

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

October 11, 2024

MCPB No. 24-091
Site Plan No. 820240080
Tregoning Property
Date of Hearing: September 26, 2024

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 April 3, 2004, Elm Street Development (“Applicant”) filed an application for approval of a site plan 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 on 37.85 acres of RE-1 zoned-land, located on Kings Valley Road, west of Preakness Drive (“Subject Property”), in the Rural East Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240080, Tregoning Property (“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 September 13, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 26, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoem, Commissioners Bartley, Hedrick, and Linden voting in favor.

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves 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) plus two development rights on the Subject Property, subject to the following conditions:¹

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 DHCA-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.

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.

- 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.
 - 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 (DPS) 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 DPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The DPS 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 the 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 intersection of Private Roads A and B for M-NCPPC Staff and DPS review and approval; any change to the protected intersection by DPS 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 DPS, 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 DPS 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820240080, Tregoning Property, 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. *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 revises 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 provided 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 provides 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)	Preliminary Plan No. 120230120 (SFD)	Preliminary Plan No. 120230120 (Townhouse)	Approved (SFD)	Approved (Townhouse)
Site						
Usable area (min.)	17 acres		37.85 acres ²		37.85 acres ²	
Density (max.) (units/acre of area)	1.22 (20 units max.)		1.22 (46 units max.) ³		1.22 (46 units max.) ³	
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 ⁴	2 spaces ⁴

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)	Preliminary Plan No. 120230120 (SFD)	Preliminary Plan No. 120230120 (Townhouse)	Approved (SFD)	Approved (Townhouse)
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.)	16 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,	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet

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

³ As an MPDU optional method of development project, the Application provides 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).

⁴ Four on-street parking spaces provided in addition to parking on the lots.

Abutting Lot does not Front on the Side Street or is not in a Residential 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 development. Access to the Subject Property is from three points: a northern intersection of Public Road A and Kings Valley Road, an eastern intersection of Public Road B and Kings Valley Road, and the intersection of Public Road A and Hoffman Drive, which will be extended to provide the connection. All streets providing 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 the intersection of Private Alley B with Public Roads A and B. Additional frontage and off-site mitigation improvements will be provided.

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. 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 A to the sidepath on Kings Valley Road will save the residents of the Project up to one thousand feet of walking distance, or roughly three to four minutes of walking time. The 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 public street network through the sidewalk network and the eight-foot-wide sidepath along Kings Valley Road.

The Applicant will also provide adequate and safe pedestrian circulation throughout the entire development 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 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 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*

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 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%, 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 provided with a paved pedestrian trail connection that connects from the terminus of Public Road A and extends to the 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 will remain as a natural area with the existing forest 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 area, 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.

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 will provide 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 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 recreation amenities fully meet the recreational demand for the development proposed, the proposed Site Plan is eligible to for the maximum points from the existing facilities provided by the nearby Damascus Recreational Park. Additionally, the 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 59.6.4. 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 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. DPS approved a Site Development Stormwater Management Plan on July 29, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenment 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 layout provides, safe, well-integrated parking, circulation, building massing and open space. The 44 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 streets that connect with public open space, amenities, recreation, and lead sidewalks. The 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 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 roadway and pedestrian system conforms with the recommendations in the Master Plan.

- 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. 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 massing, 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 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 which are 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. 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 approved 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. Dwelling 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.

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

October 11, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Commissioner Linden, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, October 10, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board