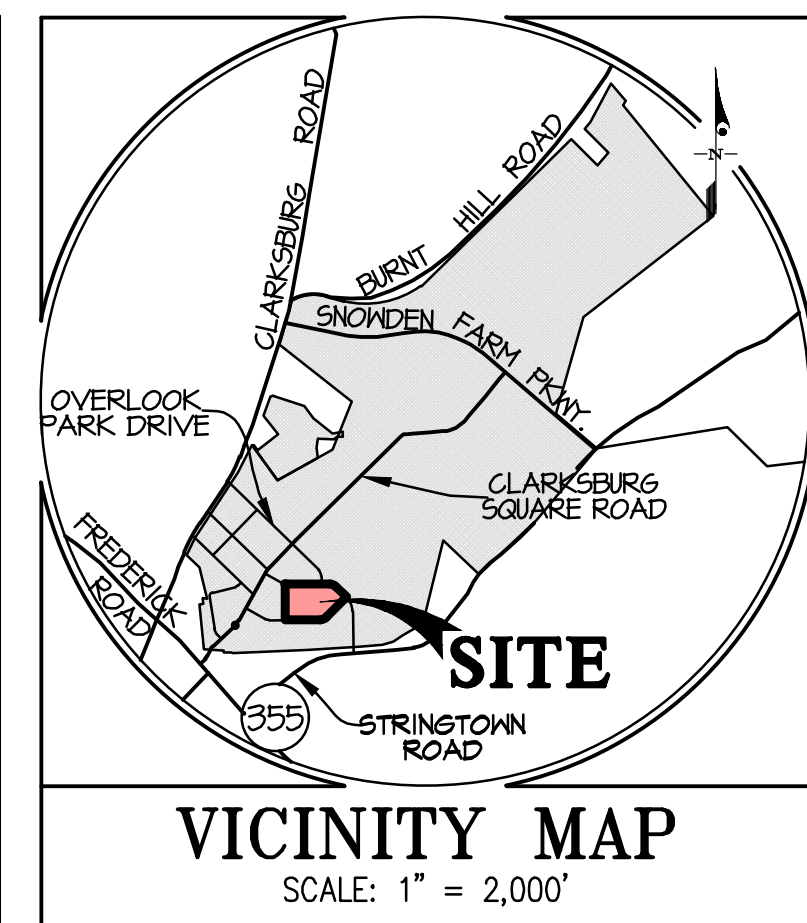


# CONDITIONAL USE PLAN CLARKSBURG TOWN CENTER WEIS GAS PUMPS

48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777

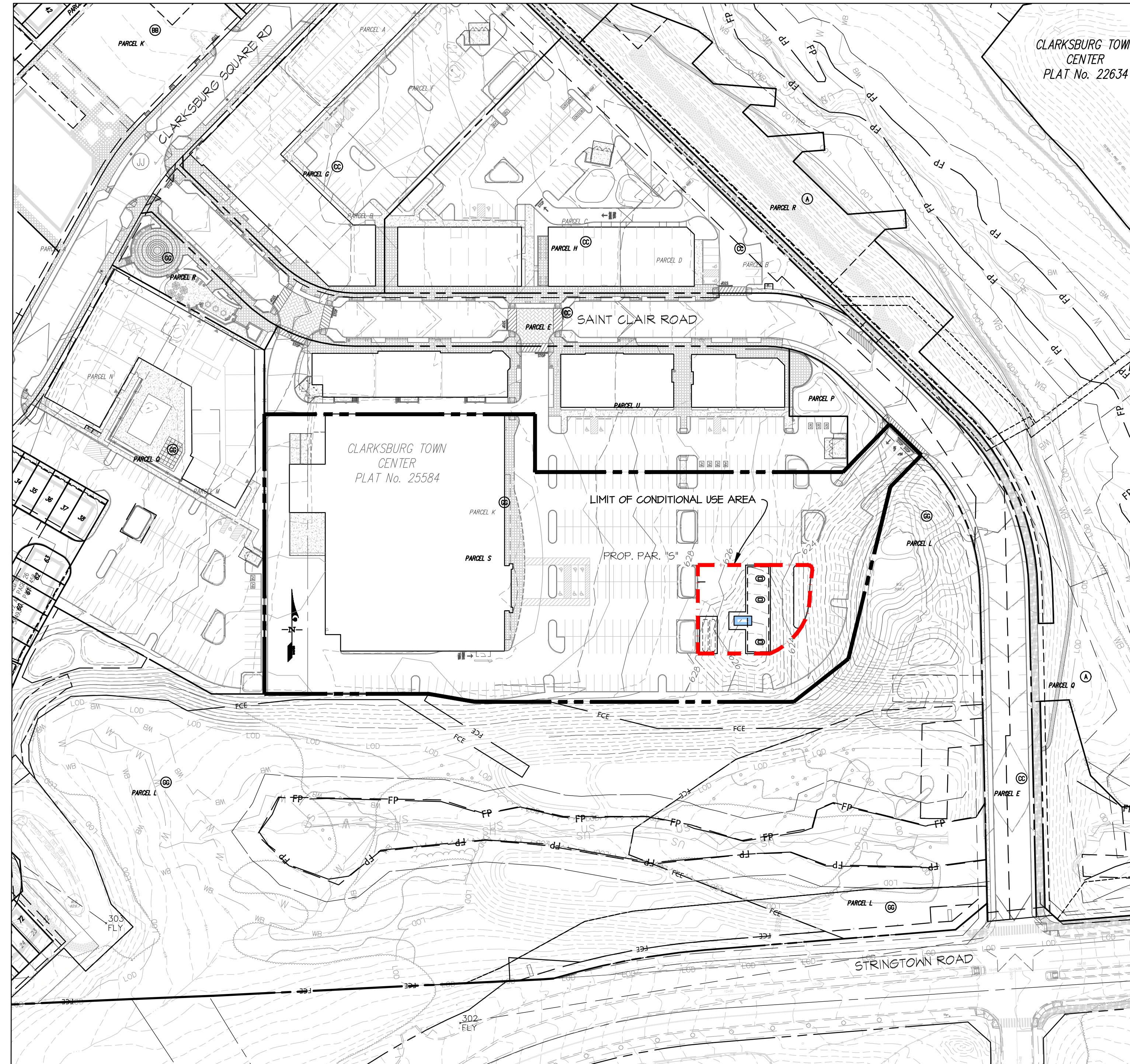


DEVELOPMENT STANDARDS - CRT ZONE (Commercial Residential Town)		
Development Standards	Allowed (Per Sec. 4.5.2)	Proposed
FAR (Floor Area Ratio)		
Non-residential:	0.50 FAR (4,150 SF)	0.05 FAR (500 SF)
Residential:	0.25 FAR (2,375 SF)	0.0 FAR (0 SF)
TOTAL FAR:	0.75 FAR (7,125 SF)	0.05 FAR (500 SF)
MFDU's	12.5% (6 DU)	N/A
Building Type	T, MU, A or G	G - General Building Type
Building Height:	35' max.	35' max.
Open Space:	10% min.	1,252 SF Public Open Space (10.2%)
Lot Coverage:	N/A	N/A
Minimum Lot Area:	Commercial: N/A	Commercial: N/A
Principal Building Setbacks (min.):		
Commercial:		
Front:	0' min.	0'
Side (all other):	0' min.	0'
Rear (all other):	0' min.	0'
Rear (alley):	4' min.	N/A
Parking Setbacks for Surface Parking Lots:		
Front:	Must be behind Front Building Line	Behind Front Building Line
Build-to Area: * (Max. setback & min. % of building facade):		
Commercial:		
Front:	20' max.	N/A - * P.B. Modification
Side Street:	20' max.	N/A - P.B. Modification
Building in Side Street BTA:	35% min.	N/A - * P.B. Modification
Transparency: * (For Wall Facing a Street or Open Space)		
Commercial:		
Ground Story, Front:	40% min.	40% min. (See Arch. Plans)
Ground Story, Side/rear:	25% min.	25% min. (See Arch. Plans)
Upper Story:	20% min.	N/A - One story building
Blank Wall - Front (max.):	35' max.	35' max. (See Arch. Plans)
Blank Wall - Side/rear (max.):	35' max.	35' max. (See Arch. Plans)
Building Orientation: *		
Entrance Facing Street or Open Space:	Required	*Bldg. Faces Drive Isle

\*Building Orientation, Build-to-area and Transparency requirements may be modified by the Planning Board as part of this Site Plan approval.

Section 3.5.13.C. Filling Station		
Use Standards	Allowed/Required	Proposed
a. Access	Access to the site from a street with a residential classification is prohibited.	Site has access to St. Clair Drive (Private), not classified as residential road.
b. Site lighting	Site Lighting is a maximum of 0.1 footcandles at the lot line within a residential zone.	N/A Site does not abut residentially zoned property.
c. Gas Volume	Any Filling Station dispensing a minimum of 3.6 million gallons per year must be located at least 500 feet from the lot line of dwelling with school, park, playground, day care, church and institutional use, Recreation and Entertainment use or any wetland, stream, river, flood plain, or environmentally sensitive area.	Complies. Station will dispense less than 3.6 million gallons per year.
d. Product display	Product display, parked vehicles, and other obstructions that adversely affect visibility at intersections or station driveways are prohibited.	Complies. No displays or other obstructions at intersection or station driveways.
e. Driveway	When use occupies a corner lot, driveway must be further than 20' from the intersection and does not exceed 30' in width.	N/A. Site is not on a corner lot.
f. Gasoline Pumps	Each gasoline pump or other service appliance must be a min. of 10 feet behind the setback line. All service, storage, or similar activities must be contained within the building.	Complies. Setbacks are 0' and gas pumps are 1.66 feet behind the property line. All other uses inside of building.
g. Driveway	There must be a minimum of 20 feet between driveway, and driveway must be perpendicular to the curb or street line.	Complies. Driveway is further than 20 feet from St. Clair Drive and perpendicular to the curb.
h. Vehicle Parking	No vehicle parking that overhangs the public right-of-way.	Complies. No vehicle parking overhangs right-of-way.
i. Car Wash	Standards per Section 3.5.13.C.i	N/A - No car wash proposed
j. Adequate Parking	There must be adequate parking for all uses.	Complies. Site meets the required parking standards for all uses proposed on-site. (See chart)

Parking	Required	Proposed
Proposed Development		
Filling Station: (500 SF)	(3.5 Sp/1,000 SF Min. 6 Sp/1,000 SF Max.)	2 Sp.
Total Commercial Parking Required:	2 sp. min. - 3 sp. max.	2 Sp.
Total Commercial Parking Provided:		2 Sp.
* Parking calculated pursuant to Section 7.11.B.3.b of the Zoning Ordinance in effect after October 30, 2014, which allows grand-fathered plans to reduce parking requirements of a previously approved plan in a manner that satisfies the parking requirements of the current Zoning Ordinance.		
Handicap Parking: (2% of total parking provided)	1 sp.	1 sp.
Van Accessible Handicap Parking: (1 Sp / 6 HC Sp.)	1 sp.	1 sp.
Electric Vehicle Charging (1 sp. / 100 sp.)	N/A	N/A
Motorcycle Parking: (2% of total, up to max of 10 Sp.)	N/A	N/A
Car Share Spaces: (1 Sp / 50-144 Sp. + 1 Sp. per 100 Sp.)	N/A	N/A
Bicycle Parking: Retail & Restaurant (5,814 SF)	N/A	N/A
Total Bicycle Spaces	N/A	N/A
Short Term (Public)	N/A	N/A
Long Term (Private)	N/A	N/A



KEY MAP  
SCALE: 1"=100'

General Notes

- The site will be served by existing public water and sewer. Existing water and sewer categories H-3, S-3
- The entire portion of the site within the CRT zone is located in the Little Seneca Creek watershed (Special Protection Area) and a portion of the site within the RDT zone is in the Little Bennett Creek watershed.
- Natural Resources Inventory Map & Forest Stand Delineation (No. 4-4462 approved 4/28/1994).
- The boundary shown hereon is based on G.P.I. provided CAD, recorded Plats of Subdivision, and compilation sheets by other surveyors. The topographic information for the Subject Property was prepared by G.I.M. from field survey information by G.I.M. 2005 - 2024
- Building restriction lines (BRL) may encroach into the Public Utility Easements (PUE). The more restrictive of the two would apply as the setback. Buildings can not encroach into the PUE.
- See approved storm water management plans for SWM and sediment control requirements. Any variations of on-lot requirements will not require an amendment. See SWM plans for SWM infrastructure details.
- Any changes required by ADA or fair housing will not require a site plan amendment, as determined by the director or their designee.
- There are no known rare, threatened or endangered species on site.
- There are no known historic features on site.
- There are no known trees on the subject property that are county and/or state champion trees. There are no trees on the property that have a DBH of 75% or more of the current county and/or state champion tree.
- The building footprints shown including a/c units, driveways, and leadwalks on the site plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setback, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the planning board's approval.
- An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement Inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan Inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.

SITE DATA:

Existing Parcel Area:	4.50 AC. (Proposed Parcel 'S')
Legal Description:	Part of Ex. Parcel K (Prop. Parcel 'S') Tax ID: 384810
Existing Zoning:	CRT0.75, C-0.25, R-0.5, H-6ST (Commercial Residential Town)
Existing Use:	Vacant
Proposed Use:	Automobile Filling Station (500 SF)
Development Program:	Standard Method, General Building Type
Development Program:	Single Phase
Conditional Use Area:	12,000 SF (0.28 Ac.)

SHEET SCHEDULE

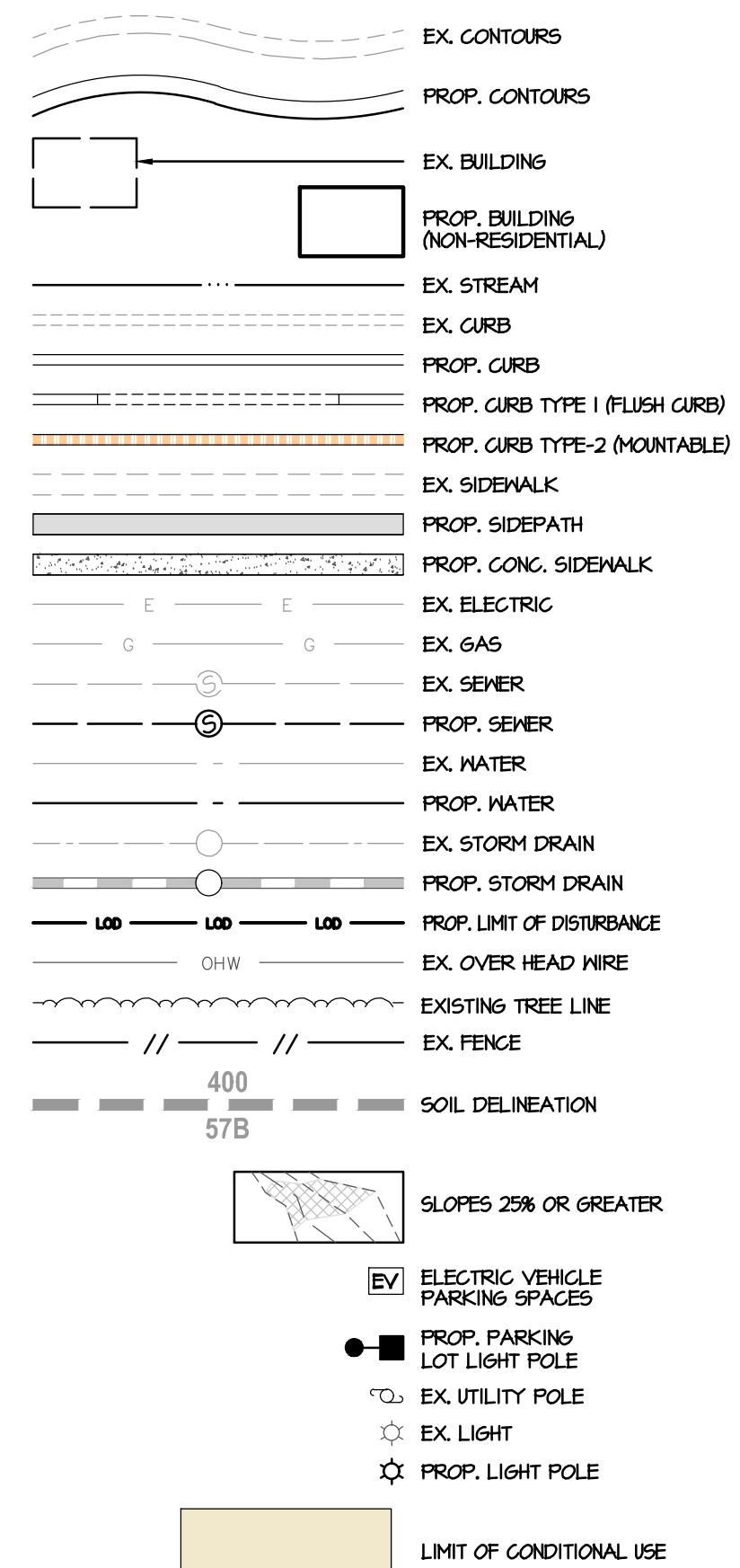
SHEET NO. SHEET TITLE

- COVER SHEET
- APPROVAL SHEET
- CONDITIONAL USE SITE PLAN
- SITE DETAILS SHEET
- LANDSCAPE PLAN AND DETAILS
- LIGHTING PLAN

EXISTING UTILITIES NOTES:

- UTILITY INFORMATION SHOWN HEREON WAS OBTAINED FROM AVAILABLE RECORDS. THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL HAND DIG TEST PITS AT ALL UTILITY CROSSINGS TO DETERMINE THE EXACT LOCATION AND DEPTH WELL IN ADVANCE OF CONSTRUCTION.
- FOR MARKING LOCATIONS OF EXISTING UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- FOR FIELD LOCATION OF GAS LINE SERVICES, PLEASE NOTIFY WASHINGTON GAS LIGHT CO., 703-750-1000, 48 HOURS PRIOR TO THE START OF ANY EXCAVATION OR CONSTRUCTION.
- OMISSIONS AND/OR ADDITIONS OF UTILITIES FOUND DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF ANY CONTRACTOR ENGAGED IN EXCAVATION AT THIS SITE. OMISSIONS AND/OR ADDITIONS FOUND BY ANY CONTRACTOR, OMISSIONS AND/OR ADDITIONS FOUND BY ANY CONTRACTOR.
- DUE TO THE PROXIMITY OF LIVE UNDERGROUND AND OVERHEAD UTILITIES, WE ARE NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY SUSTAINED DURING CONSTRUCTION BY ANY PERSONS, TRUCKS, TRAILERS, OR EQUIPMENT USED ON OR ADJACENT.

LEGEND



PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 24914  
Expiration Date: January 20, 2026

August 1, 2024  
Date



Tim Longfellow  
Professional Engineer  
Catskill, Little & Weber, P.A.  
Conditional Use Plan No. CU2024-

**GLW**  
PLANNING [ENGINEERING] SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | FAX: 301-421-4024 | TOLL FREE: 1-800-451-1188

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	REVISION	BY	APPR.
KAB	KAB	TML				

PREPARED FOR:  
CTC RETAIL, L.C.  
c/o ELM STREET DEVELOPMENT  
1355 BEVERLY ROAD, SUITE 240  
McLEAN, VIRGINIA 22101  
ATTN: KATHRYN L. KUBIT  
703-734-9730

SCALE	1"=100'
ZONING	CRT-0.75 C-0.25, R-0.5, H-6ST
TAX MAP	- GRID
DATE	AUG. 2024
EW	- 42

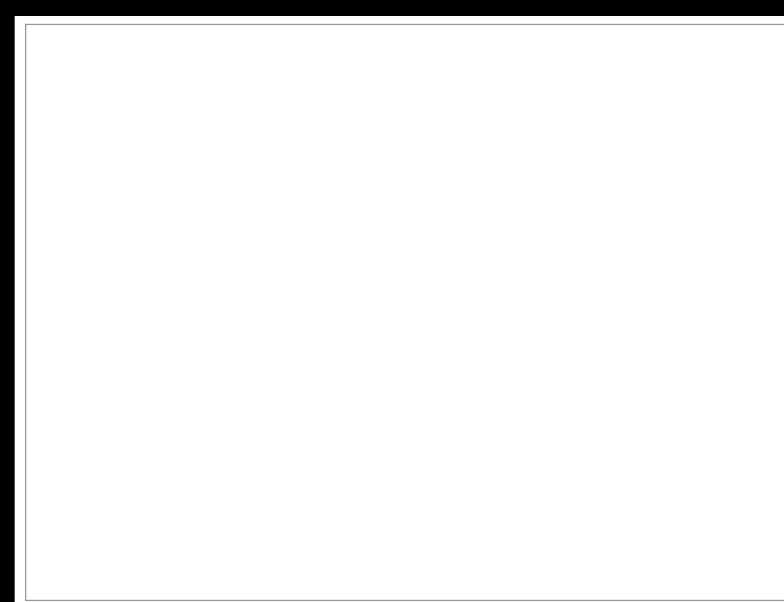
**COVER SHEET**

CLARKSBURG TOWN CENTER  
WEIS GAS PUMPS  
Parcel S  
Ex. Parcel K - Plat No. 25584

G. L. W. FILE No. 23136  
SHEET 1 OF 5

COLESVILLE ELECTION DISTRICT No. 05  
MONTGOMERY COUNTY, MARYLAND





L:\DADO\DRAWINGS\23\03\PLANS BY GLW\BIE PLAN - CONDITIONAL USE\2303-00-00-APP.PGP



**GLW**  
PLANNING [ENGINEERING] SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | BALTO: 410-880-1500 | DC/VA: 301-489-2524 | FAX: 301-421-4118

DESIGNED BY	KAB			
DRAWN BY	KAB			
CHECKED BY	TML			
DATE		REVISION	BY	APPR.

PREPARED FOR: CTC RETAIL, L.C. c/o ELM STREET DEVELOPMENT 1355 BEVERLY ROAD, SUITE 240 McLEAN, VIRGINIA 22101 ATTN: KATHRYN L. KUBIT 703-734-9730	SCALE	ZONING
	N/A	CRT-0.75 C-0.25, R-0.5, H-65T
	DATE	TAX MAP - GRID
	AUG. 2024	EW-42

APPROVAL SHEET <b>CLARKSBURG TOWN CENTER</b> WEIS GAS PUMPS Parcel S Ex. Parcel K - Plat No. 25584	
COLESVILLE ELECTION DISTRICT No. 05 MONTGOMERY COUNTY, MARYLAND	

G. L. W. FILE No.	23136
SHEET	2 OF 5

Conditional Use Plan No. CU2024-



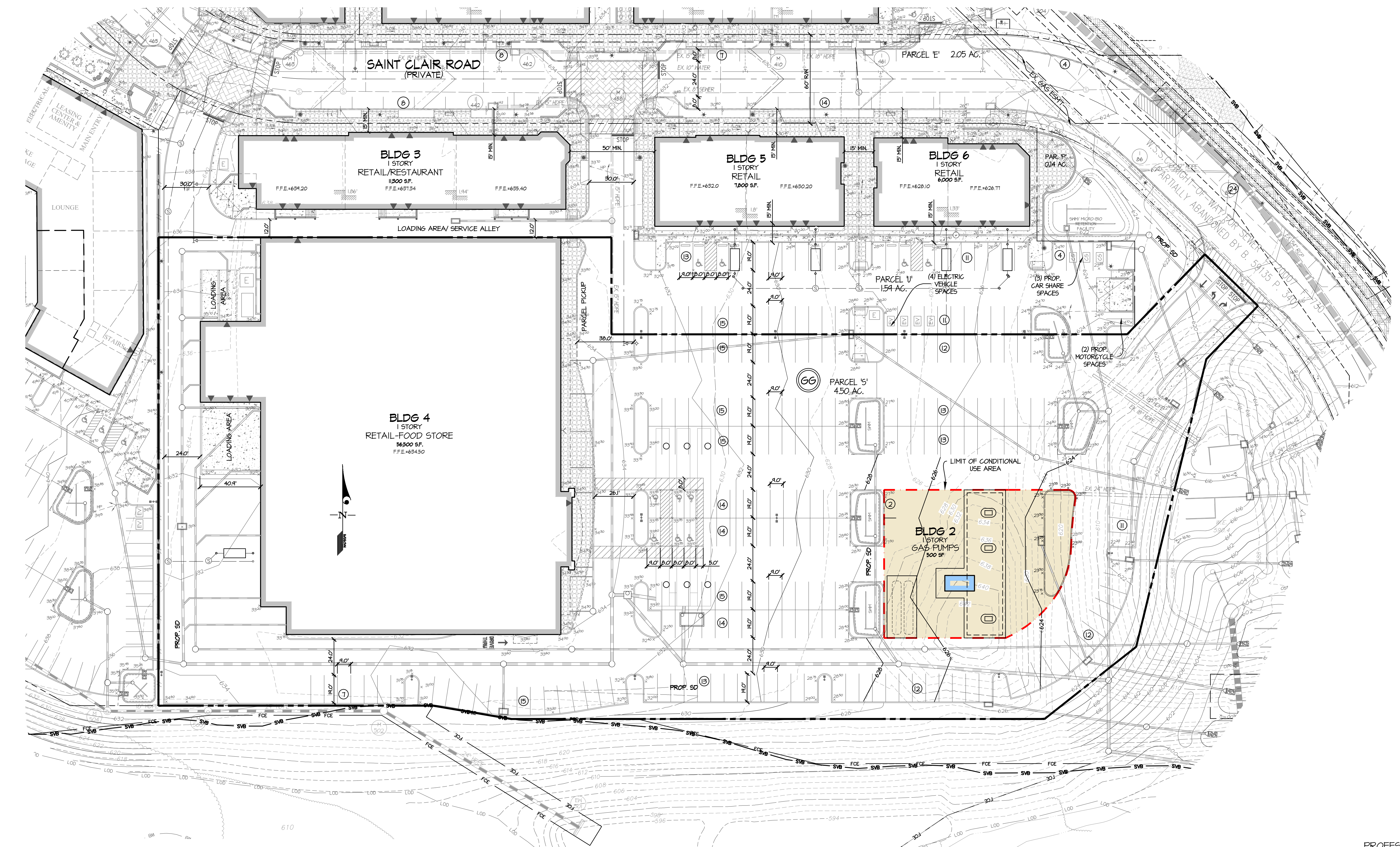
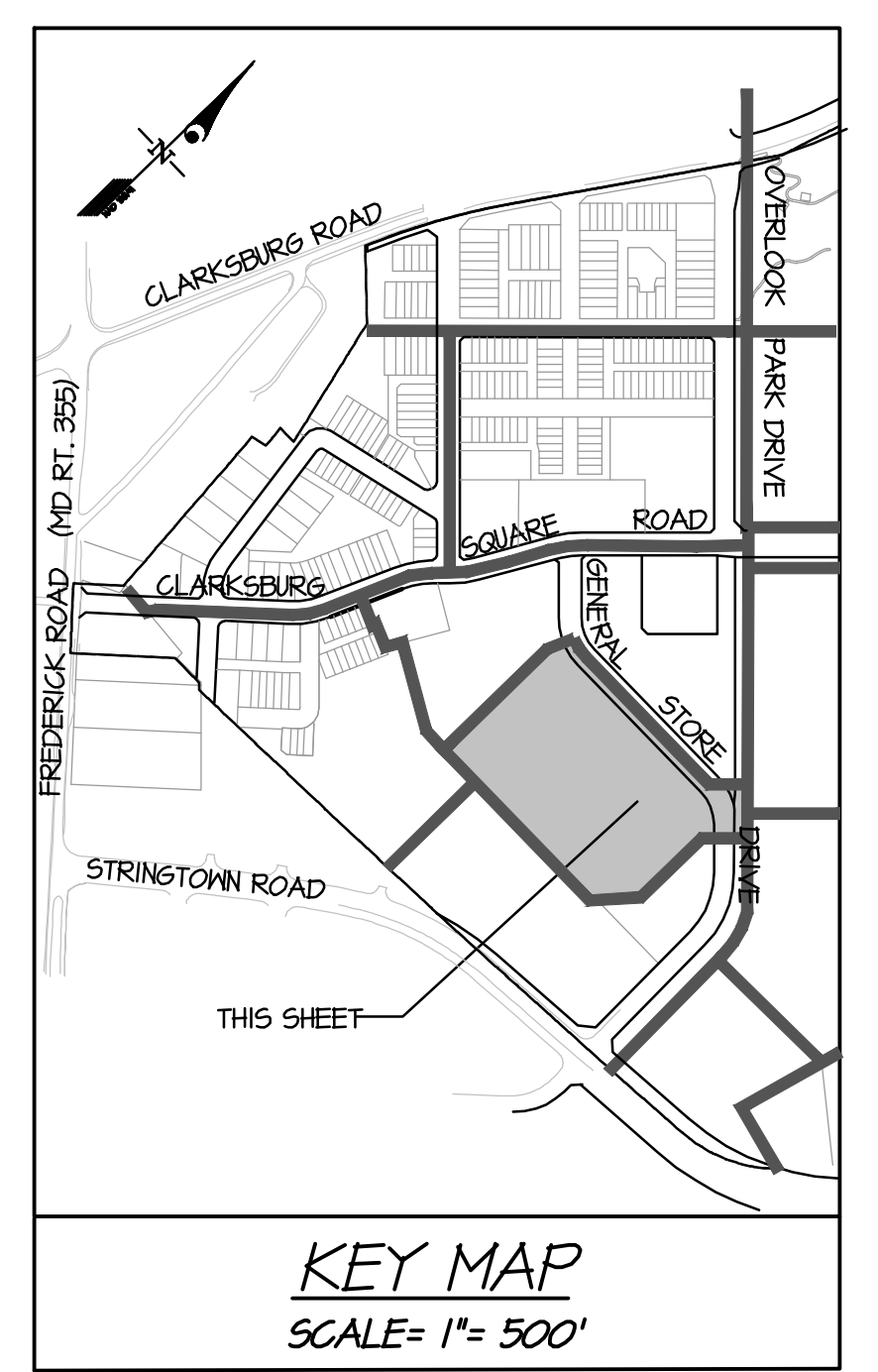
- EXISTING UTILITY NOTES**
- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
  - Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
  - For field location of gas line services, notify Washington Gas Light Co., 703-750-1000, 48 hours prior to the start of any excavation or construction.
  - Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
  - Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

**NOTE:**  
THE ZONE OF INFLUENCE FOR EACH COMMERCIAL/CIVIC BUILDING SHALL EXTEND 10' FROM EACH OF THE WALLS SHOWN ON THIS PLAN. FINAL ARCHITECTURE AND BUILDING MATERIALS WITHIN THE ZONE OF INFLUENCE TO BE DETERMINED AT BUILDING PERMIT.

48 Hours  
**Before You Dig**  
Call  
**"MISS UTILITY"**  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



- LEGEND**
- SINGLE FIXTURE LIGHT, 12' POLE TYP. UNLESS NOTED OTHERWISE.
  - MFDU
  - HIGH VISIBILITY LOT (SEE INDEX SHEET H-04)
  - CAR SHARE PARKING SPACES
  - ELECTRIC VEHICLE PARKING SPACES

- PAVING LEGEND**  
(SEE LANDSCAPE DETAIL SHEETS PL-14 TO PL-26)  
PAVING SURFACES ARE SHOWN IN GREATER DETAIL ON 10 SCALE PLANS ACCORDING TO THE FOLLOWING:
- SPECIAL SIDEWALK TREATMENT
  - ASPHALT PAVING
  - CONCRETE
  - SWM ACCESS & FIRE ACCESS
  - CROSSWALK TREATMENT
  - EXISTING BRICK
- IF A SPECIFIC DETAIL FOR A PAVING SURFACE IS NOT SHOWN ON THE 10 SCALE PLANS, THE 30 SCALE PLANS CONTROL.

- GENERAL NOTES**
- FOR ALL DEVELOPMENT STANDARDS GENERAL NOTE, AND OVERALL PROJECT INFORMATION SEE CERTIFIED SITE PLAN INDEX SHEETS.
  - M-NCPFC STAFF MUST INSPECT ALL TREE-SAVE AREAS AND PROTECTION DEVICES PRIOR TO CLEARING AND GRADING.

- LANDSCAPE NOTES**
- ANY ON-LOT LANDSCAPING AND ALLEY LANDSCAPING PREVIOUSLY SHOWN FOR EXISTING HOUSES AND NOT INSTALLED, IS NOT THE RESPONSIBILITY OF THE APPLICANT.
  - SEE APPROVED SWM PLANS FOR ALL LANDSCAPING SHOWN IN SWM FACILITIES.

**PROFESSIONAL CERTIFICATION**  
I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein, is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland; I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 24914  
Expiration Date: January 20, 2026

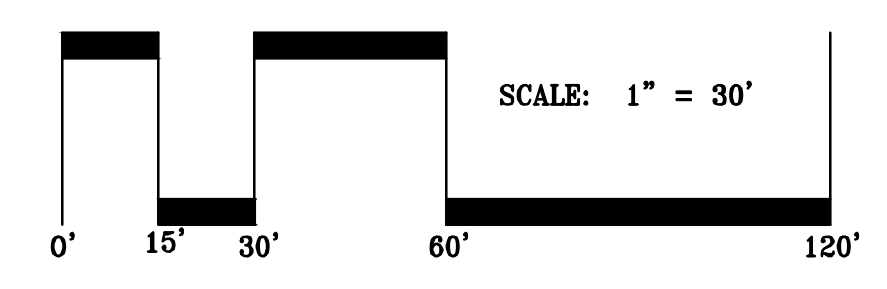
August 1, 2024  
Date

The Longfellow  
Professional Engineer  
Gutschick, Little & Weber, P.A.  
Conditional Use Plan No. CU2024-

**GLW**  
PLANNING [ENGINEERING] SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | BALT.: 410-880-1800 | DC/VA: 301-489-2524 | FAX: 301-421-4188

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	REVISION	BY	APPR.
KAB	KAB	TML				



PREPARED FOR:  
CTC RETAIL, L.C.  
c/o ELM STREET DEVELOPMENT  
1355 BEVERLY ROAD, SUITE 240  
McLEAN, VIRGINIA 22101  
ATTN: KATHRYN L. KUBIT  
703-734-9730

SCALE	ZONING
1"=100'	CR-0.75 C-0.25, R-0.5, H-65T
DATE	TAX MAP - GRID
AUG. 2024	EW-42

**CONDITIONAL USE SITE PLAN**

**CLARKSBURG TOWN CENTER**  
WEIS GAS PUMPS  
Parcel S  
Ex. Parcel K - Plat No. 25584

COLESVILLE ELECTION DISTRICT No. 05  
MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.  
**23136**

SHEET  
3 OF 5

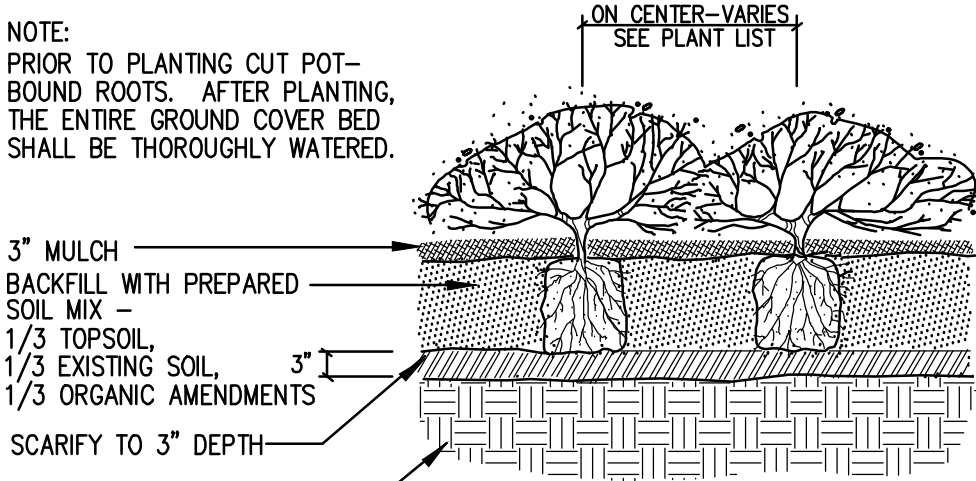




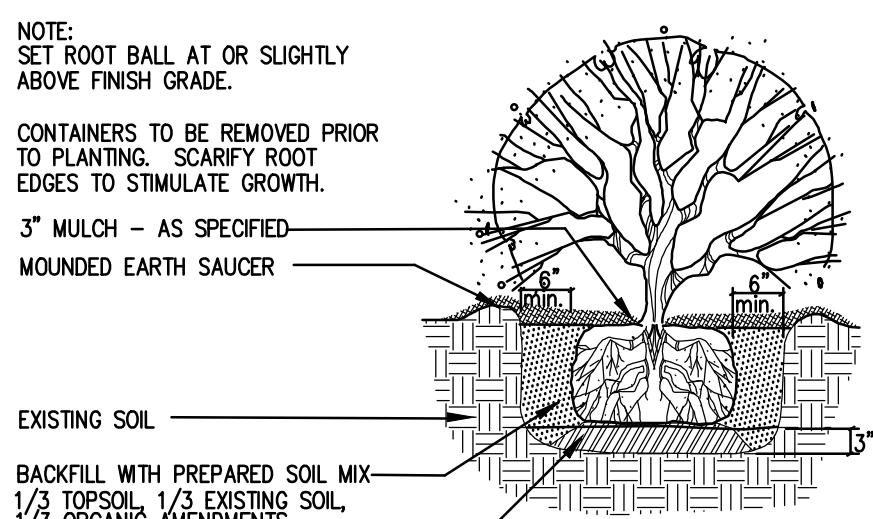


**GENERAL NOTES:**

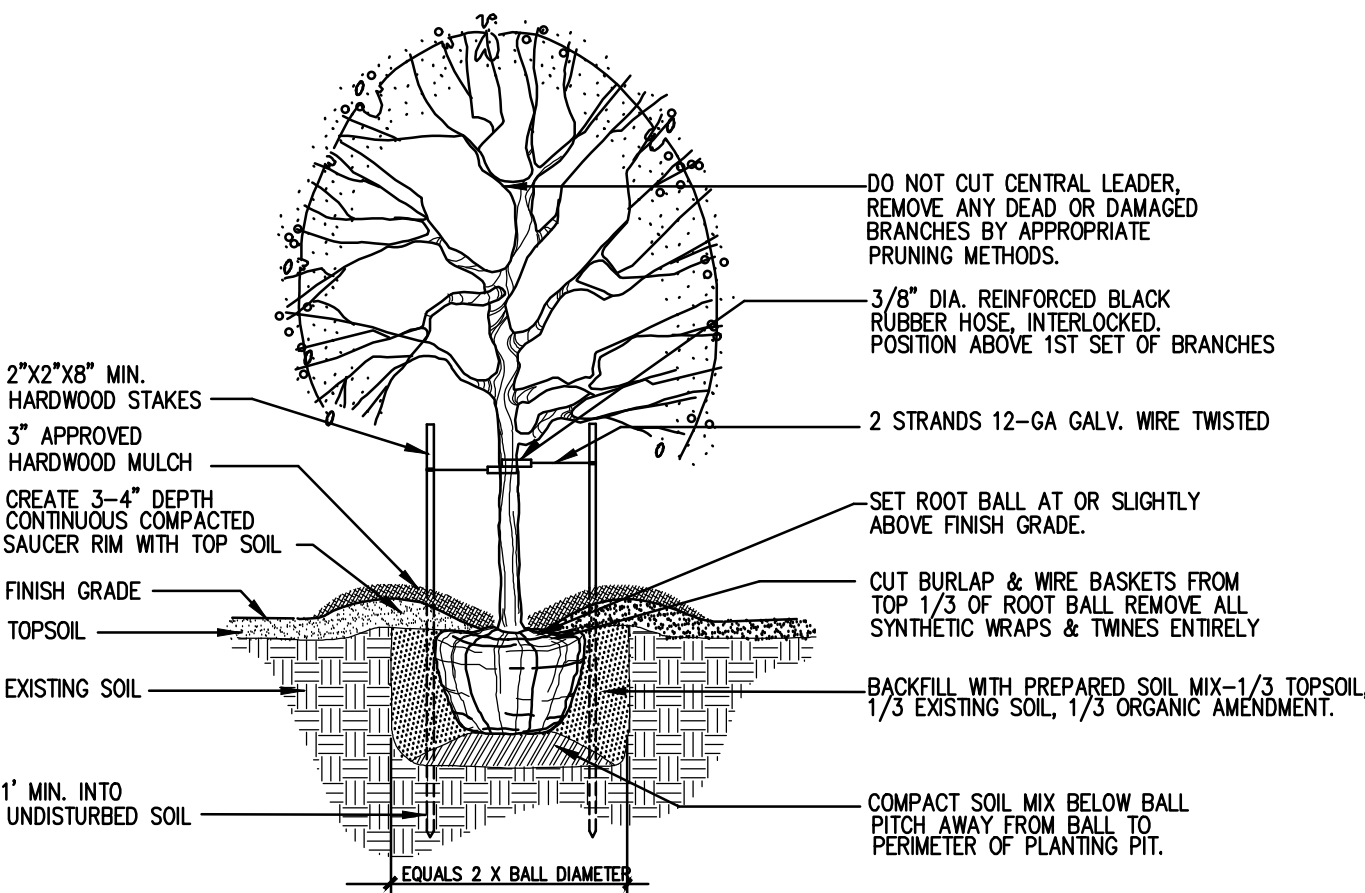
- THIS PLAN IS FOR PLANTING ONLY.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL PLANT MAINTENANCE, INCLUDING THE ONE YEAR GUARANTEE PERIOD.
- CONTRACTOR IS RESPONSIBLE FOR CONTACTING MISS UTILITY PRIOR TO BEGINNING CONSTRUCTION FOR LOCATION OF ALL UTILITY LINES. TREES SHALL BE LOCATED A MINIMUM OF 5' FROM WATER MAIN, GAS BOX INLET OR MANHOLE, 10' FROM FIRE HYDRANT AND 10' FROM STREET LIGHTS. CONTRACTOR SHALL BE LIABLE FOR DAMAGE TO ANY AND ALL PUBLIC OR PRIVATE UTILITIES.
- ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT OR OWNER.
- ALL PLANTS FURNISHED SHALL MEET THE NORMAL REQUIREMENTS FOR THE VARIETY PER THE AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN (AAN). PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
- WHERE TREES ARE PLANTED IN ROWS, THEY SHALL BE UNIFORM IN SIZE AND SHAPE.
- NO EXISTING TREES SHALL BE REMOVED WITHOUT WRITTEN AUTHORIZATION FROM THE OWNER EXCEPT WHERE NOTED ON PLANS. NO GRUBBING SHALL OCCUR WITHIN EXISTING TREE AREAS.
- NO TREE IS PERMITTED IF GREEN SPACE IS LESS THAN 5'. WITH THE EXCEPTION OF THOSE TREE PANELS WHOSE EXISTING WIDTH WILL BE REDUCED BY THE INSTALLATION OF THE CLAY BRICK SOLDIER EDGING. TREE TO BE CENTERED IN GRASS STRIP.
- TREES SHALL BE LOCATED MINIMUM OF 3' FROM WALLS AND WALKS WITHIN THE PROJECT. FIELD CONDITIONS THAT INTERFERE WITH A TREE BEING PLACED IN THE APPROVED LOCATION MUST BE COORDINATED WITH THE OWNER.
- LARGE GROWING PLANTS NOT TO BE PLANTED IN FRONT OF WINDOWS, UNDER BUILDING OVERHANGS, OR IN DRAINAGE SWALES. SHRUBS PLANTED NEAR HVAC UNITS TO BE LOCATED SO THAT SHRUBS AT MATURITY WILL MAINTAIN 1' AIRSPACE BETWEEN UNIT AND PLANT.
- FINISHED PLANTING BEDS SHALL BE GRADED SO AS TO NOT IMPEDE DRAINAGE AWAY FROM BUILDINGS. FIELD CONDITIONS THAT VARY FROM THE APPROVED GRADING MUST BE COORDINATED WITH THE OWNER.
- MULCH IS TO BE SHREDDED HARDWOOD BARK FOR ALL LANDSCAPE INSTALLATIONS.
- CROWN OF ROOT BALL SHALL BE HIGHER (AFTER SETTLING) THAN ADJACENT SOIL.
- SHRUBS, BULBS AND GROUNDCOVERS SHALL BE TRIANGULARLY SPACED AT SPACING SHOWN ON PLANTING PLANS.
- SHADE TREES: HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH. SINGLE TRUNK TREES SHALL BE FREE OF "Y" CROTCHES THAT COULD BE POINTS OF WEAK LIMB STRUCTURE OR DISEASE INFESTATION.
- HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENTS ARE NOT TO INCLUDE ANY TERMINAL GROWTH.
- CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE IMPROVEMENTS, INCLUDING SEEDING, FOR ONE FULL YEAR AS REQUIRED BY THE SPECIFICATIONS. CONTRACTOR MUST CONTACT THE OWNER AT LEAST 10 WORKING DAYS IN ADVANCE TO SCHEDULE ACCEPTANCE INSPECTIONS. CONTRACTOR MUST REPLACE ALL DEAD OR UNACCEPTABLE PLANTS DURING THE FOLLOWING RECOMMENDED PLANTING SEASON.
- THE SPECIFICATIONS FOR ALL WORK INCLUDED IN THIS CONTRACT SHALL BE LANDSCAPE SPECIFICATION GUIDELINES BY THE LANDSCAPE CONTRACTORS ASSOCIATION, DC, MD, VA, CURRENT EDITION, UNLESS OTHERWISE NOTED ON THESE PLANS.
- ANY PLANTING WHICH IS SHOWN ADJACENT TO CONDENSER UNITS SHALL BE PLANTED AS REQUIRED TO SCREEN THE UNITS. SHOULD THE CONDENSER UNITS BE INSTALLED IN LOCATIONS DIFFERENT FROM THOSE SHOWN ON THE PLAN IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO INSTALL THE MATERIALS AROUND THE CONDENSERS AND TO ADJUST OTHER ADJACENT PLANTING ACCORDINGLY.
- TREES ARE NOT TO BE LOCATED ON TOP OF STORM DRAIN STRUCTURES.



**GROUNDCOVER PLANTING DETAIL**  
NTS



**SHRUB PLANTING DETAIL**  
NTS



**DECIDUOUS TREE PLANTING DETAIL**  
FOR PLANTING MATERIAL UP TO 3 1/2" CALIBER  
NTS

**PLANT SCHEDULE**

KEY QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONT./BASK	COMMENTS
AR 3	Acer s. freemanii 'Armstrong'	Red Maple	3.5" Cal.	B&R	6" min. branching Ht.
HPL 10	Hydrangea paniculata 'Little Lime'	Panicle hydrangea	24" - 36" Ht.	Cont.	36" o.c.
RX 20	Rosa s. 'Meigalpin'	Red Drift Rose	18" spread	Cont.	36" o.c.
PK 100	Pennisetum orientale 'Karlus Rose'	Oriental Pink Fountain Grass	24" - 36" Ht.	Cont.	24" o.c.

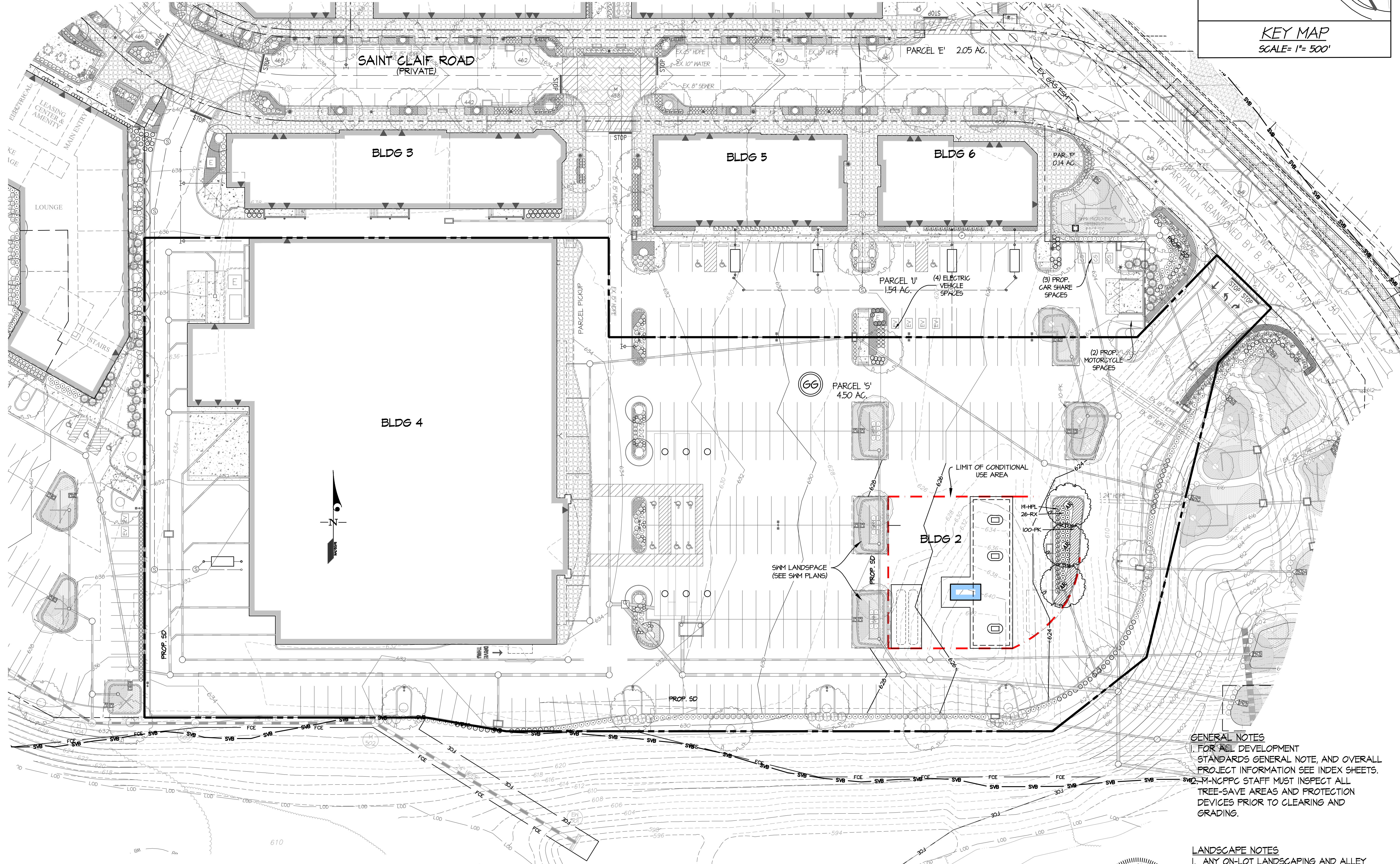
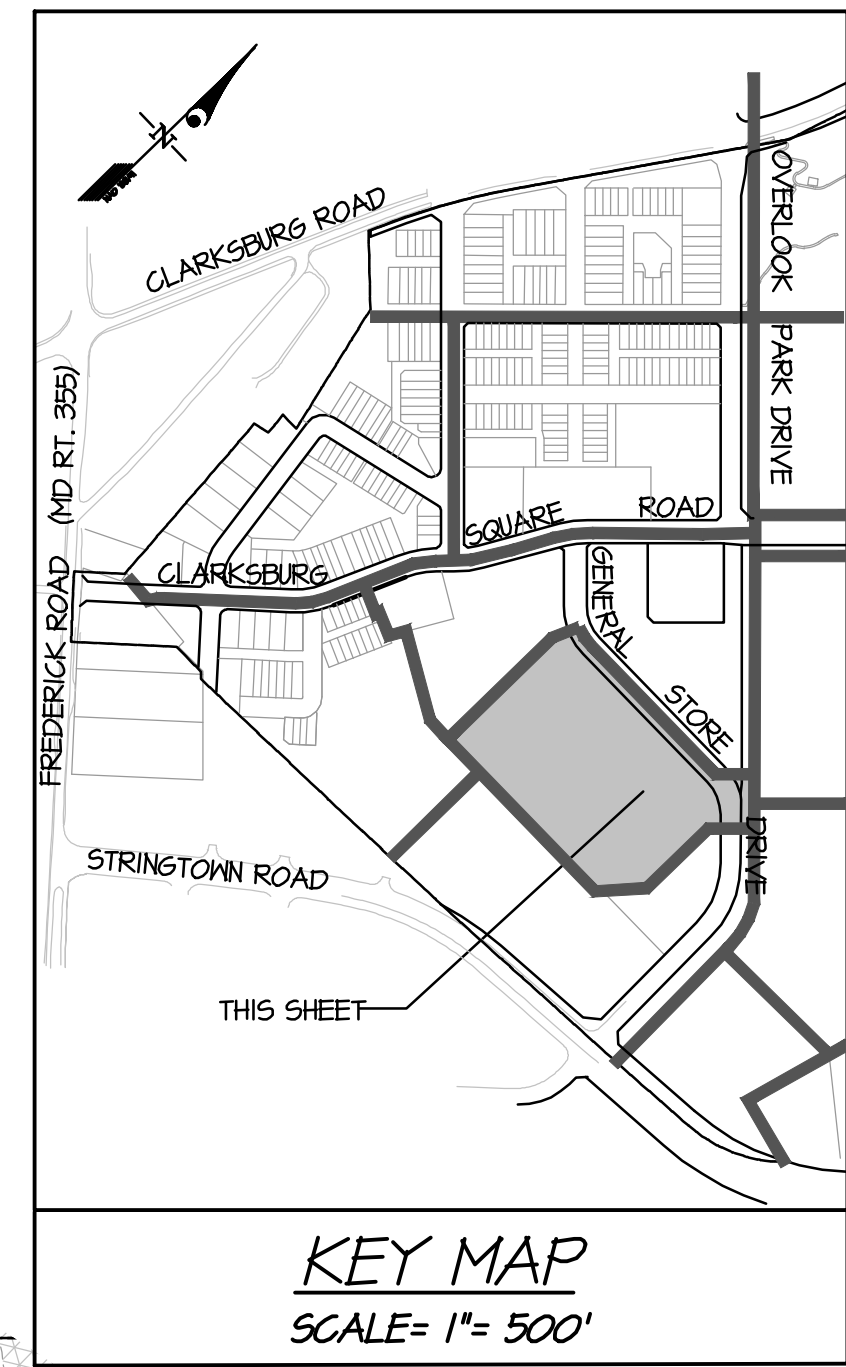
**EXISTING UTILITY NOTES**

- For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
- Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer, and the owner of the other involved utility before proceeding with construction.
- For field location of gas line services, notify Washington Gas Light Co., 703-750-1000, 48 hours prior to the start of any excavation or construction.
- Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
- Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours  
**Before You Dig**  
Call  
**"MISS UTILITY"**  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



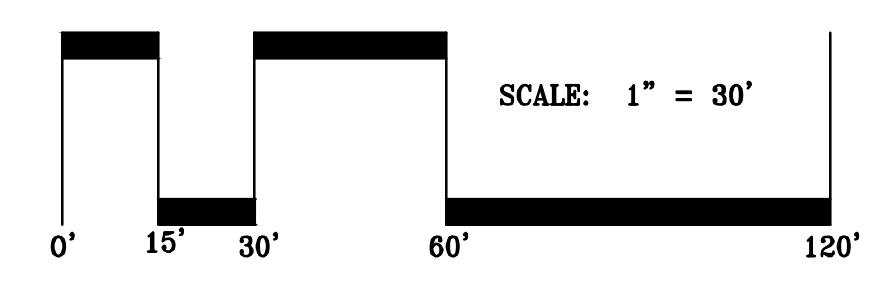
- GENERAL NOTES**
- FOR ALL DEVELOPMENT STANDARDS GENERAL NOTE, AND OVERALL PROJECT INFORMATION SEE INDEX SHEETS.
  - M-NCPPC STAFF MUST INSPECT ALL TREE-SAVE AREAS AND PROTECTION DEVICES PRIOR TO CLEARING AND GRADING.

- LANDSCAPE NOTES**
- ANY ON-LOT LANDSCAPING AND ALLEY LANDSCAPING PREVIOUSLY SHOWN FOR EXISTING HOUSES AND NOT INSTALLED, IS NOT THE RESPONSIBILITY OF THE APPLICANT.
  - SEE APPROVED SWM PLANS FOR ALL LANDSCAPING SHOWN IN SWM FACILITIES.



**GLW**  
PLANNING [ENGINEERING] SURVEYING  
3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | FAX: 301-421-4188

DESIGNED BY	KAB			
DRAWN BY	KAB			
CHECKED BY	TML			
DATE		REVISION	BY	APPR.



PREPARED FOR:  
CTC RETAIL, L.C.  
c/o ELM STREET DEVELOPMENT  
1355 BEVERLY ROAD, SUITE 240  
McLEAN, VIRGINIA 22101  
ATTN: KATHRYN L. KUBIT  
703-734-9730

SCALE	1"=100'
DATE	AUG. 2024

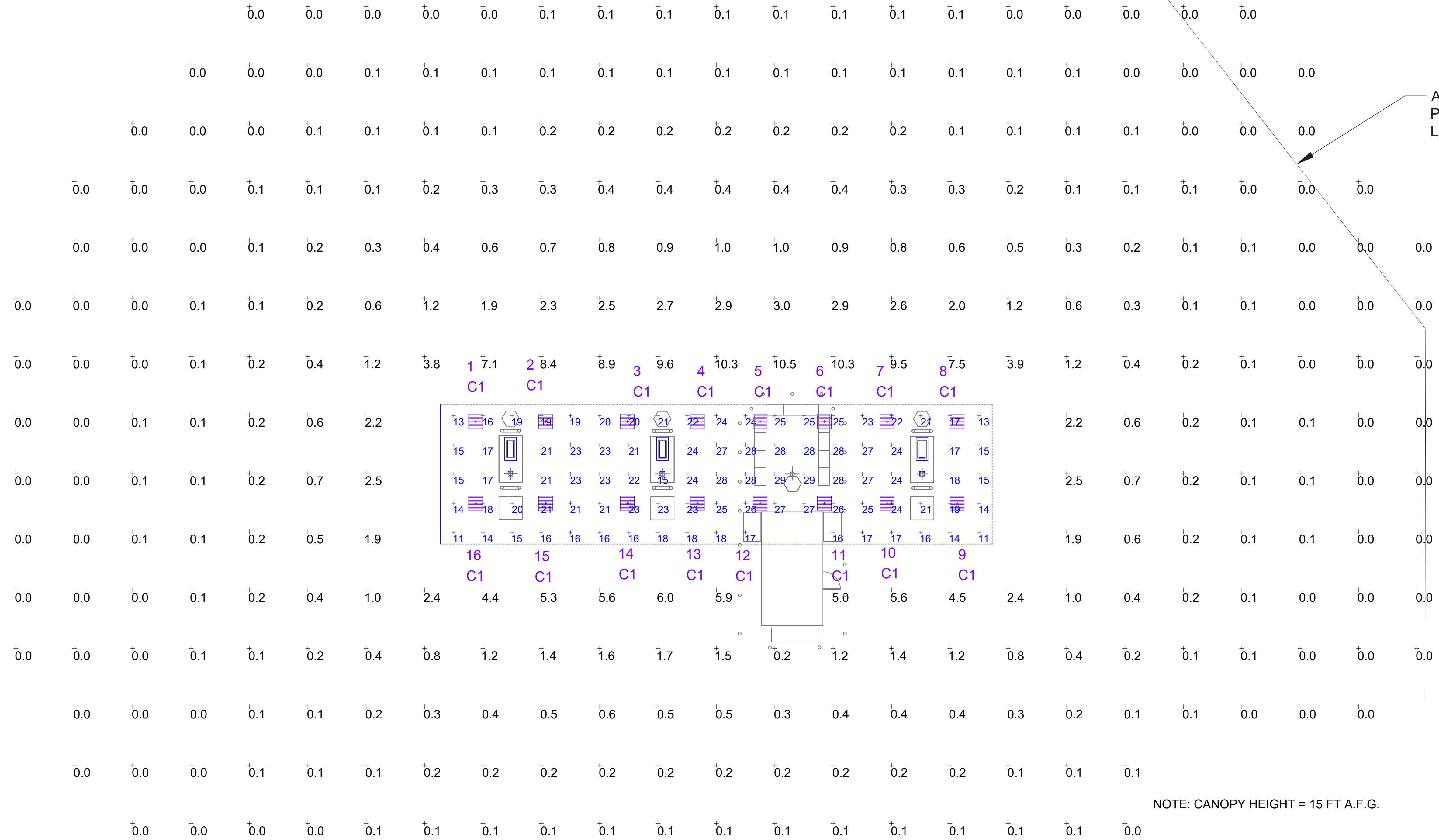
ZONING	CRT-0.75 C-0.25, R-0.5, H-65T
TAX MAP	- GRID
EW	- 42

LANDSCAPE PLAN  
**CLARKSBURG TOWN CENTER**  
WEIS GAS PUMPS  
Parcel S  
Ex. Parcel K - Plat No. 25584

Conditionally Use Plan No. CU2024-  
COLESVILLE ELECTION DISTRICT No. 05  
MONGOMERY COUNTY, MARYLAND

G. L. W. FILE No.  
23136  
SHEET  
7 OF 5





NOTE: CANOPY HEIGHT = 15 FT A.F.G.

FOOTCANDLE LEVELS CALCULATED AT GRADE USING INITIAL LUMEN VALUES					
LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
BEYOND CANOPY	0.71	10.5	0.0	N.A.	N.A.
UNDER CANOPY	20.73	29	11	1.88	2.64

LUMINAIRE SCHEDULE											
SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	DIMMING LUMEN MULTIPLIER	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	CATALOG LOGIC
	16	C1	SINGLE	8475	1.010	0.610	B3-U0-G1	32.9	526.4	CREE, INC.	CPY250-C-08L-57K7-F-UL-DM-XX-10V (DIMMING SET AT 5.0 V)

08L OPTION



1340 Kemper Meadow Dr, Forest Park, OH 45240  
513-574-9500 | redleonard.com

DISCLAIMER  
ANY SITE PLAN(S), FLOOR PLAN(S), RENDERING(S), LIGHTING LAYOUT(S) AND PHOTOMETRIC PLAN(S) INCLUDING BUT NOT LIMITED TO ANY PROJECT(S) CREATED/PRODUCED BY RED LEONARD ASSOCIATES INC., ARE ONLY INTENDED FOR ILLUSTRATION AND QUOTING PURPOSES ONLY. RED LEONARD ASSOCIATES HAS THE RIGHT TO USE THIRD PARTY LASERS, SCANNERS, AND CAMERAS BUT ACTUAL PROJECT CONDITIONS, DIMENSIONS, AND ACCURACY OF MEASUREMENTS MAY DIFFER FROM THESE OR ANY PARAMETERS. RED LEONARD ASSOCIATES INC. ASSUMES NO LIABILITY FOR WHAT IS CREATED/PRODUCED IN THESE RENDERINGS. THIS INCLUDES BUT IS NOT LIMITED TO THE USE OF, INSTALLATION OF AND/OR INTEGRITY OF EXISTING BUILDING(S), SURROUNDING AREA FOR PRODUCT(S) SUCH AS EXISTING POLES, BASE(S), ARCHITECTURAL AND SIGNAGE STRUCTURE(S), LANDSCAPING PLAN(S), LIGHTING PLAN(S), FIXTURE SELECTION(S) AND PLACEMENT, MATERIAL(S), COLOR ACCURACY, TEXTURE(S), AND ANYTHING ATTRIBUTED TO PHOTO REALISM THAT IS CREATED. FURTHERMORE, RED LEONARD ASSOCIATES INC. DOES NOT ASSUME LIABILITY WHATSOEVER FOR ANY PURCHASES MADE BY CLIENT BEFORE, DURING, OR AT THE CONCLUSION OF THE PUBLISHED WORK. THE CUSTOMER, ITS RELATIVE AFFILIATES, AS WELL AS ANY OTHER PERSON(S) IN VIEWING OF THIS PRODUCT IS RESPONSIBLE FOR VERIFYING COMPLIANCE WITH ANY BUT NOT LIMITED TO ALL CODES, PERMITS, RESTRICTIONS, INSTRUCTIONS, PURCHASES, AND INSTALLATIONS OF OBJECTS VIEWED WITHIN THIS DOCUMENT(S) OR PROJECT(S). SYMBOLS ARE NOT DRAWN TO SCALE. SIZE IS FOR CLARITY PURPOSES ONLY. SIZES AND DIMENSIONS ARE APPROXIMATE. ACTUAL MEASUREMENTS MAY VARY. DRAWINGS ARE NOT INTENDED FOR ENGINEERING OR CONSTRUCTION USE. THIS DOCUMENT, ANY RED LEONARD DRAWING(S) OR PROJECT(S) IS NOT TO BE USED AND/OR INTENDED FOR ENGINEERING OR CONSTRUCTION PURPOSES, BUT FOR ILLUSTRATIVE PURPOSES ONLY. ANY LOCATIONS OF EMERGENCY LIGHTING SHOWN WERE PROVIDED BY OTHERS. RED LEONARD ASSOCIATES IS NOT RESPONSIBLE FOR INSUFFICIENT LIGHTING DURING AN EMERGENCY EVENT. ANY USE OF THIS DOCUMENTATION AND/OR OTHER ARTICLES PRODUCED BY RED LEONARD WITHOUT WRITTEN AUTHORIZATION FROM JAVINE J. LEONARD IS STRICTLY PROHIBITED.

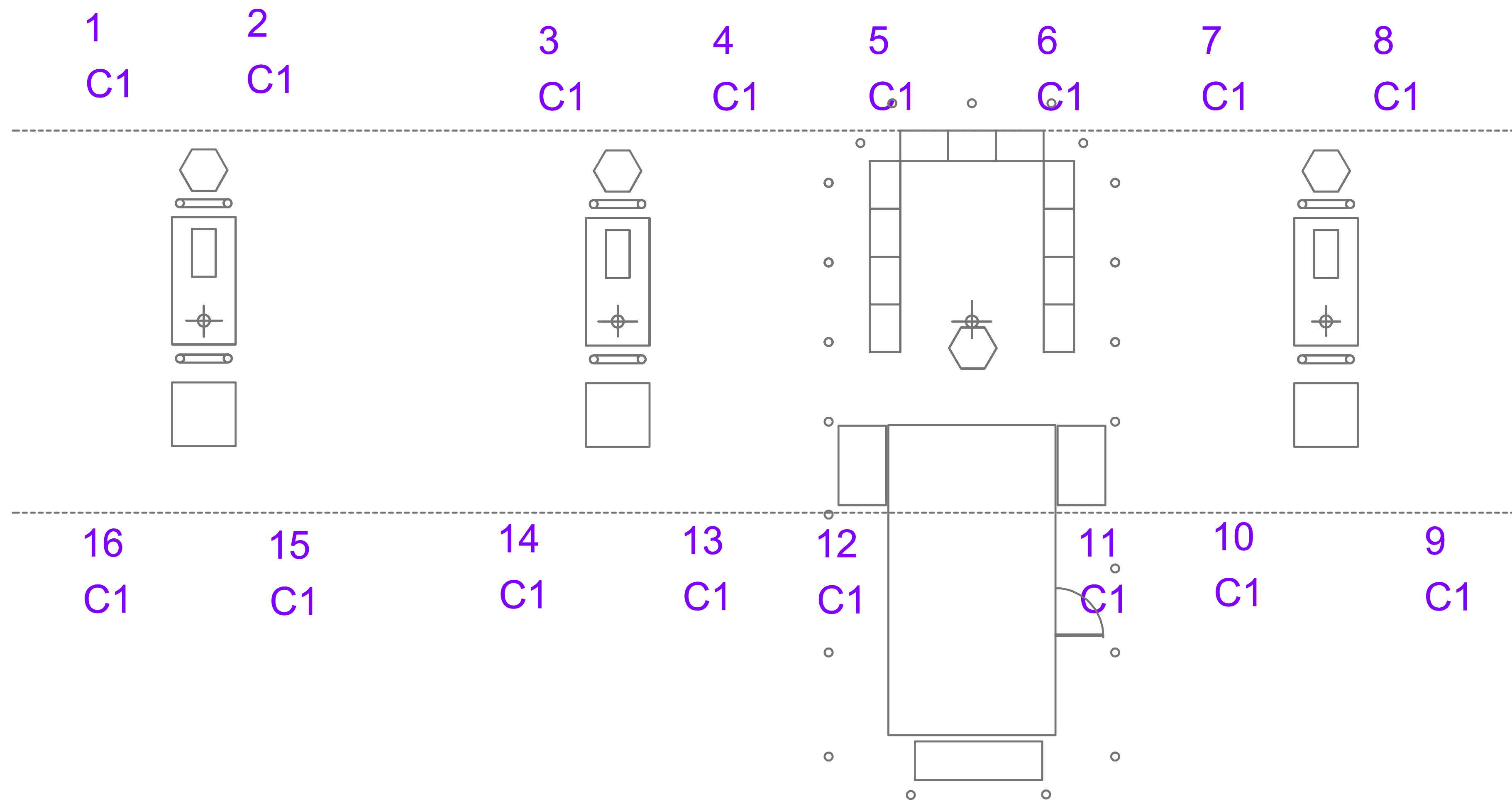
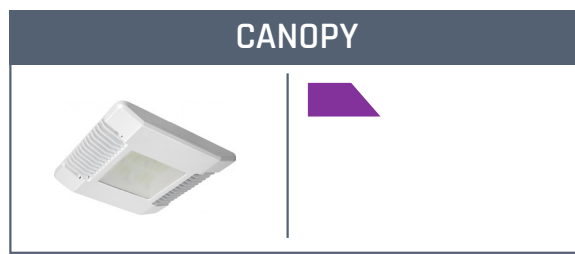
SCALE: 1" = 10'  
LAYOUT BY: JSG  
DWG SIZE: D  
DATE: 5/17/24

PROJECT NAME:  
**WEIS MARKET  
CLARKSBURG, MD**  
DRAWING NUMBER:  
**RL-9654-S1**











# Attachment B



**Valbridge**  
PROPERTY ADVISORS

## Need Analysis

**Proposed Gas Pumps**  
12811-25 Saint Clair Road  
Clarksburg, Maryland



FOR  
**CTC Retail LLC**  
1355 Beverly Road, Suite 240  
McLean, VA 22010

**Valbridge Property Advisors |**  
**Baltimore Washington Metro**

11100 Dovedale Court  
Marriottsville, Maryland 21104  
443-333-5522  
443-333-5445 fax

*valbridge.com*

**BW01-24-0121**





11100 Dovedale Court  
Marriottsville, MD 21104  
443-333-5522 phone  
443-333-5445 fax  
valbridge.com

September 10, 2024

Ms. Kate Kubit, Partner/Vice President  
Elm Street Development Company  
Manager, CTC Retail LLC  
1355 Beverly Road, Suite 240  
McLean, VA 22010

**Subject: Proposed Gas Pumps  
Clarksburg, Montgomery County, MD - Need Analysis**

Dear Ms. Kubit:

Enclosed please find Valbridge Property Advisor's (Valbridge) analysis of the need for the proposed gas pumps at the site of a proposed Weis grocery store on the north side of Stringtown Road, the south side of St. Clair Road and the west side of St. Clair Road in the Clarksburg village of Montgomery County, Maryland. The analysis has been conducted in connection with your petition for a conditional use to permit gas pumps on that property.

We find that the proposed automobile fueling station will serve unmet public need for gasoline. The enclosed report summarizes our reasoning process.

It has been a pleasure working with you on this project. Please call me at (443) 333-5521 should you have any questions or comments.

Respectfully submitted,  
Valbridge Property Advisors |  
Baltimore Washington Metro

A handwritten signature in black ink, appearing to read 'Ed Steere', with a long horizontal flourish extending to the right.

Edward M. Steere, AICP  
Senior Managing Director



## Executive Summary

---

Valbridge Property Advisors has been engaged by CTC Retail LLC in connection with its petition to the Montgomery County Office of Zoning and Administrative Hearings (OZAH) for a conditional use permitting the development of gas pumps at the property located on the north side of Stringtown Road and the south side of St. Clair Road, in the unincorporated Clarksburg village area of Montgomery County, Maryland.

### Scope of Work

Valbridge Property Advisors has been engaged to examine evidence of the public need for a gas station at this location. Presentation of sufficient evidence of public need for gasoline sales use is required before a conditional use for that use can be granted.

### Clarksburg Weis Gas n' Go

The proposed Weis fueling facility (3 gas pumps) is to be located on the north side of Stringtown Road and the west side of St. Clair Road, with access only to St. Clair Road. Although the property extends to the intersection, the proposed use would be located approximately 500 feet north of the intersection. The 12,000 square foot fuel facility site is part of an overall grocery store pad, which is approximately 4.5 acres and is currently improved by mass grading for a retail pad, with stormwater management and curb cuts for entrances from the road. The land is zoned Commercial Residential Town (CRT) 0.5 and is in the Town Center District of the Land Use Plan.

The site is proposed as part of the Clarksburg Town Center retail component, that lies on the south side of St. Clair Road. Current plans include a proposed 56,500 square foot Weis grocery store anchoring the western side end of the 4.5 acre grocery parcel, and six retail buildings fronting on St. Clair Road. The proposed gas pumps would be at the corner of the parking lot, on the opposite side of the grocery store entrance. The facility is proposed with three multiproduct dispensers (MPDs; 3MPDs = 6 fueling positions) under a canopy, and with a small approximate 500 square foot manned kiosk. The proposed gas pumps will be effectively hidden from the view of nearby residential uses by the Weis store, landscaping, and the other buildings of the Clarksburg Town Center that create an urban walkable environment for the neighborhood. There is no convenience store, nor car wash or service associated with this use.

- Customer Convenience - The Weis Markets gasoline fueling operation offers the sale of fuel, a only limited assortment of other products, such as snacks, soda, water, juice, tobacco, lottery tickets, and automobile products and accessories such as windshield wipers, snow and ice scrapers, windshield washer fluid, and motor oil. These grocery-operated fuel facilities typically operates during the same operating hours as the supermarket, and is open to the public. Customers can earn a discount off the price of their gasoline related to their purchases from the grocery store. The fueling station is integral to the offerings any new prototypical grocery store such as Weis, as it provides to its customers, similar to a meat department, pharmacy, or other in-store departments.



## Supply/Demand Issues

### Trade Area

The subject's primary trade area is defined as the geographic area within nine census block groups, identified by Weis Markets and confirmed with data from Environmental Systems Research Institute (ESRI). We believe this area demonstrates the customer base likely to shop at the Weis store and purchase gas. Gas sales at grocery store fueling stations are largely dependent upon consumer traffic for groceries.

Weis correctly assumes that most grocery customers from the rural northern parts of Montgomery County will travel to either Clarksburg or Damascus for groceries, and purchase gas while there. There is little incentive for the householders in Clarksburg to travel into the congested suburbs of Germantown and points south to address daily needs accommodated by Weis. As such the trade area demographics represent only a portion of the market share occupied by this store. Some additional market is derived from pass-through traffic. The data presented below is therefore conservative.

### Trade Area Residents

The trade area's residential base is affluent, with an average household income estimated at \$201,727 in 2024. The majority (84.3%) of households are homeowners, with their homes having an estimated value of \$724,195 in 2024. The number of vehicles per household in 2022 averaged 1.96. The vast majority of nearly two-thirds (64.7%) of workers drive alone to work, with nearly one-third (29.0%) having commute times in excess of 45 minutes.

### Trade Area Demand

We find that there is strong demand within the Clarksburg trade area for gasoline fueling services. We have quantified 2024 demand for gasoline from residential, commercial and pass-through sources as at least 13.2 million gallons per year. We find that, though the Weis Markets customers represent total demand for approximately 0.5 million gallons of gasoline annually. This number is conservative, considering the lack of alternative options for grocery purchases and gasoline in this growing residential neighborhood.

### Competitive Supply

We find that there is very limited competition within the defined Clarksburg Weis Market Gas Station trade area for the available consumer demand for gasoline and diesel:

- Immediate Trade Area Supply The five other gas stations identified within the trade area are not directly competitive with Weis Gas n' Go, due to their store, service bays, location and scale. Those stations serve the residents of the trade area, but also the commuters passing through the area to employment and destinations between Washington, DC and Frederick. Only two gas stations are modern design, generating the greatest consumer



demand. The two closest stations include an old format service station with a pizza shop that is functionally obsolete, and a deli with two MPD's in an awkward one-way parking lot off a residential road.

- Current Performance - Estimating that the total existing competitive supply is now pumping approximately six million gallons of gasoline per year, we judge that local consumer demand for gasoline within the trade area is shaped by other factors, including the arterial road network, commuters and travelers along the I-270 corridor and the availability of convenience services in a well-lit modern environment. Performance data and traffic generation models prove that the modern convenience store will generate more customer traffic than the traditional and smaller gas stations.

## Conclusions

Valbridge concludes, therefore, that the public need/necessity for the proposed Clarksburg Weis Gas Station is evident based on our analysis:

We find that there is an estimated residential demand (existing and growth) for at least 13.2 million gallons of gasoline within the defined Clarksburg Weis Markets trade area, as determined by standard market research methodologies of residential demand. It is important to note that the availability of gas stations in the immediate community are presently limited to four stations: one older, obsolete service station with limited convenience services (which is not in demand of the current consumer), and two modern 7-11's, and one gas station and a deli with two MPD's in the parking lot. Finally, there is one other station remote to Clarksburg, in a northern village that has a limited impact on this location. We find that the older and smaller stations may not capture consistent levels of demand, as industry indicators suggest that a substantial volume of trade would be handled by the more modern facilities that offer larger convenience spaces and services that are attractive to a broader market of consumers. Those older and smaller stations are also not conveniently located to serve the bulk of the new housing market within the village of Clarksburg and immediately adjacent to Stringtown Road and Snowden Farm Parkway.

Our analysis in the attached report shows that the net unmet demand in the Clarksburg Weis gas station trade area is approximately seven million gallons per year. Presently this demand is being met with supply from outside the immediate trade area, at gas stations located in other markets and near commuters' places of work.

There are few opportunities in the market area for customers to find fuel at a discount in a modern, well-lit environment that is in demand at this time. With two exceptions, the gas stations in the trade area are all old and/or outdated, and many do not offer a full range of fuels. Additionally, this station is to be located within the retail center of a planned residential community and accessible to adjacent residential communities, offering an opportunity to fuel up



before accessing the interstate. The convenience of grocery shopping and filling one's car with gas at the same trip is also a great advantage.



## Introduction

---

Valbridge Property Advisors has been engaged by CTC Retail LLC in connection with its petition to the Montgomery County Office of Zoning and Administrative Hearings (OZAH) for a conditional use permitting the development of a gas pumps at the property located on the north side of Stringtown Road and the southwest side of St. Clair Road, in the unincorporated Clarksburg village area of Montgomery County, Maryland.

### Purpose of Assignment

The subject site is the retail component of the expansive planned community of Clarksburg Town Center. The retail anchor for this site will be a Weis grocery store. The store will be mostly obscured from view by tastefully designed streetside retail pads along St. Clair Road. The site is presently mass graded to suit the retail development. St. Clair Road, which intersects with Stringtown Road, is constructed and open to traffic. The curbing is in place for on-street parallel parking and curb cuts to access the subject site and the future residential planned on the north side of the road. The overall site is approximately 4.5 acres.

The proposed automobile filling station is planned with three multi-product dispensers (MPD's) under a single canopy, in addition to a staff kiosk of approximately 500 square feet for payment options and limited sundries and automotive supplies (windshield wiper fluid, and motor oil).

Valbridge Property Advisors has been engaged to examine evidence of the public need for an automobile filling station at this location. Presentation of sufficient evidence of public need for the use is required before a conditional use for that use can be granted. The Montgomery County Zoning Code, Article 59-7 – Administration and Procedures defines the need requirement as:

- § 7.3.1.E.5.                      ... when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood.

A grocery store is a permitted use on this site, but a filling station requires the demonstration of public need. For purposes of this analysis, we have considered public need/necessity to mean "expedient or reasonably convenient and useful to the public" (as defined in Lucky Stores, Inc. v. Board of Appeals) and "convenient, useful, appropriate, suitable, proper or conducive to the public in the surrounding area" (as defined in Baltimore County Licensed Beverage Association, Inc. v. Kwon). In this case, we consider an automobile filling station and convenience store complex to be accommodating to the public need when it meets the demand of the public living and working within a reasonably defined trade area for fuel service, as analyzed according to standard market research methodologies.



## Weis Niche Market

Valbridge recognizes the nature of the subject as a fueling station facility which primarily serves the needs of its supermarket patrons. This “niche market” fueling facility does not, therefore, compete directly against standard service stations—as is clear in its design, offerings, location within the shopping center, signage and marketing. We, therefore, depart somewhat from our methodology typical in an analysis of public need. In particular, the standard methodology involves more attention to pass-by (commuter) traffic in front of a station than is appropriate here, since the Weis supermarket operation already captures and “delivers” its food shopper customers to the fueling station facility.

In this analysis, we focus on the key issues of competitive demand/supply factors within the subject’s trade area and whether the proposed fueling station provides a service which is desired by the Weis customer base.

## Scope of Work

In conducting this analysis Valbridge has accomplished the following tasks:

- Inspected the subject site and neighborhood;
- Reviewed the subject’s site plan;
- Defined the subject’s surrounding trade area;
- Consulted demographic and economic data for the trade area produced by ESRI (Environmental Systems Research Institute, Inc.) based on U.S. Census information, Baltimore Metropolitan Council and others;
- Inspected gas station properties in the trade area;
- Estimated the scale of gasoline demand within the defined trade area and arrived at certain conclusions.

## Organization of Report

Following this section, Valbridge’s report is organized in four sections as follows: site and location analysis; need analysis; other supply/demand; summary & conclusion.

## Qualifications of Consultant

Valbridge is the largest independent real estate valuation firm in the continental United States, with 65 offices and more than 675 employees, of which more than 150 are MAI appraisers. We have experience and data on all types of real estate, including special purpose and portfolio assignments.

The principal-in-charge of this assignment has been Edward Steere, AICP, Senior Managing Director. He has over 30 years of real estate development, finance and consulting experience. Most relevant to this assignment, Steere has successfully completed feasibility assessments for commercial opportunities throughout Maryland. Additional information on the firm and Steere are found in Appendix A at the end of this study.



## Site Location Analysis

---

In this section, Valbridge describes the proposed gas pump location, its access and surroundings in order to establish its positioning within its trade area and competitive environment generally.

### Site Description

The proposed Weis Gas n' Go station is to be located on the south side of St. Clair Road, north of Stringtown Road. The proposed use would be located approximately 500 feet north of the intersection of Stringtown Road and St. Clair Road. The overall retail site is approximately 14 acres and mass graded for the future retail use and parking. The land is zoned Commercial Residential Town (CRT) 0.5 and is in the Town Center District of the Land Use Plan.

The improvements will include an accessory use to the grocery store of gas pumps consisting of three multiproduct dispensers (MPD's) under a single canopy, in addition to a 200 square foot kiosk for staff. There will be no convenience store, car wash or service bays.

As noted above, the site has been mass graded to create the level pads for the stores, parking and gas pumps. The topography drops at the southern lot line to a non-tidal wetland and floodplain associated with the headwaters of a tributary to Little Seneca Creek.

### Fueling Station Operation

The "Weis Gas-n-Go" fueling station operation is proposed to be located in the eastern portion of the shopping center, separated from the Weis supermarket by a distance of approximately 200 feet across the center's parking field.

### Limited Facilities

The fueling station is planned as having three multi-product dispensers (MPDs) with six fueling positions and a small 200 sq.ft. service kiosk for use of the attendant only. At less than one half of an acre, the subject site is small, permitting only limited facilities. In our experience most contemporary gas/convenience store facilities are designed for sites of approximately 1.5 acres +/- with many requiring larger parcels.

### Niche Market Station

The facility's design, marketing and siting are not consistent with typical gasoline retailing strategies, which emphasize convenience store operations, maximum signage visibility and access from the principal highway frontage:

- Service Kiosk - A major profit center for most contemporary fueling stations is a substantial (typically 4,000 +/- sq.ft.) convenience store. The subject's 500 sq.ft. service kiosk cannot offer a wide array of items for purchase.
- Signage/Marketing - The fueling station canopy will be located approximately 200 feet west of the St. Clair Rd. Wording on the facility's canopy will be limited to the "Weis Gas-n-Go"



logo and pricing information. There will be ESD landscaped stormwater management islands between the store and pumps and an island of trees and shrubs between the canopy and St. Clair Rd.

- Access - Access to the facility is limited to three locations along St. Clair Drive. The two eastern-most access points provide clear routes to the gas pumps.

The facility's design, signage and location are appropriate to a "niche market" station, for which usage is driven by the Weis Markets and not by pass-by traffic. The station is one component of the services offered by the Weis Markets to its customers, an auxiliary service similar to a pharmacy, meat department, or other in-store departments. We regard the subject's niche within the gasoline retailing world to be "supermarket service station," distinct as a category from the contemporary standard format of the highway-oriented gas station/convenience store for example.

#### Services/Hours

The facility's hours of operation will initially correspond to the supermarket's operating hours. Debit cards, credit cards (Visa, Master Card, Discover, American Express) and cash will be accepted. There will always be one attendant on duty to assist customers. The station offers three grades of gasoline, and diesel fuel. In addition to handling fuel sales transactions, the facility will also have available a limited number of other products such as snacks, soda, juice, water, tobacco, lottery tickets, and automotive supplies (e.g., window washer fluid, oil and motor oil) at the kiosk. No auto services other than fuel will be offered.

#### Weis Fuel Pricing

The Weis Markets fuel pricing policy is to match the prevailing pricing of the nearest competitors. The fueling station will be used by both Weis customers, who receive a discount off of the market price of gasoline when they use their Preferred Shoppers Club Cards, and other customers.

Preferred Shoppers Club Card members earn Gas Rewards Points by shopping at the Weis Markets. They earn a \$0.10 discount per gallon for every \$100 grocery and/or pharmacy purchase during a set promotional period. The points can then be redeemed for savings on gas purchases made at either a Weis Gas-n-Go location or participating Sunoco locations. The discount cannot exceed the a dollar per gallon of gas, and the purchase cannot exceed 20 gallons. Points expire at the end of the promotional period.









Subject site from St. Clair Road



St. Clair Road looking North





St. Clair Road looking East



St. Clair Road looking South (Subject on Right)

### Site Access

The subject property has excellent frontage on St. Clair Road with three full movement access points. St. Clair Road has a full intersection with Stringtown Road, presently with stop signs on St. Clair Road on both approaches. Stringtown Road at this location is a divided collector road with a grass median, two lanes in each direction and dedicated left turn lanes. The intersection is designed for future signalization when volumes warrant. There is a broad pedestrian/bicycle trail along Stringtown Road and also extending North along the Greenway into the Clarksburg Town Center development.

### Surrounding Land Uses

The subject is located approximately one-mile northeast of I-270 off Stringtown Road, which enjoys full access both north and south bound on the interstate highway. I-270 is the primary artery connecting Frederick, Maryland and Washington, DC. Stringtown Road is the principal arterial road designed to feed extensive new development from the greater Clarksburg area to the interstate highway and the new commercial enterprises on the southwest side of the interstate.



The Clarksburg area is the westernmost development frontier in Montgomery County and as such, has experienced substantial residential growth in the recent decades. Part of the early phases of development included the construction of pieces of Stringtown Road, which eventually replaced Clarksburg Road as the main route from the highway to the new development along the new Snowden Farm Parkway. Snowden Farm Parkway is a defacto "beltway" around Clarksburg and provides an arterial connection to the also burgeoning Germantown community, southeast of Clarksburg. All along Snowden Farm Parkway are large developments of single family attached and detached homes on small lots.

At the subject site, there is development north and west in the form of high density multifamily and attached housing. This subject site is part of the Clarksburg Town Center community and is walkable by sidewalks to the residential community behind it. Other developments, such as Clarksburg Square are south of the site and offer similar home choices. A map of the burgeoning development in Clarksburg is on the following page, illustrating a pipeline of 11,000 new households.

To the north of the subject site is the neo-traditional development of Clarksburg Town Center. This is a community of large single-family homes on nearly zero lot lines and attached units. The center of the community includes an amphitheater and regional library. The western end of the site includes a new extension of Clarksburg Square Road to Frederick Road. The construction of the new road was coupled with the redevelopment of the site adjacent, by relocating a historic house, the Horace Wilson House, and converting it into a boutique retail venue, as well as reposition two MPD's associated with the existing Clarksburg Market on the same site. The site no longer has direct access from Frederick Road and be oriented to Clarksburg Square Road instead.

To the south of the subject site is the community of Gateway Commons. This is a community of mostly garage townhomes and condominiums with some single family detached units on narrow lots.

Southwest of the site are a few large lots and the Clarksburg Elementary School.

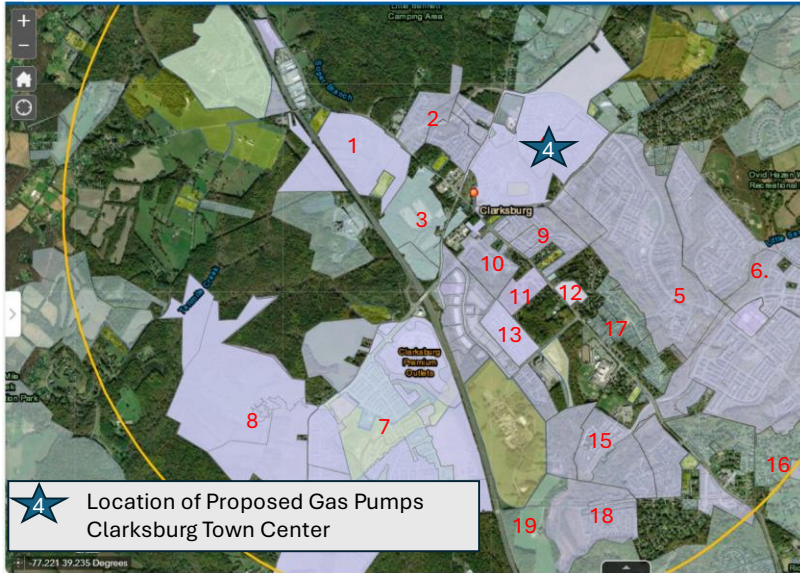
Snowden Farm Parkway, when complete will circle the historic village of Clarksburg from Frederick Road clockwise to Ridge Road (MD-27), which goes through downtown Germantown and intersects with I-270. Most of the land between Snowden Farm, Ridge and I-270 is either developed with dense residential or parkland.

The only substantial commercial center in the Clarksburg area is the recently opened Clarksburg Premium Outlet mall on the south side of the I-270 interchange with Stringtown Road. The mall is surrounded by multifamily residential development still under construction, with single family attached and detached units along the periphery of the neighborhood. Stringtown Road has been realigned and regraded through a series of roundabouts on to mall property, which created retail pad sites on the north side of the road. One of those sites was developed as a 7-11 with gas



pumps, and opened in 2022. The gasoline filling station at the mall site was not subject to the same zoning requirements as the subject, due to different base zoning district: it was approved conceptually with the shopping mall, and subsequently a detailed site plan was reviewed and approved prior to construction.

### Total Units in 3 Miles of Proposed Gas Pumps



	Community Name	# Housing Units
1.	Ashford Woods	364 *
2.	Woodside	86
3.	Miles Coppola	335
4.	Clarksburg Town Center	1,296**
5.	Clarksburg Village	2,653
6.	Arora Hills	1,320
7.	Cabin Branch	2,386
8.	Creekside at Cabin Branch	326
9.	Clarksburg Highlands	194
10.	Gateway Commons	292
11.	Dowden's Station	105
12.	Avalon	50
13.	Garnkirk Farms	392
14.	Eastside	290
15.	Meadows at Hurley Ride	250
16.	Green Ridge Acres	110
17.	Clark Meadow/Running Brooke Acres	64
18.	Summerfield Crossing	265
19.	Lithincum East	261*
<b>Total Homes within 3 miles</b>		<b>11,039</b>
* Not yet built		
** 189 multi-family not yet built		

### Summary

In summary, the subject property is well situated off the northwest side of Stringtown Road, north of Frederick Road (MD-355). Stringtown Road is a principal arterial route for thousands of homes and residents who will travel to and from I-270. Within the Clarksburg Town Center development St. Clair Road is the primary route for most residents to commute to Stringtown Road and I-270 as well.

The proposed project is planned to be an accessory department/structure and use to the Weis grocery store, consisting of three MPD's under a single canopy with a 200 square foot kiosk for staff.

The site is located near I-270 and centered within a significantly large land mass of new residential development surrounding the historic village of Clarksburg and extending to Germantown. The site will access St. Clair Road at three curb cuts, all of which offer full access to the road network (no directional limitations).



This site will provide a unique opportunity for thousands of drivers to access fuel and convenience items prior to entering the interstate highway system. There are very limited fueling opportunities in the Clarksburg area at this time.

The auto-oriented convenience services offered by the proposed Weis gas station are, therefore, supportive of existing development nearby and transient traffic, given the role the adjacent highway network plays as a major commuter connector.



## Need Analysis

---

In this section, Valbridge reviews certain factors which are determinative of the subject fueling station's ability to accommodate the public need. We describe the Weis Markets business model, estimate total demand for gasoline within the subject's trade area, examine the proposed store's consumer characteristics and estimate the subject fueling station's usage, then draw conclusions regarding accommodation of public need.

### Clarksburg Weis trade area

We have defined the subject gas station primary trade area as identified by Weis Markets of nine census block groups, identified by Weis Markets and confirmed with data from Environmental Systems Research Institute (ESRI). We believe this area demonstrates the customer base likely to shop at the Weis store and purchase fuel. Although there is no restriction on fuel purchases at the Weis by non-Weis customers, the fuel sales at grocery store stations are largely dependent upon consumer traffic for groceries.

For the purposes of this analysis, we consider the Clarksburg Weis Gas n' Go station trade area to include the greater Clarksburg area, approaching Damascus in the Northeast, Frederick County line in the Northwest, the CSX railroad in the west, Little Seneca Lake in the South and Little Seneca Creek to the Southeast. The Little Seneca Creek boundary is a natural divider to the greater Germantown area and the far more urbanized areas of Rockville and Gaithersburg to the South. Damascus is another unincorporated census designated place (CDP) with another Weis grocery store. To the West is rural, centering on the Town of Poolesville, approaching the Potomac River. Weis correctly assumes that most grocery customers from the rural northern parts of Montgomery County will travel to either Clarksburg or Damascus for groceries, and purchase fuel while there. There is little incentive for the householders in Clarksburg to travel into the congested suburbs of Germantown and points south to address daily needs accommodated by Weis. A map of the trade area is on the following page.

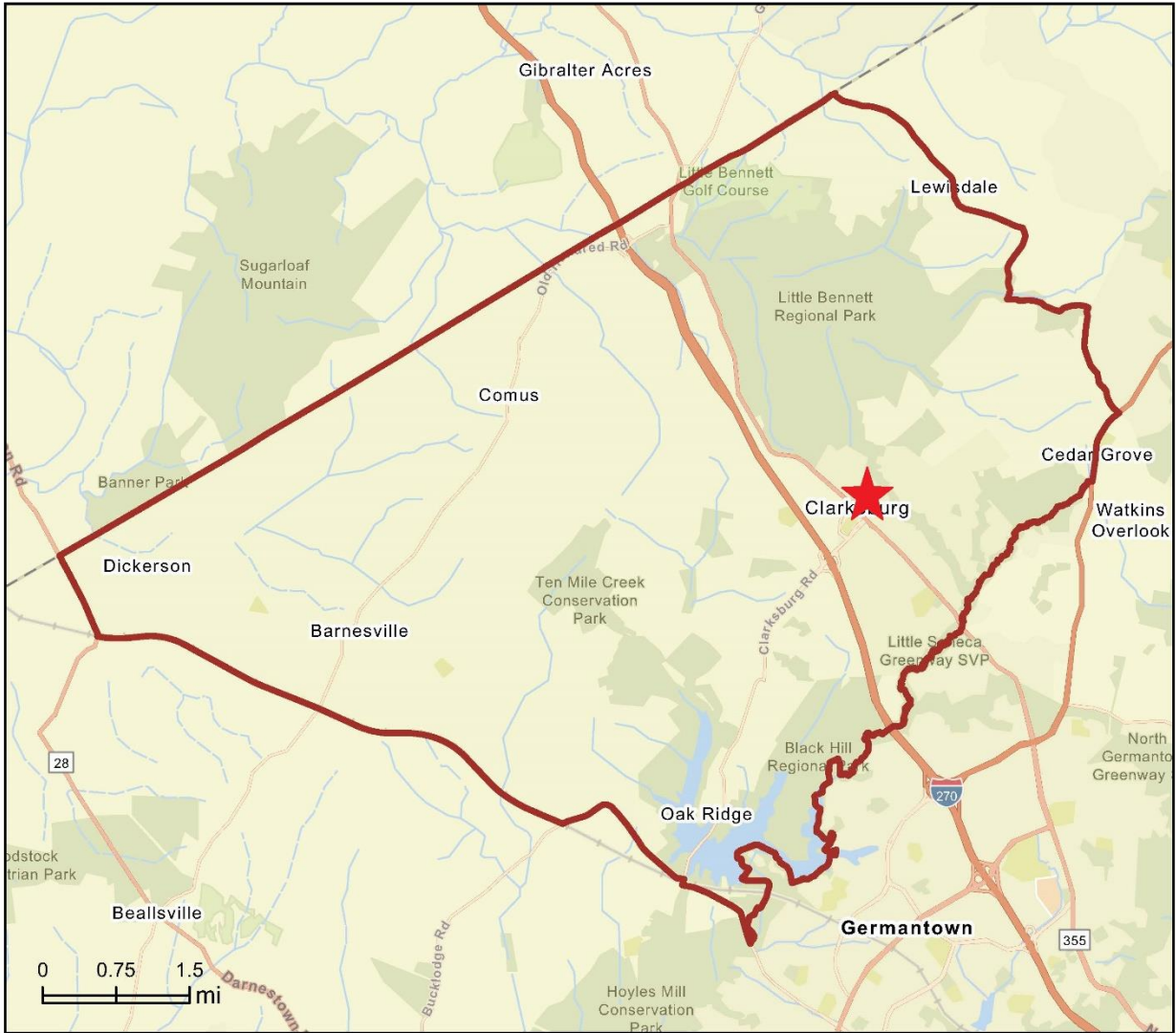




### Site Map

Weis TA  
240317004.002 (240317004002) et al.  
Geography: Block Group

Prepared by Esri



September 02, 2024

## Residential Demand

We have compiled data obtained from ESRI, a respected national demographic and economic research firm, describing demographic trends and socio-economic characteristics of the trade area.<sup>1</sup> Population trends are as follows:

<b>Trade Area Demographic Trends</b>				
	<b>2010</b>	<b>2020</b>	<b>2024</b>	<b>2029</b>
Population	14,189	21,461	25,078	25,622
Households	4,275	6,475	7,584	7,706

Source: 2010 and 2020 Census; ESRI estimate, 2024 and 2029.

The Census statistics and ESRI estimates, find the trade area residential base to be stable and growing slowly. Those households have the following socio-economic characteristics:

<b>Trade Area Statistics</b>	
Average Household Income (2024)	\$201,727
Average Household Size--Persons (2024)	3.23
Homeownership Rate (2024)	84.3%
Average Owner-Occupied Home Value (2024)	\$724,195
Average Vehicles per Household (2022)	1.96
Household Workers with 2+ Vehicles Available	77.2%
Workers Who Drove Alone	64.7%
Travel 45+ Minutes to Work	29.0%

The trade area's residential base is affluent, with an average household income estimated at \$201,727 in 2024. The majority (84.3%) of households are homeowners, with their homes having an estimated value of \$724,195 in 2024. The number of vehicles per household in 2022 averaged 1.96. The vast majority of nearly two-thirds (64.7%) of workers either drives alone to work, with nearly one-third (29.0%) having commute times in excess of 45 minutes.

We have also consulted the Metropolitan Washington Council of Governments (MWCOG) Round 10.0 Cooperative Forecasts for population, household and employment data for the same general market area. The MWCOG data is typically more precise than Census data due to the local source information and participation. However, we find that both the Census and MWCOG household projections appear very conservative and not respective of the current spate of new construction in the area, both for residential and non-residential uses.

<sup>1</sup> ESRI US Census estimates are based on American Community Survey (ACS) annual data derived between 2018 and 2022.



Residential Gasoline Demand

Residential consumers within the defined Clarksburg Weis trade area are estimated to purchase approximately 13.2 million gallons of gasoline in Calendar Year 2023.

This estimate conservatively assumes that each of the estimated 7,584 households in 2023 is buying approximately the same amount of gasoline as in 2022. For 2023, the Bureau of Labor Statistics Consumer Expenditure Survey and Census American Community Survey estimates that consumer households spent 3.3% of annual gross income for gasoline, with gasoline selling at an average of \$3.83 per gallon for the Washington-Arlington-Alexandria MSA in 2023 according to the U.S. Energy Information Administration. We assume that driving behavior has not changed substantially. Demand for gasoline being relatively inelastic, we estimate that market area households are now buying an average of 1,997 gallons of gasoline per year:

$$\begin{aligned} & \$201,727 \text{ annual HH income} \times 3.3\% = \$6,657 \text{ per household per annum} \\ & \$6,657 \div \$3.83/\text{gal.} = 1,738 \text{ gallons per annum per household} \end{aligned}$$

We find these estimates to be reasonable, based on the data Census has developed and distances driven to employment centers. If the average household is purchasing approximately 1,738 gallons of gas annually, that equates to 33.4 gallons per week—about two fill-ups for typical automobiles. The average number of vehicles per household in the market area is 1.96 and the majority of workers are longer-distance commuters. Understanding those factors, we judge the demand estimate to be conservative.

**7,584 households x 1,738 gallons per year = 13,180,992 gallons**

Other Demand

In addition to trade area residential consumers who will be the principal patrons at the subject automotive fuel station, we find that there are at least two additional identifiable groups of consumers whom the station could serve:

Workers in the Clarksburg Area

Businesses in the Clarksburg Weis trade area employ an estimated 5,384 workers in 2024, according to estimates by the MWCOG. Those estimates are made for the following TAZs (Transportation Analysis Zones):

433	434	435	436	437	444	445
446	447	448	449	450	451	452
453	454	455	459	463		

The MWCOC TAZ areas do not specifically match the census block group mapping. It is also important to note that the transportation analysis zones in the South near the Germantown area are near other interchanges with I-270 and a more developed commercial area with gas filling stations, and thus it is unlikely that workers or residents in Germantown would travel 10 minutes north to Clarksburg for gas or convenience services.

### Transient Travelers

At a high traffic count of over 30,000 ADT, many drivers are passing through the area on the highway network in order to reach destinations outside the defined trade area. Given their location on the highways, trade area service stations will be convenient to some travelers for the purchase of fuel. .

Although we do not specifically quantify potential demand from the two groups in this analysis, traffic generation models show that a modern gas station with convenience stores could attract as much as 64% of morning peak hour pass-by traffic and 66% of evening peak hour pass-by traffic.<sup>2</sup> We cannot compute the individual impacts of each of these three consumer groups of local residents, commuters and local employees because the overall traffic data includes overlap among them. The only other local gas stations are the Liberty on Clarksburg Road, which is not the primary route to I-270 since the redevelopment of Stringtown Road, the Clarksburg Market, the 7-11 at Clarksburg Village Center, and the 7-11/Exxon across I-270. We also believe that the actual volume of gasoline demand in the trade area far surpasses the capacity of these three stations.

### Weis Markets Consumer Base

We have made the assumption that the overwhelming majority of the subject's fuel purchasers are regular Weis Markets customers. Based on sales performance data taken from the Weis Markets 2023 Annual Report, we can estimate the number of households in the trade area who are likely to be regular Weis Markets customers.

### Weis Markets

Weis Markets sells groceries and other food items for human consumption off the grocery store premises, including bottled, canned, or packaged soft drinks; candy; gum; packaged snacks; etc. Weis stores are located throughout the mid-Atlantic, numbering 197 stores of 8,000 to 71,000 square feet (averaging approximately 49,000 sq.ft.) through the end of 2023. Fuel accounts for approximately 5.1% of Weis' total sales. Approximately 11.2% is attributed to pharmacy and the remaining 83.8% consists of the primary grocery merchandise items.<sup>3</sup>

---

<sup>2</sup> Traffic Generation Manual, 10<sup>th</sup> Edition; Institute of Traffic Engineers, September 2017.

<sup>3</sup> Weis Markets 2023 Annual Report: Fiscal Year Ended December 30, 2023; p1



### Weis' Gasoline Fueling Stations

As of the end of 2023, Weis Markets had 60 Gas n' Go stations in operation at its grocery stores.<sup>4</sup> The fueling stations are generally self-service, relying on "pay at the pump" technology that accepts credit and debit card transactions. Cash is also accepted at the kiosk. Both regular-grade,, mid-gradepremium-grade gasoline and diesel fuel are available.

Typically, the Weis price for gasoline is competitive with the lowest prices prevailing in its marketplace, presenting a favorable price image to existing and prospective members. This pricing offers value to Weis Preferred Shoppers Club Rewards members and sufficient incentive to combine their fueling stop with a trip to the grocery store.

Based on the Weis Annual Report Data, we project the following for this site on an annual basis:

Subject Store size:	56,500 square feet
Corporate Revenue per Square Foot:	\$483.72/sf
Projected Revenue at Subject:	\$27,330,348
Fuel Revenue at 5.1% net:	\$1,393,848
Fuel Gallons at \$3.263/gal:	427,168 gal.

This supply calculation is based on averages, and thus very conservative.

## Summary

In this section, Valbridge has analyzed the public need for gasoline fueling stations from two principal perspectives:

### Consumer Demand

We find that there is strong demand within the Clarksburg trade area for gasoline fueling services. We have quantified 2024 demand for gasoline from residential, commercial and pass-through sources as at least 13.2 million gallons per year. We find that, though the Weis Markets customers represent total demand for approximately 0.5 million gallons of gasoline annually. This number is conservative, considering the lack of alternative options for grocery purchases and gasoline in this growing residential neighborhood.

### Convenient/Useful

We find that the proposed fueling station is "reasonably convenient and useful to the public" because it meets the demand of Weis Markets shoppers for fuel service as demonstrated by:

- Weis Markets Patrons - Weis Markets is locating in an area underserved by retail grocers, therefore capturing more of the market than the average grocery store with nearby competition.

---

<sup>4</sup> Ibid; p5

- Expedient or Reasonably Convenient - There will be a high propensity for a large segment of Weis Markets cardholders to combine their shopping trip at the supermarket with a fueling stop at the on-site fueling station.
- Useful - Members will find the competitive fuel pricing available to Weis Markets Preferred Shoppers Club Card members at the subject fueling station to be advantageous (though probably not sufficient to merit an extra trip to the store).

We assume that the addition of discount fuel purchases for Weis Markets Preferred Shoppers Club Card members will work to better serve the supermarket's customer base and improve the store's productivity/value. The supermarket's success will be further evidence that it serves the public's need.



## Other Supply/Demand Issues

---

In this section, Valbridge reviews other issues in the competitive marketplace for gasoline service stations which might be considered relevant to the case at hand. We examine the likely demand of Weis Markets patrons for the subject station in the context of competition within its Clarksburg retail trade area. Valbridge has surveyed automobile filling stations located within the defined trade area. In addition to our observations, we have consulted various sources including the Maryland Department of Assessments & Taxation (SDAT), CoStar Realty Group's commercial multiple list system and others to better describe the competitive supply in the Clarksburg area.

### Station types

Valbridge consulted the National Association of Convenience Stores (NACS) for facts associated with the different types of motor fuel sales operations. The Clarksburg trade area has a variety of fueling stations: some with service bays, others with kiosk stores, and large convenience stores. NACS classifies these establishments as follows:<sup>5</sup>

- **Kiosk** – less than 800 square feet with fast moving retail items like tobacco, beverages and snacks. Typical customers are transients and locals stopping in to buy gasoline.
- **Mini Convenience Store** – typically 800-1,200 sq.ft.. Limited to prepared foods and serving people buying gasoline.
- **Limited Selection Convenience Store** – approximately 1,500 to 2,200 sq.ft. which is the typical conversion of a former 2-bay service station.
- **Traditional Convenience Store** – Typically 2,400 to 2,500 sq.ft. with an expanded product mix, often including more grocery items.
- **Expanded Convenience Store** – About 2,800-3,600 sq.ft. This is a popular alternative to the large grocery store and often attract more families, women and senior citizens.
- **Hyper Convenience Store** – Very large stores at 4,000-5,000 sq.ft. These stores employ more staff, offer fresh food and sit-down eating spaces. These stores attract more families, senior citizens and in some locations act as a mini-truck stop with expanded services.

We find it important to study the classification of the supply in the trade area and balance that against the customer type, or target markets in this rapidly developing community. Additionally, there are three overarching store market types: Neighborhood, Commuter and Interstate. The subject location is in the unique position to serve primarily neighborhood and commuter markets and subsequently some interstate as well.

NACS reports that convenience store operations sell approximately 80% of all consumer motor fuels in the country. The remaining 20% is sold at traditional service stations and supermarkets. They also report that consumers will drive up to 10 minutes out of their way to save pennies on gas purchases, which is why the convenience store venues are often able to sell fuel with lower margins, based on sales of other goods with higher margins. The Weis Markets Gas n' Go is

---

<sup>5</sup> NACS State of the Industry of 2016 Data Fact Book.

classified as a lower volume supermarket supplier and does not have an associated convenience store as cataloged above.

### Immediate Trade Area

We have focused on the competitive supply within northwestern Montgomery County, since those gas stations are in the trade area's core at highway locations important for serving demand derived from throughout the broader trade area geography. As available, the areas of automobile filling station improvements and parcels have been taken from SDAT assessment records for the sake of consistency. We find that there are only six other existing gas stations located within the designated grocery store trade area:

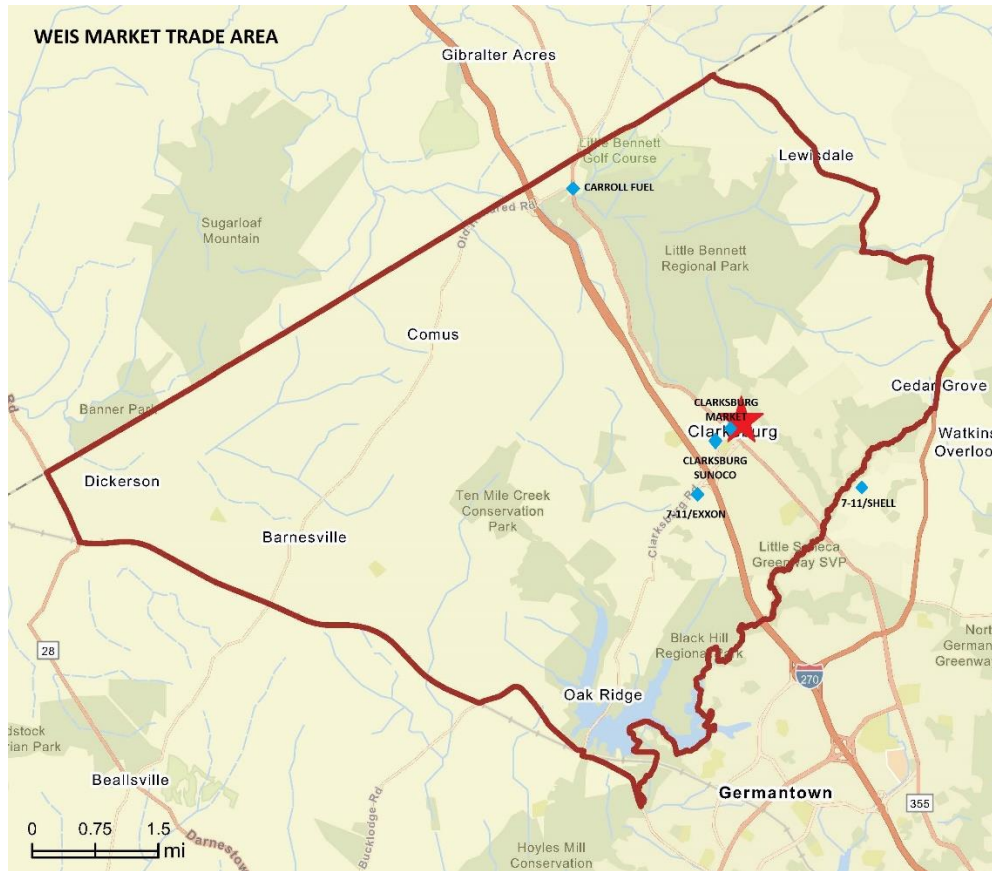
- Clarksburg Sunoco – 23300 Clarksburg Road – This service station is located on the old main road that was replaced by Stringtown Road. This site is a service station with four bays and a small convenience store with a pizza shop vendor. There is one freestanding diesel pump and four MPD's under canopy. There is also a used car lot that appears to be associated with this use. The station was constructed in 1951 on approximately 0.78 acres. This site is less than one-half mile west of the subject.
- 7-11/Exxon – 22702 Gosnell Farm Drive – This store is the newest delivery to the market in 2022 on the west side of I-270 on the roundabout that is the entrance of the outlet mall. This facility has six MPD's and a 3,792 square foot convenience store. There are four diesel positions at the six MPD's, and no car wash.
- 7-11/Shell – 12101 Snowden Farm Parkway – This is a modern expanded convenience store with 6 MPD's under canopy and four diesel positions, that opened in 2015. Although just outside the designated trade area, due to its modern design and conveniences, it is a primary competitor for local demand at this time that is commuting to points south.
- Clarksburg Market – 23329 Frederick Road – This is a unique site with an historic house that was moved south slightly to accommodate Clarksburg Square Road, which is an entry road to Clarksburg Town Center from the West. The house is used as a small neighborhood grocer and delicatessen, with a long, one-way access parking lot that includes two MPD's serving Top Tier brand fuel and no diesel. This is a very awkward site to access for fuel, requiring entrance from Harness Point Way, which is internal to Clarksburg Square single and attached homes. Clearly this property is banking on the store use over gas supply.
- Carroll Fuel – 1904 Urbana Pike – This is the only gas station between Clarksburg and the Frederick County line, in Hyattstown, on Frederick Road at Fire Tower Road. This is Limited style convenience store with four MPD's and three diesel hoses under a canopy. It is also open 24 hours.



### Evaluation

At the time of our survey on a weekday morning, only the modern gas stations with convenience were busy. The Clarksburg area is underserved with modern gasoline/convenience options, with only two other modern stations within 5-minutes of downtown historic Clarksburg – the other stations are an outdated service stations: one with small snack shop and pizza shop and one with a deli with an awkward parking lot with two gas pumps. We make the following observations:

- There are five gas stations presently serving the Clarksburg Weis trade area – an outdated service station with service bays; two modern 7-11s: one with Exxon gas, and with a 3,700 sq.ft. store, and 24-hour operation, and one with Shell gas and a 2,500 sq.ft. store; the closest gas station offering in the parking lot of a deli with two MPD's and no canopy; and the last station north of Clarksburg at a rural crossroads. One 7-11 is located southwest of the subject in a location where commuters would travel south (away from the subject) to access employment centers and southwest of the subject at the side of the I-270 interstate ramps. The other 7-11 is located southeast along a collector road that is used as an alternative to I-270. The 7-11s are attractive to commuters and commercial traffic, while the subject would appeal to local residents and rural homeowners who will grocery shop this store and possibly bypass the site to access I-270.
- Stringtown Road is a primary arterial route serving a large population of new households with access directly to I-270 and the commercial center on the south side of the interstate highway.
- Newer stations, on redeveloped sites or newly developed sites offer modern convenience and accessibility presently not available in the area.



### Current Performance

Petroleum retail industry sources including the Maryland Motor Fuel Tax & Motor Carrier Tax (IFTA) Annual Report and “National Petroleum News” and our experience indicate that the average gasoline fuel service station pumps about 93,943 gallons of gasoline per month or 1.44 million gallons per year. Yet 80% of that volume was from convenience stores. In this trade area, there are only two modern convenience stores. The supply in the Clarksburg is limited to five gas stations, but only two are likely performing at or above the average. The others are models of low performance with service bays, no canopy, and limited convenience store offerings. Therefore, we estimate that the total supply is less than four million gallons per year.

More realistically the gas station performance in this trade area is based on other factors such as price and the presence of a convenience store, accessibility, and perceived safety and accessibility. The stores within the subject site trade area vary widely in regard to these other factors and some are so antiquated that they do not draw the same volumes of customers as the newest offerings. Based on ITE traffic generation models, a hyper convenience store has a daily customer traffic of 3,350 vehicles, whereas a traditional service station generates 1,200 ADT (35.8%).<sup>6</sup> ITE classifies the super convenience station as one with greater than 3,000 sq.ft. of retail space and at least 10

<sup>6</sup> Trip Generation Manual, 10<sup>th</sup> Edition, Institute of Traffic Engineers; September 2017



fueling positions. Within our trade area there is only one super convenience station at the 7-11/Exxon. Factoring the 36% rate of traffic generation among smaller stations to the hyper station, we can further refine the supply to be limited by a factor of 2:1, suggesting that the modern gas station with convenience services will draw more customer traffic than the outdated competitive supply.

Based on the performance of similar Weis Gas n' Go sites, the applicant is programming this site to produce approximately 1.3 million gallons per year. It is clear upon midday drive-by that the modern convenience store sites have a greater volume of traffic than the neighboring service station sites. The National Association of Convenience Stores (NACS) has surveyed that more than 50% of fuel customers prefer to go inside the store for additional purchases.

In addition to the other variables listed above, each of the competitive stations serves a different local market or trade area, likely based on a traditional 5-minute or 10-minute drive time. Customers in Germantown are not likely to venture northwest on I-270 to find gas. Likewise, for consumers in the Damascus area. It is also clear that the unmet local demand in Clarksburg is being met with supply in other distant markets, thereby increasing traffic and volumes of production at other stations.

## Summary

We find that there is very limited competition within the defined Clarksburg Weis Gas n' Go station trade area for the available consumer demand for gasoline and diesel.

### Immediate Trade Area Supply

The five other gas stations identified within the trade area are not directly competitive with the Weis Gas n' Go, due to their store, service bays, location and scale. Those stations serve the residents of the trade area, but also the commuters passing through the area to employment and destinations between Washington, DC and Frederick. Only two gas stations have a modern design with the greatest consumer demand. The closest stations are an old format service station with a pizza shop that is functionally obsolete, and a deli with two MPD's in an awkward one-way parking lot off a residential road.

### Current Performance

Estimating that the total existing competitive supply is now pumping approximately six million gallons of gasoline per year, we judge that local consumer demand for gasoline within the trade area is shaped by other factors, including the arterial road network, commuters and travelers along the I-270 corridor and the availability of convenience services in a well-lit modern environment. Performance data and traffic generation models prove that the modern convenience store will generate more customer traffic than the traditional and smaller gas stations.

### Unmet Demand

Based on the performance indicators above of the two modern stations and the three old stations, we estimate that there is unmet demand of approximately seven million gallons per annum in this trade area.

## Summary & Conclusion

---

In this section, Valbridge summarizes our findings and draws conclusions regarding the proposed Clarksburg St. Clair Road gas station on the north side of Stringtown Road at its intersection with Frederick Road (MD-355) in the unincorporated area of Clarksburg, Montgomery County, Maryland.

### Clarksburg Weis Gas Station

The proposed Weis gas station is to be located on the north side of Stringtown Road and the west side of St. Clair Road, with access only to St. Clair Road. Although the property extends to the intersection, the proposed use would be located approximately 500 feet north of the intersection. The grocery site is approximately 4.5 acres and is currently improved by mass grading for a grocery store pad, with stormwater management and curb cuts for entrances from the road. The land is zoned Commercial Residential Town (CRT) 0.5 and is in the Town Center District of the Land Use Plan.

The site is proposed as part of the Clarksburg Town Center retail component, that lies on the south side of St. Clair Road. There will be a 56,500 square foot Weis grocery store anchoring the western side end of the site, six retail buildings fronting on St. Clair Road, and the proposed fuel pumps would be at the eastern end of the site, in the southeastern corner of the parking lot. The facility is proposed with three multiproduct dispensers (MPDs; 3MPDs = 6 fueling positions) under a canopy, and with a small 500 square foot manned kiosk. The proposed fuel pumps will be effectively hidden from the view of nearby residential uses by the Weis store, the other buildings of the Clarksburg Town Center, and landscaping, all of which create an urban walkable environment for the neighborhood. There is no convenience store, nor car wash or service associated with this use.

### Supply/Demand Issues

#### Trade Area

The subject's primary trade area is defined as the geographic area within nine census block groups, as estimated by Environmental Systems Research Institute (ESRI). We believe this area demonstrates the customer base likely to shop at the Weis store and purchase gas. Although there is no restriction on fuel purchases at the Weis, the fuel sales at grocery store stations are largely dependent upon consumer traffic for groceries.

Weis correctly assumes that most grocery customers from the rural northern parts of Montgomery County will travel to either Clarksburg or Damascus for groceries, and purchase fuel while there. There is little incentive for the householders in Clarksburg to travel into the congested suburbs of Germantown and points south to address daily needs accommodated by Weis. As such the trade



area demographics represent only a portion of the market share occupied by this store. Some additional market is derived from pass-through traffic. The data presented below is therefore conservative.

#### Trade Area Residents

The trade area's residential base is affluent, with an average household income estimated at \$201,727 in 2024. The majority (84.3%) of households are homeowners, with their homes having an estimated value of \$724,195 in 2024. The number of vehicles per household in 2022 averaged 1.96. The vast majority of nearly two-thirds (64.7%) of workers either drives alone to work, with nearly one-third (29.0%) having commute times in excess of 45 minutes.

#### Trade Area Demand

We find that there is strong demand within the Clarksburg trade area for gasoline fueling services. We have quantified 2024 demand for gasoline from residential, commercial and pass-through sources as at least 13.2 million gallons per year. We find that, though the Weis Markets customers represent total demand for approximately 0.5 million gallons of gasoline annually. This number is conservative, considering the lack of alternative options for grocery purchases and gasoline in this growing residential neighborhood.

#### Competitive Supply

We find that there is very limited competition within the defined Clarksburg Weis Markets Gas n' Go station trade area for the available consumer demand for gasoline:

- Immediate Trade Area Supply - The five other gas stations identified within the trade area are not directly competitive with Weis Gas n' Go, due to their store, service bays, location and scale. Those stations serve the residents of the trade area, but also the commuters passing through the area to employment and destinations between Washington, DC and Frederick. Only two gas stations are modern design with the greatest consumer demand. The closest stations are an old format service stations: one station with a pizza shop that is functionally obsolete, and one station that is part of a deli with two MPD's in an awkward one-way parking lot off a residential road.
- Current Performance - Estimating that the total existing competitive supply is now pumping approximately six million gallons of gasoline per year, we judge that local consumer demand for gasoline within the trade area is shaped by other factors, including the arterial road network, commuters and travelers along the I-270 corridor and the availability of convenience services in a well-lit modern environment. Performance data and traffic generation models prove that the modern convenience store will generate more customer traffic than the traditional and smaller gas stations.

### Conclusions

Valbridge concludes, therefore, that the public need/necessity for the proposed Clarksburg Weis Markets Gas n' Go gas station is evident based on our analysis:

We find that there is an estimated residential demand (existing and growth) for at least 13.2 million gallons of gasoline within the defined Clarksburg Weis Markets trade area, as determined by standard market research methodologies of residential demand. It is important to note that the availability of gas stations in the immediate community are presently limited to five stations, one older, obsolete service station with limited convenience services, which is not in demand of the current consumer, two modern 7-11's and a deli with two MPD's in the parking lot. There is one other station remote to Clarksburg, in a northern village. We find that the older and smaller stations may not capture consistent levels of demand, as industry indicators suggest that a substantial volume of trade would be handled by the more modern facilities, that offer larger convenience spaces and services that are attractive to a broader market of consumers. Those stations are also not conveniently located to serve the bulk of the new housing market within the village of Clarksburg and immediately adjacent to Stringtown Road and Snowden Farm Parkway.

The net unmet demand in the Clarksburg Weis gas station trade area is approximately seven million gallons per year. Presently this demand is being met with supply from outside the immediate trade area, at gas stations located in other markets and near commuters' places of work.

There are few opportunities in the market area for customers to find fuel at a discount in a modern, well-lit environment that is in demand at this time. With two exceptions, the gas stations in the trade area are all old and/or outdated, and many do not offer a full range of fuels. Additionally, this station is to be located within the retail center of a planned residential community and accessible to adjacent residential communities, offering an opportunity to fuel up before accessing the interstate. The convenience of grocery shopping and filling gas on the same trip is also a great advantage.



# APPENDIX A

## Consultant Qualifications

---

### Valbridge Property Advisors

Valbridge is the largest national commercial real estate valuation and advisory services firm in North America with more than 675 professionals in 70 offices. We are a multifaceted, independent real estate consulting and appraisal firm covering all property types, including special-purpose and services from site acquisition to market feasibility to valuation. Our Marriottsville, Maryland office employs 13 professionals, of which three hold the MAI designation and other advanced degrees. Professional licenses are held by various members of the firm in Maryland, District of Columbia, Pennsylvania, Delaware and Virginia. Academic degrees and professional designations are combined with hands-on real estate investment, development and ownership expertise-- offering our clients many decades of accumulated counseling and valuation experience.

We provide clients with objective advice and practical assistance at every stage of decision-making on the development, use or reuse of all types of real estate. Our clients include corporations, institutions, real estate owners, builders, developers, and government entities. Our professional staff has an exceptional capability to use a vast array of information and resources to assist clients in making sound, timely decisions through the real estate planning, financing and development process.

The principal-in-charge of this assignment has been Edward Steere, AICP, MSRE, Senior Managing Director. He has 30 years of planning, real estate development, and consulting experience. He has successfully completed market studies and economic and fiscal analyses for many development opportunities throughout the Mid-Atlantic in Maryland, Pennsylvania, Delaware and Virginia on behalf of public and private clients.

### Edward M. Steere, AICP

Edward M. Steere, AICP is the senior consultant who completed this assignment. Mr. Steere has a broad professional background in planning and real estate acquired over 28 years in the industry including: site design, entitlement, research, sales and marketing, development, financing and appraisal. His advisory assignments have encompassed: market and financial feasibility analyses of major real estate projects; land acquisition and marketing for residential development; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning real estate decision-making.

Mr. Steere is qualified in analyzing the multitude of issues relating to residential and commercial real estate development, including: demographic and economic trends, financial analysis and property valuation, economic and fiscal impacts.

Mr. Steere has conducted real estate and market feasibility analyses throughout the Washington-Baltimore region. He has testified and has been accepted as an expert witness before administrative bodies concerning the public need for various kinds of commercial facilities and other planning issues in many of the jurisdictions in the Washington-Baltimore region, including the Montgomery County Office of Zoning and Administrative Hearings.



# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

## Attachment C

Date Mailed:

March 25, 2024

MCPB No. 24-025  
Project Plan Amendment No. 91994004E  
Clarksburg Town Center  
Date of Hearing: February 29, 2024

### RESOLUTION

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

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

WHEREAS, on June 12, 1995, the Planning Board, by Resolution dated June 12, 1995, approved Project Plan No. 91994004E for the Clarksburg Town Center limited to 1,300 dwelling units (including 12.5 percent MPDUs), 150,000 square feet of retail space, and 100,000 square feet of office space on 270.16 acres of RMX-2 and RDT zoned land, located at the northeast quadrant of Stringtown Road and Frederick Road (MD 355) (“Overall Property”), in the Clarksburg Policy Area and the 1994 Clarksburg Master Plan (“Master Plan”) area; and

WHEREAS, on May 17, 2005, Project Plan Amendment No. 91994004A was submitted but never completed; and

WHEREAS, on July 16, 2009, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan No. 91994004B (Resolution MCPB No. 09- 16), to allow 194,720 square feet of commercial space, including up to 69,720 square feet of retail space; with 1,213 residential dwelling units (including 12.5% MPDUs); and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan No. 91994004C (Resolution MCPB No. 10-58) to correct the unit count from 1,213 to 1,206 residential dwelling units (including 12.5% MPDUs) on the Overall Property; and

WHEREAS, on August 28, 2014, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan No. 91994004D (Resolution MCPB

2425 Reddie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

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

No. 15-85) to reduce the number of dwelling units from 1,206 to 1,120, increase the commercial square footage to 206,185, revise the commercial core layout, redesign Block H, add a community building to the resident's club, add parking to Sinequa Square, revise Kings Local Park and Piedmont Woods Local Park; and

WHEREAS, on June 28, 2023, Elm Street Development ("Applicant") filed an application for approval of an amendment to the previously approved project plan(s) to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, update amenities, and make parcel revisions on the Overall Property; and

WHEREAS, Applicant's application to amend the project plan was designated Project Plan No. 91994004E, Clarksburg Town Center ("Project Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 29, 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 Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Project Plan No. 91994004E to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, update amenities, and make parcel revisions on the Overall Property, subject to the following conditions:<sup>1</sup>

The following conditions supersede and replace in their entirety all previous conditions:

1. Overall Property Density. The Project Plan Amendment is limited to a maximum of 106,920 square feet of commercial development, 1,295 total dwelling units, consisting of 219 single-family detached, 686 single-family attached, and 390 multi-family units on 270.92 acres.<sup>2,3</sup>

---

<sup>1</sup> 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.

<sup>2</sup> If there is no adverse impact on the Project Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to any allowed commercial use, including but not limited to office or medical office.

<sup>3</sup> 390 multi-family units include 189 new multi-family units proposed with this amendment.



2. Provide a plaza with a splash fountain, allowing public access, as shown on the approved site plan.
3. Applicant shall meet all requirements for water quality plan submission and approval, per Chapter 19, Article V - "Water Quality Review in Special Protection Areas" (proposed monitoring plan may be submitted as part of the review of the site plan). Location of units, roads, and other layout concerns will be subject to the final water quality regulations.
4. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
5. Maintenance and Management Organization. A retail maintenance organization shall be formed separate from the residential Homeowner's Association to provide for maintenance and operations of the retail core area, non-standard elements in the street right-of-way and on the private streets and amenities.

**Prior Conditions: Satisfied or required by Prior Applicants**

Prior conditions are for Project Plan Nos. 91994040, 9199404A, 9199404B, 9199404C, 9199404D; and are provided here for reference and are not required of the current Applicant.

6. The following road improvements, at each stage of development, are needed to provide enough capacity to serve the proposed development:
  - a. Stage 1 - Reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
  - b. Stage 2 - Construct an eastbound left turn lane along MD 121 at MD 355. Construct a westbound left turn lane along MD 121 at MD 355.
  - c. Stage 4 - Construct a northbound right turn lane along MD 355 at Stringtown Road.
  - d. Stage 5 - Restripe eastbound Comus Road to provide exclusive left turn lane at MD 355.
  - e. A-260 (Stringtown Road) must be dedicated to a right-of-way of 120 feet. At the preliminary plan, if determined that the property is not part of a participation agreement with MCDOT and other property owners, the safety improvements described in Condition No. 8., will be made to Stringtown Road.
7. A-305 (Mid-County Highway) pursuant to Preliminary Plan No. 119950420, as may be amended.
8. Dedication and Construction of A-260 (Stringtown Road) pursuant to Preliminary Plan No. 119950420, as may be amended.
9. Clarksburg Square Road/Route 355 Connection pursuant to Preliminary Plan No. 119950420, as may be amended.

10. Additional Access to A-260 (Stringtown Road) and A-27 (Clarksburg Road) pursuant to Preliminary Plan No. 119950420, as amended.

Provide for an additional connection from Redgrave Place (Main Street) to the boundary of the historic district to permit a future connection to A-260 (Stringtown Road). Connect the private street that leads to the Town Square to A-27 (Clarksburg Road) with approval from the Planning Board and MCDOT provided this private street remains private.

11. Revise the Layout of Streets. Incorporate the following items into the site plans for each stage of development:

- a. Improvements to the Town Square - Increase the size of the Town Square by utilizing a loop concept as shown on the revised drawing to reduce conflicts with east/west traffic and to improve pedestrian access.
- b. Relocate A-260 (Stringtown Road) in accordance with the revised alignment diagram to reduce the impact on adjacent residences. Reduce the number of access streets to A-260 from the area of the existing single family detached units (5) on the north side of Stringtown Road to meet the design standards for arterial roads.
- c. Eliminate the access to the proposed elementary school from MD 121 and provide access from the Greenway Road.
- d. Revise the access to A-305 (Mid-County- Highway) to allow a direct connection from Burnt Hill Road to the Greenway Road and improve the access to the single family detached units by utilizing private drives adjacent to A-305.
- e. The present street system shown in the project plan requires waivers of existing standards. The Prior Applicant and staff have met with MCDOT to discuss the waivers. All waivers must receive final approval from MCDOT before approval of the site plan.

12. Environmental Improvements

- a. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
- b. As part of the preliminary plan, provide an area within the Prior Applicant's stormwater management facilities for stormwater management for the school site.

13. Park/School

The proposed layout of the park/school site is generally acceptable. At the preliminary plan, the final concept plan and related terms and conditions will be finalized in coordination with the Parks Department and Montgomery County Public Schools.



#### 14. Historic Preservation

Incorporate the following items into the project plan before review of the site plan for this area:

- a. Minimize the width of both the right-of-way and paving (50 feet of ROW and 24 to 26 feet of paving, subject to approval by MCDOT) for Redgrave Place (Main Street) located within the Historic District.
  - b. Provide access easements, if applicable, to future public sewer at the intersections of A-260 (Stringtown Road) and Redgrave Place (Main Street) with MD 355 (Old Frederick Road).
  - c. Provide a small open space along the northern edge of the greenway next to Redgrave Place (Main Street) with an interpretive memorial element for the family of John Clark that incorporates the existing grave markers.
  - d. If the ROW is available, construct Main Street to MD 355 within the Historic District prior to completion of Stage 3. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the Prior Applicant and property owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.
15. Compatibility with Existing Church and Adjacent Residences Within the Historic District

Increase the setback of the proposed public street located next to the church within the Historic District to 30 feet and provide screening for the existing cemetery. Relocate the tot lot away from the existing church and maintain the area as open space to provide a potential linkage to the church. The size of lots and setbacks of the proposed development must match, approximately, the development standards in the R-200 Zone for building setbacks and width of lots along the southeastern boundary of the site within the Historic District. Revise the landscape plan to increase visibility to the church. Provide an easement for a pedestrian connection to the church for the proposed adjacent street.

#### 16. Staging of Amenities

- a. All amenities shown within each stage of development must be completed within that stage of development. The concept design for the greenway, the school/park, and other large play fields, must be completed before approval of the first site plan.
- b. Construction of the amenities within the greenway must be finalized before the completion of Stage 3.
- c. The proposed project shall be developed in accordance with the phasing plan outlined in the Site Plan section under Development Program-Phasing.
- d. A detailed development program shall be developed with the Site Plan to include installation of landscaping, lighting, recreation facilities and amenities.

## 17. Landscaping

The following items must be incorporated into the site plans:

- a. Street trees, high quality streetlights, sidewalk paving types, and street furniture as part of the design for the streetscape of roads, town square, and the neighborhood squares.
- b. Increased landscaping in the commercial parking area.
- c. Landscaping for the buffer areas adjacent to all arterial roads.
- d. Screening for the existing homes within the Historic District.
- e. Landscaping for all stormwater management areas.

## 18. Maintenance

- a. Maintenance of the private recreation areas, stormwater management facilities, applicable open spaces, and other amenities on private land must be maintained by an appropriate homeowner's association. Before approval of the first building permit, submit a maintenance document that establishes an overall organization that establishes responsibility for maintenance of these facilities.
- b. Maintenance and Management Organization. A retail maintenance organization shall be formed separate from the residential Homeowner's Association to provide for maintenance and operations of the retail core area, non-standard elements in the street right-of-way and on the private streets and amenities.

## 19. Civic Parcel (Parcel K)

The Prior Applicant must dedicate the 1.1-acre Parcel K, Block BB, to Montgomery County for use as a Civic Building. In the event Montgomery County has either not entered into an agreement with the Prior Applicant or appropriated funds for the design and construction of the Civic Building by the time that dedication is required, the Prior Applicant may forego dedication and build the Civic Building and lease the building for uses that serve the community, such as a civic building, event center, recreation center, or other such use, as contemplated by Civic and Institutional Uses as defined in the Zoning Ordinance (excluding Ambulance, Rescue Squad, and Hospital), giving a right of first refusal to Montgomery County, followed by other organizations and institutions that can meet the civic purpose. If at the end of any County or civic lease, no civic purpose is found, Prior Applicant can lease the space to tenants that provide services to the Clarksburg community.

**Public Amenities.** The Prior Applicant must provide at a minimum the following public facilities and amenities. The final design and details of the public facilities and amenities will be determined during site plan approval. The Planning Board may approve other facilities that are equal to or better than these at the time of site plan approval.

*Table 1 - Public Amenities of Project Plan No. 91994004D*

Location	Public facilities and amenities
West Side	(1) Tot lot Town Green including: Amphitheater & stage, Open play area 1.1-acre civic parcel Picnic/sitting Bike system, Pedestrian system
East Side	(1) Open play area I (1) Open play area II Picnic/sitting (1) Indoor community room Bike system, Pedestrian system
Piedmont Woods Local Park	(1) multi-age playground (1) basketball (2) tennis courts (1) dog park Picnic/sitting Bike system, Pedestrian system, Nature trails, Nature area
Greenway	Picnic/sitting, Bike system, Nature area
Kings Pond Local Park	(1) multi-age playground (1) Fishing Pier Picnic/sitting Bike system, Pedestrian system

BE IT FURTHER RESOLVED that all elements shown on the latest electronic version of Project Plan No. 91994004E, 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 given full consideration to the recommendations of its Staff as presented at the hearing and/or set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, and that all findings remain in effect; and

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.



1. *The application would comply with all of the intents and requirements of the zone.*

The Application complies with all intents and requirements of the zone. Pursuant to Sec. 59.7.7.1.B.3 (Exemptions), the Application is being amended under the Residential Mixed-Use (RMX-2) development standards of the 2004 Zoning Ordinance. The Application complies with all applicable development requirements of the RMX-2 zone.

The Application complies with the intent of the mixed-use zone by providing a pedestrian-friendly and walkable town center through mixed-use density, on-street parking, and an activated public plaza with a splash fountain. The larger footprint grocery store building is situated behind street-facing commercial uses, which works to foster a walkable scale town center.

2. *The application would be consistent with the applicable sector plan or urban renewal plan.*

The Application is consistent with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (“Master Plan”). The modifications are consistent with and do not change the Master Plan conformance findings of previous approvals. The Application meets the eight policy objectives of the Master Plan for the Town Center (p. 15-30). In terms of land use objectives (p. 44), the Application conforms to the recommended Master Plan mix of housing unit types as shown below:

*Table 2 - Master Plan mix of housing types*

Housing Type	Master Plan Recommendation	Approved by Site Plan No. 82007022D	Approved by this Project Plan Amendment
Multi-Family	25 to 45%	18.1%	30.1%
Attached	30 to 50%	60.3%	52.9%
Detached	10 to 20%	19.6%	16.9%

3. *Because of its location, size, intensity, design, operational characteristics and staging the application would be compatible with, and not detrimental to, existing or potential development in the general neighborhood.*

The location, size, intensity, design, operational characteristics and staging are compatible with and not detrimental to existing and potential development in the general neighborhood. The Application increases the total number of residential units from 1,106 to 1,295 and reduces commercial density from 206,185 square feet to 106,920 square feet. The proposed number of dwelling units remains below the originally approved and tested plan of 1,300 dwelling units. This includes an approximately 55,000-square foot grocery store. The location, size and intensity of the development continue to be compatible with the Clarksburg Historic District to the west, the Highlands at Clarksburg and Clarksburg Village developments to the south, and Clarksburg Ridge and Catawba Manor developments to the north.

The design elements utilized are compatible with existing development by providing similar street-oriented development with minimal setbacks, parking and servicing in rear, and new residential units located in mixed-use buildings. In addition, material selection for architecture and streetscape is also compatible with the surrounding community. Elements of the previously approved Design Guidelines were incorporated in the site plan, including architectural elevations of both commercial, mixed-use, and residential buildings.

The design and operation of the proposed drive-thru facilities are compatible with the commercial area. The queuing area is adequate, access is via St. Clair Road, service windows are located behind the main buildings, and drive aisles provides adequate stacking.

The operational characteristics are compatible with existing and future developments because the Overall Property was planned with a Town Center commercial core, and it is supported by the Master Plan. All necessary transportation networks are in place to accommodate the Application. This Application represents the last portion of Clarksburg Town Center community, and it will be built in one phase.

4. *The application would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The Application will not overburden existing public facilities and services nor those programmed for availability concurrently with construction. The single-phase staging program provides a timely provision of services and infrastructure. The Application satisfies the LATR/PATR requirements of the Adequate Public Facilities (APF) review that were in place at the time of Preliminary Plan 11995042A approval. The Application density conforms with the previously approved limits. The Overall Property is not located within a transportation management district. Other public facilities and services are available and adequate to serve the development. The Overall Property is in the W-1 and S-1 water and sewer service categories, respectively, and will connect to public water and sewer lines.

The Application was reviewed by MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on January 17, 2024. The Fire Department Access Plan indicates that access is adequate utilizing public road infrastructure.

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards in effect at the time that the APF was granted.

5. *The application would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

For this Application, the optional method of development is more efficient and desirable than the standard method. The optional method allows for greater densities in exchange for greater public amenities and facilities. The residential density increased from 6.19 to 6.32 dwelling units per acre. The commercial density decreased from 0.18 to 0.01 floor-area-ratio (FAR). The Application continues to provide an extensive number of existing public amenities. These public amenity facilities include two local parks, a greenway, public plaza, location for a civic building with parking, and a new community building next to the resident's club with an additional parking area.

Overall, the public facilities and amenities provided support the mix of uses and densities proposed. The use of the optional method of development in the RMX-2 zone is necessary to achieve the vision and recommendations in the Master Plan. Therefore, the optional method of development is efficient and desirable.

6. *The application would include moderately priced dwelling units (MPDU) under Chapter 25A if the requirements of that chapter apply.*

The Application provides 12.5 percent of the total 189 multi-family units as MPDUs, which equals an additional 23 MPDU units. The overall development includes a total of 162 MPDUs, inclusive of the 23 units proposed, as required by Chapter 25A and as approved by DHCA.

7. *When a project plan includes more than one lot under common ownership, or is a single lot contained two or more CBD zones, and would transfer public open space or development density from one lot to another, or transfer densities within a lot with two or more CBD zones, under 59-C-6.2351 or 59-C-6.2352, the Planning Board may approve the project plan only if: When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if:*

The project will result in an overall land use configuration that is significantly superior in meeting the goals of the Master Plan and the zone than what could be achieved without the proposed transfer using the optional method of development. Without the transfer of public open space and density, the amenities and facilities provided would not be possible under the standard method of development. The greenway, open spaces, parks, recreational amenities, and landscaping provide a comprehensive system of community amenities, which are in addition to the minimum standards.



*8. Any applicable requirements for forest conservation under Chapter 22A.*

The Application satisfies all of 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. Additional discussion and findings for Forest Conservation Plan Amendment F20230380 are contained in the approval resolution associated with the Forest Conservation Amendment F20230380, approved concurrently with this approval, and incorporated herein.

*9. Any applicable requirements for water quality resource protection under Chapter 19.*

The Application received an approved Revised Final Water Quality Plan/Site Development Management Plan from the Montgomery County Department of Permitting Services, Water Resources Section on January 17, 2024. The Application will meet stormwater management goals through Environmental Site Design (ESD) and existing structural elements.

*10. When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:*

This finding is not applicable to this Application

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is

March 25, 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 the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, 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, March 21, 2024, in Wheaton, Maryland and via video conference.



---

Artie L. Harris, Chair  
Montgomery County Planning Board

**Robert R. Harris**, Attorney  
Lerch, Early & Brewer, Chtd.  
7600 Wisconsin Ave  
Suite 700  
Bethesda, MD 20814

Adrienne and Demetrios (Jim) Elefantis  
23800 Branchbrier Way  
Clarksburg MD 20871

Kathy Crapo  
No Address Listed

Luis Segrera  
12857 Clarksburg Square Road  
Clarksburg, MD 20871

Kathie Hulley  
4119 Woodspring Lane  
York, PA 17402

Lynn Fantle  
12711 Clarks Crossing Dr.  
Clarksburg, MD 20871

Barry Fantle  
12711 Clarks Crossing Dr  
Clarksburg, MD 20871

Amy Presley  
23506 Sugar View Drive  
Clarksburg, MD 20871

Dawn Huntley-Mucci  
23510 Overlook Park Drive, Unit A  
Clarksburg, MD 20871

Steve Feather  
No Address Listed

Domenic & Cynthia Cicalese  
23830 Burdette Forest Rd  
Clarksburg, MD 20871

Mark & Linda Lieberman  
23402 Clarksridge Rd.  
Clarksburg, MD 20871

William Whelan  
101 Monroe Street  
10th Floor  
Rockville Maryland 20850

Clarksburg Homeowners Association,  
Inc.  
12901 Sugarloaf Chapel Drive # 15  
Clarksburg, MD 20871

Maritza Boekhoudt  
12831 Murphy Grove Terrace  
Clarksburg MD 20871

Deborah D'Attilio  
23522 Sugar View Dr,  
Clarksburg, MD 20871

Tracie Strucker  
No Address Listed

Greg Ossont  
101 Monroe Street, 9th Floor  
Rockville, Maryland 20850

Kubit, Kate  
1355 Beverly Road  
Suite 240  
McLean VA 22101

Flanagan, David  
1355 Beverly Road,  
Suite 240  
McLean VA 22101

Foster, Kevin  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Longfellow, Tim  
3909 National Drive  
Suite 250  
Burtonsville, MD 20866

Andrew Kohler  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Ni Paul  
One Park Place, Suite 250  
Annapolis, MD 21401

Larry Frank  
1400 Spring Street, Suite 320  
Silver Spring, MD 20910

David Samba  
11400 Commerce Park Drive  
Suite 400,  
Reston, VA, 20191

Jack O'Hara  
1000 S. Second Street  
Sunbury, PA 17801-0471

Rebecca Torma  
101 Monroe Street, 10th Floor  
Rockville MD 20850

Marie LeBaw  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Sam Farhadi  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902



# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

March 25, 2024

MCPB No. 24-026

Preliminary Plan Amendment No. 11995042E

**Clarksburg Town Center**

Date of Hearing: February 29, 2024

## RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, by a Revised Opinion dated March 26, 1996, the Planning Board approved Preliminary Plan No. 119950420, for 1,300 residential dwelling units, 150,000 square feet of retail uses, and 100,000 square feet of office uses on approximately 267 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Road and Frederick Road (MD 355) ("Overall Property"), in the Clarksburg Policy Area, and 1994 Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan"); and

WHEREAS, on August 14, 2001, the Planning Board approved an amendment to the preliminary plan designated Preliminary Plan No. 11995042R to include a grading plan and borrow plan (off-site stockpile) on the Overall Property; and

WHEREAS, on July 16, 2009, the Planning Board approved an amendment to the preliminary plan designated Preliminary Plan No. 11995042A (MCPB No. 08-163) for 194,720 square feet of commercial uses, including up to 69,720 square feet of specialty retail, and 1,213 residential dwelling units, including 12.5 percent moderately priced dwelling units ("MPDUs") on the Overall Property; and

WHEREAS, on September 21, 2015, the Planning Board approved an amendment to the preliminary plan designated Preliminary Plan No. 11995042B (MCPB No. 15-92) to reduce the total number of residential units to 1,120; increase the overall commercial density to 206,185 square feet, including the addition of office and medical uses; revise the design and layout of the commercial core; add a new community building to the resident's club; add a parking area on Sinequa Square; redesign Block H; and revise Kings Pond Local Park and Piedmont Woods Local Park on the Overall Property; and

WHEREAS, on March 30, 2016, the Planning Board approved an amendment to the preliminary plan designated Preliminary Plan No. 11995042C (MCPB No. 16-036) to replace 11

---

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

multi-family units (including 3 MPDUs) with nine (9) one-family attached units, including three (3) MPDUs, and one (1) HOA parcel on the Overall Property; and

WHEREAS, on January 6, 2022, the Planning Board approved an amendment to preliminary plan designated Preliminary Plan No. 11995042D (MCPB No. 22-002) to convert 24 manor home condominium units (including 8 MPDUs within 2 buildings), on Block M, Parcel A and Block S, Parcel C, to 12 rear-loaded townhouse dwelling units (including 7 MPDUs) on the Overall Property; and

WHEREAS, on June 28, 2023, Elm Street Development (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, update amenities, and make parcel revisions on the Overall Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 11995042E, Clarksburg Town Center (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 29, 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 Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11995042E to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, update amenities, and make parcel revisions on the Subject Property with the following conditions:<sup>1</sup>

The following conditions supersede and replace in their entirety all previous conditions:

### **General Approval**

1. This Preliminary Plan Amendment is limited to lots and parcels for 219 detached houses, 686 townhouses, 390 multi-family dwelling units<sup>2</sup>, a minimum of 12.5% Moderately

---

<sup>1</sup> 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.

<sup>2</sup> 390 multi-family units on the Overall Property includes 189 new multi-family units proposed on the Subject Property.

Priced Dwelling Units (MPDU), 106,920 square feet of commercial uses<sup>3</sup>, changes to the mix of uses, minor revisions to the site layout and stormwater management, and the reconfiguration of eight (8) parcels into seven (7) parcels on the Overall Property. .

### **Adequate Public Facilities**

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan is extended and will remain valid until March 26, 2029 (as defined in Montgomery County Code Section 50.4.3.J.5).

### **Plan Validity Period**

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period; a final record plat for all modified property lines delineated on the approved Preliminary Plan for proposed Parcel P, Parcel Q, Parcel R, Parcel S, and Parcel U of Block GG; and Parcel G and Parcel H of Block CC (“Subject Property”) must be recorded in the Montgomery County Land Records or a request for an extension filed.

### **Outside Agencies**

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 27, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

#### Right-of-Way Permitting

- a. All existing brick sidewalks are subject to maintenance and liability covenants.
  - b. Private streets to be built to tertiary roadway structural standards.
  - c. All pavement/parking markings are subject to MCDOT review and approval at the time of permit.
5. Before recording a plat for Parcel P, Parcel Q, Parcel R, Parcel S, and Parcel U of Block GG; and Parcel G and Parcel H of Block CC on the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
  6. 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 January 17, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the

---

<sup>3</sup> If there is no adverse impact on the Preliminary Plan or Site Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to other allowed commercial uses, including office or medical office.



recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 17, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its December 19, 2023 letter, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### **Future Site Plan Approval Required**

9. On the Subject Property, provide a plaza with a splash fountain, allowing public access, as shown on the site plan.
10. Before clearing or grading or recording a plat, Staff certification of a Planning Board-approved site plan must be approved. The number and location of site elements, including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined through site plan review and approval.
11. If an approved site plan or site plan amendment substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, a Preliminary Plan amendment must be approved before certification of the site plan or site plan amendment.

#### **Frontage Improvements**

12. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. All land necessary to accommodate thirty (30) feet from the existing pavement centerline along the Subject Property frontage of Clarksburg Square Road, for a total right-of-way width of sixty (60) feet.

#### **Private Road**

13. The Applicant must provide and maintain Private Road (Saint Clair Road) on the Subject Property, 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. The record plat must 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 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, 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.

### **Schools**

14. Before issuance of each building permit for a residential dwelling unit on the Subject Property, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the 2020-2024 Growth and Infrastructure Policy, as follows:

- a. No elementary school UPP required;
- b. No middle school UPP required; and
- c. A Tier 2 high school is required.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

### **Record Plats**

15. The record plat must show necessary easements.
16. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
17. The record plat must reflect all areas under homeowners' association ownership and specifically identify stormwater management parcels.

### **Notes and Labels**

18. The record plat must reflect all areas under common ownership.
19. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

### **MPDUs**

20. The final number of MPDUs, as required by Condition No. 1 above, will be determined at the time of site plan approval.

### **Certified Preliminary Plan**

21. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) or site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

22. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes: Show resolutions and approval letters on the certified set.



**Prior Conditions: Satisfied or required of Prior applicants**

Prior conditions are for Preliminary Plan Nos. 119950420, 11995042A, 11995042B, 11995042C, 11995042D, 1199504R; and are provided here for reference and are not required of the current Applicant.

23. Before any work, activity, encroachment, or entry on parkland or future parkland, the Prior Applicant must obtain a Park Construction Permit from MNCPPC Parks Department.
24. The Prior Applicant must dedicate to M-NCPPC the approximately 66-acre portion of the Overall Property identified as Parcel 200, Tax Map EW42 for use as a local park per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Prior Applicant is to complete improvements on the property to be dedicated, the Prior Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.
25. The Prior Applicant must dedicate to M-NCPPC the following properties shown on Preliminary Plan No. 11995042B:
  - a. Parcel A, Block V at approximately 0.09 acres
  - b. Parcel C, Block V at approximately 0.30 acres
  - c. Parcel D, Block V at approximately 4.79 acres
  - d. Parcel Q, Block A at approximately 11.05 acres

The properties are for use as the Greenway and a shared use path connecting Clarksburg Road to Stringtown Road per the Clarksburg Master Plan. The land must be dedicated to the M-NCPPC in a form of deed approved by the Office of General Counsel, which Liber and Folio must be noted on the record plat. At the time of conveyance, the property must be free of any trash and unnatural debris. In the event the Prior Applicant is to complete improvements on the property to be dedicated, the Prior Applicant must enter into a Recreational Facilities Agreement (RFA) or a Park Permit with the Department of Parks. Both the deed and the RFA/Park Permit must be in a form approved by the Department of Parks and the Office of General Counsel.

26. Parcel K, Block BB as shown on the Preliminary Plan Amendment No. 11995042B must be made available for dedication to Montgomery County in accordance with development program triggers in the certified site plan.
27. Dedication of the proposed park/school, as shown on the Prior Applicant's revised preliminary plan drawing approved with Preliminary Plan No. 119950420, is to be made

to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

- a. M-NCPPC and the Prior Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing (Sheet 2 of 3 of Preliminary Plan No. 119950420) set out on Circle Page 49 of the staff report submitted to the Board for its September 28, 1995 public hearing, will occur prior to the execution of the Site Plan Enforcement Agreement.
  - b. Dedication of the approximately eight (8) acre area, identified as area "A" (Sheet 2 of 3 of Preliminary Plan No. 119950420) on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
  - c. The Prior Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately eight (8) acres of dedicated land at a time which ensures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.
  - d. In the event that dedication occurs when funds for the proposed school are shown in the CIP, Prior Applicant will complete work on the replacement fields prior to the construction of the proposed school.
  - e. In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F," (Burdett Forest Road) as shown on the revised preliminary plan, Prior Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Prior Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" (Burdett Forest Road) begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.
28. In accordance with Condition #No. 27 above and Preliminary Plan No. 119950420, Prior Applicant must enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of the replacement athletic fields must occur as specified in Condition No. 27 above.
29. Construction Overlook Park Drive from St. Clair Road to Clarksburg Square Road must be complete and this road segments must be open to traffic prior to issuance of Use & Occupancy permit for any of Clarksburg Town Center retail development.

30. Dedication of the following roads as shown on plan must be provided as follows:
  - a. Clarksburg Road (MD RT 121) for ultimate 80' right-of- way.
  - b. Piedmont Road (Master Plan A-305) for ultimate 80' right-of-way.
  - c. Stringtown Road (Master Plan A-260) for ultimate 120' right-of-way.
31. The Prior Applicant must dedicate and show on the record plat(s) the following dedications and rights-of-way:
  - a. East Side
    - i. Clarksmeade Drive - 25 feet from centerline of pavement
    - ii. Clarks Crossing Drive - 25 feet from centerline of pavement
    - iii. Clarksburg Square Road - 30 feet from centerline of pavement
    - iv. Catawba Hill Drive - 25 feet from centerline of pavement
  - b. West Side (Public)
    - i. Clarksburg Square Road - 30 feet from centerline of pavement
    - ii. Ebenezer Chapel Road - 25 feet from centerline of pavement
    - iii. Public House Road - 30 feet from centerline of pavement
    - iv. Overlook Park Drive - 53 feet total width
  - c. West Side (Private)
    - i. Martz Street - within a 48-foot-wide right-of-way/parcel
32. The Prior Applicant must dedicate all road rights-of-way not referenced above to the full width mandated by the Clarksburg Master Plan or as shown on the preliminary plan as may be amended.
33. All road improvements must be constructed within the rights-of-way shown on the preliminary plan as may be amended to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
34. Prior to recordation of any plat containing property that is subject to the road abandonment petition, the Prior Applicant must submit a copy of the County Council Resolution confirming the necessary abandonment of portions of the previously dedicated rights-of-way for Overlook Park Drive, Clarksburg Square Road, and Clarksridge Road.
35. Prior to approval of the first record plat for private streets on the West Side, the Prior Applicant must provide for review and approval by Staff, a public use and access



easement to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following for all private streets:

- a. Each private street must be located within its own parcel, separate from the proposed development, and must be shown on the record plat.
  - b. Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area and must accommodate public utility easements.
  - c. Obligation for the Prior Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Prior Applicant's expense.
  - d. Obligation to install traffic control devices within the private street easement area, based on prevailing standards, at the County's request, and at the Prior Applicant's expense.
  - e. Obligation for the Prior Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense.
  - f. Obligation for the Prior Applicant to keep the streets free of snow, litter and other obstructions and hazards at all reasonable times, at the Prior Applicant's expense.
  - g. Entitlement for the Prior Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public. Closure for recreational purposes, i.e., Block Parties, Parades, Races, etc., must follow MCDOT protocol to include, but not be limited to:
    - i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
    - ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
    - iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
    - iv. Written notice in accordance with adopted MCDOT standards.
    - v. Coordination with affected civic associations, homeowner's associations and businesses to be notified in writing two weeks prior to event.
    - vi. Dimensions of signage in accordance with adopted MCDOT standards.
36. The following phasing requirements are conditioned upon issuance of building permits for Preliminary Plan No. 119950420.
- a. The first 44 dwelling units without any off-site road improvements.

- b. After the 44th building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
  - c. After the 400th building permit, the developer has two options:
    - i. Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
    - ii. Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.
  - d. After the 800th building permit, the developer must start construction of remaining section of A-260 to A- 305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.
  - e. Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.
37. The following phasing requirements are conditioned upon issuance of building permits for Preliminary Plan No. 11995042A.
- a. Construction of (1) Public Road A from Stringtown Road to Overlook Park Drive, (2) Overlook Park Drive from Public Road A to Clarksburg Square Road, and (3) Clarksburg Square Road connection from Overlook Park Drive to Burdette Forest Drive in the residential area to the north must be complete and these road segments must be open to traffic prior to release of 901st residential building permit and prior to issuance of Use & Occupancy permit for any of Clarksburg Town Center retail development.
  - b. Construction of Stringtown Road from Public Road A to Snowden Farm Parkway must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
  - c. Reconstruction of Clarksburg Road from Overlook Park Drive to Snowden Farm Parkway must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
  - d. Construction of Snowden Farm Parkway for a length of approximately 400 feet east of Clarksburg Road to complete the gap that currently exists at this location must be complete and this road segment must be open to traffic prior to release of 1,101st residential building permit.
  - e. Reconstruction of Clarksburg Road from Overlook Park Drive to Spire Street must be complete and this road segment must be open to traffic prior to release of

Use & Occupancy permit for any of the Clarksburg Town Center retail development.

- f. Reconstruction of Clarksburg Road from MD 355 to Spire Street must be complete in participation with MCDOT.
  - g. Construction of eastbound and westbound left-turn lanes along Clarksburg Road at MD 355 must be complete and these road segments must be open to traffic prior to release of 1,101st building permit.
38. Certified Preliminary Plan No. 11995042B and record plats must note and delineate the limits of the following rights-of-way abandonments:
- a. Council Resolution No. 16-1487, "AB722, Portion of Clarksridge Road"
  - b. Council Resolution No. 16-1488, "AB720, Portions of Overlook Park Drive"
  - c. Council Resolution No. 16-1489, "AB721, Portion of Clarksburg Square Road"

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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.

- 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.***

This Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed parcel sizes, widths, shapes, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the commercial uses and residential buildings contemplated for the Subject Property.

On the Subject Property, the Applicant proposed to reconfigure eight (8) parcels to seven (7) parcels due to adjustments in the location of buildings, circulation, parking, and expected ownership. The parcels were reviewed for compliance with the requirements for the RMX-2 zone as specified in the Zoning Ordinance. The parcels as proposed will meet applicable dimensional requirements for area, frontage, width, and setbacks in the zone.



The design and operation of the proposed drive-thru facilities are compatible with the commercial area. The queuing area is adequate, access is via St. Clair Road, service windows are located behind the main buildings, and drive aisles provide adequate stacking.

The Application has been reviewed by other applicable county and state agencies, all of whom have recommended approval of the plan.

## ***2. The Preliminary Plan substantially conforms to the Master Plan.***

The Application is consistent with and is in substantial conformance with the recommendations adopted in the Master Plan (both the 1994 *Clarksburg Master Plan* and the 2011 *Limited Amendment*). The modifications proposed by this Amendment are consistent with the master plan conformance findings of previous approvals. The Application meets the following applicable Master Plan policy objectives:

### **Create a Town Scale of Development**

The Master Plan reinforces the town center concept that it be a mixed-use, walkable area with “retail and employment use at a pedestrian scale and oriented to the needs of residents” (1994 Master Plan, page 28). As mentioned on page 11 of the 2011 Limited Amendment, “[t]he majority of residents strongly believe that neighborhood-serving retail uses in Clarksburg are long overdue.” Today there are even more residents in the Town Center and surrounding neighborhoods that could benefit from additional retail uses, especially if such uses are located within walking distance or a much shorter drive for Town Center residents.

In the Master Plan, the town center is envisioned as the focal point of public activities with a street system that facilitates pedestrian and automobile movement. The 1994 Master Plan “[p]roposes a pattern of development similar to traditional ‘town squares’” (p. 26) and “[d]iscourages separation of uses” (p. 28). The 1994 Master Plan encourages interconnected streets that provide “more direct access for pedestrians, bicyclists, and vehicles to all areas of the neighborhood, including transit stations, retail stores, civic space, and residences” (p. 28). The 1994 Master Plan encourages a mix of housing types in each neighborhood and recommends that buildings be clustered along streets” (p. 28).

The Application reinforces the Master Plan’s vision as a transit- and pedestrian-oriented community with the town center as the focus of community life. It also conforms to the Master Plan’s vision of a traditional neighborhood design with street facing residential units in mixed-use buildings.

### **Natural Environment**

The Application protects the natural environment through Environmental Site Design (ESD) and existing structural elements. Existing mature trees will be preserved and augmented with additional street trees and tree canopy coverage provided in parking lots. The Application follows the Master Plan guidance for a modest amount of mixed-use development intended to serve neighborhood needs rather than regional needs.

### **Town Center**

The Application establishes a strong identity for the new mixed-use core with a traditional town character as recommended in the Master Plan. The neo-traditional layout of the community complements the character of the Historic District in the scale of the development, the layout of the residential uses surrounding a mixed-use commercial core, all interconnected by streets, sidewalks, and trails. The Application provides commercial uses and additional residential units, and a central plaza with a splash fountain as an active amenity for all local residents, which creates the urban town center the Master Plan envisions.

### **Transit- and Pedestrian-Oriented Neighborhoods**

The Application includes a mix of retail and residential uses clustered within the mixed-use core. Mixing retail and residential uses in the central core means that residents will have easy access to goods and services and furthers the Master Plan goal that discourages the separation of uses. A pedestrian friendly environment is reinforced by creating human scale streetscapes with buildings placed close to the public realm, with ample sidewalks and shade trees.

### **Employment**

The Application incorporates retail uses and a grocery store within an interconnected community area as envisioned in the Master Plan. As envisioned by the Master Plan, the creation of 106,920 square feet of commercial space will increase employment opportunities for the broader community.

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

The Applicant requested to extend the validity period for the determination of adequate public facilities (APF) for five years until March 26, 2029. The Amendment does not propose any additional development above the amount approved in the original preliminary plan, as amended. There are no additional public improvements necessary beyond those required for the original preliminary plan, as amended. As discussed below, the Amendment does not require a new traffic study, and with a condition requiring a Utilization Premium Payment (UPP) payment for schools, the Amendment is safe, efficient, and adequate.

### **Roads and other Transportation Facilities**

#### ***a. Existing Facilities:***

Existing bicycle facilities in the town center include a 10-foot sidepath along Overlook Park Drive, defining the northeastern boundary of the Site. The sidepath provides an important southward connection to the Clarksburg Greenway Trail, which begins at Subject Property's southern boundary on Stringtown Road. Additionally, a 6-foot sidewalk exists along the Subject Property's frontage on Clarksburg Square Road. At present, there are no public transit routes serving Clarksburg Square Road, Saint Clair Road, in proximity of the Subject Property. The closest bus routes operate on Stringtown Road to the south and Clarksburg Road to the north. This Application does not propose or require any new public transit infrastructure.

***b. Planned Facilities:***

The existing sidepath on Overlook Park Drive is derived from the 2018 *Bicycle Master Plan* represents the only planned and built bicycle facility. Saint Clair Road, which runs north-south through the Subject Property, does not contain any master-planned bicycle facilities, although the road will be completed with adequate pedestrian facilities to serve the new uses. Serving the commercial core, bicycle racks are proposed along the length of Saint Clair Road.

***i. Local Area Transportation Review (LATR)***

The previous approval for the site consisted of 129,545 square feet of retail uses and 76,640 square feet of office space. This Amendment includes the elimination of the office space and a reduction of the retail space to 106,920 square feet. Additionally, the changes in use include 189 new multifamily dwelling units. With the reduction and change in use, the Application is poised to generate a net decrease of 74 person trips in the morning peak hour and a net decrease of 159 person trips during the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* (“GIP”) requires a Transportation Exemption Study (“TES”) for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. Therefore, the LATR review is satisfied with the Applicant’s transportation exemption statement.

**Schools**

The fiscal year 2024 Annual School Test, approved by the Planning Board on June 22, 2023, and effective July 1, 2023, is applicable to the Application. The Applicant proposed 89 multi-family high-rise units and 100 multi-family low-rise units (the “Project”).

The Project is served by Little Bennett Elementary School, Rocky Hill Middle School and Clarksburg High School. Based on the fiscal year 2024 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 1, below:

*Table 1 Applicable FY2024 School Adequacy*

School	Projected School Totals, 2027				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Little Bennett ES	620	568	91.6%	+52	No UPP	137	176	269
Rocky Hill MS	1,012	1,035	102.3%	-23	No UPP	103	180	332
Clarksburg HS	2,034	2,612	128.4%	-578	Tier 2 UPP	-	-	134

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test.



Under the fiscal year 2024 Annual School Test, Little Bennett Elementary School and Rocky Hill Middle School do not require any UPP; however, Clarksburg High School requires a Tier 2 UPP as identified in Table 1 above. If the project is estimated to generate more students than the identified adequacy ceilings, then additional UPPs or partial payments at multiple tiers are required. As a condition of approval, a Tier 2 high school UPP payment is required.

*Table 2 - Estimated Student Enrollment Impacts*

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.185	0.000	0.102	0.000	0.154	0.000
SF Attached	0	0.218	0.000	0.119	0.000	0.167	0.000
MF Low-rise	100	0.116	11.600	0.061	6.100	0.081	8.100
MF High-rise	89	0.073	6.497	0.042	3.738	0.053	4.717
TOTALS	189	-	18	-	9	-	12

**Other Public Facilities and Services**

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will connect to public water and sewer lines. The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on January 17, 2024 (Attachment C). The Fire Department Access Plan indicates that access is adequate utilizing public road infrastructure. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 GIP in effect at the time that the Application was accepted.

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

The Application 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. Additional discussion and findings for Forest Conservation Plan Amendment F20230380 are contained in the approval resolution associated with the Forest Conservation Plan Amendment F20230380, approved concurrently with this approval, and incorporated herein.

***5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

The Application received an approved Revised Final Water Quality Plan/Site Development Management Plan from the Montgomery County Department of Permitting Services, Water Resources Section on January 17, 2024. The Application will meet stormwater management goals through Environmental Site Design (ESD) and existing structural elements.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Cemetery Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

There are no other applicable provisions specific to the Application that are necessary for approval of this Application

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

March 25, 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 the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, 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, March 21, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board

**Robert R. Harris**, Attorney  
Lerch, Early & Brewer, Chtd.  
7600 Wisconsin Ave  
Suite 700  
Bethesda, MD 20814

Adrienne and Demetrios (Jim) Elefantis  
23800 Branchbrier Way  
Clarksburg MD 20871

Kathy Crapo  
No Address Listed

Luis Segrera  
12857 Clarksburg Square Road  
Clarksburg, MD 20871

Kathie Hulley  
4119 Woodspring Lane  
York, PA 17402

Lynn Fantle  
12711 Clarks Crossing Dr.  
Clarksburg, MD 20871

Barry Fantle  
12711 Clarks Crossing Dr  
Clarksburg, MD 20871

Amy Presley  
23506 Sugar View Drive  
Clarksburg, MD 20871

Dawn Huntley-Mucci  
23510 Overlook Park Drive, Unit A  
Clarksburg, MD 20871

Steve Feather  
No Address Listed

Domenic & Cynthia Cicalese  
23830 Burdette Forest Rd  
Clarksburg, MD 20871

Mark & Linda Lieberman  
23402 Clarksridge Rd.  
Clarksburg, MD 20871

William Whelan  
101 Monroe Street  
10th Floor  
Rockville Maryland 20850

Clarksburg Homeowners Association,  
Inc.  
12901 Sugarloaf Chapel Drive # 15  
Clarksburg, MD 20871

Maritza Boekhoudt  
12831 Murphy Grove Terrace  
Clarksburg MD 20871

Deborah D'Attilio  
23522 Sugar View Dr,  
Clarksburg, MD 20871

Tracie Strucker  
No Address Listed

Greg Ossont  
101 Monroe Street, 9th Floor  
Rockville, Maryland 20850

Kubit, Kate  
1355 Beverly Road  
Suite 240  
McLean VA 22101

Flanagan, David  
1355 Beverly Road,  
Suite 240  
McLean VA 22101

Foster, Kevin  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Longfellow, Tim  
3909 National Drive  
Suite 250  
Burtonsville, MD 20866

Andrew Kohler  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Ni Paul  
One Park Place, Suite 250  
Annapolis, MD 21401

Larry Frank  
1400 Spring Street, Suite 320  
Silver Spring, MD 20910

David Samba  
11400 Commerce Park Drive  
Suite 400,  
Reston, VA, 20191

Jack O'Hara  
1000 S. Second Street  
Sunbury, PA 17801-0471

Rebecca Torma  
101 Monroe Street, 10th Floor  
Rockville MD 20850

Marie LeBaw  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Sam Farhadi  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

March 25, 2024

MCPB No. 24-027

Site Plan Amendment No. 82007022I

**Clarksburg Town Center**

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

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09- 15, approved Site Plan No. 820070220, for 194,720 square feet of commercial uses, which includes up to 69,720 square feet of specialty retail, 1,213 residential dwelling units including 152 moderately priced dwelling units ("MPDUs"); on approximately 270 acres in the RMX-2 and RDT zones; located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355) ("Overall Property"); in the Clarksburg Policy Area, and 1994 Clarksburg Master Plan and Hyattstown Special Study Area, as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment , designated as Site Plan Amendment No. 82007022A (MCPB No. 10-59) to correct the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs on the Overall Property; and

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

WHEREAS, on July 23, 2015, the Planning Board approved an amendment , designated as Site Plan Amendment No. 82007022C (MCPB No. 15-81) for construction of a driveway approach onto Clarksridge Road, revised parking spaces, landscaping, lighting, and stormwater

---

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department



management facilities on Parcel A, Block HH in support of Site Plan Amendment No.820140050 on a portion of the Overall Property; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment, designated Site Plan Amendment No. 82007022D (MCPB No. 15-86), to allow a maximum of 206,185 square feet of commercial, which included 129,545 square feet of retail and 76,640 square feet of office, a maximum of 1,120 residential dwelling units (including 140 MPDUs), reconfirmed previously approved reduction in setbacks from adjacent commercially-zone properties, revised the layout of the commercial core, redesigned Block H, added a community building to the resident's club, added parking on Sinequa Square, revised Kings Local Park and Piedmont Woods Local Park on the Overall Property; and

WHEREAS, on June 28, 2023, Elm Street Development ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, update amenities, and make parcel revisions on approximately 26.3 acres in the CRT 0.75, C-0.25, R-0.5, H-65T zone; located along Saint Clair Road between Clarksburg Square Road and Stringtown Road ("Subject Property"); in the Clarksburg Policy Area and the 1994 Clarksburg Master Plan and Hyattstown Special Study Area, as amended in 2011 ("Master Plan") area; and

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

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 29, 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 Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan Amendment No. 82007022I to reduce commercial space from 206,185 to 106,920 square feet, replace approved office buildings with 189 multi-family units (including 12.5% MPDUs), reconfigure the commercial core, and update amenities on the Subject Property with the following conditions:<sup>1</sup>

---

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

The following Conditions supersede and replace all previous site plan conditions:

### **Density, Height & Housing**

1. Density

Overall Property Density. The Site Plan Amendment is limited to a maximum of 106,920 square feet of commercial development, 1,295 total dwelling units, consisting of 219 single-family detached, 686 single-family attached, and 390 multi-family units on 270.92 acres.<sup>2,3</sup>

Included in the Overall Project Density, the Subject Property is limited to 106,920 square feet of commercial development, including two drive-thru facilities, and 189 multi-family units on 26.3 acres.

2. Height

The development on the Subject Property is limited to a maximum height as measured from the building height measuring point, as illustrated on the Certified Site Plan, and as follows:

- a. Building 1: 65 feet
- b. Building 3: 35 feet
- c. Building 4: 70 feet
- d. Building 5: 35 feet
- e. Building 6: 35 feet
- f. Building 7: 35 feet
- g. Building 8: 35 feet
- h. Building 9: 65 feet

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated December 19, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.

---

<sup>2</sup> If there is no adverse impact on the Site Plan and the APF findings, and it is approved by Staff, the commercial square footage may change to other allowed commercial uses, including but not limited to office or medical office.

<sup>3</sup> 390 multi-family units include 189 new multi-family units proposed with this amendment.

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

### **Transportation and Circulation**

#### **4. Pedestrian and Bicycle Circulation**

- a) The Applicant must provide a minimum of 94 long-term and 12 short-term bicycle parking spaces.
- b) The Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space, as shown on the Certified Site Plan.
- c) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor of Building No. 1, and a bicycle room in the parking garage or in a bicycle room on the first floor of Building No. 9. Short-term spaces must be inverted-U racks (or approved equivalent) installed along St. Clair Road or in a location convenient to the main entrance of buildings (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- d) The Applicant must provide a total of three (3) bicycle repair stations, one station for each multi-family building and one near the Greenway Trail at Overlook Park Drive and St. Clair Road.
- e) Provide amended soil treatment in the planting beds on St. Clair Road from Overlook Park Drive to Clarksburg Square Road. The details of the amended soil treatment to be included in the Certified Site Plan.
- f) Provide wheel stops in surface parking areas abutting sidewalks.
- g) All brick sidewalks in the public right-of-way are subject to maintenance and liability covenants.

#### **5. Fire and Rescue**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 17, 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

### 6. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) Prior to the issuance of a residential Use and Occupancy certificate for Building No. 1, the Applicant must record a covenant allowing reasonable public access to the plaza and splash fountain.

### 7. 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.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the Overall Property line, and at Parcel Q where it abuts Parcel H Block GG; excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### 8. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or Use and Occupancy Certificate, 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 Subject Property (not in the public right-of-way), including, but not limited to the splash fountain and plaza, parking lot landscaping and trees, other



required landscaping, lighting, retaining walls, street furniture, and private storm drainage facilities. The surety must be posted before issuance of any building permit for development.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

9. Development Program

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

10. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, 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 and/or 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 and Rescue 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) The Applicant must make final architectural revisions to address Staff's comments as provided in the latest electronic version of the architectural elevations in ePlans.

### **Other conditions**

#### 11. Maintenance Responsibility

The Applicant or future maintenance organization shall be responsible for the future maintenance associated with the improvements to the Subject Property, including, but not limited to non-standard elements within the right-of-way, benches, lighting, landscaping, retaining walls, brick sidewalks, and parking areas.

#### 12. Architectural Design/Compatibility

The Town Architect must administer the release of building permits in accordance with the approved architectural drawings and specifications included in the prior Certified Site Plan. The Town Architect must certify that any proposed construction complies with the Certified Site Plan, and the certification must accompany each building permit application. The MCDPS must not issue a building permit unless accompanied by the Town Architect's certification.

#### 13. HOA Governing Documents.

The governing documents of any merchants association established to govern the retail core on the Subject Property and/or any documents establishing responsibility for common area maintenance within the retail core must be submitted to M-NCPPC's Office of the General Counsel for approval prior to issuance of the first Use and Occupancy Permit for the retail core. The Office of the General Counsel's review of the documents will be limited to assuring that responsibility for maintenance, capital improvements, or other operating expenses of the retail core are not the responsibility of the residential unit owners.

### **Prior Conditions: Satisfied or required of Prior applicants**

Prior conditions are for Site Plan Nos. 820070220, 82007022A, 82007022B, 82007022C, 82007022D, 82007022E, 82007022F, 82007022G, and 82007022H; and are provided here for reference and are not required of the current Applicant.

#### 14. Recreation Facilities

- a) The Prior Applicant must meet the square footage requirements for all of the applicable proposed new recreational elements, exclusive of the Sports Court for the Resident's Club, and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Prior Applicant shall provide the recreation facilities shown on the Overall Recreational Facilities Plan Exhibit dated September 15, 2008, as finalized by the Planning Board at the December 11, 2008, hearing.

- c) The Prior Applicant must provide the smaller sport court, referenced as "Plan B" in the November 20, 2008 exhibit provided by the Prior Applicant.
- d) The Prior Applicant must provide at a minimum the following recreational facilities onsite as shown on the prior Certified Site Plan:

*Table 1 - Prior Recreation Facilities*

<b>Location</b>	<b>Public facilities and amenities</b>
West Side	(1) tot lot Town Green including: - Amphitheater & stage - Open play area 1.1-acre civic parcel - Picnic/sitting Bike system/Pedestrian system
East Side	(1) Open play area I (1) Open play area II Picnic/sitting (1) Indoor community room Bike system Pedestrian system
Piedmont Woods Local Park	(1) multi-age playground (1) basketball (2) tennis courts (1) dog park Picnic/sitting Bike system Pedestrian system Nature trails Nature area
Greenway	Picnic/sitting Bike system Nature area
Kings Local Park	(1) multi-age playground (1) Fishing Pier Picnic/sitting Bike system Pedestrian system

15. Right-of-Way Permitting

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Right-of-Way Section in its letter dated June 19, 2015, and hereby incorporates them as conditions of approval. The Prior Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

- a) All existing brick sidewalks are subject to maintenance and liability covenants.

- b) Private streets to be built to tertiary roadway structural standards.
- c) All pavement/parking markings are subject to MCDOT review and approval at the time of permit.

16. Transportation

- a) Private Street #4 shall be revised to become Public Street 'A' with a 60-foot right-way, as approved by the Department of Transportation.
- b) Provide amended soil treatment a minimum of 10 feet back from the curb continuously along the public and private streets for the entire retail core, civic building and town green. The depth of the soil treatment shall be a minimum of three (3) feet.
- c) Provide wheel stops in surface parking areas abutting sidewalks.

17. Pedestrian & Bicycle Circulation

- a) The Prior Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space, as shown on the Certified Site Plan.
- b) Show 8-foot shared use path along Stringtown Road consistent with approved Stringtown Road engineering drawings approved in February 2013 (SC/SWM permit no. 242670).
- c) Prior Applicant must provide an ADA-accessible path connection from Snowden Farm Parkway to the internal sidewalk system on Murphy's Grove Terrace.
- d) The Prior Applicant must provide a brick paving sidewalk on Clarks Crossing Drive from its intersection with Clarksburg Square Road until the end of the existing brick paving along the side of the proposed Community Building and Sinequa Square.
- e) The Prior Applicant must construct a 4-foot-wide natural surface trail within the Greenway. The general alignment of the trail will be coordinated with M-NCPPC Parks Staff subject to field adjustments.

18. Public Use Space, Facilities, and Amenities

- a) Prior Applicant must convey the Clark Family Memorial to the Clarksburg Town Center HOA.
- b) Prior Applicant must adjust the fence location within the Clark Family Memorial per correspondence from the Clarksburg Historical Society dated June 23, 2015.



19. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578.

20. Landscape and Lighting

The Prior Applicant must provide the following:

- a) Additional landscaping within planting islands in the following alleys in the common areas:
  - i. East Side-Snow Hill, Block F;
  - ii. West Side-Dowden Mews, Block EE; Clarksridge Hideaway, Block FF at a minimum, the landscaping shall include ornamental/flowering trees, evergreen shrubs and grasses or groundcover in the islands to be installed by the Prior Applicant. Existing green areas or panels shall be planted with shade or ornamental/flowering trees, where space permits. The Prior Applicant shall provide, in writing, a letter to the affected homeowners of the additional landscaping to be installed no later than 15 days prior to installation of the landscaping. A copy of the letter shall be provided to the M-NCPPC.
- b) Eliminate the shrubs on the edge of the porous pavement in Basil Park Square Circle and group similar shrubs around the proposed ornamental/flowering trees on the east side of the park. Remove the elliptical area on the east side of the park.
- c) Revise the concrete wall in Sinequa Square with a stone wall similar in material to the material used on the Resident's Club/Community Center. The wall should be extended along with the grading to frame the view from Clarksburg Square Road. The proposed street trees shall be aligned to promote this visual viewshed.
- d) Provide additional flowering/ornamental and shade trees to serve as the focal feature to enhance the view from Clarksburg Square Road.
- e) Expand the base of the Grand Staircase to include a seating area with additional planting.

21. Enhancement Planting/Streetscaping and Amenities

Consistent with the provisions of the approved Compliance Program, the community has identified additional landscape enhancements to be provided by the Prior Applicant, and at the Prior Applicant's expense. The costs of the enhancements shall be applied against the \$1 million landscape enhancement fund established by the Plan of Compliance. The Prior Applicant and CTCAC must agree upon a list of enhancements and provide it to Site Plan review staff no later than December 31, 2008. The list of enhancements shall not include any items that were required as a result of prior site plan approvals. In the event a list is not timely submitted, or if the list is incomplete, meaning either that there is not complete agreement as to all of the enhancements or the total cost of the

enhancements is less than \$1 million, Site Plan staff shall decide the list of enhancements to be required. The list of enhancements approved by Site Plan staff must be reflected on the certified site plan, and shall not include any improvements required by a prior site plan approval. In the event the cost of providing the enhancements approved by the Site Plan staff is less than \$1 million, the balance shall be placed in escrow with an independent escrow agent approved by the M-NCPPC's Office of the General Counsel and transferred to the homeowners association ("HOA") when CTC residents take control of the HOA. The balance, or any portion thereof, must be used solely for landscape and streetscape enhancements maintenance, except that all reasonable fees charged by the escrow agent will be paid from the Balance. The HOA's expenditure of this balance is subject to audit by M-NCPPC.

## 22. Retaining Walls

- a) The Prior Applicant shall provide for an independent inspector to monitor the review, installation and maintenance needs of any retaining walls over five (5) feet.
- b) The retaining walls facing Stringtown Road shall be decorative to include a stone or brick veneer with a suitable continuous decorative cap.

## 23. Park Development

The Prior Applicant shall comply with the memorandum dated October 13, 2008, from Park Planning and Stewardship as outlined in the following conditions:

- a) Piedmont Woods Recreational Park:
  - i. Prior Applicant to dedicate and convey to M-NCPPC in fee simple the approximately 65-acre parcel of land located on the northeast side of Snowden Farm Parkway to be used as a recreational park facility. Land to be conveyed at time of record plat.
  - ii. Prior Applicant to construct at its expense within the park area the following recreational amenities:
    1. Multi-age Playground - A multi-age playground within an approximately 10,000 square foot area. Playground equipment to include enough equipment, including challenging equipment, so that the play equipment use zones fill the entire playground boundary. Overlap the play equipment use zones as much as is allowable by ASTM guidelines to maximize the amount of equipment and provide varied play activities for all ages. Play equipment shall be acceptable to Department of Parks staff and certified by the International Play Equipment Manufacturers Association (IPEMA), meet all ASTM requirements for public playgrounds and shall meet M-NCPPC park standards.
    2. Dog Exercise Area - A fenced dog exercise area of approximately the size and configuration shown on the proposed site plan.

- Fencing around the dog exercise area to include park standard concrete mow strip and to be located entirely outside the utility right of way. No stormwater management facilities to be located within the fenced areas. Include a maintenance vehicle access gate and a drinking water source for dogs within each section of the dog exercise area.
3. Hard Surface Courts - Two full-sized tennis courts and a full-sized basketball court approximately as shown on the site plan. Provide fencing at tennis courts and on the backside of the basketball courts (at least 4' high) with park standard concrete mow strips.
  4. Picnic Shelters - Three picnic shelters sufficiently sized to contain at least 3 picnic tables in each shelter. Each shelter to include a grill and at least 3 picnic tables.
  5. Restroom and Water Fountain - Centrally located restroom facility and frost-free water fountain.
  6. Parking Lot - Parking for a minimum of 55 cars approximately as shown on the site plan.
  7. Trails - Hard surface and natural surface trails to connect facilities and provide recreational benefits approximately as set forth on the site plan, to be located and sized as acceptable to M-NCPPC Department of Parks staff.
  8. Landscaping, Benches and Signage Landscaping and signage acceptable to M-NCPPC Department of Parks staff, and adequate benches for needed seating.
- iii. A park permit is required before construction of all park amenities. All facilities to be constructed by Prior Applicant must be acceptable to M-NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.
  - iv. Prior Applicant to execute a Public Use Easement and Public Improvements Easement for the purpose of access to and maintenance of the Greenway trail. Easements to allow the full right of public trail use and allow M-NCPPC Department of Parks the full right to maintain and make any improvements to the trail. Said easements to be acceptable to M-NCPPC legal staff as well as the Department of Parks staff.
  - v. Prior Applicant to address in its initial design the following comments to the satisfaction of M-NCPPC Department of Parks staff prior to the approval of the prior Certified Site Plan with the final design occurring prior to issuance of park construction permit:
    1. The style of the picnic shelters and proposed restroom building should fit with the character of the Clarksburg Town Center. Per previous comments, provide shelters and restroom building equal

to Classic Recreation Systems, Inc. "Campion" style steel frame shelter with custom ornamentation, cupola, 10:12 pitch metal roof with 2"x6" tongue and groove sub-roof, stone veneer piers and base.

2. The landscape plan must include more trees in clustered, informal groupings, particularly along the main path on Snowden Farm Parkway, along all other walkways, near the picnic shelters, at the edges of the parking lot, within parking lot planting islands, near the basketball court, around the playground, near all seating areas, and on open slopes within the park. Trees should be set back a minimum of 10 feet from paths and 15 feet from structures and fencing. The general quantities and locations of plants shall be determined prior to approval of the certified site plan. The exact types, sizes, spacing, locations and quantities of plants shall be reviewed and may be adjusted during the park permit approval process.
3. Provide additional paths or relocate paths at the tennis courts to meet ADA guidelines for accessible sports facilities. The guidelines require an accessible route to lead to each court. The paving around the restrooms and tennis courts should be simplified.
4. The minimum paved path width shall be five feet to meet ADA requirements. The minimum paved path width for multi-use trails and paths that require maintenance vehicle access is eight feet wide. The path from the parking lot to the dog park shall be ten feet wide and fully paved with ample vehicle turn-around room, as the dog park requires frequent maintenance access. The path around the playground area with its connections to the parking lot shall be widened to 8 feet to allow replenishment of playground surfacing. The paths around the edges of the parking lot may be narrowed in width if necessary to balance the amount of impervious surface in the park. The approximate alignments of trails and paths in the park shall be shown on the certified site plan, however they may be adjusted during the park permit review process.
5. Provide additional elements from the park program of requirements, including the following: a kiosk near the park entrance or restroom building (equal to Classic Recreation Systems, Inc. "Campion" style), a shade structure with seating in the dog park that could be shared by both areas, four nature interpretation signs with durable colored graphics along the natural surface trails, wild bird boxes in natural areas, and three seating areas with benches along the natural surface trail including a story-



telling circle.

6. Remove the bio-retention area from the interior of the dog park so that plantings are not trampled. Relocate the area outside of the fence.
7. If possible, reduce the number of bio-retention areas in the park, as these beds have high maintenance requirements and herbicides are not allowed to be used in these areas.
8. Provide a safe pedestrian crossing of Snowden Farm Parkway, in order to provide pedestrian access to the park from the surrounding neighborhood.
9. The park entrance pier and sign are too small to be effective. Provide a larger entrance sign for the park constructed of masonry and wood, designed to fit with the character of the Clarksburg Town Center as well as provide identity for the park.
10. Provide additional seating in the park, including at least one additional bench on each side of the dog park, at least 3 additional benches or a seat wall in or near the playground area, at least 3 additional benches along the trail on Snowden Farm Parkway, and benches along the natural surface trail system as described previously. The two benches in the lawn area adjacent to the playground should be moved onto the playground. Provide occasional groupings of two benches, rather than just single benches near the playground. The exact locations and selection of bench type shall be reviewed and approved prior to park permit, however there will likely be two types: a decorative type within the park, and a simpler version in the playground mulch areas and along natural surface trails.
11. Provide a hose bib on the exterior of the restroom and quick coupler connections on each side of the dog park for watering and maintenance.
12. The general quality of the park and all elements within the park (such as site furnishings, structures, pedestrian paving, fencing, walls and landscaping) shall be equal to or better than those provided at Arora Hills Local Park and Dowden's Ordinary Historic Park, which are other developer-built parks in Clarksburg.
13. Department of Parks staff would prefer to have no lighting in the park, since the park is closed at dark. However, parking lot lighting was indicated as a requirement in the plan of compliance. If lighting is provided within the park, all park facilities should be lighted, including the courts, dog park and restroom so that the park may be used after dark. Lighting the parking lot on its own could encourage illicit use of the park at night. Any decision regarding lighting should be reviewed and confirmed that it would

be acceptable to the community.

14. The lighting footcandle levels in the parking lot were reduced to 0.5 footcandles. If lighting is to be provided within the park, confirm that the lighting levels are appropriate, based on applicable standards (IESNA) and confirm that Park Police concurs with these recommendations. If Park Police recommends higher levels of lighting, additional fixtures may be required.
  - vi. Prior Applicant to address the comments in the memorandum dated October 13, 2008, to the satisfaction of M-NCPPC Department of Park staff at the time of park permitting.
  - vii. A Park Development Permit will be required for any improvements made to Park property or dedications for parkland. All facilities to be constructed by Prior Applicant must be acceptable to M-NCPPC Department of Parks staff and meet or exceed Parks design standards and specifications. Minor changes may be made to the location of facilities and to specific details during the Park Development Permit process, at the direction of the Park Development Division, without requiring an amendment to the site plan. Prior to approval, the Park Development Permit Set will also need to include sediment control/stormwater management drawings and calculations, utility drawings, tree protection measures, specification and all other information necessary to construct the Application.
  - viii. Plant species selections listed in the site plan set are considered preliminary, subject to the review and approval of the Park Development Division as part of the Park Development Permit process. Prior Applicant will review, and revise plant species based on direction from M-NCPPC Department of Parks staff.
  - ix. Prior to the issuance of the 1,051st building permit, the construction of Piedmont Woods Local Park must be installed per the approved Park Permit plans.
  - x. All plant material installed within the Piedmont Woods Local Park shall be warranted by the Prior Applicant for two years from the date of substantial completion.
  - xi. The heavily re-graded areas north of the proposed parking lot and northeast of the proposed dog park shall be stabilized, seeded and maintained per M- NCPPC Department of Parks approved specification for meadow establishment.
- b) Kings Local Park
- i. Prior to release of the 1001st Building Permit, all required improvements to Kings Local Park shall be installed per the approved Park Permit plans.
  - ii. A park permit is required before construction of all park amenities. All facilities to be constructed by Prior Applicant must be acceptable to M-

NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.

- iii. Prior Applicant to construct at its expense within the Local Park area the following recreational amenities:
- iv. Playground/Seating Area-A playground and seating area comparable to similar facilities in Aurora Hills Local Park (as shown on construction documents dated May 2007). The required facilities in Kings Local Park shall be comparable in size and design quality, including, but not limited to the quantity and quality of play equipment, surfacing, colored concrete edging and site furnishings. The facilities shall be shown on the certified site plan. Complete construction details and specifications shall be included and approved as part of the Park Permit for construction.
- v. Fishing Pier-A minimum eight (8) foot-wide, handicap accessible pier terminating in a 12' x 24' fishing pier platform shall be provided. The structure shall be constructed of recycled, engineered marine plastic such as Trelleborg or equal quality, and to include railings if determined by M-NCPPC Department of Park staff to be needed.
- vi. Handicap Accessible, Asphalt Trail - An eight (8) foot-wide, handicap accessible asphalt trail shall be provided from the corner of Overlook Park Drive and Clarksburg Road to the pond area and shall access the picnic shelters and playground area. The approximate alignment of the trail shall be shown on the certified site plan and may be adjusted during the park permit process.
- vii. Site Furnishings- Approximately 6 benches and a bike rack capable of holding 6 bikes shall be provided. Location and type shall be approved at the time of park permit.
- viii. Landscaping-A landscape plan shall be approved as part of the certified site plan. The exact species, size and number of plants may be adjusted during the park permit approval process.
- ix. Park entrance signage- Two (2) wood and stone park entrance signs shall be provided near (1) the parking area, and (2) at the corner of Clarksburg Road and Overlook Park Drive. Concept drawings shall be approved and included with the certified site plan. Construction details shall be approved as part of the park permit.
- x. Retaining Walls-Any needed retaining walls on park property shall be constructed of concrete block, similar to the existing walls at the corner of the school. Location, design, and height of the walls shall be shown on the certified site plan and may be modified at the time of park permit. Construction details and specifications shall be provided with the park permit.

c) Clarksburg Greenway and Greenway Trail

- i. Prior Applicant to dedicate and convey to M-NCPPC, in fee simple, the land east of Overlook Park Drive along the stream valley from Stringtown Road to Clarksburg Road, approximately as set forth in the site plan. Land to be conveyed shall not include any stormwater control facilities or stormwater access roads and shall be conveyed free of trash and unnatural debris. Final detailed park property boundaries to be finalized and clearly set forth on the certified site plan. Land to be conveyed at time of record plat.
- ii. Prior Applicant to construct, at its expense, an 8'-wide, hard surface trail along the southwest side of the Overlook Park Drive alignment, within publicly owned or controlled land. Trail to be constructed to park standards and specifications and construction to be coordinated with M-NCPPC Department of Parks and Montgomery County Department of Transportation staff.
- iii. Prior Applicant to provide a 4'-wide, natural surface trail system within the dedicated Clarksburg Greenway from Kings Local Park lake area to Stringtown Road. Trail to include a safe road crossing at Clarksburg Square Road, and a safe, adequate and well lighted alignment under Clarksburg Square Road. Alignment to be substantially as set forth on the site plan with final details of the alignment and construction details to be set forth on the certified site plan.
- iv. All trails to include bridges and boardwalk, where determined by M-NCPPC Department of Parks staff to be needed. An adequate number of benches to be located along trails.
- v. Provide a safe hard surface trail crossing of Stringtown Road and natural surface trail crossing of Clarksburg Square Road. Provide details of Greenway Trail connection to Clarksburg Village section of trail, including crossing of Stringtown Road and crossing of road bridge. Details to be provided by Prior Applicant on certified site plan.
- vi. All plantings and landscaping in the Clarksburg Greenway, Kings Local Park, and Piedmont Woods Recreational Park to be approved by M-NCPPC Department of Parks staff. All plantings and landscaping to be consistent with the guidance set forth in the letters from Holly Thomas to Doug Powell dated June 20, 2008, and June 23, 2008, with the Standards and Specifications set forth in "Planting Requirements for Land-Disturbing Activities and Related Mitigation on M-NCPPC Montgomery County Parkland," Revised January 2008.
- vii. All hard surface and natural surface trail alignments and construction details for trails, bridges, boardwalk, and other trail amenities to be specified on the certified site plan and be acceptable to M-NCPPC Department of Parks staff. Minor adjustments or modifications to the



trail alignments and construction and amenities details may be made at time of park permitting without the need to amend the site plan.

#### 24. Architectural Guidelines

- a) The Town Architect shall be required to administer the West Side Architectural Guidelines for the Town Center. The Town Architect must certify that any proposed construction complies with the West Side Architectural Guidelines, and the certification must accompany each building permit application. The Department of Permitting Services must not issue a building permit unless the Town Architect has certified that the construction will comply with the West Side Architectural Guidelines.
- b) Pursuant to the approved Architectural Guidelines, dated February 10, 2010, the Architectural Guidelines West Side Design Code must be submitted for staff review and approval prior to certified site plan. Any changes to the Staff approved Architectural Guidelines must be approved by the Planning Director. If the proposed change is denied, the Prior Applicant may appeal the Planning Director's decision to the Planning Board.
- c) The retail maintenance organization and homeowners association Declaration of Covenants must require the Town Architect to be hired and to review each building permit application for compliance with the Architectural Guidelines.

#### 25. Architectural Design/Compatibility

- a) The Prior Applicant must retain a third-party Registered Architect, as the Town Architect, to administer the release of building permits in accordance with the approved architectural drawings and specifications included in the prior Certified Site Plan. The Town Architect must certify that any proposed construction complies with the Certified Site Plan, and the certification must accompany each building permit application. The MCDPS must not issue a building permit unless accompanied by the Town Architect's certification.
- b) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet SD1 through SD5 of the submitted architectural drawings, as determined by Staff.
- c) 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.
- d) Enhance high visibility side facades by providing at least two architectural treatments from the following list: box or bay window, minimum of two windows, shutters, fireplace, brick water table, trim and headers on exposed side consistent with front

elevation. Locations for high visibility side facades include: Lots 1, 14, 35, 42, 57, 58, 72, 80, 81, 88 (Block BB); Lots 33, 38, 50 (Block GG), Lots 31, 32, 55 (Block H). The details of the architectural treatments must be shown on the Certified Site Plan.

26. HOA Governing Documents.

- a) The governing documents of the residential HOA must be submitted to the M-NCPPC's Office of the General Counsel for approval prior to issuance of the 901st residential building permit. The Office of the General Counsel's review of the documents will be limited to assuring that residential units within Clarksburg Town Center are included within the residential HOA, and that the residential unit owners are not responsible for any costs associated with maintenance, capital improvements, or other operating expenses of the retail core.
- b) The governing documents of any merchants association established to govern the retail core and/or any documents establishing responsibility for common area maintenance within the retail core must be submitted to M-NCPPC's Office of the General Counsel for approval prior to issuance of the first Use and Occupancy Permit for the retail core. The Office of the General Counsel's review of the documents will be limited to assuring that responsibility for maintenance, capital improvements, or other operating expenses of the retail core are not the responsibility of the residential unit owners.

27. MPDU Unit Architecture

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.

28. Maintenance of Public Amenities

The Prior Applicant is responsible for maintaining all publicly accessible amenities within areas that they own including, but not limited to the Town Green. The residential HOA will be responsible for maintaining the new Community Building and Sinequa Square.

Pursuant to Site Plan No. 82007022B approval, accessory structure setbacks are shown below and either single-family detached houses with garages or the previously shown "Courtyard" houses with attached garages can be according to the following table:

*Table 2 - Site Plan No. 82007022B*

<b>Zoning Ordinance Development Standard</b>	<b>Site Plan 820070220/A</b>	<b>Approved by Site Plan No. 82007022B</b>
Residential Accessory Structure Setbacks/Standards		
Setback (Inside Lot)		
-From Front Street Line	Not provided for all lots	60 feet
-From Side/Rear Lot Line	Not provided for all lots	0 feet
-From Alley Line	Not provided for all lots	0 feet
Setback (Corner Lot)		
-From Side Street (where abutting lots front)	Not provided for all lots	10 feet
-From Side Street (where abutting lots do not front)	Not provided for all lots	10 feet
-From Rear Lot Line	Not provided for all lots	0 feet
Maximum Height of Accessory Structure	Not provided for all lots	27 feet

29. Prior to issuance of any building permit in Block GG, the Prior Applicant must re-record plat(s) for Lots 33-53 in Block GG.

30. Prior Development Program

The Prior Applicant must construct the development in accordance with a development program table below.

*Table 3 - Prior Development Program Table*

<b>Deadline</b>	<b>Task</b>
Before Certified Site Plan approval	Include the Amended Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution on the approval or cover sheet.
	Provide phasing or sequence for the various stages of construction of the approved development, which includes building of roads, townhouse units, the installation of on-site landscaping, lighting, and amenities and phasing of applicable stormwater management, sediment and erosion control, and afforestation.
	Provide architectural treatment for high visibility side facades
Before sediment control plan approval	Demolition of existing structures, and clearing and grading
Before sediment control permit issuance	Financial surety to M-NCPPC for the required 18.81 acres of forest planting.
	Five-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel
Before issuance of first residential building permit	Execute an MPDU Agreement-to-Build between the Prior Applicant and DHCA (Condition #3)
	Certification from a qualified professional that the lighting plans conform to the IESNA standards (Condition #7)
Before issuance of first [above grade] building permit	Site Plan Surety and Maintenance Agreement (Condition #8)
Prior to the issuance of 30 <sup>th</sup> residential building permit in Block GG	Harness Point tot lot including lighting and landscaping in Block GG to be completed (the 30 <sup>th</sup> building permit represents the 70 <sup>th</sup> percentile of all building permits assigned to Third Try LC in Block GG).
Prior to the issuance of 26 <sup>th</sup> residential building permit in Block H	Grading, seeding, seating areas, lighting and landscaping must be installed in Block H (the 26 <sup>th</sup> building permit represents the 75 <sup>th</sup> percentile of all remaining building permits to be issued in Block H).
Before issuance of the 88 <sup>th</sup> residential building permit in Block BB	Complete construction of all improvements in the Civic Parcel (Parcel K, Block BB)
	Complete construction of Town Green (Parcel L, Block BB) (Condition #14d)
Prior to the issuance of 90 <sup>1st</sup> residential building permit	Clarksburg Square Road land bridge improvements must be bonded.
Prior to the issuance of 95 <sup>1st</sup> residential building permit	Resident's Club/Sinequa Square: <ul style="list-style-type: none"> <li>■ The Residents Club building addition must be completed, and U&amp;O obtained.</li> <li>■ Raised pool deck that connects the new Residents.</li> </ul>



Deadline	Task
	<p>Club building to the shade structure on the pool deck must be completed.</p> <ul style="list-style-type: none"> <li>■ Residents Club/pool parking, trees and lighting must be installed.</li> <li>■ Fine grading, sodding, benches, paths and landscaping for Sinequa Square must be installed.</li> <li>■ Private area lighting - Sinequa Square and parking area on Sugarloaf Chapel must be installed.</li> </ul> <p>Clark Family Memorial:</p> <ul style="list-style-type: none"> <li>■ Clearing, grading, sod, fence, benches, plaque, and, if appropriate, treated headstones must be installed.</li> </ul> <p>Roads:</p> <ul style="list-style-type: none"> <li>■ Clarksburg Square Road land bridge improvements, including the brick piers and fencing, must be installed and the road open to traffic.</li> <li>■ Stringtown Road must be bonded or included in CIP.</li> </ul>
<p>Prior to the issuance of 975th residential building permit</p>	<p>Clarksburg Square Road from Overlook Park Drive to Public House Road must be installed and the road open to traffic.</p>
<p>Prior to the issuance of the 1,001<sup>st</sup> residential building permit</p>	<p>Construction of Kings Local Park substantially complete; all amenities to be installed, including the multi-age play area, trails, picnic tables, grills, porta john enclosures, and fishing pier.</p> <p>Trail connection to Clarksburg United Methodist Church and associated landscaping must be installed per agreement with the Church.</p>
<p>Prior to the issuance of the 1,051<sup>st</sup> residential building permit</p>	<p>Construction of Piedmont Woods Local Park substantially complete; all amenities to be installed, including the trails, picnic shelters, basketball court, tennis courts, multi-age play areas, water fountain, porta john enclosure, dog park, landscaping and park signage.</p> <p>Dedicate the entire Civic Parcel (Parcel K, Block BB) to Montgomery County provided that Montgomery County has either entered into an agreement with the Prior Applicant or appropriated funds for the design and construction of the Civic Building.</p>
<p>Prior to:            1. The issuance of 1,051<sup>st</sup> residential building permit, and            2. The issuance of first U&amp;O for the Retail/commercial area</p>	<p>Roads:</p> <ul style="list-style-type: none"> <li>• Stringtown Road must be open to traffic.</li> </ul>
<p>Within nine months after base and binder paving of Clarksburg Square Rd</p>	<p>The remaining streetscape and special sidewalk treatment for Clarksburg Square Rd not required of or installed by the previous developer must be completed.</p>
<p>Within nine months of</p>	<p>The Greenway Trail adjacent to that section of General Store Drive</p>

Deadline	Task
completing General Store Drive from Stringtown Road to Overlook Park Drive	must be installed.
Within nine months of completing Overlook Park Drive from General Store Drive to Clarksburg Square Road	The Greenway Trail adjacent to that section of Overlook Park Drive must be installed.
Within nine months of completing Overlook Park Drive from Clarksburg Square Road to Clarksburg Road	The Greenway Trail adjacent to that section of Overlook Park Drive must be installed.
Prior to release of the Performance Bond or Surety for each Block or Phase	Certification from a licensed civil engineer that all private streets and sidewalks within the respective Phase or Block have been built to the specified standards.
Before issuance of the final use and occupancy certificate or prior to release of the Performance Bond or Surety for each Block or Phase	Streetlamps and sidewalks adjacent to each building must be installed. Street tree planting may wait until the next planting season.
	On-site amenities including, but not limited to, sidewalks, site furniture, benches, trash receptacles, bicycle facilities, lighting and landscaping associated with that building must be installed.
Before issuance of the final occupancy certificate for the final unit in each stick adjacent to the Mews in Block BB	Residential Mews in Block BB: Mews, pedestrian pathways, sidewalks, landscaping and lighting adjacent to each stick of townhomes or 2/2 unit will be installed excluding stormwater management facilities.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan Amendment No. 82007022I, 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 set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

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

No development plan, diagrammatic plan, or schematic development plan are required for the site. The Application is consistent with Project Plan Amendment No. 91994004E for the Clarksburg Town Center, including land uses and maximum densities, design layout, development standards, and conditions of approval.

The Site Plan Amendment substantially conforms to the requirements of the Compliance Program, as modified by the Planning Board. The following elements of the Compliance Program have been completed: roads and sidewalks, land dedication for the library building, library parking lot, amphitheater, Harness Point tot lot, Sinequa Square, Clark Family Memorial, Kings Pond Local Park, Piedmont Woods Local Park, Greenway, residential mews, stairway connection to the Methodist Church, Resident's Club building and parking, as well as other elements. The Application serves the public interest because it completes the unbuilt portions of the Clarksburg Town Center core, including a long-anticipated grocery store, commercial spaces for shops, restaurants, services, and additional residential density to support the commercial core.

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

The Subject Property includes approximately 26.3 acres zoned CRT-0.75, C-0.25, R-0.5, H-65T. However, pursuant to Sec. 59.7.7.1.B.3 (Exemptions), the Applicant elected to amend the Site Plan using the RMX-2 development standards, which were effective on October 29, 2014. The proposed development satisfies all applicable development standards for the RMX-2 zone. A summary of this review is included in the Data Table below.

The Application includes retail and service establishment uses, with two drive-thru facilities (previously approved), in addition to a new multi-family apartment building and a new mixed-use residential/commercial building. Multi-family residential, mixed-use residential/commercial, and retail/service establishment uses were permitted in the RMX-2 zone and are also permitted in the current CRT zone, and drive-thru facilities are permitted as a limited use in the CRT zone. The previously approved parking requirements are amended in a manner that satisfies Sec. 59-6.2.3 and Sec. 59-6.2.4 of the current Zoning Code. The Application has been reviewed by other applicable county and state agencies, all of whom have recommended approval.

The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>RMX-2 Zone</b>	<b>Allowed/Required by Zone or Master Plan</b>	<b>Approved by Site Plan No. 82007022H</b>	<b>Approved by Site Plan Amendment No. 82007022I</b>
Gross Area	N/A	270.92 acres	No change
Net Area	N/A	141.43 acres	No change
Maximum Residential Density	7 dwelling units/acre (1,428 dwelling units)	6.19 dwelling units/acre (1,106 dwelling units)	6.32 dwelling units/acre (1,295 dwelling units)
Single-family detached	10-20%	218 units (19.6%)	219 units (17%)
Single-family attached	30-50%	686 (60.3%)	686 (53.3%)
Multi-family Units	25-45%	201 (18.1%)	390 (29.5%)
MPDUs	12.5% minimum	12.5% (139 units)	12.5% (162 units)
Maximum Commercial Density	0.5 FAR (300,000 SF)	0.18 FAR (206,185 SF)	0.01 FAR (106,920 SF)
Maximum Total FAR	1.25 FAR (2,986,085 sq. ft.)	0.97 FAR (2,326,279 sq. ft.)	0.97 FAR (2,326,279 sq. ft.)
Minimum Number of Dwelling Units	150 minimum units for sites over 30 acres	1,106 dwelling units	1,295 dwelling units
Green Space (59-C-10.3.3)			
Residential	50% of 178.63 acres	93.22 acres (53.2%)	No change
Commercial	15% of 26.29 acres	12.61 acres (47.96%)	No change
Minimum Lot Area	N/A	N/A	N/A
Minimum Building Setbacks <sup>4</sup>	-	-	-
From one-family residential zoning	Commercial: 100 ft. Residential: 100 ft.	Commercial: 100 ft. Residential: 100 ft.	No change
From residential zoning other than one-family	Commercial: 50 ft. Residential: 30 ft.	Commercial: 50 ft. Residential: 15 ft.	No change
From any street <sup>5</sup>	Commercial: 25 ft. Residential: 30 ft.	Commercial: 0 ft. Residential: 0 ft.	No change
From any abutting commercial or industrial zone	Commercial: 25 ft. Residential: 30 ft.	Commercial: 25 ft. Residential: 15 ft.	No change

<sup>4</sup> Pursuant to Sec. 59-C-10.3.8, Site Plan No. 82007022H reduced the minimum setbacks for commercial and residential buildings from other than one-family residential zoning and commercial zoning by up to 50% and established no minimum setback from any street right-of-way; all other development standards and building setbacks established at final site plan.

<sup>5</sup> In accordance with the Master Plan, no minimum setback is required.



<b>RMX-2 Zone</b>	<b>Allowed/Required by Zone or Master Plan</b>	<b>Approved by Site Plan No. 82007022H</b>	<b>Approved by Site Plan Amendment No. 82007022I</b>
Max. Building Height	Determined at Site Plan	Retail/Comm.: 40 ft. Office: 70 ft. Mixed-use, Office/Retail: 60 ft. Grocery: 70 feet	Building 1: 65 feet Building 3: 35 feet Building 4: 70 feet Building 5: 35 feet Building 6: 35 feet Building 7: 35 feet Building 8: 35 feet Building 9: 65 feet
West Side, Mixed Use Commercial Parking <sup>6</sup>	-	-	720 total spaces
Retail (78,700 SF)	3.5 spaces/1,000SF min. to 12 spaces/1,000 SF max.	558 spaces	276 to 473 spaces
Restaurant (20,000 SF)	4 spaces/1,000SF min. to 6 spaces/1,000 SF max.	88 spaces	80 to 240 spaces
Apartment, 1 bedroom (94 units)	1 space min. to 1.25 spaces max.	N/A	94 to 117 spaces
Apartment, 2 bedrooms (81 units)	1 space min. to 1.5 spaces max.	N/A	81 to 121 spaces
Apartment, 3 bedrooms (14 units)	1 space min. to 2 spaces max.	N/A	14 to 28 spaces
Total Apartment Spaces	189 to 266 spaces	N/A	266 spaces
Motorcycle Parking	2% of total, up to 10 spaces max.	N/A	10 spaces
Bicycle Parking, Retail	Short-term: 1 sp./10,000 SF; Long-term: 15% SF	N/A	9 spaces, total 7 spaces, short-term 2 spaces, long-term
Bicycle Parking, Restaurant	Short-term: 1 sp./10,000 SF; Long-term: 15% SF	N/A	2 spaces, total 1 space, short-term 1 space, long-term
Bicycle Parking, Multi-Family (189 units)	0.5 space/dwelling unit; 95% of spaces long-term; 100 sp. max.	N/A	95 spaces, total 4 spaces, short-term 91 spaces, long-term
Car Share Spaces	1 sp. for 50-149 spaces; 1 sp. per 100 spaces above 149; maximum of 5 required	N/A	7 spaces

<sup>6</sup> Pursuant to Sec. 7.7.1.B.3.b, the previously approved parking requirements are amended in a manner that satisfies Sec. 59-6.2.3 and Sec. 59-6.2.4.

<b>RMX-2 Zone</b>	<b>Allowed/Required by Zone or Master Plan</b>	<b>Approved by Site Plan No. 82007022H</b>	<b>Approved by Site Plan Amendment No. 82007022I</b>
Electric Vehicle Parking	1 space/100 parking spaces	N/A	8 spaces
Handicapped Parking	2% of total parking; 1 van space per 4 HC spaces		22 spaces 9 van accessible spaces
Site Plan Required	Yes	Yes	Yes

### **Limited Use Drive-thru Facility**

Two previously approved drive-thru facilities meet the standards for a Limited Use Drive-Thru facility in the CRT zone. Pursuant to the previous Site Plan Amendment No. 82007022D, two drive-thru facilities were approved to serve the grocery store and another commercial tenant. Pursuant to Sec. 59.7.7.1.B. (Exemptions), the drive-thru facilities are reviewed under the development standards and procedures (prior site plan findings of approval) of the property's zoning on October 29, 2014. Uses are subject to review under the current zone (CRT) and the 2014 Zoning Ordinance. Therefore, pursuant to Section 59.3.1. (Use Table) and Section 59-3.5.14.E.2.a (Use Standards), Limited Use Drive-Thru facilities are allowed in the CRT zone if they meet the following standards:

*a) A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

For both drive thru facilities, there is no vacant property or land improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones within 100 feet of the proposed drive-thru facilities, including the queuing areas.

*b) For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

Access to both drive-thru sites is from St. Clair Road, a private commercial road

*c) A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

For both drive-thru facilities, the service window, drive aisle, and queuing area are not located between the street and the front main wall of the main building. The drive-thru service window, drive aisle, and queuing areas are located to the side and rear of the buildings.

*d) A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3-foot-high wall or fence.*

Not applicable. The buildings with the drive-thru facilities are not located on a corner lot

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

The locations of buildings and structures are adequate, safe, and efficient. The 189 multi-family units are located in two buildings. Both buildings are situated at the corner of Clarksburg Square Road and St. Clair Road with entrances along both street frontages, which activates the street and reinforces the retail and pedestrian character that is sought for this area. Building 1 will offer a public plaza and splash fountain. Building 9 contains ground floor commercial uses. Both multi-family buildings include ground floor residential units with direct access to abutting street.

Pedestrian-scaled commercial buildings (Buildings 3, 5, 6, 7, and 8) are lined along St. Clair Road with entrances oriented toward St. Clair Road. The larger footprint Building 4 (a proposed grocery store), and a surface parking lot are located behind Building 3, which fronts St. Clair Road. This configuration adequately screens surface parking and the larger-scaled building from the pedestrian-oriented buildings along St. Clair Road. Parking for Building 1 and for the commercial buildings along St. Clair Road is located in the rear, behind buildings. For Building 9, parking is located adjacent and in an underground parking structure. Additionally, the Application includes two drive-thru facilities serving Building 4 and Building 7. Both drive-thru lanes are not located in front of each respective building. The location of all proposed buildings and parking lots are consistent with the Master Plan vision and will allow for a seamless continuation of the streetscape treatment and pedestrian experience.

The landscaping is adequate, safe, and efficient. Modifications account for minor adjustments to the layout, stormwater management facilities, parking, and retaining walls. The approved landscaping includes street trees, parking lot trees, parking lot screening, ornamental trees, shrubs, perennials, grasses, and groundcover.

The Recreation Demand, Supply and Adequacy report is adequate and provides both on-site and off-site recreational facilities for all age groups. For the Subject Property, the Applicant will provide the following additional private recreation facilities for the multi-family units: indoor fitness room, outdoor swimming pool, and resident lounge.

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Clarksburg Square Road has existing sidewalks that will service the development. The existing 5-foot accessible sidewalk adequately and safely accommodates pedestrian circulation within the site

and to the fronts of the units. Sidewalks along St. Clair Road will be completed with this Project.

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

The Application provides a mix of residential and retail/service, which are compatible with the adjacent and confronting residential uses as well. There are no known adjacent or confronting proposed development projects. In addition, the mix of residential and non-residential uses are compatible with the Clarksburg Historic District, which also includes a mix of land uses. The development pattern establishes a hierarchy of density and heights consistent with the Master Plan vision. Higher density uses and heights are located internally near and within the future commercial center, and lower heights are located towards the periphery.

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

- a. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Site Plan Amendment meets all applicable requirements of Chapter 22A regarding forest conservation as described in Final Forest Conservation Plan Amendment No. F20230380, which is approved concurrently with this Site Plan, by separate resolution, and incorporated herein. Further, the Application complies with Chapter 19 regarding water resource protection, and any other applicable law.

- b. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Revised Final Water Quality Plan/Site Development Management Plan was approved by the Montgomery County Department of Permitting Services on January 17, 2024. The required goals will be met via environmental site design and existing structural elements. Sediment and erosion control measures will be reviewed by MCDPS during the detailed sediment control/stormwater management plan stage. The Applicant will pay a stream monitoring fee to MCDPS due at time of detailed sediment control plan submittal and a SPA Best Management Practices monitoring fee to MCDPS due at time of as-built submittal. The Board finds the Site Plan meets the requirements of Chapter 19.

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

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

March 25, 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 the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, 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, March 21, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board



**Robert R. Harris**, Attorney  
Lerch, Early & Brewer, Chtd.  
7600 Wisconsin Ave  
Suite 700  
Bethesda, MD 20814

Adrienne and Demetrios (Jim) Elefantis  
23800 Branchbrier Way  
Clarksburg MD 20871

Kathy Crapo  
No Address Listed

Luis Segrera  
12857 Clarksburg Square Road  
Clarksburg, MD 20871

Kathie Hulley  
4119 Woodspring Lane  
York, PA 17402

Lynn Fantle  
12711 Clarks Crossing Dr.  
Clarksburg, MD 20871

Barry Fantle  
12711 Clarks Crossing Dr  
Clarksburg, MD 20871

Amy Presley  
23506 Sugar View Drive  
Clarksburg, MD 20871

Dawn Huntley-Mucci  
23510 Overlook Park Drive, Unit A  
Clarksburg, MD 20871

Steve Feather  
No Address Listed

Domenic & Cynthia Cicalese  
23830 Burdette Forest Rd  
Clarksburg, MD 20871

Mark & Linda Lieberman  
23402 Clarksridge Rd.  
Clarksburg, MD 20871

William Whelan  
101 Monroe Street  
10th Floor  
Rockville Maryland 20850

Clarksburg Homeowners Association,  
Inc.  
12901 Sugarloaf Chapel Drive # 15  
Clarksburg, MD 20871

Maritza Boekhoudt  
12831 Murphy Grove Terrace  
Clarksburg MD 20871

Deborah D'Attilio  
23522 Sugar View Dr,  
Clarksburg, MD 20871

Tracie Strucker  
No Address Listed

Greg Ossont  
101 Monroe Street, 9th Floor  
Rockville, Maryland 20850

Kubit, Kate  
1355 Beverly Road  
Suite 240  
McLean VA 22101

Flanagan, David  
1355 Beverly Road,  
Suite 240  
McLean VA 22101

Foster, Kevin  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Longfellow, Tim  
3909 National Drive  
Suite 250  
Burtonsville, MD 20866

Andrew Kohler  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Ni Paul  
One Park Place, Suite 250  
Annapolis, MD 21401

Larry Frank  
1400 Spring Street, Suite 320  
Silver Spring, MD 20910

David Samba  
11400 Commerce Park Drive  
Suite 400,  
Reston, VA, 20191

Jack O'Hara  
1000 S. Second Street  
Sunbury, PA 17801-0471

Rebecca Torma  
101 Monroe Street, 10th Floor  
Rockville MD 20850

Marie LeBaw  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Sam Farhadi  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902