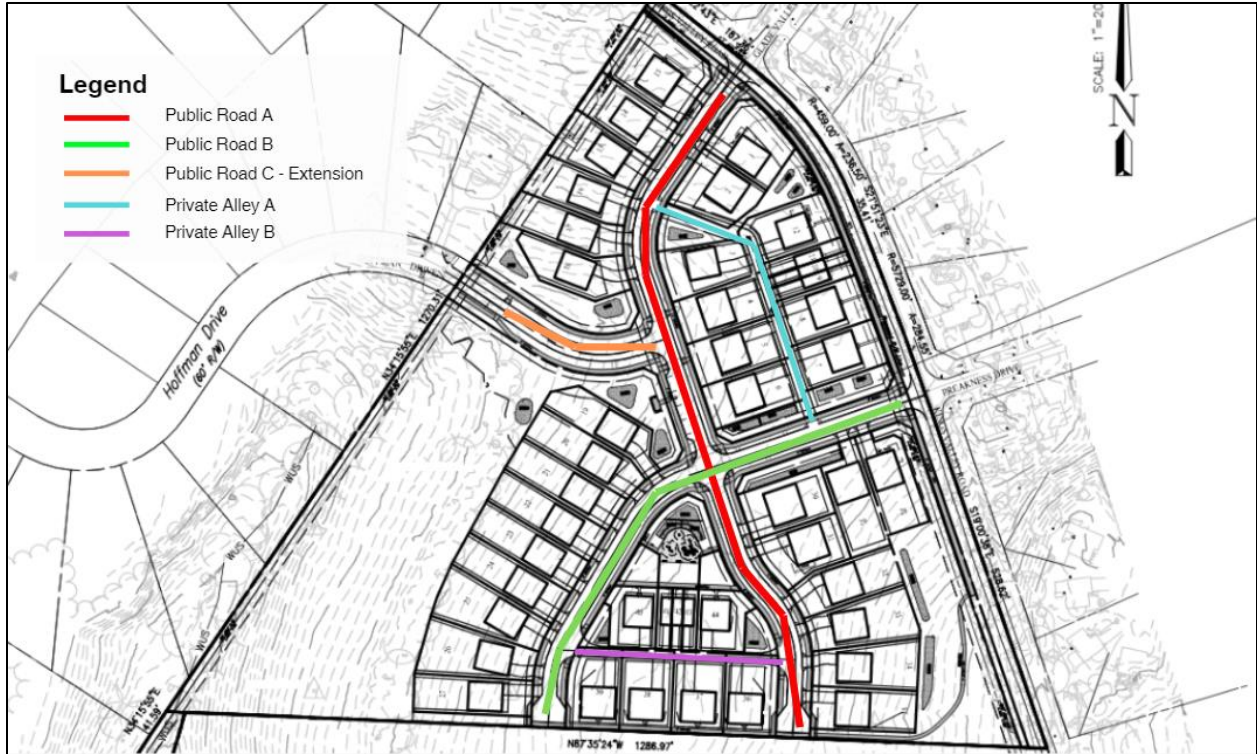


Figure 5 – Proposed Public Roads and Private Alleys

Public Road C will be extending Hoffman Drive, providing motor vehicle and pedestrian access to the Site, with a right-of-way of 60 feet, 6-foot-wide sidewalks on both sides, and a 6.5-foot-wide street buffer on one side, and an 11-foot-wide buffer on the other side. Public Road A will extend to the south from the intersection of Glade Valley Terrace and Kings Valley Road to the southern property line. Public Road B will run from the intersection of Preakness Drive and run southwest through the Subject Property to the southern property line. Both roads will have 6-foot-wide sidewalks on both sides of the street and 6.5-foot-wide street buffers with a modified right-of-way of 50 feet. Private Alleys A and B will be 16 feet wide and will provide access for motor vehicles. New receiving ramps, curbs, and sidewalks will meet ADA standards.

ENVIRONMENT

The Final Forest Conservation Plan No. F20240420 (“FFCP”) shows 2.95 acres of forest, a stream, and wetlands on the 37.85-acre property (Parcels 617 and 104). The Subject Property has a reforestation requirement of 4.41 acres either within the same watershed/Priority Area or 4.48 acres outside the same watershed/Priority Area. The Applicant will satisfy this requirement by providing 7.11 acres of reforestation plantings within and adjacent to the unforested stream valley buffer on the Subject Property. Please see the analysis in Section 7 for an expanded explanation of the FFCP.

**SECTION 5: ANALYSIS & FINDINGS, PRELIMINARY PLAN AMENDMENT
#12023012A, 50-4.2.D**

Preliminary Plan No. 120230120 created forty-four (44) lots for single-family dwelling units, composed of thirty-eight (38) lots for single-family detached dwelling units and six (6) lots for townhouse dwelling units, including 13% MPDUs, on 17.81 acres (Parcel 104), and with two development rights retained on the remaining 20.04 acres (Parcel 617). This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies, all of whom have recommended approval.

The proposed Amendment does not alter the original intent and findings of Preliminary Plan No. 120230120, which all remain valid except as modified below with the inclusion of the density and waiver findings:

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone under the MPDU optional method of development as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and can accommodate the single-family attached and townhouse dwelling units which can reasonably meet the width and setbacks requirements in that zone. As an MPDU optional method of development project, the Application proposes to provide 44 dwelling units, with 13% MPDUs on 17.81 acres (Parcel 104) out of a total of 37.85 acres. Two development rights will be retained on the remaining 20.04 acres (Parcel 617). The 44 residential dwelling units consist of 38 single-family detached dwelling units and six townhouse dwelling units (MPDUs), which are a permitted use within the RE-1 Zone under the MPDU optional method of development. A summary of this review is included below in Table 1.

- 3. *Public facilities will be adequate to support and service the area of the subdivision.***

a) *Roads and other Transportation Facilities*

iii. *Proposed private transportation infrastructure*

The Preliminary Plan Amendment requests to modify Preliminary Plan Condition No. 16.a to allow Alleys A and B (Figure 6) to be located within designated easement

areas, rather than being placed within individual parcels. The Applicant is requesting a waiver of Section 50.4.3.E.6.b of the Subdivision Regulations.

SUBDIVISION WAIVER 50.9

In the Planning Board’s review of a preliminary plan and record plat, Subdivision Regulation Section 50.4.3.E.6 - *Platting roads* specifies that “The area for roads, when shown on a record plat, must be shown on a record plat to the full width of the required right-of-way.” Section 50.4.3.E.6.b of the Subdivision Regulations states:

6. *Platting roads.*

- b. A private road must be platted as a road parcel, except as allowed by Subsection c, and remain open and unobstructed for use at all times as part of the project’s common area.

The Planning Board’s authority to grant a waiver is found in Section 50.9.1 of the Subdivision Regulations, which states “The Board may grant a waiver from a requirement of this Chapter after making the required findings.” The required findings are described in Section 50.9.3 which states:

“A. To grant a waiver, the Board must find that:

- 1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;
- 2. the intent of the requirement is still met; and
- 3. the waiver is:
 - a. the minimum necessary to provide relief from the requirements; and
 - b. consistent with the purposes and objectives of the General Plan.”

As explained in the Applicant’s Statement of Justification (Attachment B), the Applicant proposes to amend Condition No. 16.a of Preliminary Plan No. 120230120 and is seeking a waiver of Section 50.4.3.E.6.b., which is cited above. As proposed, the Subject Property is providing a greater density within the RE-1 zone than what is generally seen with large lot development. In addition, the buildable areas on the Subject Property are reduced in part due to a stream valley buffer, steep slopes, forest protection, open space requirements, and Staff’s request for minimized grading to maintain reduced site disturbance and provide a more natural appearance. Alleys A and B are needed to provide access to MPDUs and rear-loaded single-family detached dwelling units. If Alleys A and B were to be placed within

individual road parcels, there would be a conflict with the RE-1 zone minimum lot size requirements, and this would lead to a reduction in the number of dwelling units. Therefore, the Applicant requests a waiver from placing Alleys A and B within separate parcels and instead placing them within designated easement areas.



Figure 6 - Alley A (left image) and Alley B (right image) Configuration

Alley A

When Preliminary Plan No. 120230120 was approved, the Planning Board concluded that Alley A should be extended to connect to Public Road B provided it would not result in a reduction in the number of dwelling units.⁴ Staff worked with the Applicant team to extend Alley A while not reducing the number of dwelling units. The proposed layout for the Amendment and Site Plan Application incorporates the extension of Alley A and does not reduce the number of dwelling units. The extension of Alley A will provide a continuous one-way connection from Public Road B to Public Road A, while providing improved, direct access to the rear-loaded dwelling units within Block A. While the extension of Alley A will reduce the amount of usable area within Block A and require the reconfiguration of the stormwater management facilities, the urban form of Block A will be significantly improved and

⁴ Condition No. 28 on MCPB No. 23-118 stated “The Applicant shall make all commercially reasonable efforts in collaboration with Staff to review and effectuate the extension of Alley A from Public Street C to Public Street A in Block A, unless said extension were to result in a reduction in the number of dwelling units. All dwelling units, with the exception of Units 1 and 2, in Block A must be rear-loaded or side loaded and served by the potential through alley with frontage along Kings Valley Road and Public Street C. The revised layout must be reviewed and approved by Planning Staff, MCDOT, and DPS Water Resources Section.”

ultimately provide better access for future residents. By providing rear-loaded dwelling units within Block A, sidewalks will be continuous and uninterrupted with driveways, as well as reduce interactions between pedestrians and vehicles. Additionally, on Block A retaining the number of dwelling units and providing the required 9,000 square foot minimum lot size for the RE-1 zone, there is not enough developable area to fully place Alley A on its own separate parcel. Alley A will be built to the standards of a public street and managed and maintained by the community HOA. Staff supports the extension of Alley A, the improved Block A configuration, and Alley A to be located within designated easement areas.

Alley B

Alley B is located within Block B and intersects with Public Roads A and B. The alley provides access to the rear-loaded single-family detached dwelling units (36-39, 40, and 44) and rear-loaded townhouse units (MPDUs 41-43). As discussed above for Alley A, the Amendment proposes to allow Alley B to be located within designated easement areas rather than being placed within an individual parcel. Staff worked with the Applicant team to minimize the impacts to lot sizes and layout within Block B by reducing the width of the Alley from 20 feet to 16 feet and shifting the alley north, while still accommodating the minimum 9,000 square foot lot requirement for the RE-1 zone. Additionally, the curb radii for the alley intersections were revised to accommodate emergency vehicle access and the stormwater management facilities were reconfigured based on the revised layout. The centralized common open space, located to the north on Block B, and Lots 40 and 41 was reconfigured to accommodate the shifting north of Alley B. The common open space is also distributed along the paved trail connection from Public Road B to Kings Valley Road, behind Lots 33-35. Like Alley A, Alley B will be built to the standards of a public street and managed and maintained by the community HOA. The same issue, as above, pertains to this portion of Block B regarding the minimum lot size for the RE-1 zone, density, and not losing any dwelling units. Staff supports the reduction in width of Alley B, the relocation of Alley B, the reconfiguration of Lots 40 and 41, the reconfiguration of the common open space, and for Alley B to be located within designated easement areas.

Practical difficulties exist that prevent full compliance with the Subdivision Regulations due to the limited buildable area on the Subject Property resulting from protected environmentally sensitive areas, land to remain in farming, open space requirements, and efforts to minimize grading to maintain reduced site disturbance and provide a more natural appearance. The waiver is the minimum necessary to provide relief from the requirements of Chapter 50 by allowing Private Alleys A and B to be located within designated easement areas, rather than placed within

individual parcels and reducing the width of the alleys to the minimum necessary to accommodate one-way circulation. The waiver is not inconsistent with the objectives of *Thrive 2050* (“General Plan”) and is not averse to the public interest because the alleys would be built to public street standards and still ensure public health, safety, and general welfare. While the General Plan does not have any specific recommendations for alleys and parcels, it does strongly advocate for the construction of new housing and promoting connectivity, especially pedestrian oriented connectivity. Granting the waiver allows the Application to maximize the number of dwelling units allowed on the Property, while providing improved access and connectivity with Alleys A and B. Based on the Applicant’s request, Staff does not object to Private Alleys A and B being placed within designated easement areas rather than individual parcels.

SECTION 6: ANALYSIS & FINDINGS, SITE PLAN #820240080, 59-7.3.4.E

- 1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Overall Property.

- 2. *To approve a Site Plan, the Planning Board must find that the proposed development:***
 - a) *satisfies any previous approval that applies to the site;***

This Site Plan Application conforms with approved Pre-Preliminary Plan No. 720240010 and approved Preliminary Plan No. 120230120, as amended, in terms of density, lot size, and road configuration. The Application is being reviewed concurrently with Preliminary Plan Amendment No. 12023012A for the Subject Property, which proposes to revise Condition No. 16.a to allow Private Alleys A and B to be located within easement areas, rather than within individual parcels. As conditioned with Preliminary Plan No. 120230120, the Application will provide a shared-use path connection from the sidewalk adjacent to Lot 35 to the sidewalk to be constructed along Kings Valley Road. Additionally, the sidewalk connection from Hoffman Drive to Cedar Grove Elementary School will be provide before the 25th building permit. Lastly, northeast Block A was reconfigured with the extension of Alley A, providing direct access for the rear-loaded dwelling units while not decreasing the number of residential dwelling units to be provided.

b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

c) satisfies under Section 7.7.1.B.5 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 as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d) satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.4.6 RE-1 Zone

The Site Plan satisfies the use standards, development standards, and general requirements for single-family detached and attached unit living in the Residential Estate Zone (RE-1), under the MPDU Optional Method Development standards in Division 4.4.6 of the Zoning Ordinance.

Use and Development Standards

As an MPDU optional method of development project, the Application proposes to provide 44 dwelling units on 17.81 acres (Parcel 104) out of a total of 37.85 acres, with two development rights retained on the remaining 20.04 acres (Parcel 617). The 44 residential dwelling units consist of 38 single-family detached dwelling units and six townhouse dwelling units, which are a permitted use within the RE-1 Zone.

As demonstrated in Table 1 below, the Application meets the general requirements and development standards of the RE-1 Zone, under the MPDU optional method of development.

Table 1: Site Plan Data Table for RE-1 Zone, MPDU Optional Method, Section 59.4.4.6.D

RE-1 Zone (MPDU)	Allowed / Required (SFD)	Allowed / Required (Townhouse)	Approved Preliminary Plan No. 120230120 (SFD)	Approved Preliminary Plan No. 120230120 (Townhouse)	Proposed for Approval (SFD)	Proposed for Approval (Townhouse)
Site						

RE-1 Zone (MPDU)	Allowed / Required (SFD)	Allowed / Required (Townhouse)	Approved Preliminary Plan No. 120230120 (SFD)	Approved Preliminary Plan No. 120230120 (Townhouse)	Proposed for Approval (SFD)	Proposed for Approval (Townhouse)
Usable area (min.)	17 acres		37.85 acres ⁵		37.85 acres ⁵	
Density (max.) (units/acre of area)	1.22 (20 units max.)		1.22 (46 units max.) ⁶		1.22 (46 units max.) ⁶	
Common Open Space (min.)	10%		10%		12% (4.62 acres)	
Site Coverage (max.)	N/A	40%	N/A	40%	N/A	40%
MPDUs	12.5% (6 DUs)		-	13% (6 DUs)	-	13% (6 DUs)
Parking (min.)						
Spaces per Dwelling Unit	2 spaces	2 spaces	-	-	2 spaces ⁷	2 spaces ⁷

Table 2: Development Standards Table for RE-1 Zone, MPDU Optional Method, Section 59.4.4.6.D

RE-1 Zone (MPDU)	Allowed / Required (SFD)	Allowed / Required (Townhouse)	Approved Preliminary Plan No. 120230120 (SFD)	Approved Preliminary Plan No. 120230120 (Townhouse)	Proposed for Approval (SFD)	
Lot						
Lot Area (min.)	9,000 sq. ft.	1,200 sq. ft.	9,000 sq. ft.	1,200 sq. ft.	9,000 sq. ft.	1,200 sq. ft.
Lot Width at Front Building Line (min.)	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	50 ft. (min.)	50 ft. (min.)
Lot Width at Front Lot Line (min.)	25 feet	14 feet	25 feet (min.)	14 feet (min.)	25 feet (min.)	14 feet (min.)
Frontage on Street or Open Space	Required	Required	Provided	Provided	Provided	Provided
Lot Coverage (max.)	35%	N/A	35%	N/A	35%	N/A
Placement (min.)						
Front Setback from Public Street	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Front Setback from Open Space	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Side Street Setback, Abutting Lot Fronts on the Side Street and is in a Residential Detached zone	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Side Street Setback, Abutting Lot does not Front on the Side Street or is not in a Residential	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet

⁵ 37.85 total acres (17.81 acres for development, 20.04 acres to remain undeveloped)

⁶ As an MPDU optional method of development project, the Application proposes to provide 44 dwelling units on 17.81 acres (Parcel 104) out of a total of 37.85 acres, with two development rights retained on the remaining 20.04 acres (Parcel 617).

⁷ Four on-street parking spaces provided in addition to parking on the lots.

Detached zone						
Side or Rear Setback	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	Determined at Site Plan	5 feet	5 feet
Side Setback, Abutting Property not Included in Application	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Rear Setback, Alley	4 feet	4 feet	4 feet	4 feet	4 feet	4 feet
Accessory Structures (min.)						
Front Setback	5 ft. behind front building line	5 ft. behind front building line	-	-	5 feet behind front building line	5 feet behind front building line
Side Street Setback of Principal Building	35 feet/20 feet	35 feet/20 feet	-	-	35 feet/20 feet	35 feet/20 feet
Side or Rear Setback	Determined at Site Plan	Determined at Site Plan	-	-	5 feet	5 feet
Side Setback, Abutting Property not Included in Application	20 feet	20 feet	-	-	20 feet	20 feet
Rear Setback, Alley	4 feet	4 feet	-	-	4 feet	4 feet
Height (max.)						
Principal Building Height	40 feet	40 feet	40 feet	40 feet	40 feet	40 feet

iii. Division 59-6 General Development Standards

(1) Division 6.1 Site Access

Site access is safe, adequate, and efficient to serve the proposed development. Access to the Subject Property is proposed from three points: a northern intersection of Public Road A and Kings Valley Road, an eastern intersection of proposed Public Road B and Kings Valley Road, and the intersection of proposed Public Road A and Hoffman Drive, which will be extended to provide the connection. Internal vehicular, pedestrian, and bike circulation is illustrated above in Figure 5. All streets serving through circulation will be public streets. Alleys serving private garages for rear-loaded single-family detached units and townhouse units will be private and maintained by the HOA. The Applicant will construct a protected intersection at Private Alley B with Public Roads A and B. Additional frontage and off-site mitigation improvements will be provided as described previously.

The eight-foot-wide sidepath, with a 14-foot-wide street buffer along the frontage on Kings Valley Road, will connect to master planned facilities along Ridge Road, upon further redevelopment in the area (Figure 4). Likewise, it will facilitate pedestrian and bicyclist access to the Damascus Recreational Park. The five-foot-wide asphalt shared use path connecting the terminus of Public Road XX to the sidepath on Kings Valley Road will save the residents of the Project up to one (1) thousand feet of walking distance, or roughly three to four minutes of walking time. As conditioned on the Preliminary Plan, this five-foot-

wide shared use path will not be ADA compliant due to topographic constraints and existing utility lines that preclude the necessary grading from being performed, but ADA connectivity to Kings Valley Road will be accommodated along the approved public street network through the proposed sidewalk network and the proposed eight-foot-wide sidepath along Kings Valley Road.

The Applicant will also provide adequate and safe pedestrian circulation throughout the entire Site through a connected sidewalk network. All new public roads will be constructed to County standards following the parameters under the 2024 *Complete Streets Design Guide* as Neighborhood Streets, with closed section curb and gutter drainage. New receiving ramps, curbs, and sidewalks will meet ADA standards to promote safety and connectivity for all residents, pedestrians, and bicyclists.

The 2018 *Bicycle Master Plan* does not have recommendations for designated bicycle facilities on Kings Valley Road. This road is categorized as uncomfortable for pedestrians under the Pedestrian Level of Comfort Map. Similarly, Ridge Road is categorized as undesirable for most pedestrians, and as inappropriate for most people to bicycle on it under the Bicycle Stress Map. This means it is not recommended for pedestrian and bicyclist activity due to the safety hazards it poses for pedestrians. The proposed eight-foot-wide sidepath along Kings Valley Road and six-foot-wide sidewalk along Ridge Road will provide pedestrians and bicyclists with safe and adequate pedestrian and bicycle infrastructure that is currently lacking in these two roadways.

(2) Division 6.2 Parking, Queuing and Loading

Proposed parking, queuing, and loading is adequate to serve the Subject Property. Parking for all single-family detached units and townhouse units will be provided in private garages to be accessed from public streets or from alleys at the rear of the dwelling units. Additional parking will be provided within the driveway of some front-loaded units, with an additional four on-street spaces on Public Road A for visitors.

(3) Division 6.3 Open Space and Recreation

Open Space

Within the RE-1 zone, per Section 59.4.4.6.D.1, Optional Method, and Section 59.6.3.2, the Application is required to provide a minimum of 10% Common Open Space for single-family detached and townhouse development. Furthermore, per Section 59.6.3.5.B.2, the Common Open Space must abut a sidewalk or other public pedestrian route to provide easy access to all proposed

dwelling units; include space for pedestrian circulation, landscaping, seating, shade, or recreation; and be located within a contiguous space that abuts other open spaces, natural features, or sidewalks. The Site Plan meets the required amount of open space within the Subject Property by exceeding the minimum 10 percent, by providing approximately 12% Common Open space, 4.62 acres. Additionally, the open space meets the Common Open Space requirements for abutting a sidewalk or public pedestrian route; including space for circulation, seating, shade, and recreation; and being located within a contiguous space abutting other open spaces and sidewalks.

The central open space area is located at the intersection of Public Roads A and B and includes seating and a multi-age play area that features inclusive, adaptive recreation equipment and varied landscape elements for interaction. Additional open space area is a paved pedestrian trail connection that connects from the terminus of Public Road A and extends to the proposed sidewalk along Kings Valley Road. The connection provides substantial and varied landscaping and a designated seating area that overlooks a portion of the existing residential neighborhood to the east. The largest open space area is located within the southwest area of the Subject Property, below the extension of Hoffman Drive, and is proposed to remain as a natural area with the existing forest to remain and to be placed within a Category 1 Forest Conservation Easement. There will be a natural surface trail provided on Block B, behind Lots 19-27, connecting from the sidewalk along Public Road B to the sidewalk along the extension of Hoffman Drive. The natural surface trail will provide pedestrian access and circulation through the natural resource, as well as connecting it to the pedestrian routes within the development. All the Common Open Space areas include opportunities for active and passive recreation, as well as select locations for connection and reflection with nature. Within the residential development, there are three Common Open Space areas that include a pedestrian trail connection, a natural area, a multi-age play area, picnic and seating areas, interactive landscape elements, and inclusive adaptive recreation elements. There are also areas along the pedestrian walkways and sidewalks which provide locations for landscaping and greenery. The Common Open Space areas will provide ample opportunities for residents to gather and recreate.



Figure 7 – Open Space and Recreational Amenities

Recreation Facilities

The location and quantity of provided recreation facilities is adequate, safe, and efficient. Construction of 44 new dwelling units requires the Site Plan to meet the 2017 *Approved and Adopted Recreation Guidelines*. Consistent with the Guidelines, the Site Plan supplies recreation amenities to meet the recreation demand.

To satisfy the recreation demand, the Applicant has proposed several outdoor recreation amenities. The primary recreational amenity is the centralized common open space area. The common open space areas are located at the southwest corner of the Subject Property below the extension of Hoffman Drive and to the west of the single-family detached dwelling units numbered 19 through 27, the intersection of Public Roads A and B, and the southeast corner of the Subject Property to the east of the single-family detached dwelling units

numbered 32 through 35. The open space areas will serve as the focal points for the proposed development and will include a pedestrian trail connection, a natural area, a multi-age play area, picnic and seating areas, interactive landscape elements, and inclusive adaptive recreation elements. As conditioned, the Applicant will provide landscape design, including both large and small canopy trees, shrubs, and herbaceous plantings. All residents will have unfettered access to all recreation amenities.

Although the proposed recreation amenities fully meet the recreational demand for the development proposed, the proposed Site Plan is eligible to claim the maximum 35% of Total Demand Points from the existing facilities provided by the nearby Damascus Recreational Park. Additionally, the proposed recreation supply both onsite and offsite is adequate to meet the recreation demand, therefore the recreation facilities provided are adequate for this Site Plan.

(4) Division 6.4. 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 Application includes a variety of landscaping and lighting throughout the Subject Property, primarily along Kings Valley Road, Public Roads A and B, alleys, and community access to the Common Open Spaces.

Per Section 59-6.3.8, the Common Open Space design requirements state that landscaping within the Common Open Space is preferred to be native species, impervious surfaces are limited to 20 percent, and a minimum of 20 percent tree canopy. The Applicant is planting a variety of native trees and shrubs within the Common Open Spaces and along the streets. The plantings will provide shade and visual interest throughout the open spaces and along the public realm of the sidewalk and streets. A mix of shade and ornamental trees, such as Autumn Blaze Maples, Red Oaks, Zelkovas, Dogwoods, and Eastern Redbuds, are being planted along or near the street which will help to shade pedestrians using the sidewalk, soften the street edge, differentiate the outdoor spaces, and visually accentuate the public realm. The only impervious elements within the Common Open Spaces are the sidewalks; therefore, imperviousness will be well below 20 percent. The diversity and number of shade trees and ornamental trees surpasses the 20 percent minimum tree canopy for open space landscaping.

Lighting on-site consists of twenty publicly owned and maintained freestanding light emitting diode (LED) streetlights with luminaires mounted on poles. The light poles are 16 feet in height and will be installed throughout the Site Plan Area to illuminate the pedestrian and vehicular circulation environment.

The photometric plan submitted by the Applicant shows that the proposed 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.

(5) Division 6.5 Screening

This section is not applicable as this is an optional method project.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Application satisfies all of the applicable requirements of Chapter 19. MCDPS approved a Site Development Stormwater Management Plan on July 29, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenement and a bio-swale.

ii. Chapter 22A, Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20240420.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The proposed layout provides, safe, well-integrated parking, circulation, building massing and open space. The 44 proposed dwelling units are distributed throughout the entirety of the Subject Property, along Kings Valley Road and Public Roads A and B. Most of the units are located within the central and eastern portions of the Subject Property, with the southwestern portion remaining forested and being placed within a Category 1 Forest Conservation Easement. The 44 dwelling units consist of 25 front-loaded houses, 13 rear-loaded houses, and 6 townhouses. The mix of front-loaded and rear-loaded units provide building fronts along the streets and public open space, with building separation consistent with surrounding existing residential subdivisions. The Site Plan provides well-integrated circulation patterns including sidewalks on both sides of the proposed streets that connect with public open space, amenities, recreation, and lead sidewalks. The proposed layout provides usable common open space within the central, western, and eastern portions of the Subject Property. With the pedestrian facilities conditioned along

the property frontages, the Application provides well-integrated circulation patterns for pedestrians.

g) *Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The 1994 *Clarksburg Master Plan* considers the Subject Property part of the Ridge Road Transition Area and proposes that the Subject Property be developed for residential use. The proposed development conforms with the Master Plan. The Plan provides for residential development clustered on this tract under the Optional Method, along with protection of the natural environment including forested buffers and stream valleys, as recommended in the Master Plan. As noted above, the proposed roadway and pedestrian system conforms with the recommendations in the Master Plan as well.

h) *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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As detailed in approved Preliminary Plan No. 120230120, the Application will be served by adequate public services and facilities, including schools, health services, police and fire protection, electric, telecommunications, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan approval process and are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect. Preliminary Plan Amendment No. 12023012A does not alter or modify any of the conditions of approval associated with adequate public services or facilities.

i) *on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is zoned RE-1, while surrounding properties are zoned RE-2 and R-200, both of which are Residential zones. The Site Plan is consistent with the goals of the Master Plan for residential development on the Subject Property. The Subject Property is being developed with 38 single-family detached houses and six townhouse units (MPDUs), as supported by DHCA (Attachment J). The six townhouse units will be provided within two triplex buildings, three units per building, that only include MPDUs and no market rate units. The triplex buildings will include mass, proportions, and articulation that are

substantially similar to the single-family detached houses. The nature of the residential use will be compatible with the existing single-family residential detached communities surrounding the Property.

The proposed 44 dwelling units consist of 25 front-loaded houses, 13 rear-loaded houses, and 6 townhouses. While the exact size and configuration of the houses and townhouses will be determined once a builder is selected, the dwelling units will have a maximum height of 40 feet. As per the architectural design guidelines, the dwelling units will have an individual architectural style that creates a cohesive character for the development and existing residences. The units will include a porch, covered stoop, or portico that projects in front of the garage when it is a front-loaded unit. The windows will be simple and contribute to the overall composition of the façades. The exterior finish materials will be a mix of two to three complementary materials, while including accents and water tables as part of the façades where complementary to the architecture of the home. The exterior doors and garage doors will be compatible with the individual home style. Each unit will feature a lead walk with landscaping and fencing, where appropriate. Each home will be subject to an initial architectural review by the town architect. The front-loaded and rear-loaded units are setback in a compatible manner, providing frontage along Public Roads A and B and along Kings Valley Road, providing an edge to the public realm of the sidewalk and street, while also providing compatibility with the existing residential community.

j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.

The proposed use and structures for the Subject Property are compatible with existing and approved or pending adjacent development, as well as the Master Plan and prior approvals. The single-family detached dwelling units complement the existing housing mix in the surrounding area encouraged in the Master Plan, while being similar in design, height, massing, and at a compatible scale with surrounding development. The six MPDUs are provided as townhouse dwelling units that are broken up into two triplex buildings that will include massing and articulation comparable to the market rate single-family detached units. Proposed units are consistently oriented towards the street and include a mix of front-loaded units and rear-loaded units from alleys.

3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists 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 location proposed 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.

4. ***For a property zoned C-1 or C-2 on October 29, 2014 that has not 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 on October 29, 2014.

SECTION 7: ANALYSIS & FINDINGS, FOREST CONSERVATION PLAN #F20240420

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Overall Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”) and requires a Final Forest Conservation Plan. The Applicant had previously obtained approval of a Preliminary Forest Conservation Plan No. F20230420. Included with that Preliminary Forest Conservation Plan was a request for a tree variance for impacts and removal of trees protected under Sec. 22A-12(b)(3) of the Chapter 22A. The FFCP is in substantial compliance with the Preliminary Forest Conservation Plan, Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

FOREST CONSERVATION

Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420220450 for this Property was approved on December 15, 2021. The NRI/FSD identifies the environmental features and forest resources on the Overall Property. The Overall Property is comprised of two parcels, Parcel 104 and Parcel 617, totally 37.85 acres. The Overall Property is located within the Seneca Creek watershed, classified as a Use Class IV-P by the State of Maryland. The Overall Property contains 2.95 acres of forest on Parcel 104 while Parcel 617 has no forest cover. In addition, there are numerous specimen trees within area of forest and along the stream buffer both on-site and adjacent to the Overall Property that have a diameter breast height (“DHB”) of 30 inches or more. The Overall Property also contains a perennial stream with numerous wetlands, 2.80 acres of floodplain and 8.77 acres of stream valley buffer.

Preliminary Forest Conservation Plan

The Applicant had obtained an approved Preliminary Forest Conservation Plan No. F20230420 (“PFCP”) on February 12, 2024, with Planning Board Resolution No. MCPB 23-119 (Attachment H). As part of the PFCP, the Planning Board granted a variance from Sec. 22A-12(b)(3)(C) of the Forest

Conservation Law in order to impact, but retain, 4 specimen trees. The FFCP does not alter or amend that variance.

Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan No. F20240420 (“FFCP”) for concurrent review with the development plan application for a Site Plan No. 820240080 (Attachment C). Residential development is occurring only on Parcel 104. While Parcel 617 is part of the overall application, it is only being used to extract and transfer residential density to Parcel 104. The Application retains two development rights on Parcel 617 for future development. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Overall Property is zoned RE-1 and is being developed under the MPDU Optional Method. As such, it is assigned a Land Use Category of Cluster Medium Density Residential (“CDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20% and a conservation threshold of 45% of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 37.85-acre Total Tract Area plus 0.38 acres of offsite disturbance associated with this Application and minus 2.71 acres of land for roadway dedication along Kings Valley and Ridge Road, and also for the AT&T right-of-way. These additions and deductions result in a total Net Tract Area of 35.52 acres. There is a total of 2.95 acres of existing forest on the Subject Property with the Applicant proposing to remove 0.13 acres of forest. This results in a total afforestation/reforestation requirement of 4.41 acres within the same watershed/Priority Area or 4.48 acres outside of the same watershed/Priority Area. The Applicant proposes to meet the planting requirement by reforesting the 7.11 acres on-site both within and adjacent to the unforested stream valley buffer as required under Sec. 22A-12(e)(1)(B) of the Forest Conservation Law.

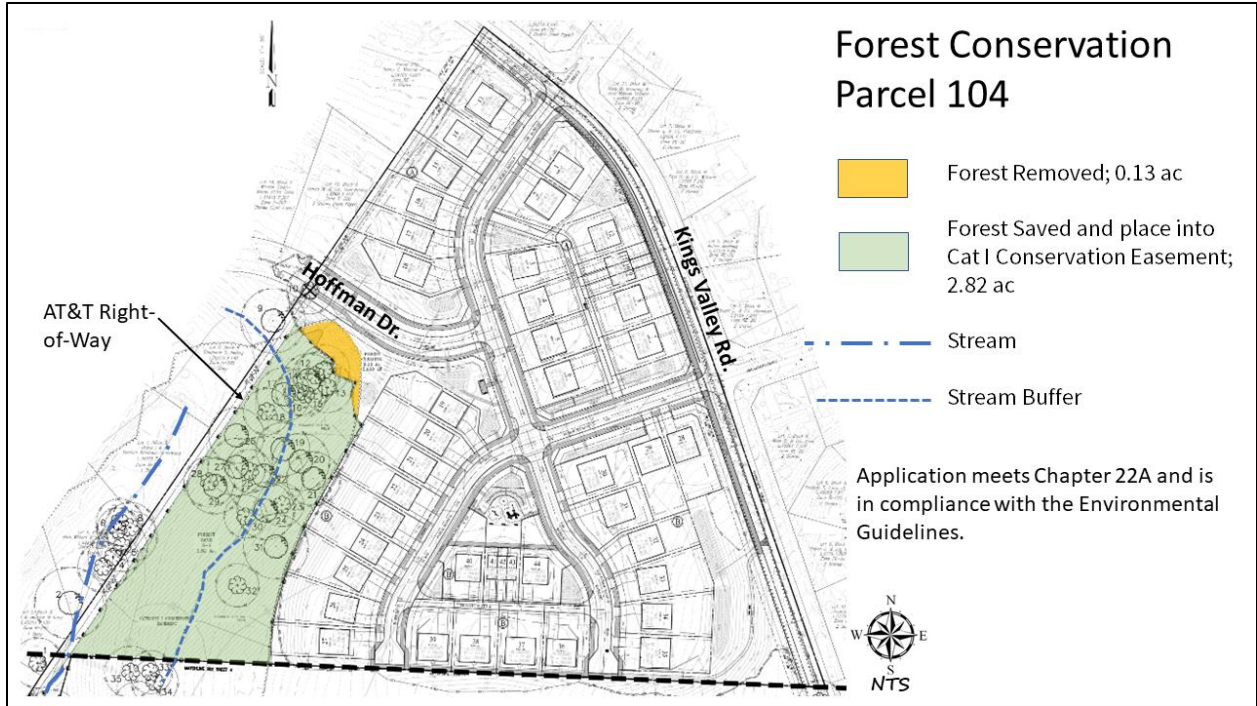


Figure 8 - Forest Conservation Parcel 104

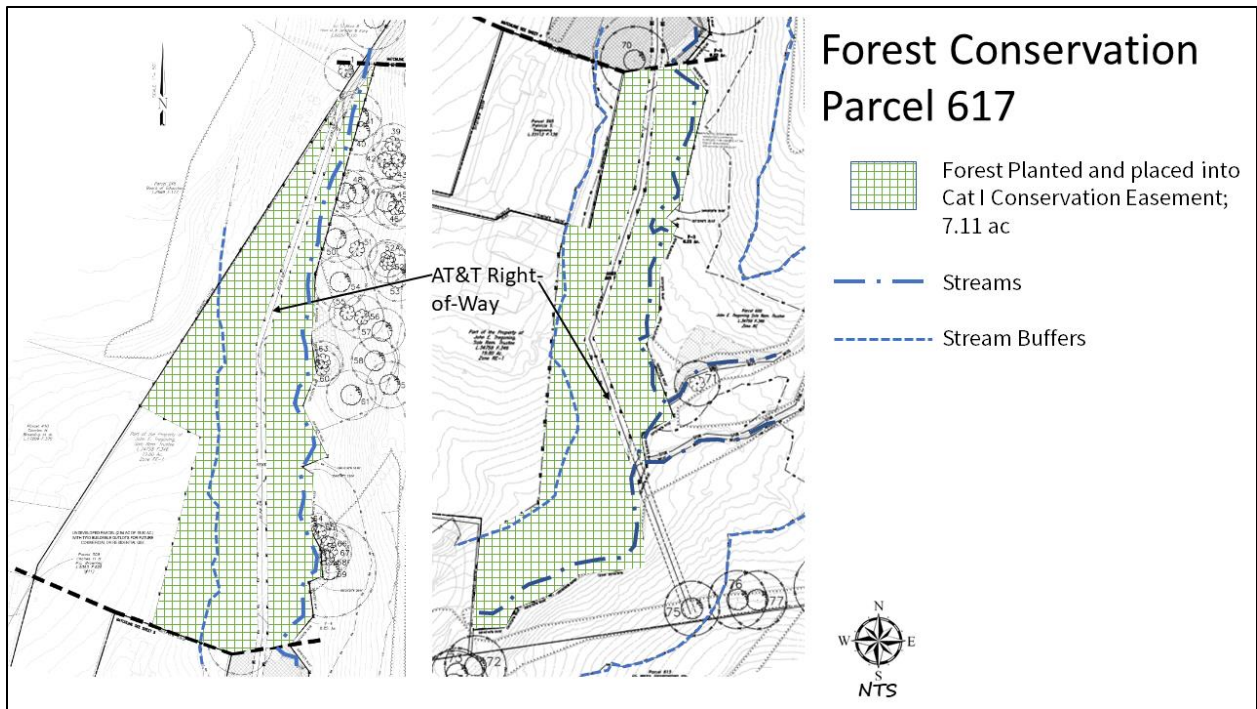


Figure 9 - Forest Conservation Parcel 617

Minimum Forest Retention

Section 22A-12(f) of Montgomery County Code, Chapter 22A, the FCL, in general, states there are special provisions for minimum retention, reforestation and afforestation on any site developed under a cluster or other optional method of development in a one-family residential zone and must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement. Forest retention should be maximized where possible. This site is being developed under the optional method and is located within a one-family residential zone, RE-1. As such, 22A-12(f) would be applicable to this development site.

22A-12(f)(2)(B) states, in part, that *“In a planned development or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a).”* And in 22A-12(f)(2)(C), *“On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement.”*

Under the applicable sections of 22A-12(f), the Applicant’s minimum on-site forest requirement would be the afforestation threshold of 7.10 acres since the existing forest of 2.95 acres is less than the Afforestation Threshold specified in the FFCP worksheet. Under this section of the FCL, the Applicant would be required to retain all the existing on-site forest of 2.95 acres and then plant an additional 4.15 acres bringing the total reforestation up to the afforestation threshold of 7.10 acres.

The FFCP proposes a small amount of existing forest removal for the installation of Hoffman Drive. Due to site grading and the required alignment of Hoffman Drive, approximately 0.13 acres of existing forest will need to be removed. The alignment and connection of Hoffman Drive is being required of the Applicant by both Montgomery County Planning Staff (“Staff”) and the Montgomery County Department of Transportation (“MCDOT”). These regulatory actions for the connection of Hoffman Drive and the construction requirements to install this required roadway have placed the Applicant in the position of having to remove a small amount of the existing forest on the Subject Property.

In order for the 0.13 acres of existing forest to be removed and the FFCP to be approved, the Planning Board must find that retention of this forest is not possible. Section 22A-12(f)(3) states that: *“If the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-site retention in combination with on-site reforestation and afforestation, not including landscaping.”*

It is not possible for the Applicant to retain all of the 2.95 acres of existing forest on the Subject Property and satisfy the regulatory requirements for this development. The Applicant is providing the maximum possible on-site forest retention by protecting the remaining balance of the 2.82 acres of existing forest. In addition, the Applicant is providing 7.11 acres of reforestation within and adjacent

to the unforested stream valley buffer on Parcel 617. This brings the total reforestation both saved and planted up to 9.93 acres which is above the afforestation threshold of 7.10 acres.

SECTION 8: CONCLUSION

The Site Plan and Preliminary Plan Amendment comply with the general requirements and findings of the Zoning Ordinance and Subdivision Regulations. The Final Forest Conservation Plan satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, as conditioned, Staff recommends approval of Preliminary Plan Amendment 12023012A (with waiver), Site Plan No. 820240080 and Final Forest Conservation Plan No. F20240420, with the conditions as specified at the beginning of this report.

ATTACHMENTS

- Attachment A: Statement of Justification – Site Plan*
- Attachment B: Statement of Justification – Preliminary Plan Amendment*
- Attachment C: Site Plan Composite*
- Attachment D: Preliminary Plan Amendment Composite*
- Attachment E: Final Forest Conservation Plan Composite*
- Attachment F: MCPB Resolution No. 23-018 (Pre-Preliminary Plan No. 720220020)*
- Attachment G: MCPB Resolution No. 23-118 (Preliminary Plan No. 120230120)*
- Attachment H: MCPB Resolution No. 23-119 (Preliminary Forest Conservation Plan No. F20230420)*
- Attachment I: Minutes of Pre-submittal Meeting*
- Attachment J: Agency Approvals*