

CLARKSBURG CHASE

PRELIMINARY PLAN NO. 120240040

SITE PLAN NO. 820240050

FINAL FOREST CONSERVATION PLAN NO. F20240180



Proposal to subdivide the Subject Property to allow the construction of 101 dwelling units, including 49 single-family detached units and 52 single-family attached units (including 13 moderately priced dwelling units) and the dedication of 100.57 acres of parkland.

Nos. 120240040, 820240050,
& F20240180

Completed: 12-30-2024

Montgomery County
Planning Board
Reedie Drive, Floor 14
Wheaton, MD 20902

MCPB
Item No. 5
01-09-2025

Planning Staff



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LOCATION/ADDRESS

Northwest quadrant of intersection of Gosnell Farm Drive at Old Clarksburg Road

MASTER PLAN

2014 *Ten Mile Creek Area Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area*

ZONE

Rural Neighborhood Cluster (RNC)
Clarksburg West Overlay Zone (CWE)

PROPERTY SIZE

136.17 acres

APPLICANT

John King & Anita Kowalski/US Home, LLC

ACCEPTANCE DATE

November 15, 2023

REVIEW BASIS

Ch. 50, 59, and 22A

Summary:

- Staff recommends APPROVAL with conditions of the Subject Applications: Preliminary Plan No. 120240040, Site Plan No. 820240050, and Final Forest Conservation Plan No. F20240180.
- The Site is subject to Pre-Preliminary Plan No. 720230020 approved with conditions by the Planning Board by Resolution MCPB No. 23-056, June 8, 2023. The Board approved the general layout of the development, including the single-access point, non-standard cul-de-sac, general location of the units, and mix of detached and attached dwelling units.
- Staff supports the Applicant's request for a Subdivision Waiver of the general requirement of 50.4.3.E.2.e, Road Design, per Section 50.9 of the Subdivision Ordinance. See Section 5 for further discussion.
- The Applicant is conveying 100.57 acres to the Maryland-National Capital Park and Planning Commission (M-NCPPC) as parkland, consistent with the 2014 *Ten Mile Creek Limited Amendment Master Plan* recommendations.
- A total of 86 percent of the Property will be devoted to rural open space.
- Impervious surfaces will not exceed 6 percent, and a Water Quality Plan is included with the Application consistent with CWE requirements.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120240040

Staff recommends approval with conditions of Preliminary Plan No. 120240040 to subdivide the property for residential development. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240040 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to 101 lots for residential development, including a minimum of twelve and one-half percent (12.5 %) moderately priced dwelling units (MPDUs), and eighteen (18) parcels for roads and open space on 136.17 acres.
2. Impervious surfaces are limited to no more than six percent (6%) of the land area subject to this Application located within the Clarksburg West Environmental (CWE) Overlay Zone as shown on the approved Impervious Area Exhibit, including the allocation of 355,907 square feet of impervious area for hardscaping, and public and private roadways and alleys, including off-site improvements.
3. Before recordation of a plat for the Subject Property, the Applicant must grant to M-NCPPC a rural open space easement over no less than six percent (6%) of the net tract area of the Subject Property as shown on the Preliminary Plan. The Applicant must record the easement, in a form approved by the M-NCPPC Office of General Counsel, among the Montgomery County Land Records. Reference to the recorded easement must be noted on the record plat(s).

M-NCPPC MONTGOMERY COUNT DEPARTMENT OF PARKS (“MONTGOMERY PARKS”)

4. Parkland Conveyance: Before issuance of the building permit for the 20th unit the Applicant must convey to the Maryland-National Capital Park and Planning Commission (“Commission”) the +/- 100.57 acres as shown on the Open Space Exhibit as the Park Conveyance Area.
 - a. Before approval and recordation of the Record Plat(s) including the Park Conveyance Area parcel(s) the Applicant must provide to the Commission an executed deed(s) in a form and substance approved by the Commission’s Office of General Counsel.
 - b. The Commission will hold the deeds in escrow until all conditions of this approval related to the Park Conveyance and all conditions of any related Park Construction Permits have been completed including the required Maintenance and Management period for any re/afforestation plantings and post-construction monitoring of stream restoration area on the Park Conveyance Area. Once all relevant conditions have been completed the Commission will formally accept the Park Conveyance Area and record the deed(s).
 - c. Before the Commission records the deed(s) the Park Conveyance Area must be free of trash and unnatural debris; any encroachments on the Park Conveyance Area must be cured, and the parkland boundaries must be marked as directed and approved by Montgomery Parks staff.

ADEQUATE PUBLIC FACILITIES

5. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

6. 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 property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated December 19, 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.
8. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
9. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated October 29, 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 MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
10. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
11. 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 April 5, 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 MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
12. 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 June 9, 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.
13. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated June 12, 2024, 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.

OTHER APPROVALS

14. If an approved site plan or amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

TRANSPORTATION

Frontage Improvements on Existing Roads

15. The Applicant must provide and/or confirm the following dedication and show it on the record plat(s) for the following existing road:
 - a. All land necessary to accommodate fifteen (15) feet from the existing pavement centerline along the Subject Property frontage for Old Clarksburg Road.

New Roads

16. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes.
 - a. Public Road A, monumental entrance, consistent with MC 224.01 and the requirements under the 2023 Complete Streets Design Guide for Neighborhood Streets.
 - i. Between Clarksburg Road and Public Road B, a ten-foot-wide (10 ft) shared use path with an eight-foot-wide (8 ft) vegetated street buffer and a one-foot-wide (1 ft) maintenance buffer on the north side, and a 12-foot-wide vegetated street buffer on the south side.
 - b. Public Road A, consistent with MC 211.03 Secondary Residential Streets and the requirements under the 2023 Complete Streets Design Guide for Neighborhood Streets.
 - i. Between both intersections with Public Road B, a five-foot-wide (5 ft) sidewalk with a six-foot-wide (6 ft) street buffer on the north side, and a five-foot-wide (5 ft) sidewalk with a 14-foot-wide buffer (six-foot-wide buffer and eight-foot-wide parking lane where on-street parking is present) on the south side.
 - c. Public Road B, consistent with MC 211.03 Secondary Residential Streets and the requirements under the 2023 Complete Streets Design Guide for Neighborhood Streets.
 - i. Along the entire length: a five-foot-wide (5 ft) sidewalk with a six-foot-wide (6 ft) vegetated street buffer on the outside lane of both the cul-de-sac and the townhouses, and a five-foot-wide (5 ft) sidewalk with a 14-foot-wide buffer (six-foot-wide (6 ft) buffer and eight-foot-wide (8 ft) parking lane where on-street parking is present) on the inside travel lane.

- d. Public Road B, elongated cul-de-sac, consistent with modification to MC 222.01 and the requirements under the 2023 Complete Streets Design Guide for Neighborhood Streets.
 - i. Along the entire length, opposite side of the green space in the center of the elongated cul-de-sac: a five-foot-wide (5 ft) sidewalk with a six-foot-wide (6 ft) vegetated street buffer, and a five-foot-wide (5 ft) sidewalk with a 14-foot-wide buffer (six-foot-wide (6 ft) buffer and eight (8 ft) parking lane where on-street parking is present) on the inside travel lanes.

Off-Site Improvements/LATR

17. Before the recordation of the plat, the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT and MDOT SHA requirements (final determination of the Applicant's participation to be made by MDOT SHA):
 - a. Old Clarksburg Road and Gosnell Farm Drive Intersection: Adding side street stop control on Old Clarksburg Road and associated pedestrian improvements including:
 - i. Add stop control operations on the side street (Gosnell Farm Drive and Public Road A).
 - ii. Install stop bars on both sides of Old Clarksburg Road.
 - iii. Install a crosswalk on the north leg of the intersection on Clarksburg Road.
 - b. Broadway Avenue and MD-121 Intersection:
 - i. Installation of a Rectangular Rapid Flashing Beacon (RRFB) at the existing crosswalk on MD-121.
 - ii. Install a new crosswalk along the east leg of the intersection on Broadway Avenue.
 - c. Byrne Park Drive and MD-121 Intersection:
 - i. Installation of a Rectangular Rapid Flashing Beacon (RRFBs) at the existing crosswalk on MD-121.
 - ii. Installation of a new crosswalk, curb ramp, and guard rail modifications crossing Old Clarksburg Road, which will connect to the existing crosswalk on MD-121 at Byrne Park Drive to the new trail within Clarksburg Chase.
18. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, or, iii) the LATR Off-Site Improvement is not approved/permitted by MCDOT and/or MDOT SHA, the Applicant shall satisfy the required LATR Off-Site Improvements requirement with a mitigation payment to MCDOT that is reasonably related to MCDOT's estimated cost of designing, administering and constructing the required facilities.
19. Before issuance of first above-grade building permit or right-of-way permit (whichever comes first), the Applicant must make a payment of \$38,888 to the Montgomery County Department of Transportation towards the construction of the two (2) bus shelters (five -foot-wide (5ft) by

twelve-foot-wide (12 ft), following the requirements of the MCDOT) with two shelter pads (7-foot-wide by 22-foot-wide, following the requirements of the MCDOT), off-site improvement in the Clarksburg Policy Area. The payment will be indexed to the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

Private Roads

20. The Applicant must provide Private Alleys 1, 2, 3 and 4, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, 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 clearly delineate the Private Alleys and include a metes and bounds description of the boundary of the respective Private Alleys. The Private Alleys will be subject to all conditions below referencing Private Roads.
 - 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.
 - iv. Approved sub-grade for private roads to be six-inch (6") Graded Aggregate Base (GAB).
 - 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.

RECORD PLATS

21. No above-grade building permit shall be issued on the site before recordation of plat(s). The record plat must show necessary easements.
22. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
23. The record plat(s) must show the Park Conveyance Area parcel(s).

Notes and Labels

24. The record plat must reflect all areas under common ownership.
25. The record plat must include the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
26. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 ("Covenant").

DEVELOPMENTS WITH MPDUS

27. The final number of MPDUs as required by condition 1 above will be determined at the time of site plan approval.

CERTIFIED PRELIMINARY PLAN

28. The certified Preliminary Plan must contain the following notes:
 - a. *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 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.*
29. Before submittal of the Certified Preliminary Plan, the Applicant must make the following change:
 - a. Show resolutions and approval letters on the certified set.
 - b. Show private roadway details and cross sections on the certified set.

SITE PLAN 820240050

Staff recommends approval of Site Plan No. 820240050, for the construction of 49 single-family detached units, 52 Townhouse units, and 18 parcels for roads and open space. The development must comply with conditions of approval for Preliminary Plan No.120240040 (concurrent with this application). All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 101 residential dwelling units consisting of 49 detached single-family dwelling units and 52 townhouse dwelling units.

2. Height

The single-family dwelling units are limited to a maximum height of 35 feet, and the townhouse units are limited to a maximum height of 35 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a. The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated June 12, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The development must provide twelve and one-half (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), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

OPEN SPACE, FACILITIES AND AMENITIES

4. The Applicant must provide a minimum of 4,785,362 square feet (109.86 acres) of rural open space (80% of net lot area) of which 100.57 acres will be conveyed to Montgomery Parks and 9.29 acres will be dedicated onsite.
5. Before the final inspection for residential units, all public space areas on the Subject Property must be completed on the following schedule as shown on the Certified Site Plan:

¹ For the purposes 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.

- a. Before final inspection of Single-family Detached Lots 1-10, 24-34 and Townhouse Lots 23-42, the central green located on Parcel K must be completed as shown on the Certified Site Plan.
- b. Before final inspection of Single-family Detached 11-13, 34-36 and Townhouse Lots 43-52 the landscaped open space located on Parcel L must be completed as shown on the Certified Site Plan.
- c. Before final inspection of Single-family Detached Lots 20-27, the playground area located on Parcel O including all playground equipment, benches, and landscaping must be completed as shown on the Certified Site Plan.

M-NCPPC MONTGOMERY COUNTY DEPARTMENT OF PARKS (“MONTGOMERY PARKS”)

6. Parkland Conveyance: Before issuance of the building permit for the 20th unit the Applicant must convey to the Commission the +/- 100.57 acres as shown on the Open Space Exhibit as the Park Conveyance Area and as detailed in Condition **3** of the approval for the corresponding Preliminary Plan (120240040).
7. Work on the Parkland Conveyance: Any work on the Park Conveyance Area requires an approved Park Construction Permit and is subject to the Montgomery Parks Park Construction Permit review and approval process. All facilities constructed on the Park Conveyance Area must be acceptable to Montgomery Parks staff and meet or exceed Montgomery Parks standards and specifications. Multiple Park Construction Permits may be obtained, including but not limited to:
 - a. Existing Impervious Removal: The Applicant must remove impervious surfaces and restore these areas to a fully pervious condition, as part of the initial phase of development as shown on the Clarksburg Chase - Impervious Exhibit. The removal and restoration of impervious surfaces on the Park Conveyance Area must follow Montgomery Parks “*Guidelines for converting Paved Areas into Pervious Greenspace*”. M-NCPPC Forest Conservation Inspection Staff must be present at a pre-work meeting prior to the removal of the impervious surfaces.
 - b. Outfall Design and Construction: All outfalls leading from the development must comply with the 2014 Ten Mile Creek Area Limited Amendment requirements: “Avoiding overflow discharges onto steep slopes. Ensuring that any overflow occurs as sheet flow to the floodplain and/or receiving streams. Managing discharges from stormwater outfalls using step-pool storm drainage conveyance systems or comparable designs, as appropriate. Minimizing environmental buffer impacts associated with ESD overflow outfalls. Minimizing the need to convey stormwater across steep slopes and forested areas, and ensuring such conveyance is done in a nonerosive manner.” The Applicant must construct the stable drainage conveyance systems and structures as shown on the Certified Site Plan and all outfalls draining to existing or future parkland must be reviewed and approved by the Department of Parks through the Park Construction Permit process.
 - c. Stream Restoration: The Stream Restoration Plan must be reviewed and approved by the Department of Parks through the Park Construction Permit process. The stream restoration work shall not occur prior to all upstream areas draining to the stream having been permanently stabilized or the release of the Sediment and Erosion

Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.

- i. During Park Construction Permit review for the stream work, all trees 6 inches DBH and greater will need to be surveyed within the LOD and within 25 feet of the LOD. Tree takes will be further reviewed at that stage.
 - d. Conservation Management Plan:
 - i. Implementation of the approved Conservation Management Plan, specifically meadow planting preparation, shall occur upon stabilization of the site following mass grading approved under the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services.
 - ii. Meadow planting required under the approved Conservation Management Plan (CMP) must begin before or during the first growing season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.
 - iii. Approval of CMP, by Parks requires a detailed outlining of site prep, planting procedures, species, and maintenance. Care and maintenance of meadow habitat (both no mow and pollinator) within planned conveyance areas shall occur until completed transfer and required maintenance period are achieved.
 - e. Stream Valley Buffer Plantings: The Applicant must comply with the Final Forest Conservation Plan No. F20240180 (FCP) for plantings on the Park Conveyance Area.
 - i. The Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP, within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff and Department of Parks Staff. Flexibility in the timing of the planting may be required to allow for the required stream restoration work to occur.
 - ii. Only the following species are to be planted within the Parkland Conveyance Area: Red Oak, Swamp White Oak, Chinquapin Oak, Flowering Dogwood, and Fringe Tree.
 - f. Changes may be made to the approved Limits of Disturbance (LOD), the location of facilities, and to specific details of work on the Park Conveyance Area under the direction of Montgomery Parks staff, in coordination with MCDPS SEC, during the Park Construction Permit process without requiring an amendment to the Site Plan.
8. Montgomery Parks Trails, Trailheads, and Trail Connections:
- a. Before issuance of the building permit for the building permit for the 80th unit the Applicant must provide the natural surface trail(s) and associated signage on the Park Conveyance Area. The final alignment and trail details including signage will be determined during the Park Construction Permit process for the Park Construction Permit covering the trail(s). If there are unforeseen circumstances related to the issuance of the building permit for the 80th unit, Planning Staff with approval from Montgomery Parks, can evaluate and issue the necessary number of permits for units beyond the 80th to accommodate the work and additional units.

- b. As part of the construction of Public Road A the Applicant must provide the six (6) trailhead parking spaces, including signage that must be approved by MCDOT and Parks staff, as shown on the Certified Site Plan.
- c. Before issuance of the of the building permit for the 80th unit the Applicant must:
 - i. Provide the safe pedestrian crossing of Old Clarksburg Rd and sidewalk connection from Old Clarksburg Rd to Clarksburg Rd that connects to the new natural surface trail on the Park Conveyance Area as shown on the Certified Site Plan. If there are unforeseen circumstances related to the issuance of the building permit for the 80th unit, Planning Staff can evaluate and issue the necessary number of permits for units beyond the 80th to accommodate the work and additional units.
 - ii. Provide the trailhead and trail connection as shown on the Certified Site Plan.

COMMON OPEN SPACE COVENANT

- 9. The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

ENVIRONMENT

10. Water Quality

- a. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Water Resources Section in its Final Water Quality Plan letter dated April 5, 2024, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. Impervious Surfaces are limited to no more than six percent (6%) of the Application area within the Clarksburg West Environmental Overlay Zone, as shown on the Impervious Surface Plan in the Certified Site Plan.
- c. Before the start of any clearing, grading or construction on the Subject Property, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than six percent (6%) of the Application within the Clarksburg West Environmental Overlay Zone and as shown on the Impervious Surface Plan in the Certified Site Plan. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records, and the Book and Page referenced on the plat.
- d. As part of any clearing, grading or construction, the Applicant must remove impervious surfaces and restore these areas to a fully pervious condition, as part of the initial phase as shown on the impervious Surface Plan in the Certified Site Plan. The removal and restoration of pervious surfaces must be in compliance with Montgomery Parks’ *Guidelines for converting Paved Areas into Pervious Greenspaces*”. M-NCPPC Forest Conservation Inspection staff must be presented at a pre-work meeting prior to the removal of the impervious surfaces.

11. Conservation Management Plan

- a. Before the start of any clearing, grading, record plat, or construction for this development Application, the Applicant must record a Conservation Management Easement over all areas of meadow plantings that will not be conveyed to Montgomery Parks, as specified on the approved Conservation Management Plan. The Conservation Management Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
- b. Before any work associated with the Conservation Management Plan, the Applicant must enter into a Conservation Maintenance and Management Agreement (“CMMA”) in a form approved by the M-NCPPC Office of General Counsel in coordination with Montgomery County Department of Environmental Protection (DEP) for all areas shown within the Conservation Management Area.
- c. Before any clearing, grading or construction for this development Application, the Applicant must submit a financial security, in a form approved by the M-NCPPC Office of the General Counsel, as determined by an approved cost estimate. The cost estimate should include all site preparation, planting, and maintenance requirements as specified in the Conservation Management Plan. The bonding requirement may be phased as shown on the site development phasing plan.
- d. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations for the Conservation Management Easement areas.
- e. Before the first building permit, the Applicant must record a declaration of covenants that require future maintenance of the Conservation Management Easement areas, and includes reporting and certification that sufficient reserves are provided in any of the Applicant’s or HOA’s budget, as appropriate, and that a portion of HOA dues are to be put into escrow to cover future maintenance costs.
- f. Implementation of the Conservation Management Plan must begin during the first growing season following the release of the first sediment control permit. Maintenance records should be sent to M-NCPPC by the Applicant or their contractor quarterly after each phase of the CMP has been implemented. The Applicant and the future HOA must also schedule annual inspections and provide maintained reports with M-NCPPC consistent with the Certified Conservation Management Plan.
- g. Before the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation management easement signage along the perimeter of the conservation management easements, including the meadow conservation area, as shown on the CMP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES (APF)

12. Transportation

- a. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated June 6, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Pedestrian & Bicycle Circulation

- a. The Applicant must provide the following pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before right-of-way permit:
 - i. Public Road A, access to the proposed development: A 10-foot-wide shared-use path with an 8-foot-wide street buffer with trees on the north side only, that will connect to the intersection of Old Clarksburg Road and Gosnell Farm Drive.

14. 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 June 9, 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.

15. Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, 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 Marshall.

SURETY

16. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, 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 the following:
 - i. Private Alleys 1, 2, 3, and 4
- c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.

SITE PLAN

17. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A0.01 through A4.11 of the Certified Site Plan, as determined by M-NCPPC Staff.
- b. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

18. 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 proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. The light pole height must not exceed the height illustrated on the Certified Site Plan.

19. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, or sediment control permit, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

- b. The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, playground equipment, site furniture (benches and other outdoor seating), mailbox pad sites, trash enclosures and other receptacles, retaining walls, fences, railings, monument sign, private alleys 1, 2, 3, and 4, and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

20. 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.

21. 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 (and other applicable resolutions) on the approval or cover sheet(s).
- b. Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c. Include approved Fire Department Access Plan.
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Include details for the outfall structures and stable drainage conveyance systems.

FOREST CONSERVATION PLAN F20240180

Staff recommends approval with conditions of the Forest Conservation Plan No. F20240180. All site development elements shown on the latest electronic version of the Forest Conservation Plan No. F20240180 as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. Before certification of the Site Plan, the Applicant must revise the Final Forest Conservation Plan to address minor comments in ePlans.
 - a. Only the following species are to be planted within the Parkland Conveyance Area: Red Oak, Swamp White Oak, Chinquapin Oak, Flowering Dogwood, and Fringe Tree.
2. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
3. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
4. Before the start of any clearing, grading, record plat, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all area of forest retention, forest planting, and environmental buffers that will not be conveyed to M-NCPPC Department of Parks, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
5. Before any clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, and mitigation trees. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
6. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
7. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 8.04 acres of new forest planting and mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

8. Before the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
9. The Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff. Flexibility in the timing of the plantings may be required to allow for the required stream restoration work to occur.
10. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
11. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services (“MCDPS”) for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff the Applicant must install the variance tree mitigation plantings as shown on the FCP.
12. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

SECTION 2: SITE DESCRIPTION

VICINITY

The Clarksburg Chase property (“Site,” “Subject Site,” “Property,” “Subject Property”) is located on the west side of Clarksburg Road (MD 121), in the northwest quadrant of the Gosnell Farm Drive and Old Clarksburg Road intersection. The Site consists of 136.17 acres of land, comprised of five unrecorded parcels zoned Rural Neighborhood Cluster (RNC) Zone and is within the Clarksburg West Environmental (CWE) Overlay Zone and Ten Mile Creek Special Protection Area (SPA). The Subject Property is in the 2014 *Ten Mile Creek Area Limited Amendment* (“Master Plan”) of the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*.

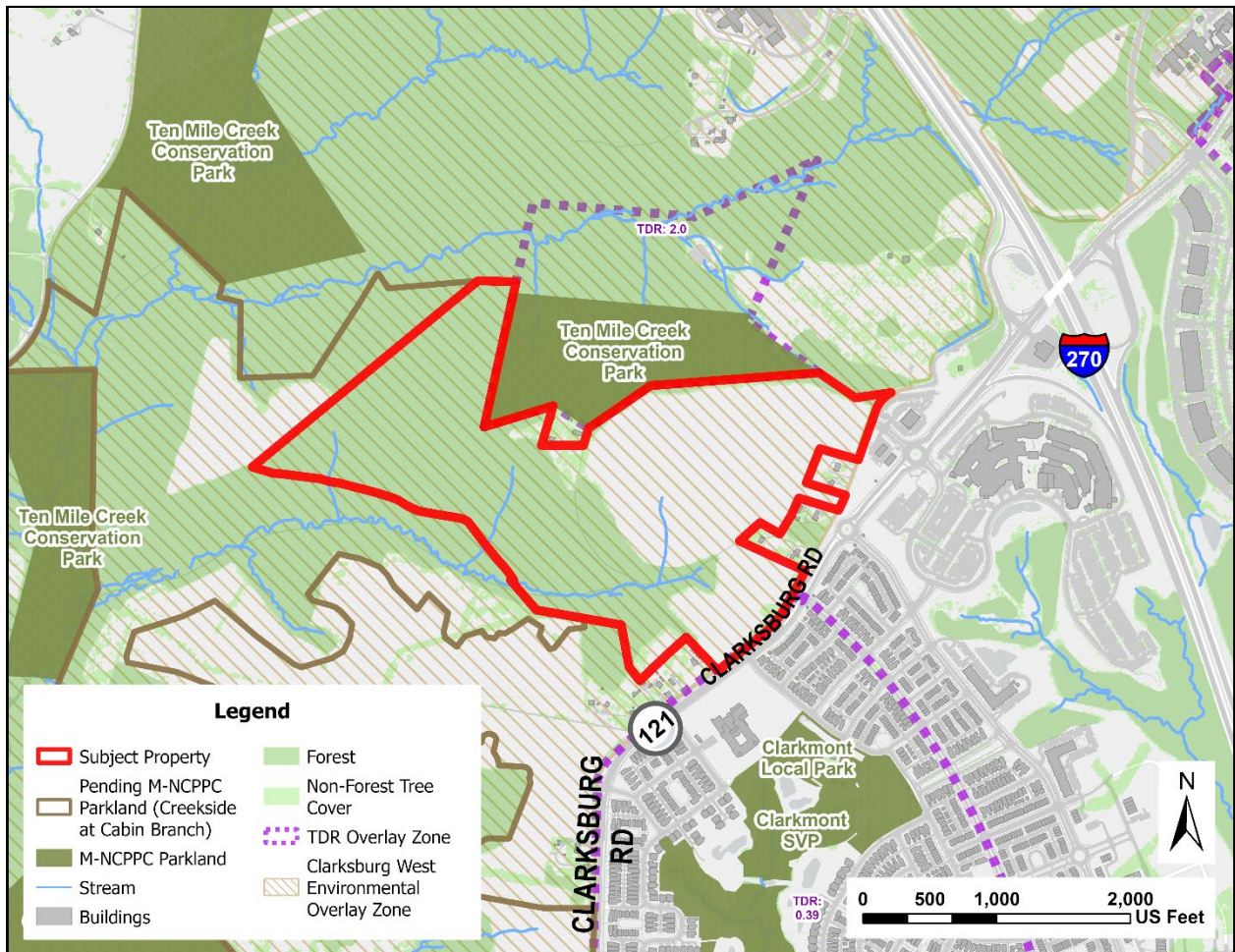


Figure 1 – Vicinity

The Property is bounded on the east side by Old Clarksburg Road. East of Clarksburg Road is Commercial Residential Town (CRT) zoned land, approved for commercial development, adjacent to the Cabin Branch residential development and the Clarksburg Premium Outlets. South of the Property is the Creekside at Cabin Branch development zoned Rural Neighborhood Cluster (RNC) and recently approved by Preliminary Plan No. 120200050 and Site Plan No. 820200160, which includes a mix of

326 (total) single-family detached and townhouse units and 312 acres dedicated to the Montgomery Parks system to enhance the Ten Mile Creek Conservation Park. Abutting the Property to the north is an approximately 10-acre portion of the Ten Mile Creek Conservation Park.

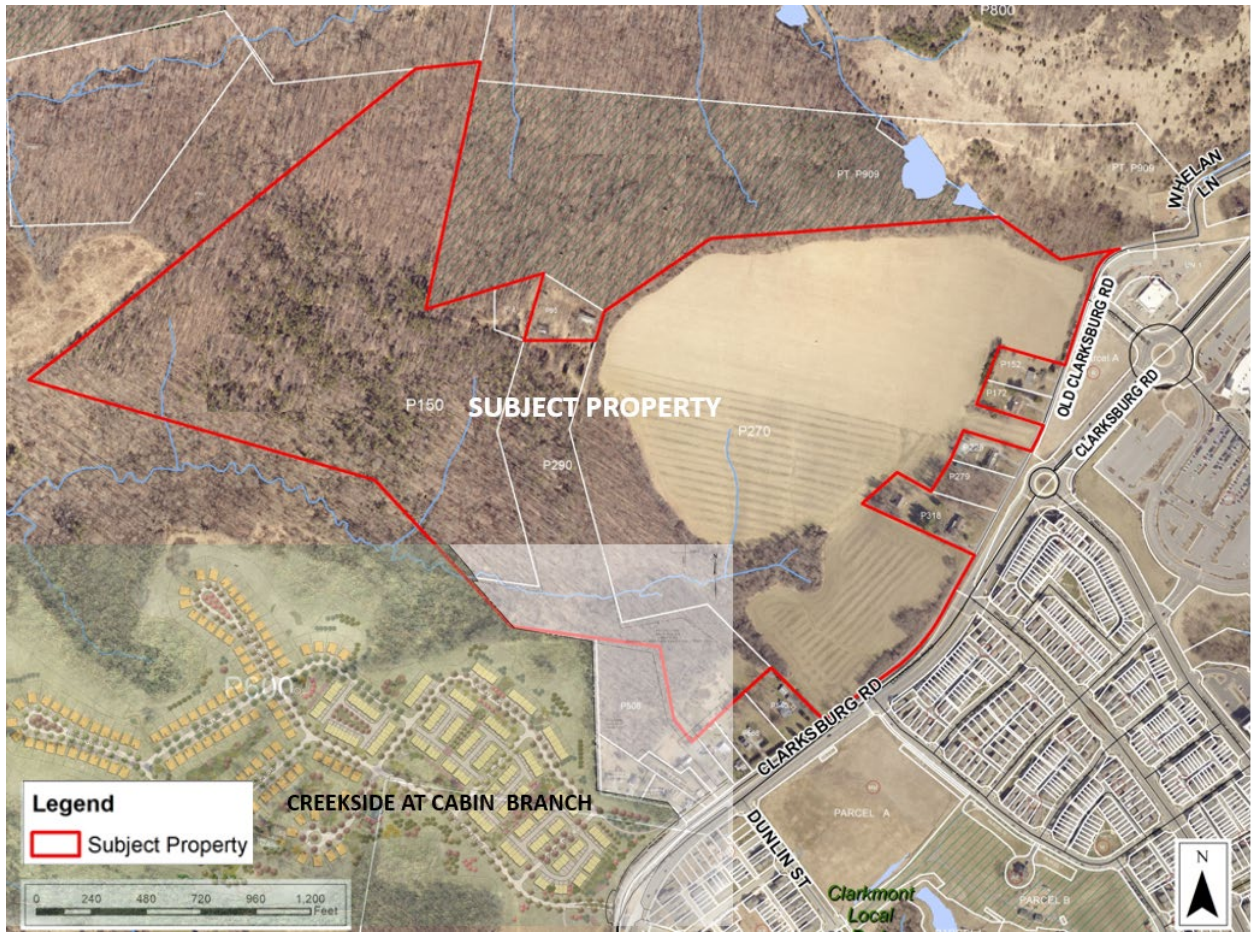


Figure 2 – Aerial View of the Subject Property (Streams locations are approximate - refer to NRI/FSD for actual delineation)

PROPERTY DESCRIPTION

The Subject Property is approximately 136.17 acres, comprised of unrecorded Parcel 270 (68 acres), Parcel 150 (41 acres), Parcel 290 (16 acres) and Parcel 72 (1 acre), identified on Tax Maps EV13 and EV23 and approximately 0.58 acres of apparent prescriptive right-of-way.

The Subject Property, as depicted in Figures 1, 2, and 3 is undeveloped and there are no existing structures on the Property. Parcel 270 is currently utilized for agricultural purposes and the remainder of the Property is forested (approximately 77 acres). The Subject Property has approximately 1,680 feet of frontage on Old Clarksburg Road, divided into segments by two short rows of existing parcels, primarily developed with single-family detached houses.

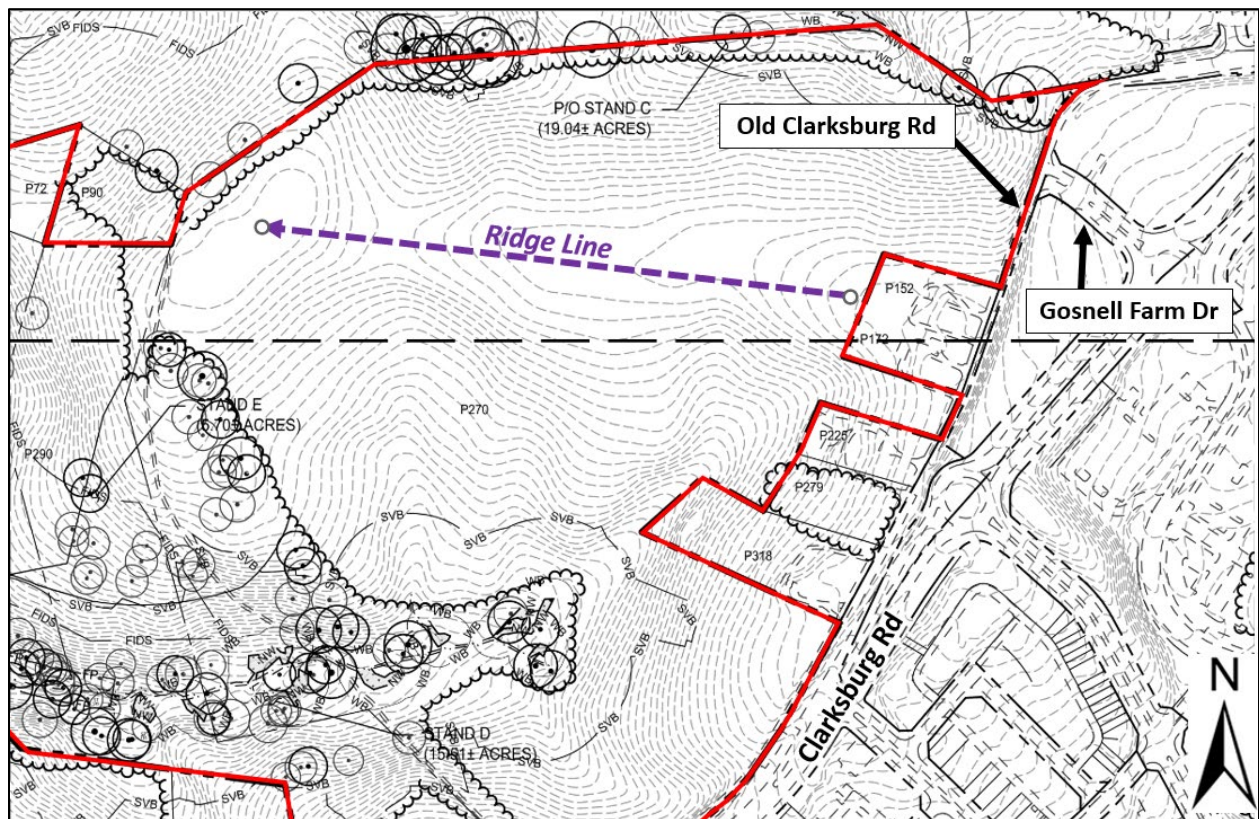


Figure 3 – Existing topography showing ridge line

The Subject Property is within the Ten Mile Creek watershed, a sub-basin of the Little Seneca Watershed. Ten Mile Creek and its tributaries are designated as Use Class I-P by the State of Maryland. Parcel 270, the focus of this Application², is bisected by a ridge line that runs east to west, with the topography sloping down on the north, south and west towards the surrounding stream valleys. There are two streams on the Property, within the existing forested area to the west and southwest. There is a third stream off-site, north of the Property. As shown in Figure 3, there are stream-buffers associated with two of the streams that extend into sections of the existing agricultural fields. There are

² Parcel 270 is the focus of the Application because it's where the majority of the residential uses are proposed to be located.

intermittent steep slopes on the Property, primarily along the perimeter of the fields and a small pocket of wetland associated with an off-site stream.

No known rare, threatened, or endangered species or habitats exist on the Subject Property. There are no designated historic sites on or adjacent to the Property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On May 4, 2023, the Planning Board, by Resolution MCPB No. 23-050, reviewed Pre-Preliminary Plan No. 720230020 requesting a binding decision by the Planning Board on the issues of 1) the appropriateness of the general layout, single point of access, tear drop cul-de-sac and the general mix/location of unit types, 2) confirmation that the impervious cover limit of 6 percent of the Clarksburg West Environmental Overlay Zone is calculated based on the Gross Tract Area, and 3) confirmation that the existing and proposed pedestrian and bicycle improvements on Clarksburg Road (MD121) and through the Cabin Branch development, meet the requirements under the 2014 *Ten Mile Creek Master Plan*, 2018 *Bicycle Master Plan* and the County's Subdivision Regulations. The Planning Board supported the Applicant's submittal of a preliminary plan and site plan for a cluster development on the Subject Property subject to conditions (see Attachment B). The Applicant submitted an application for a Preliminary Plan, in compliance with the conditions of Pre-Preliminary Plan No. 720230020 in August of 2023, meeting the required 90-day deadline.

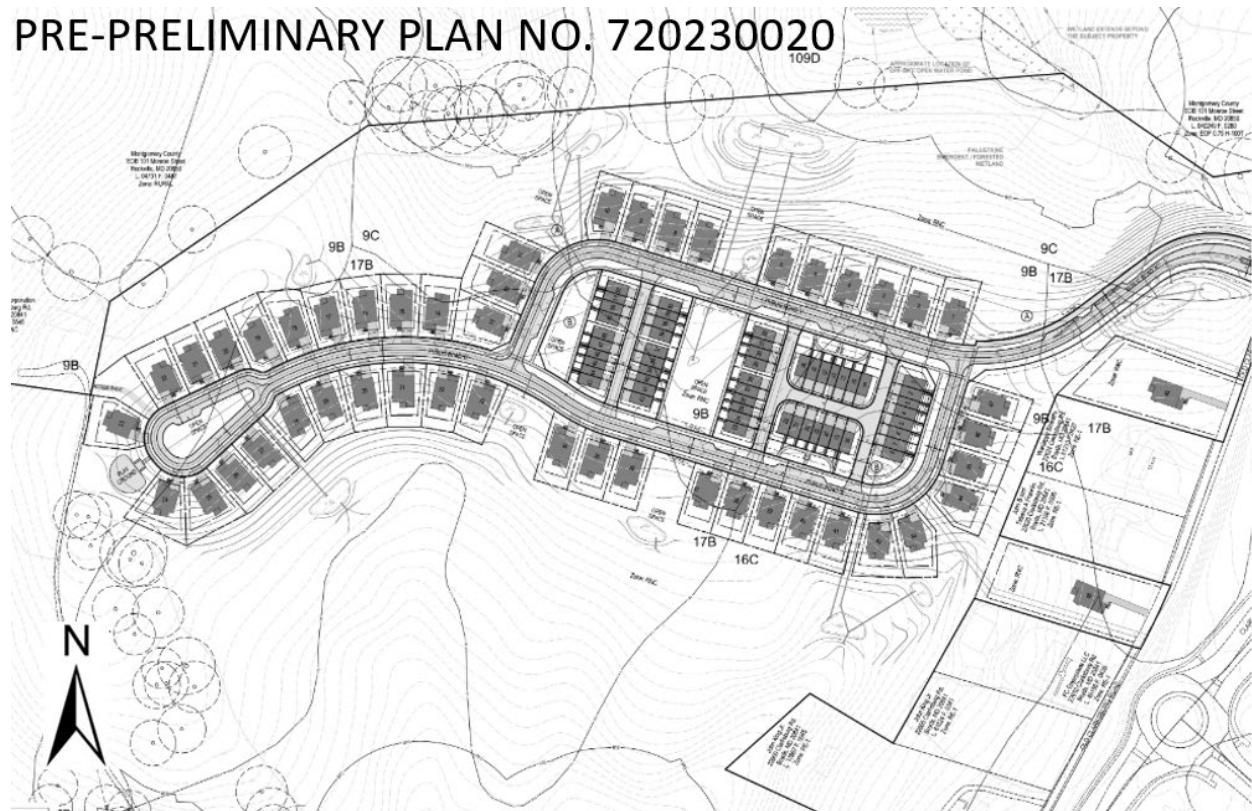


Figure 4– Pre-Preliminary Plan No. 720230020

PROPOSAL

The Applicant proposes to develop the 136-acre Subject Property with 101 dwelling units, including 49 single-family detached dwelling units, and 52 townhouses (including 13 MPDUs/12.5 percent). The Preliminary Plan complies with all conditions of approval for Pre-Preliminary Plan No. 720230020.

DEVELOPMENT LAYOUT

The Site is laid out to take advantage of the natural ridge in the property's topography, resulting in a rectangular street design, with the townhouses on the interior of the road and the single-family detached houses along the perimeter. The Application establishes two new public roads – Public Roads A & B - of which Public Road A serves as the single access point on Old Clarksburg Road, aligning with Gosnell Farm Drive. The proposed entrance to the development currently features two travel lanes, and transitions to a two-lane curvilinear entry to the subdivision. Two of the homes will be built with frontage on Old Clarksburg Road, an apparent prescriptive road, as a continuation of the rural nature of the existing road and consistent with the current development pattern. The remaining 99 units will be internal to the site.

Internal sidewalk connections serve pedestrian circulation on Public Road A and Public Road B. Where Public Road A connects to Old Clarksburg Road, there will be a 10-foot-wide, buffered shared use path along the north side (only) of the road. Beyond the entrance of the subdivision, where most of the new homes are to be located, both public roads will have sidewalks on both sides.

Public Road B extends to the west along the ridge and terminates in a teardrop style cul-de-sac, lined with the remaining detached houses. The development also provides new and improved access from the cul-de-sac to an existing home on Parcel 90 (not included in Subject Property).

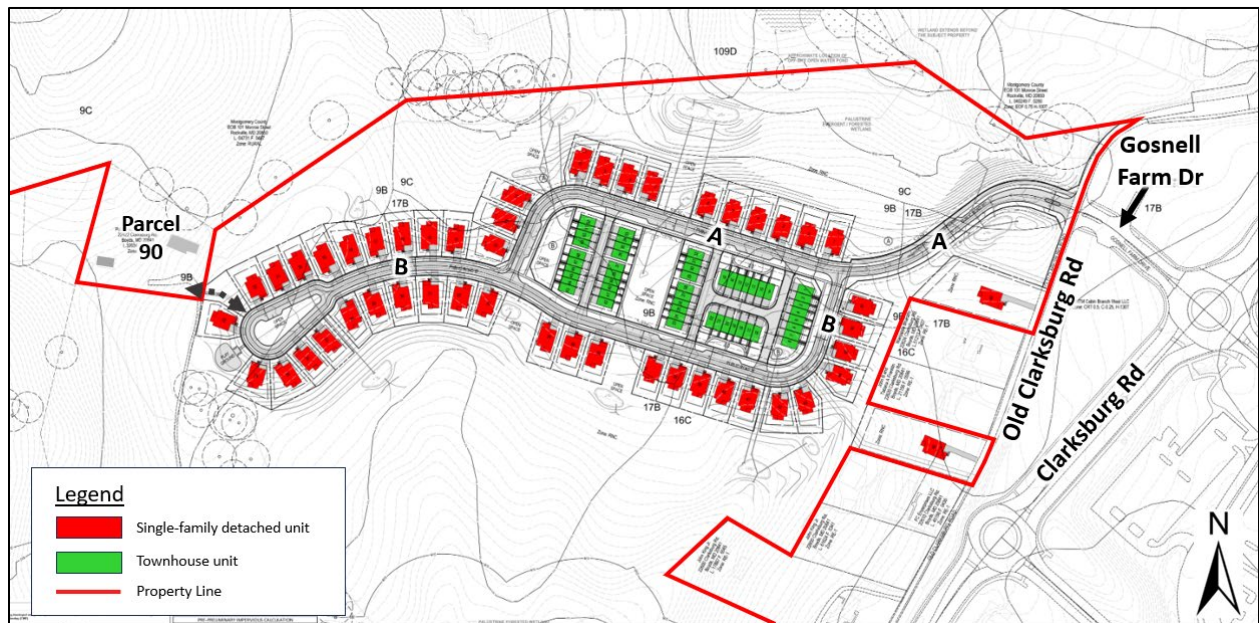


Figure 5 –Residential Lot Layout

A variety of attached and detached housing types are proposed within the development. All 52 townhomes are oriented to face one of the public roads or an interior open space, and incorporate rear loaded garages, accessible by an internal, private alley system. The market rate townhomes are 20 feet in width and the MDPU townhomes are 16 feet in width. The alleys behind the townhomes serve as access, but also create a grid by connecting the two internal public roads. The Applicant proposes to disperse the minimum 12.5 percent (13 units) MPDUs throughout the townhouse portion of the development. The 49 single family detached units will be located around the perimeter of the Site, interwoven with various openings and pathways to the ample open space surrounding the development, and two new detached houses will be built along Old Clarksburg Road.

Based on Staff’s DRC comments, the Applicant revised the peripheral detached units and internal open spaces slightly to provide larger “windows to the open space.” The two areas of expanded central open space connect through the Site to break the development into “pods” as suggested by Staff, providing vistas to the proposed rural open space and parkland.

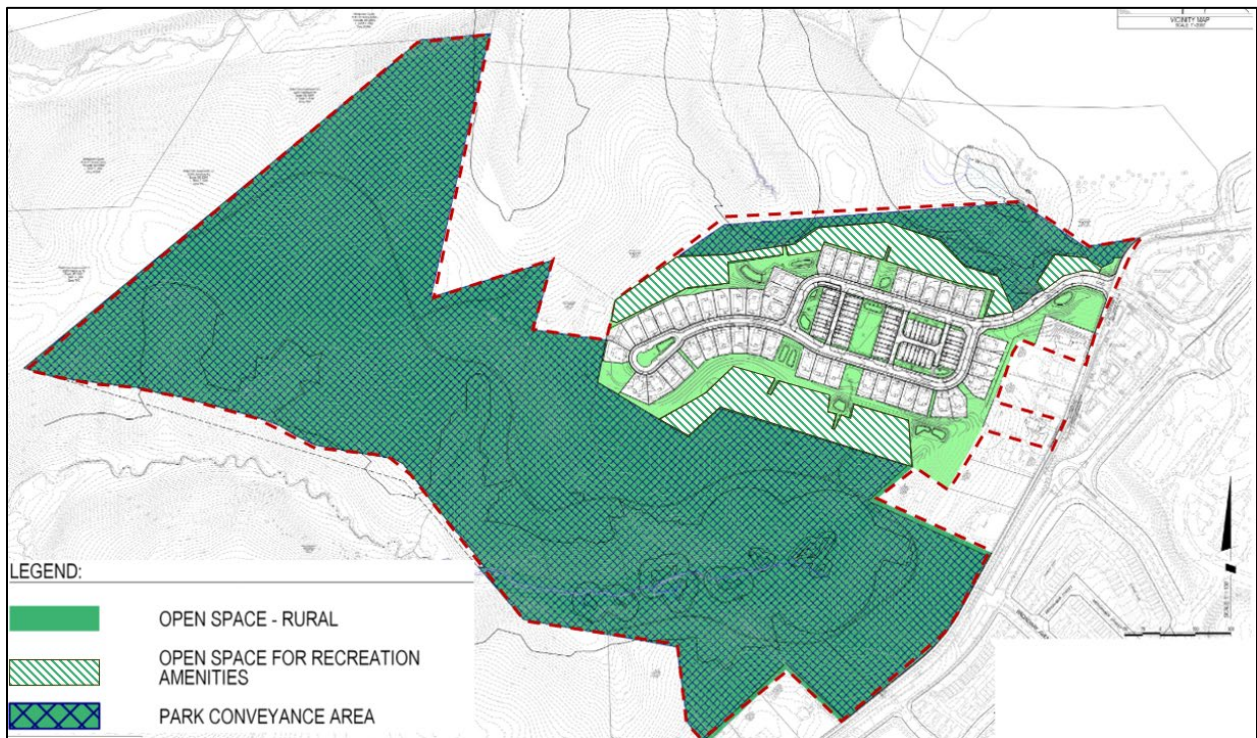


Figure 6 – Proposed Rural Open Space and Parkland Conveyance (Site outlined in red, dashed line)

OPEN SPACE AND PARK CONVEYANCE

The Property is within the Clarksburg West Environmental (CWE) Overlay Zone and is subject to an impervious surface limit of 6 percent of the area under application and an 80 percent (approximately 109 acres) minimum rural open space requirement. The proposed development includes 5.9 percent imperviousness and 86 percent rural open space (approx. 117 acres). As recommended in the Master Plan, most of the rural open space (~100 acres) will be conveyed to the Commission to serve as part of the Ten Mile Creek Conservation Park which primarily serves to provide natural resource protection and access via natural surface trails. This development will provide three new trailhead access points

that connect to the larger existing and future Montgomery Parks trail network, including one along Public Road A with six adjacent on-street parking spaces for trail users. The remaining rural open space will be retained and maintained by the HOA.

TRANSPORTATION

The Subject Property is accessed from Old Clarksburg Road which is owned and maintained by the Montgomery County Department of Transportation (MCDOT). The proposed roadway network within the Subject Property is comprised of two public streets that include room for buffered sidewalks on both sides of the street and intermittent on-street parking. The public streets convene in a cul-de-sac termination to minimize impacts and maximize the amount of space dedicated to Parks and rural open space.

The Applicant is requesting a waiver of the general requirement that a non-through road be no more than 500 feet in length and serve no more than 75 dwelling units (Section 4.3.E2.e). The waiver is being requested under Division 50.9 of the Subdivision Regulations. Planning and MCDOT Staff reviewed the request and determined that all required findings of Division 50.9.3 of the Subdivision Regulations are met; therefore, Staff recommends approval of the waiver. Further discussion of this review is included in the Preliminary Plan Findings and Analysis of this Report.

Bicycle and pedestrian access will be provided into the subdivision along a 10-foot-wide shared use path along the north side of Public Road A. Where Public Roads A and B fork, and where most of the residences are located, the sidepath transitions to five-foot-wide buffered sidewalks on both sides of the streets that connect across the various common open spaces, including a playground, on the Site.

Condition No. 5 of Pre-Preliminary Plan No. 720230020 required the Applicant to design and construct a paved shared use path approximately from the center of the development area, between proposed Lots 43 and 44, to connect to Clarksburg Road, subject to feasibility assessment at Preliminary Plan. The intent of the condition was to provide an additional, shorter access to Clarksburg Road (MD 121) and a future school Site to be located at the southwestern corner of Clarksburg Road and Byrne Park Drive. Ultimately the path was determined to be infeasible due to existing constraints such as the relatively steep grade changes between the Site, Old Clarksburg Road, and Clarksburg Road, the presence of existing retaining walls, and the restrictions on impervious surfaces within the CWE Overlay Zone.

All 101 residential units are provided with two off-street parking spaces. The Subject Application also proposes an additional 28 on-street spaces for visitors, as well as six on-street spaces near the trailhead for public use.

ARCHITECTURE

The Application includes neotraditional craftsman style single-family detached dwelling units and traditional style townhouses. The two-story single-family detached dwelling units include cross-gabled roofs and front facing garages. Each unit includes gridded windows and a porch entry feature. All townhouses included in the Application are rear loading, with garages accessed from the four interior private alleys. The fronts of the townhouses face either Public Roads A and B or into the landscaped mews on Parcel K. The townhouses include a mix of single-gabled roofs with dormers and

cross-gabled roofs. The elevations of the single-family detached and townhouses include a combination of masonry and wood siding. The siding includes lap siding, and board and batten.



Figure 7: Single-family Detached Unit Elevations



Figure 8: MPDU and Market Rate Townhouse Unit Elevations

ENVIRONMENT

The Application meets all applicable requirements of the Environmental Guidelines, the Limited Amendment Master Plan, and Chapter 22A of the Montgomery County Forest Conservation Law as discussed below in the Forest Conservation findings section of this report.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submission and noticing requirements. A pre-submittal public meeting was held virtually on August 29, 2023. According to the sign-in sheet provided, 30 people attended the meeting and the full minutes are included as Attachment E.

The Applicant answered questions from the community regarding grocery retail in the Clarksburg area, timing of the Project, the potential for including native plants in the landscaping materials, a future interchange at I-270/West Old Baltimore Road or Little Seneca Parkway, converting the roundabouts on Clarksburg Road to signalized intersections, and the design of the two homes planned for construction on Old Clarksburg Road.

As of the date of this staff report one email was received in opposition of the Subject Application. The concerns in the email included the following: strains to public facilities and services such as public schools and parks, increase in traffic, and impacts to public water and sewer facilities. These issues are discussed in more detail in Sections 5, 6 and 7 of this report (Findings for the Preliminary Plan, Site Plan, and Final Forest Conservation Plan, respectively) and summarized below.

A required finding for the Preliminary and Site Plan is that there are adequate facilities to support the Project including schools, public transportation network, etc. The proposed Preliminary Plan is subject to the FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024. 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 FY25 Annual School Test, the elementary, middle, and high schools which serve the Site do not require any UPP.

As conditioned the Applicant will be making a substantial dedication to Montgomery Parks (over 100 acres); therefore, the Subject Application will be beneficial to the existing and future residents within the vicinity of the Site.

The Applicant was required to submit a transportation impact study which included an analysis of the existing multi-modal facilities and estimated impact to be generated by the Subject Application. Mitigation projects were reviewed and approved by MCDOT, MDOT SHA, and Montgomery Planning Staff. Participation in the required mitigation is required per the transportation conditions of approval associated with the Preliminary Plan.

Montgomery County Department of Permitting Services (MCDPS), Water Resources Section reviewed the Subject Application and recommended approval in their stormwater management concept letter dated April 5, 2024, and incorporates the recommendations included within as conditions of the Preliminary Plan approval.

SECTION 5: PRELIMINARY PLAN 120240040 FINDINGS AND ANALYSIS

The Preliminary Plan creates 101 lots for single-family dwelling units, composed of 49 lots for single-family detached dwelling units and 52 lots for townhouse dwelling units, including 12.5 percent MPDUs, with associated public streets, public parkland dedication, and private open spaces. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State and County agencies.

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.*

The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (single-family detached and townhouse structures) and use contemplated for the Subject Property. The general layout adheres to what was approved for the Subject Property by way of Pre-Preliminary Plan No. 720230020.

The Application is proposed under the optional method in accordance with Section 59.4.4.6.D of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

a) *The block design is appropriate for the development or use contemplated*

The Application is creating 101 lots, clustered on the Site in compliance with the intent of the RNC zone. The layout was reviewed and approved for the Subject Property by way of Pre-Preliminary Plan No. 720230020.

Subdivision Waiver for Cul-de-sac

The Applicant has requested a waiver of the general requirement that a non-through road be no more than 500 feet in length and serve no more than 75 dwelling units (Section 50-4.3.E.2.e). The waiver is being requested under Division 50.9 of the Subdivision Regulations.

Section 50-4.3.E.2.e stipulates that the Board must not approve any road that does not connect to another road at its beginning and end, unless a determination is made that:

- i. a through road is infeasible due to a property's unusual shape, size, topography, environmentally sensitive areas, or the characteristic of abutting property
- ii. the road provides access to no more than 75 dwelling units,
- iii. the road, excluding alleys, is properly terminated in a cul-de-sac or other turnaround; and
- iv. the road is less than 500 feet in length, measured along its centerline to the nearest through street, unless the Board determines that a longer length is necessary because of the unusual shape, size, topography, or environmentally sensitive areas of the subdivision.

A through road on this Site is infeasible due to the Property's peninsular shape, along the crown of a ridge between two stream valleys, and due to the depth of the developable area. The Subject Property is also within the CWE Overlay Zone, which requires additional environmental protections and limits impervious cover, both of which precludes a second access point with Old Clarksburg Road. The Project proposes instead to construct a cul-de-sac as approved by MCDOT. Although the road will be longer than 500 feet, the Board is able to approve a longer length when necessary to accommodate topography and environmentally sensitive areas. For the Subject Application both are applicable.

Therefore, the Applicant is seeking a waiver for the limit on the number of dwelling units accessed by the roadway (26 units beyond the limit). The developable area for the Property was analyzed at the time of the Master Plan, and there is a goal to increase residential units, increase housing types, while addressing the environmental resources.

For these reasons the Applicant is seeking a waiver in accordance with Section 50-9.3, which allows the Board to grant a waiver if the following findings are met:

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

As discussed, the circumstances in this case indicate practical difficulty and usual circumstances due to the topography, the environmentally sensitive nature of the Site, and the impervious restrictions of the CWE Overlay Zone, created by the *Ten Mile Creek Area Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area*. The intent of the provision of Section 50-4.3.E.2.e is met because the road provides appropriate access for the planned number of units. The design of the cul-de-sac was reviewed and approved by MCDOT, and design elements of the roadway will otherwise be met (presence of buffered sidewalks on both sides, total width, pavement depth, drainage facilities, etc.). The roadway length and design of the elongated cul-de-sac allows the Applicant to maximize the limited developable land, while ensuring protection of the natural resources. Furthermore, the length and design of the roadway was reviewed and approved by the Board during review of Pre-Preliminary Plan No. 720230020. Therefore, the waiver is the minimum necessary to provide relief from the requirements.

Thrive Montgomery 2050, the County's General Plan makes several recommendations to increase the range of housing types and sizes to meet diverse needs. On page 87 it recommends that the County, "apply flexible approaches to accommodate infill and redevelopment that improve access to amenities, active transportation, parks, and open spaces, and a broader range of housing types at the neighborhood scale. This project is providing both a variety of housing types and dedicating a substantial amount of acreage for a

public park, which would not be feasible with a longer roadway. On page 98 it calls to, “accommodate new development with a context sensitive approach to architecture and landscape design that acknowledges neighboring structures, local climate, and topography.” The Subject Application proposes two public streets with a comfortable pedestrian network, connecting to several park trails. The alignment of the roadway responds to the topography and SPA. “On page 132 it recommends that the County, “facilitate the development of a variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities.” Therefore, the residential development and associated transportation infrastructure proposed are consistent with both the objectives of *Thrive Montgomery 2050*, as well as the applicable Master Plans.

b) *The lot design is appropriate for the development or use contemplated*

The lot size, width, shape, and orientation are appropriate for the location of the subdivision and for the proposed residential uses. All lots will either front on proposed Public Roads A, B, or Clarksburg Road or a common open space (Townhouse lots 22-42). The dimensions of the proposed lots will be able to accommodate the proposed buildings and other infrastructure necessary to serve the lots. The proposed lot design for new residential development is also consistent with the size, shape, and width of the lots in the recently approved Creekside at Cabin Branch development, south of the Property.

c) *The Preliminary Plan provides for required public sites and adequate open areas*

i. *Master Planned Sites*

The Property falls within the area covered by the 2014 *Ten Mile Creek Area Limited Amendment* (Master Plan) to the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. The Property is identified as part of the “Pulte and King Properties” discussed on pages 41-44 of the Master Plan. Numerous environmental recommendations detailed on pages 14-23 and Parks recommendations on pages 48-51 of the Master Plan also apply. Further analysis of the master-planned recommendation for the Subject Property is provided in Finding 2 of this section of the staff report.

ii. *Local Recreation*

Fifteen parcels and over 100 acres in the subject Application will be dedicated to open space. A total of 8.92 acres will be dedicated to specifically developed HOA open space and recreation. Parcels K and L will be HOA amenity open spaces featuring open lawns and landscaping framed with ADA accessible sidewalks. Parcel D, located at the end of the cul-de-sac, will include a playground, tot lot, benches, and seating areas with picnic tables. There are a total of three trailheads on the Subject Property, which will connect to natural surface trails within the area conveyed to Parks. Parcel H will be a formal trailhead, located directly across the open lawn area on Parcel K. One trailhead will be accessible from Public Road A and another from Old Clarksburg Road.

iii. *Transportation and Utilities*

The Master Plan includes general recommendations for improving multimodal transportation networks within the plan area. The Project proposes three trailheads and two improved pedestrian and bicycle connections to Clarksburg Road. These access points and connector trails are proposed to connect the subdivision to the area to be conveyed to Montgomery Parks as part of the Ten Mile Creek Park system.

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

The lots were reviewed for compliance with the dimensional requirements for the RNC and CWE Overlay Zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the RNC and Overlay Zones.

One requirement of the RNC Zone is provide a diversity of lot sizes. The Subject Application provides three different housing types, including market-rate single-family houses around the perimeter and market rate and MPDU townhouses within the neighborhood center. Lot sizes range from 1,200 square feet to over 27,000 square feet. Placing the larger lots near the entrance to the subdivision upholds the rural residential character of the greater vicinity. The detailed summary of the development standards is included in Table 1.

Table 1: Clarksburg Chase Site Plan Data Table for RNC Zone and CWE Overlay Zone, Optional Method, Section 59.4.3.5.

Development Standard	Zoning Code Req.		Proposed	
GROSS TRACT AREA:				
Gross Tract Area	N/A		136.17	AC.
Usable Tract Area	10	AC. MIN.	136.17	AC.
Area of Dedications	N/A		0.65	AC. (public roads)
			100.57	AC. (park conveyance)
Net Lot Area =			34.95	AC.
MAXIMUM DENSITY: 1 units/acre (Optional Method MPDU 59.4.3.5.D.4)**	136	Units MAX.	101	UNITS
UNIT TYPE:				
Detached Units			49	48%
Townhouse Units			52	51%
Total=	101			
MPDUS:				
12.5% + 1	13	UNITS MIN.	13	UNITS
OPENSOURCE:				
Common Open Space	5	% MIN.	5	% MIN.
	6.8	AC.	6.8	AC.
Rural Open Space (59.4.9.6.D.7)	80	% MIN.	80	% MIN.
	108.94	AC.	109.86	AC.
Impervious Area Max (59.4.9.6.D.1, CWE)	6	% MAX.	6	% MAX.

Development Standard	Zoning Code Req.		Proposed	
	8.17	AC.	8.17	AC.
SITE COVERAGE:				
30% Townhouse Coverage Maximum = Townhouse Lot Area/Site Area – Detached Lot Area	30	% MAX.	5.1	%
(5,931,782 SF -432,807 SF)*0.30 = 1,649,693 SF MAX. Townhouse Lot SF	1,649,693	SF. MAX.	1,649,693	SF. MAX.
LOTS: (Section 4.4.8.C. & Section 4.9.5.D)*				
<u>Lot Area:</u>				
Detached	Determined at Site Plan		5,000	SF. MIN.
Townhouse (Market Rate)	Determined at Site Plan		1,300	SF. MIN.
Townhouse (MPDU)	Determined at Site Plan		1,100	SF. MIN.
<u>Lot width at front building line:</u>				
Detached	Determined at Site Plan		25	FT. MIN.
Townhouse (Market Rate)	Determined at Site Plan		20	FT. MIN.
Townhouse (MPDU)	Determined at Site Plan		16	FT. MIN.
<u>Lot width at front lot line:</u>				
Detached	Determined at Site Plan	FT. MIN.	25	FT. MIN.
Townhouse (Market Rate)	Determined at Site Plan	FT. MIN.	20	FT. MIN.
Townhouse (MPDU)	Determined at Site Plan	FT. MIN.	16	FT. MIN.
<u>Frontage on street / open space:</u>				
Detached	Required		Provided	
Townhouse	Required		Provided	
<u>Lot Coverage:</u>				
Detached	Determined at Site Plan		50	% MAX.
Townhouse (Market Rate & MPDU)	Determined at Site Plan		80	% MAX.
BUILDING SETBACKS:				
<u>Front setback from public street:</u>				
Detached (proposed public streets)	Determined at Site Plan		15	FT. MIN.
Detached (Old Clarksburg Road)	Determined at Site Plan		50	FT. MIN.
Detached (street Single Family – Front/Side)	Determined at Site Plan		25	FT. MIN.
Townhouse	Determined at Site Plan		15	FT. MIN.
<u>Front setback from open space</u>				
Townhouse	Determined at Site Plan		15	FT. MIN.
<u>Side street setback,</u>				
Detached (Old Clarksburg Road)	Determined at Site Plan		17	FT. MIN.
Detached (proposed public street)	Determined at Site Plan		8	FT. MIN.

Development Standard	Zoning Code Req.	Proposed
Townhouse (adjacent to townhouse)	Determined at Site Plan	5 FT. MIN.
Townhouse (adjacent to open space)	Determined at Site Plan	5 FT. MIN.
<u>Rear setback</u>		
Detached (proposed public streets)	Determined at Site Plan	20 FT. MIN.
Detached (Old Clarksburg Road)	Determined at Site Plan	35 FT. MIN.
Townhouse (alley)	Determined at Site Plan	4 FT. MIN.
Detached		
Townhouse		
<u>Accessory Structure (Front):</u>		
Detached	Determined at Site Plan	50 FT. MIN.
Townhouse	N/A	N/A
<u>Accessory Structure (Side/Rear):</u>		
Detached	Determined at Site Plan	5
Townhouse	N/A	N/A
<u>BUILDING HEIGHT:</u>		
Detached, Main	35 FT. MAX.	35 FT. MAX.
Detached, Accessory	25 FT. MAX.	25 FT. MAX.
Townhouse	35 FT. MAX.	35 FT. MAX.
<u>PARKING (Section 59-6.2.)</u>		
<u>Market Rate Units (88)</u>		
2.00 Req. space/unit	176 spaces MIN.	176 spaces
<u>MPDU Units (13)</u>		
1.00 Req. space/unit	13 spaces MIN.	26 spaces
On-street Trailhead Parking	N/A	6 spaces
On-street Visitor Parking	N/A	28 spaces
<u>Total Parking Provided On-Site</u>	189 spaces MIN.	236 spaces
<u>Bicycle Parking</u>	0 spaces	0 spaces

*Restriction on properties located in the Clarksburg West Environmental Overlay Zone under Section 4.9.6.D.1. Pursuant to this section in the Zoning Ordinance, the minimum lot area, lot dimensions, building coverage, and building setbacks of the underlying zone do not apply and are determined during the site plan approval process under Section 7.3.4.

**The Master Plan recommends 1 unit per acre for development on the Property (Master Plan, p. 42)

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

The Property falls within the area covered by the 2014 *Ten Mile Creek Area Limited Amendment* (Master Plan) to the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. The Property is identified as part of the “Pulte and King Properties” discussed on pages 41-44 of the Master Plan. Numerous environmental recommendations detailed on pages 14-23 and Parks recommendations on pages 48-51 of the Master Plan also apply.

a) Land Use

The items below are the property-specific Master Plan land use recommendations from pages 41-44:

- *Allow optional method development in the RNC Zone with public sewer at a permitted density of one unit per acre. Moderately priced dwelling units beyond the minimum 12.5 percent would be in addition to the recommended density, in accord with Chapter 25A of the Montgomery County code, if the development does not exceed the impervious surface cap.*

The Applicant proposes 101 units on 136.17 acres of land and will be utilizing public sewer. The Applicant will provide 12.5 percent MPDUs in order to stay within the impervious cap.

- *Provide flexibility in the mix of housing types; allow either a blend of single-family lots and attached units, or exclusively attached units as a means of achieving maximum development yields.*

The Applicant proposes 49 single-family detached units and 52 townhouse units. The plan drawings indicate a suitable mix of housing types.

- *Dedicate most of the rural open space as parkland.*

The Applicant is dedicating at least 80 percent of the site to open space, with most being conveyed to the Commission for use as parkland.

1. *Concentrate cluster development in unforested upland areas; wooded stream valleys should be left intact, undeveloped, and in their natural states as rural open space.*

The Applicant proposes all dwelling units in unforested upland areas.

2. *Incorporate open space into the clustered community to provide residents with recreational opportunities.*

The Applicant’s Open Space Exhibit indicates they are providing 8.93 acres of open space for recreational amenities. The Applicant is proposing a playground for younger children and bikeways, a trail system, a large open lawn area, benches, and natural areas to provide recreational opportunities for teens and adults.

3. *Provide access from public roads within a development to the proposed Ten Mile Creek Conservation Park to facilitate the creation of trailheads for natural surface trails and allow park maintenance access.*

Six parking spaces are proposed along the entrance road to serve a trailhead to access the parkland to be dedicated to the Ten Mile Creek Conservation Park. Two additional trailheads are provided; one via the HOA open space along Public Road B and one from Old Clarksburg Road to the new parkland.

Specific Parks recommendations are discussed on pages 48-51 of the Master Plan. On page 48, the Master Plan recommends:

To create the core of the Ten Mile Creek Conservation Park, dedicate the Rural Open Space outside of the development envelope on the Pulte and King properties to the Department of Parks as a condition of the development review process. Land unavailable through dedication during the development review process may be acquired by the Department of Parks.

Most of the rural open space outside the development envelope—100.51 acres—are being conveyed to the Commission as part of the Conservation Park.

b) Environment

The Master Plan places a high priority on the protection and enhancement of environmental resources, including forest and water quality, with an added emphasis on protecting and expanding environmental buffers. The Master Plan includes several recommendations that help to achieve the goal of environmental resource protection, including clustering development in upland areas, limiting impervious surfaces, and expanding environmental buffers to include ephemeral streams, wetlands, springs, seeps, erodible soils, and slopes greater than 15 percent.

The northern half of the Property is within Little Seneca Ten Mile (LSTM) subwatershed 110. LSTM 110 is one of two watersheds called out in the “West of I-270” environmental recommendations on pages 18-29 of the Master Plan. Protection of existing stream conditions in this high quality Ten Mile Creek headwater subwatershed is especially important. More critically, development of the Pulte/King properties, which includes the Subject Property, requires a conservation management plan for areas outside the limits of disturbance that are not dedicated to Montgomery Parks for parkland or placed in a rural open space easement. The conservation management plan is intended to address management of the natural resources, preserve pervious land cover, and ensure compatibility with adjacent land uses. This conservation management plan must be approved as part of the preliminary or site plan for the Site.

Another environmental recommendation specific to the Site is that all forest adjacent to environmental buffers should be protected (page 19). The Master Plan also contains several additional requirements for Water Quality Plans in the Ten Mile Creek watershed. These are described on pages 21-22 of the Master Plan and are reviewed as part of the Water Quality Plan review discussed below.

The property-specific Master Plan environmental recommendations from pages 41-44 state, “Include these properties in the proposed Clarksburg West Environmental Overlay Zone, with a six percent imperviousness limit and an 80 percent open space requirement”. The Application proposes a six percent imperviousness limit and a minimum of 80 percent open space.

Final Stream and Wetland Restoration Plan

The Limited Amendment to the Master Plan requires properties to restore streams and wetlands adversely affected by the previous land uses as part of the SPA Water Quality Plan requirements. A Stream and Wetland Restoration Plan was submitted as part of this application. Staff has reviewed and recommends approval of the Final Stream and Wetland Restoration Plan. Final approval will take place as part of the Parks permitting process.

Final Conservation Management Plan

The Limited Amendment to the Master Plan requires this Property to include a Conservation Management Plan (CMP) as part of a development application. As with the Preliminary CMP, the Final CMP was reviewed and approved by Staff from Montgomery Parks, and from the Montgomery County Department of Environmental Protection (MCDEP) as part of the Property’s Site Plan. The CMP includes all land outside of the limits of disturbance that is not conveyed as parkland or included in the rural open space easement. The submitted CMP includes +/-110.02 acres of the Property to be preserved as pervious land cover through the creation of meadow habitat and grassed areas planted with individual native trees and shrubs. The Applicant will convey 101.51 acres of the CMP for parkland and therefore, the Final CMP includes 8.51 acres of the Property (Attachment G). As conditioned, this land will be maintained by the Homeowner’s Association under a Maintenance and Management Agreement.

c) Noise

The Plan includes a Noise Analysis to demonstrate conformance with the 1983 **Staff Guidelines For the Consideration of Transportation Noise Impacts In Land Use Planning and Development** (“Noise Guidelines”). The Noise Analysis is necessary to determine the projected interior and exterior noise levels for the residences. This Property meets the screening criteria on page 6 of the Noise Guidelines, which warrants a Noise Analysis. The screening criteria are met because the Property is within 300 feet of an arterial road (MD 121, Clarksburg Road) with Average Daily Traffic of 5,000 to 20,000. The Applicant submitted a Noise Analysis for the Subject Property that was prepared by Hush Acoustics, LLC dated July 25, 2023 (Attachment H). The Analysis concluded that none of the units or common outdoor spaces will be exposed to ground level noise levels greater than 55 dBA Ldn; therefore, no further analysis or mitigation will be required for outdoor areas. While the Analysis concluded that two of the units will be exposed to top floor noise levels greater than 55 dBA Ldn, the standard building construction will mitigate interior noise levels 19-25 decibels and will be under the 45 dBA interior limit. Therefore, no further analysis or mitigation will be required for outdoor areas.

d) Transportation

The 2014 **Ten Mile Cree Area Limited Amendment** of the 1994 **Clarksburg Master Plan and Hyattstown Special Study Area** is the applicable master plan for the Proposed Development. The Master Plan acknowledges that transportation in the Subject Property area is an issue due to the high dependency on motor vehicles. To this end, the Master Plan recommends the diversification of modes of transportation. Some of the recommendations include the construction of a transitway along the MD-355 bypass and several bikeways to create interconnected neighborhood loops and park-and-ride lots. The purpose is to enhance other modes of transport such as mass public transit, bikeways, sidewalks, and shared-use paths to reduce motor vehicle dependency in the Subject Property area.

The Subject Application includes a multi-modal circulation network to provide access to and throughout the Site. Described in more detail in Preliminary Plan Finding 3 in this report, the Preliminary Plan includes two public roads, four private alleys, sidewalks, and a sidepath which will connect to the existing pedestrian facilities at the intersection of Old Clarksburg Road and Gosnell Farm Drive.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

The Site has frontage on Old Clarksburg Road, a State-owned and maintained public street. The road functions as an access road for residential properties along the north side of Clarksburg Road MD 121. Old Clarksburg Road is classified as an Industrial Street east of Gosnell Farm Road until Whelan Lane and is not master planned west of Gosnell Farm Road to where it ultimately terminates at Clarksburg Road and West Old Baltimore Road. The master-planned right-of-way for Old Clarksburg Road along the Site frontage is 60 feet. The Applicant shall provide all necessary land to accommodate 30 feet from the centerline pavement to their property line.

Old Clarksburg Road has no pedestrian or bicyclist facilities. A pair of flag-style bus stops (no shelters) are located east of the Subject Property near the intersection of Gosnell Farm Drive between Old Clarksburg Road and Clarksburg Road. These two bus stops are served by Ride On Route 75, which provides service to areas in Clarksburg and the Germantown Transit Center and MARC Station.

Clarksburg Road has an existing eight-foot-wide sidepath with an approximately 10-foot-wide street buffer with trees on the south side of the street and a buffered sidewalk on the north side of the street. The sidepath along the south side connects to existing bicycle and pedestrian facilities along the Cabin Branch development, and to existing and master-planned major roadways such as Gateway Center Drive and Observation Drive to the north.

ii. **Proposed public transportation infrastructure**

No frontage improvements will be provided for Old Clarksburg Road, as this roadway is meant to be a continuation of the rural nature and character of the area. Instead, the Proposed Development will provide both pedestrian and bicyclist connections from the interior of the Subject Property to the major bicycle and pedestrian pathways along the proposed main entry road, Clarksburg Road (MD-121). The Applicant will also dedicate right-of-way as necessary to comply with the 2024 *Master Plan of Highways and Transitways*.

Two new public roads, Public Roads A and B, will be constructed to provide motor vehicle, pedestrian, and bicyclist access to the Proposed Development. The Subject Property will have a single access point from Old Clarksburg Road. Public Road A will provide vehicular and pedestrian access to the Proposed Development from Old Clarksburg Road. Public Road A will extend from Old Clarksburg Road to the Proposed Development, serving primarily units one to 13 north of the Site, and connecting to Public Road B south of the Subject Property. Public Road B will serve units 14 to 47 south of the Proposed Development. The Applicant will construct a teardrop-style cul-de-sac at the termination of Public Road B, around units 20 to 27, to comply with MCDOT and SHA requirements.

Public Road A will transition from a divided road where it intersects with Old Clarksburg Road, to a narrower roadway with intermittent on-street parking. See Figures 9 and 10.

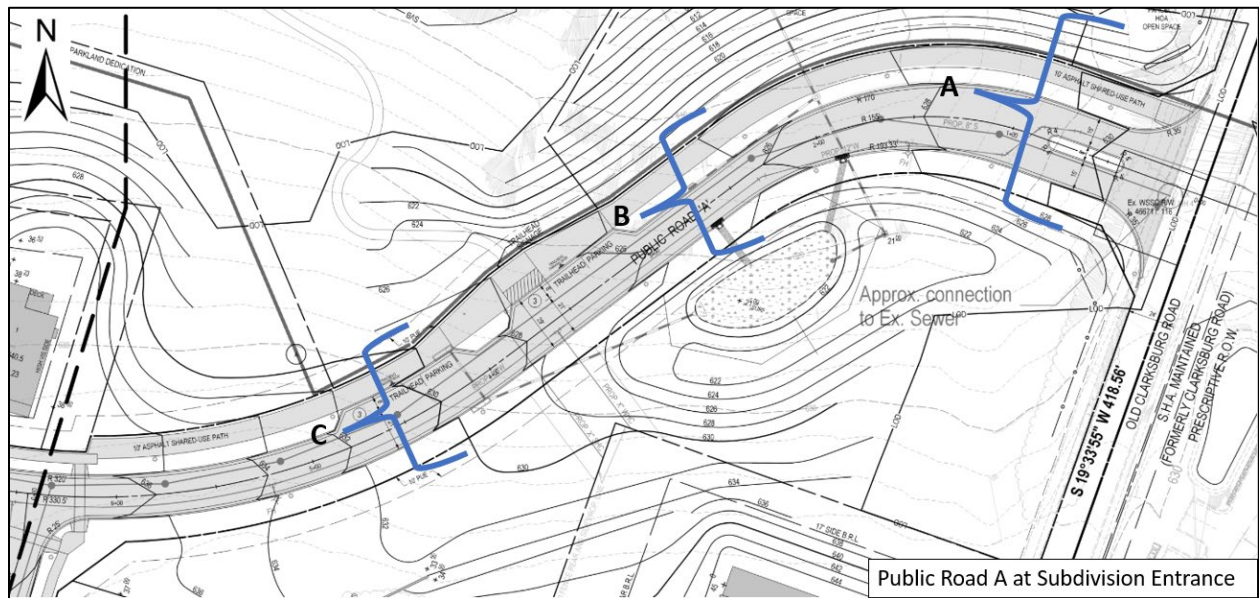


Figure 9: Public Road A at Subdivision Entrance

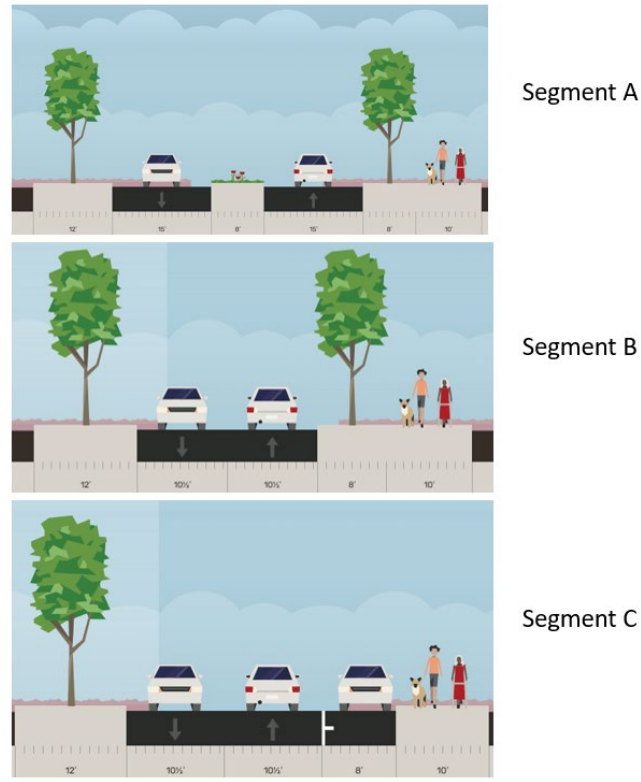


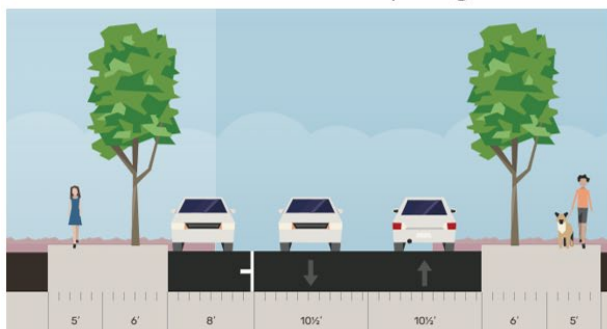
Figure 10: Cross Sections of Public Road A at Subdivision Entrance

The remaining segments of Public Road A and all of Public Road B will have intermittent on-street parking on one side of the roadway. On Public Road A the parking is consistently on the south/west side. Public Road B has on-street parking lanes that alternate but are only ever present on one side.

Both public roads will consistently include two travel lanes, each 10-and-one-half-feet wide with a six-foot-wide street buffer and five-foot-wide sidewalk on one side.

If intermittent on-street parking is present there will be a five-foot-wide sidewalk, with a six-foot-wide street buffer and an eight-foot-wide parking lane or a 14-foot-wide street buffer where parking is not present. This way the sidewalks maintain a consistent alignment, and there's always a buffer between the sidewalks and the parking or travel lane.

Public Roads A and B with on-street parking



Public Roads A and B without on-street parking



Figure 11: Cross Sections showing intermittent on-street parking alignments

As mentioned, there will be three trailheads throughout the subdivision. The Applicant will construct the trailheads and a portion of the natural surface trails that will ultimately form a network within the area to be conveyed to Montgomery Parks.

iii. **Proposed private transportation infrastructure**

The Applicant will be constructing four private alleys to serve exclusively motor vehicle access for the units located in the center of the Proposed Development. All private alleys will be 20-foot-wide and will provide two-way access for motor vehicles. Private Alleys 2 and 3 will fully connect to Public Roads A and B. Private Alley 1 will connect to Public Road A, but not Public Road B, and Private Alley 4 is fully internal to the townhouses (Figure 11).

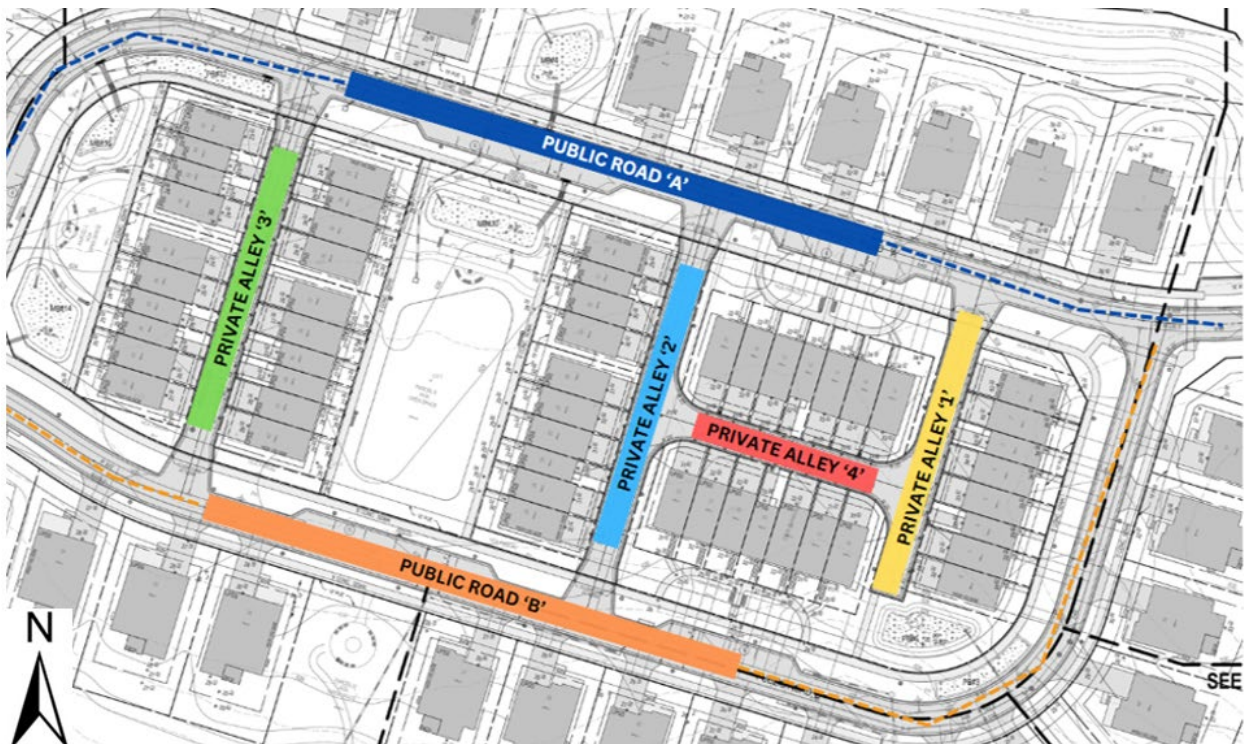


Figure 12: Private Alleys Exhibit

b) Local Area Transportation Review (LATR)

The Proposed Development is located in the Clarksburg Transportation Policy Area, which is classified as a Yellow Policy Area under the 2021-2024 *Growth and Infrastructure Policy* (GIP). The Subject Application with 52 townhomes and 49 single-family detached units is estimated to generate 94 total person trips in the morning peak hour and 122 total person trips in the evening peak hour. As a result of the estimated transportation impact, the Applicant submitted a Transportation Impact Study (TIS) with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

Table 2 – Estimated Trip Generation, Net New Person Trips

Proposed Land Use	Morning Peak Hour	Evening Peak Hour
Townhomes	33	42
Single Family Detached	61	80
<i>Net New Person Trips</i>	94	122

Source: Transportation Impact Study dated September 2023

Travel Mode Adequacy Test

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation all transportation modes, including: auto-driver, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The mode split of the total person trips for the Subject Property are summarized by travel mode in Table 3. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate all four travel mode adequacy tests.

Table 3 – Trip Estimate by Mode

Total Person-Trips		Auto-Driver	Transit	Pedestrian ³	Bicycle
Morning Peak Hour	94	60	3	9	6
Evening Peak Hour	122	78	3	10	7

Source: Transportation Impact Study by Wells and Associates submitted dated September 2023, revised November 2024, as modified by Staff.

Vehicle Adequacy Test

With 94 net new trips estimated during the morning peak period, the Applicant was required to study one tier of intersections for motor vehicle adequacy. The Applicant evaluated a total of two intersections, including the Site entrance, in proximity to the Site including:

1. Old Clarksburg Road at Gosnell Farm Road (Site Entrance)
2. MD 121 Gosnell Farm Road (roundabout)

The total future CLV and average vehicle delay were calculated based on the existing lane use and traffic control for the off-site intersections. Intersections area evaluated for adequacy using the Critical Lane Volume (CLV) analysis methodology. The congestion standard for intersections within the Yellow/Clarksburg Transportation Policy Area is 1425 CLV. One of the study intersections is a roundabout and was analyzed using SIDRA and with a congestion standard of 55 seconds average vehicle delay. A map of the intersections studied are shown in Figure 13.

³ Pedestrian trips are calculated by adding non-motorized and transit trips.



Figure 13: Intersection Analysis Map

Table 4: Intersection Capacity Highway Capacity Manual Methodology Critical Lane Volume (CLV) & SIDRA

Intersection/Corridor		Delay Standard	Existing Conditions		Background Conditions		Future Conditions	
			AM	PM	AM	PM	AM	PM
1	Old Clarksburg Road at Gosnell Farm Road (Site entrance)	1450 CLV	75	53	75	53	99	100
2	MD 121 at Gosnell Farm Road* (Roundabout)	55 sec/vehicle delay (0.89 volume/capacity)	5.8 (0.306)	6.9 (0.343)	8.9 (0.527)	11.0 (0.615)	10.2 (0.649)	12.3 (0.703)

Source: Transportation Impact Study by Wells and Associates submitted dated September 2023, revised November 2024, as modified by Staff.

*Analysis based on SIDRA

In compliance with the 2023 *LATR Guidelines*, the Applicant studied three scenarios: existing, background, and total future. The existing scenario reflects analysis based on recent traffic counts collected at the intersections. The background condition added the traffic volumes estimated to be generated by four approved but unbuilt developments in the vicinity of the Site including, Creekside at Cabin Branch, Linthicum West, Gosnell at Cabin Branch, and Village a Cabin Branch. The total future scenario layers the traffic volumes estimated to be generated by the Subject Application on top of the background and existing scenarios. Based on this analysis it was determined that both study intersections are projected to operate below the congestion standard thresholds, and therefore no mitigation for vehicular adequacy is required.

Pedestrian, Bicycle, and Bus Transit Adequacy Tests

- Transit system adequacy was evaluated by inventorying two bus stops located within 1,000 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.
- Pedestrian system adequacy was evaluated within 400 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 400 feet of the Property.
- Bicycle system adequacy was evaluated by analyzing bikeways within 400 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Under Section 8 of 2023 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 49 single-family detached units and 52 townhomes is not to exceed \$552,743 (see calculation below).

$$\text{LATR Proportionality Guide} = (\text{Extent of Development}) (\text{LATR Proportionality Guide Rate}) (\text{LATR Proportionality Guide Adjustment Factor})$$

$$\$552,743 = ((49 \text{ single-family detached units}) (\$24,151) (25\%)) + ((52 \text{ townhouse units}) (\$19,761) (25\%))$$

After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Staff for review. In compliance with the 2023 *LATR Guidelines*, the final list of four prioritized projects was finalized by the reviewing agencies and is now conditioned for approval of the Preliminary Plan. The table identifies those projects which could be feasibly constructed, as well as those projects that could not be feasibly constructed (due to unattainable right-of-way or would require changes to traffic operations outside the control of the applicant) and are addressed by way of mitigation payments. The final list of projects is included in Table 5 and a map of the projects is provided on Figure 14 below.

Table 5: Clarksburg Chase LATR Mitigation Project List

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
A	The intersection of Old Clarksburg Road and Gosnell Farm Drive	Install side street stop-control operations on Gosnell Farm Drive. Includes e installation of stop bars on both sides of Clarksburg Road, and a crosswalk on the north leg of the intersection with the receiving ramps.	Construct	N/A frontage improvements
B	West side of Gosnell Farm Drive	Two 5ft x 12ft bus shelters and 7ft x 22ft pads	Mitigation Payment	\$38,888
E/F	The intersection of MD 121 and Broadway Avenue	Installation of a Rectangular Rapid Flashing Beacon (RRFB) at the existing crosswalk on MD 121. Includes the installation of a crosswalk at the east leg of the intersection at Broadway Avenue.	Construct	\$81,871
G	The intersection of MD 121 and Byrne Park Drive	Installation of a Rectangular Rapid Flashing Beacon (RRFB) at the existing pedestrian crosswalk on MD 121. Includes the installation of a new crosswalk, curb ramp, and guard rail modifications crossing Old Clarksburg Road.	Construct	\$151,852.47
Construction Subtotal				\$282,170.84
Mitigation Payment Subtotal				\$44,000.00
MPDU Credit ¹				\$5,112
Adjusted Mitigation Payment Subtotal				\$38,888.00
Total				\$321,328.84
Proportionality Guide				\$522,743

¹ Consistent with Section TA4 of the 2020-2024 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the project’s LATR Proportionality Guide that is generated by MPDUs.

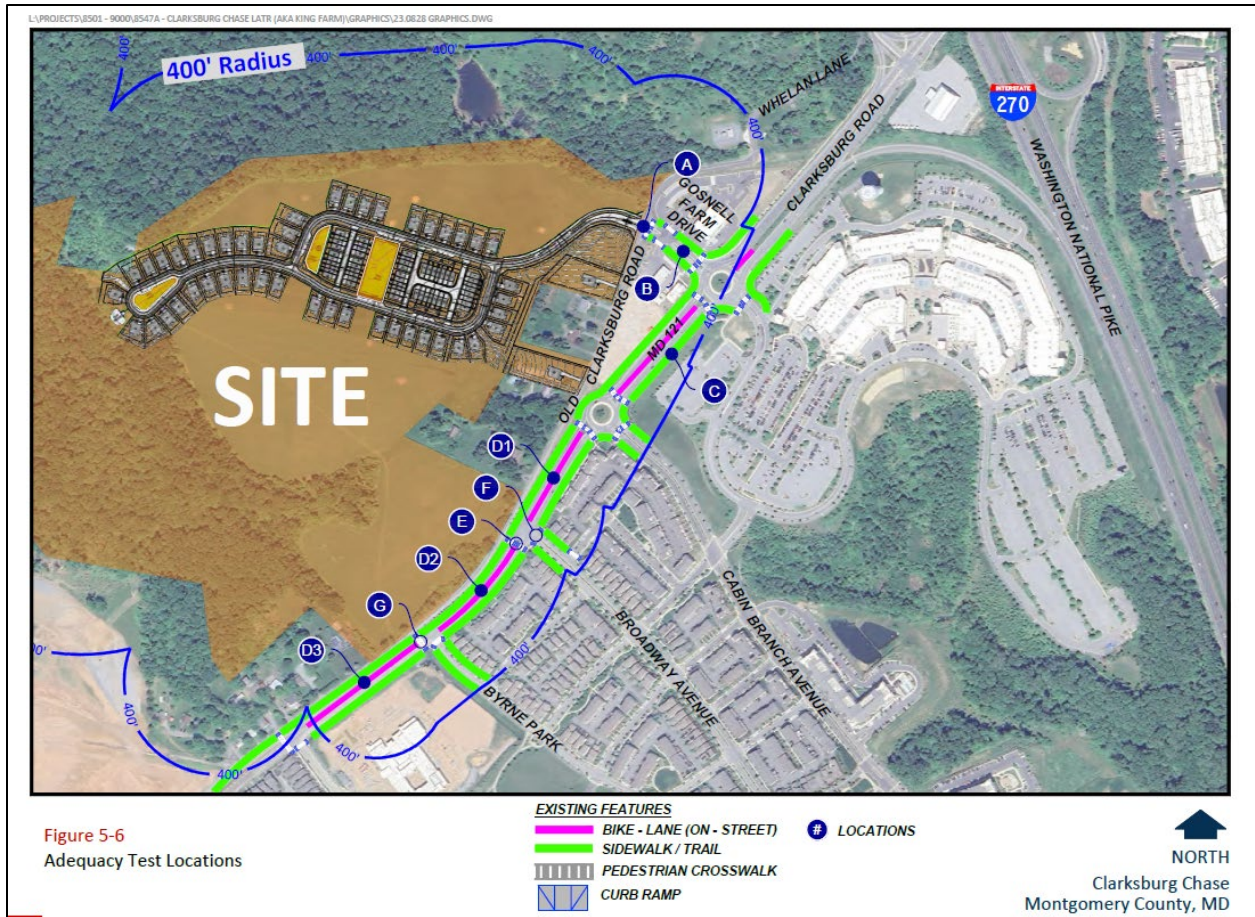


Figure 15 – Map of Off-site LATR Identified Deficiencies and Mitigation Projects

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery County Planning, MCDOT, and MDOT SHA Staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

c) Schools

Overview and Applicable School Test

The proposed Preliminary Plan No. 120240040 is subject to the FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024. This Project proposes a total of 49 single family detached units and 52 single family attached units.

School Adequacy Test

The project will be served by Cabin Branch Elementary School (ES), Rocky Hill Middle School (MS) and Clarksburg High School (HS). Based on the FY25 Annual School Test

results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 6. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Cabin Branch ES	712	718	100.8%	-6
Rocky Hill MS	1,012	1,094	108.1%	-82
Clarksburg HS ⁴	2,020	1,934	95.7%	+86

Table 7. FY2025 School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Cabin Branch ES	No UPP	79	137	244
Rocky Hill MS	No UPP	44	121	273
Clarksburg HS	No UPP	266	490	793

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 FY25 Annual School Test, Cabin Branch ES, Rocky Hill MS, and Clarksburg HS do not require any UPP as identified in Table 6. 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.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 49 single family detached units and 52 single family attached units that are not age-restricted, the proposed project is estimated to generate the following number of students based on the subject property’s location within a Turnover Impact Area:

⁴ Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

Table 8. 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	49	0.185	9.065	0.102	4.998	0.154	7.546
SF Attached	52	0.218	11.336	0.119	6.188	0.167	8.684
MF Low-rise	0	0.116	0.000	0.061	0.000	0.081	0.000
MF High-rise	0	0.073	0.000	0.042	0.000	0.053	0.000
TOTALS	101		20		11		16

As shown in Table 8, on average, this project is estimated to generate 20 elementary school students, 11 middle school students and 16 high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school in Table 2. Therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

d) Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, police stations, firehouses, and health services are operating according to the 2020-2024 *Growth and Infrastructure Policy* in effect and will be adequate to serve the Property.

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 as further discussed in the findings with the associated Final Forest Conservation Plan No. F20240180.

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

DPS approved a Stormwater Management Concept on April 5, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion with enhanced filters, due to good infiltration rates and micro-bioretenion planter boxes.

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.

The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are 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.

No other provisions apply to the Subdivision.

SECTION 6: SITE PLAN 820240050 FINDINGS AND ANALYSIS

Any development that must file a preliminary plan of subdivision under Chapter 50 in the Clarksburg West Environment (CWE) Overlay Zone requires approval of a site plan by the Planning Board under Section 79-7.3.4. Furthermore, Optional Method Development in the Rural Residential Zones requires site plan approval. Therefore, the Subject Application, which proposes development within the CWE Overlay Zone and optional method MPDU development in the RNC Zone, a Rural Residential Zone, requires submission and approval of a site plan.

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

The findings herein apply only to the Subject Property.

2. To approve a Site Plan, the Planning Board must find that the proposed development:

a) satisfies any previous approval that applies to the site;

The Subject Application is being reviewed concurrently with Preliminary Plan No. 120240040 for the Subject Property.

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

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

c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014, was the result of a Local Map Amendment;

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

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

i. Division 4.3.5 Rural Neighborhood Cluster (RNC) Zone and Clarksburg West Environmental (CWE) Overlay Zone

Table 9: Clarksburg Chase Site Plan Data Table for RNC Zone and CWE Overlay Zone, Optional Method, Section 59.4.3.5.

Development Standard	Zoning Code Req.		Proposed	
GROSS TRACT AREA:				
Gross Tract Area	N/A		136.17	AC.
Usable Tract Area	10	AC. MIN.	136.17	AC.
Area of Dedications	N/A		0.65	AC. (public roads)
			100.57	AC. (park conveyance)
Net Lot Area =			34.95	AC.
MAXIMUM DENSITY: 1 units/acre (Optional Method MPDU 59.4.3.5.D.4)**	136	Units MAX.	101	UNITS
UNIT TYPE:				
Detached Units			49	48%
Townhouse Units			52	51%
Total=	101			
MPDUS:				
12.5% + 1	13	UNITS MIN.	13	UNITS
OPENSACE:				
Common Open Space	5	% MIN.	5	% MIN.
	6.8	AC.	6.8	AC. MIN.
Rural Open Space (59.4.9.6.D.7)	80	% MIN.	80	% MIN.
	108.94	AC.	108.94	AC. MIN.
Impervious Area Max (59.4.9.6.D.1, CWE)	6	% MAX.	6	% MAX.
	8.17	AC.	8.17	AC.
SITE COVERAGE:				
30% Townhouse Coverage Maximum = Townhouse Lot Area/Site Area – Detached Lot Area	30	% MAX.	5.1	%
(5,931,782 SF -432,807 SF)*0.30 = 1,649,693 SF MAX. Townhouse Lot SF	1,649,693	SF. MAX.	1,649,693	SF. MAX.
LOTS: (Section 4.4.8.C. & Section 4.9.5.D)*				
<u>Lot Area:</u>				
Detached	Determined at Site Plan		5,000	SF. MIN.
Townhouse (Market Rate)	Determined at Site Plan		1,300	SF. MIN.
Townhouse (MPDU)	Determined at Site Plan		1,100	SF. MIN.
<u>Lot width at front building line:</u>				
Detached	Determined at Site Plan		25	FT. MIN.
Townhouse (Market Rate)	Determined at Site Plan		20	FT. MIN.

Development Standard	Zoning Code Req.	Proposed
Townhouse (MPDU)	Determined at Site Plan	16 FT. MIN.
<u>Lot width at front lot line:</u>		
Detached	Determined at Site Plan FT. MIN.	25 FT. MIN.
Townhouse (Market Rate)	Determined at Site Plan FT. MIN.	20 FT. MIN.
Townhouse (MPDU)	Determined at Site Plan FT. MIN.	16 FT. MIN.
<u>Frontage on street / open space:</u>		
Detached	Required	Provided
Townhouse	Required	Provided
<u>Lot Coverage:</u>		
Detached	Determined at Site Plan	50 % MAX.
Townhouse (Market Rate & MPDU)	Determined at Site Plan	80 % MAX.
<u>BUILDING SETBACKS:</u>		
<u>Front setback from public street:</u>		
Detached (proposed public streets)	Determined at Site Plan	15 FT. MIN.
Detached (Old Clarksburg Road)	Determined at Site Plan	50 FT. MIN.
Detached (street Single Family – Front/Side)	Determined at Site Plan	25 FT. MIN.
Townhouse	Determined at Site Plan	15 FT. MIN.
<u>Front setback from open space</u>		
Townhouse	Determined at Site Plan	15 FT. MIN.
<u>Side street setback,</u>		
Detached (Old Clarksburg Road)	Determined at Site Plan	17 FT. MIN.
Detached (proposed public street)	Determined at Site Plan	8 FT. MIN.
Townhouse (adjacent to townhouse)	Determined at Site Plan	5 FT. MIN.
Townhouse (adjacent to open space)	Determined at Site Plan	5 FT. MIN.
<u>Rear setback</u>		
Detached (proposed public streets)	Determined at Site Plan	20 FT. MIN.
Detached (Old Clarksburg Road)	Determined at Site Plan	35 FT. MIN.
Townhouse (alley)	Determined at Site Plan	4 FT. MIN.
Detached		
Townhouse		
<u>Accessory Structure (Front):</u>		
Detached	Determined at Site Plan	50 FT. MIN.
Townhouse	N/A	N/A
<u>Accessory Structure (Side/Rear):</u>		
Detached	Determined at Site Plan	5
Townhouse	N/A	N/A
<u>BUILDING HEIGHT:</u>		

Development Standard	Zoning Code Req.		Proposed	
Detached, Main	35	FT. MAX.	35	FT. MAX.
Detached, Accessory	25	FT. MAX.	25	FT. MAX.
Townhouse	35	FT. MAX.	35	FT. MAX.
<u>PARKING</u> (Section 59-6.2.)				
<u>Market Rate Units (88)</u>				
2.00 Req. space/unit	176 spaces	MIN.	176 spaces	
<u>MPDU Units (13)</u>				
1.00 Req. space/unit	13 spaces	MIN.	26 spaces	
On-street Trailhead Parking	N/A		6 spaces	
On-street Visitor Parking	N/A		28 spaces	
<u>Total Parking Provided On-Site</u>	189 spaces	MIN.	236 spaces	
<u>Bicycle Parking</u>	0 spaces		0 spaces	

*Restriction on properties located in the Clarksburg West Environmental Overlay Zone under Section 4.9.6.D.1. Pursuant to this section in the Zoning Ordinance, the minimum lot area, lot dimensions, building coverage, and building setbacks of the underlying zone do not apply and are determined during the site plan approval process under Section 7.3.4.

**The Master Plan recommends 1 unit per acre for development on the Property (Master Plan, p. 42)

ii. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

Vehicular access will be provided to the overall Site by a single access point on Old Clarksburg Road, aligning with Gosnell Farm Drive. This access point is designed to be navigable by passenger vehicles, delivery vehicles, and emergency vehicles. The proposed entrance to the development currently features two travel lanes, separated by a landscaped median and transitions to a two-lane curvilinear entry to the subdivision. Within the subdivision vehicular access is provided by Public Roads A and B, which terminate in a teardrop-shaped cul-de-sac, and by four private alleys. Pedestrian access will be provided along Public Roads A and B, which will be constructed as Neighborhood Streets and dedicated to MCDOT. At the Site entrance point there will be a sidepath along the north side of Public Road A. Where the residential lots are located, Public Roads A and B will have sidewalks on both sides of the street. Sidewalks and pathways will also connect internally to the playground, open lawn areas, and the three trailheads. As conditioned the Applicant is improving a second pedestrian crossing on Old Clarksburg Road, west of Cabin Branch Avenue. These trailheads will connect to the future Montgomery Parks natural surface trail network within Ten Mile Creek Conservation Park.

(2) Division 6.2 Parking, Queuing and Loading

Single-family residences require two off-street vehicular parking spaces per market rate unit and one off-site vehicular parking space per MPDU. Therefore, the minimum number of required parking spaces for the Subject Application (101 residential units) is 189 vehicular spaces. The Applicant is providing more the minimum required, as well as 28 on-street visitor spaces and six on-street trailhead parking spaces (236 spaces total). As conditioned the trailhead spaces will be demarcated with signage that is acceptable to Montgomery Parks and MCDOT. There are no requirements for additional loading and queuing for single-family residences, and none are provided. Additionally, bicycle parking is not required and is not provided.

(3) Division 6.3 Open Space and Recreation

The Site Plan adequately meets the Open Space requirements as detailed the Open Space Applicability section of the Zoning Ordinance, including Section 59.4.9.6.D. A total of 80.7 percent of the Property will be devoted to rural open space, which meets the minimum 80 percent of rural open space required. Rural open space will either be conveyed to Montgomery Parks for parkland or managed by the future Homeowners Association and designated as a part of the Conservation Management Plan. The Applicant is providing an additional 6.6 percent of open space for recreation and amenities.

The Site Plan is in compliance with the 2017 *Recreation Guidelines* by providing a variety of recreation facilities onsite. Future residents and their visitors of all age

groups will be adequately served by a variety of active and passive recreation facilities as shown in the following table.

Table 10: Recreation Analysis and Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	14.63	5.12	20.21	25.33	Adequate
Children	28.59	10.01	33	43.01	Adequate
Teens	25.47	8.91	32.2	41.11	Adequate
Young Adults	40.79	14.28	45.95	60.23	Adequate
Adults	73.73	25.81	57.45	83.26	Adequate
Seniors	12.58	4.4	17.45	21.85	Adequate

The Site provides two recreation areas onsite. One is a centrally located open lawn space, located between Public Roads A and B. This space will be activated by the two sticks of townhomes that flank the long sides of the open space. The vistas are of Montgomery Parks. On the north side is an open space with a stormwater management feature, and the other is a trailhead connecting to the trail system that will provide access into the public park. On either side of the lawn are visitor parking spaces. The perimeter of the lawn is framed by five-foot-wide sidewalks, maximizing access to the space.

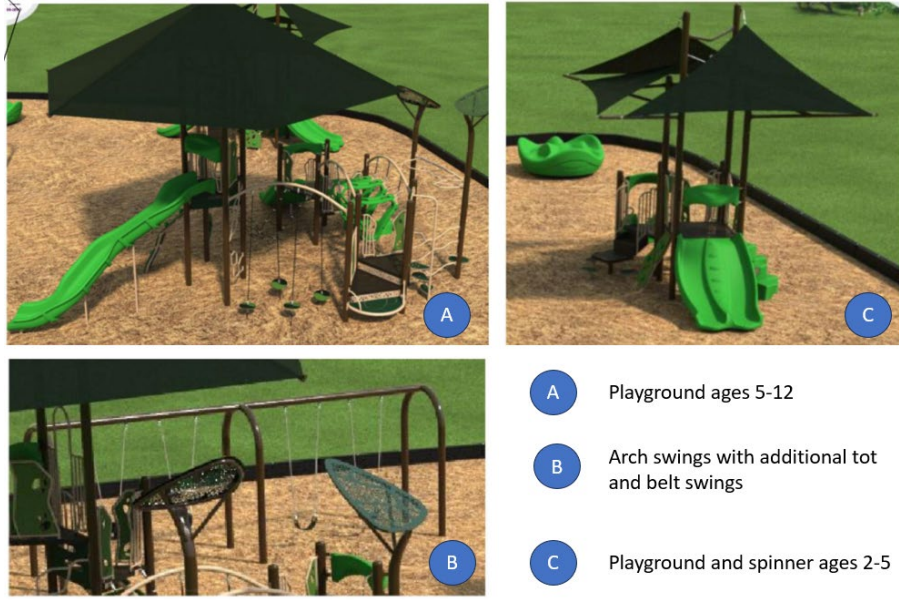


Figure 16: Playground Equipment Exhibit

The second recreation amenity is a playground located at the end of Public Street B. It will be outfitted with playground equipment, benches, public seating, and trash cans. Multiple playground structures are proposed to serve a variety of age groups ranging from tots up to 12-years old.

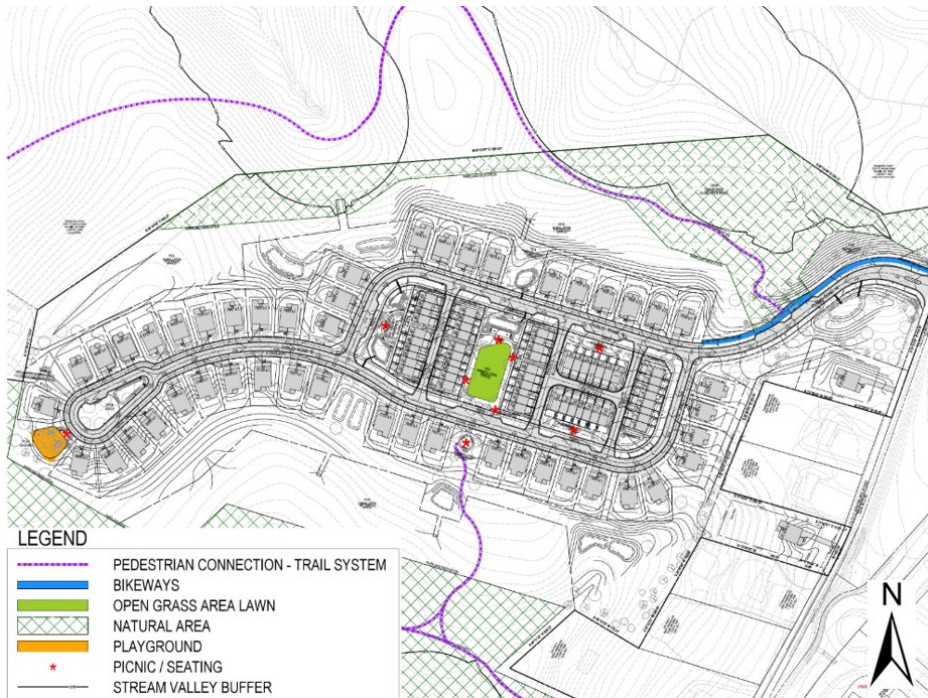


Figure 17: Recreation Plan

The natural surface trail network is planned for the Park Conveyance area that will connect the Site to the existing and future parkland in the surrounding area. Construction of the trailheads and trails on the Park Conveyance Area will be done by the Applicant, with the surrounding trail network provided by Montgomery Parks and other development projects.

(4) Division 6.4 General Landscaping and Outdoor lighting

The Site Plan meets the standard for the provision of landscaping and outdoor lighting as required by Division 59-6.4. The landscaping provided is appropriate for this residential development by achieving several objectives. It provides canopy coverage and shade on all the roads and open spaces. Final location and species for street trees on public right-of-way will be determined by DPS-ROW at the time of ROW permit. Streets have been designed to maximize the number of large trees provided.

The on-site lighting is typical street lighting found along most internal residential developments. The photometric plan shows how the lighting meets the illumination requirements to avoid light in excess of 0.5 footcandles from spilling over the Subject Property line. The lighting proposed will create enough visibility to provide safety, but not so much as to cause glare on adjacent properties. Street lighting consist of pole-mounted fixtures with a maximum height of approximately 17 feet located on all public roads. The Applicant will also coordinate with MCDOT, Division of Traffic and Engineering to locate streetlights within the public rights-of-way.

As shown in the Development Standards Table, the Site Plan meets all general requirements and development standards of Section 59-4.5 of the Zoning Ordinance; and as outlined above the general development requirements of 59-6 of the Zoning Ordinance.

e) Satisfies the applicable requirements of:

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

The Application meets the Final Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Clarksburg West Environmental Overlay Zone.

Review for Conformance with the Special Protection Area Requirements

The Property is located within the Ten Mile Creek Special Protection Area on privately owned property where land disturbance is proposed; therefore, it is required to obtain approval of a water quality plan under Chapter 19-62(b) of the Montgomery County Code.

As part of the requirements of the Special Protection Area Law, a Preliminary/Final Water Quality Plan was submitted and reviewed in conjunction with this Application (Attachment I).

Under Section 19-65 of the Code, the Montgomery County Department of Permitting Services (MCDPS), the Montgomery County Department of Environmental Protection (MCDEP), and the Planning Board have different responsibilities in the review of the Water Quality Plan. MCDPS and MCDEP have reviewed and conditionally approved the elements of the Final Water Quality Plan under their purview. The Planning Board's responsibility is to determine if environmental guidelines for the protection of buffers and other sensitive areas, SPA forest conservation and planting requirements, and limits on impervious surface have been satisfied.

MCDPS AND MCDEP Special Protection Area Review Elements

On April 5, 2024, MCDPS conditionally approved the elements of the SPA Water Quality Plan under their purview with conditions to be addressed during the detailed sediment control/stormwater management plan stage (Attachment I).

Monitoring

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 due to MCDPS due at time of as-built submittal.

Planning Board Special Protection Area Review Elements

The Final Water Quality Plan elements related to environmental guidelines and sensitive area protection, forest conservation and impervious surfaces are consistent with the approved Preliminary Water Quality Plan. Staff recommends Planning Board approval of the elements of the SPA Final Water Quality Plan under its purview.

Environmental Guidelines and Forest Conservation

The Applicant submitted a Final FCP for review with the Site Plan Application. The Application meets all applicable requirements of the Environmental Guidelines, the Limited Amendment Master Plan, and Chapter 22A of the Montgomery County Forest Conservation Law as discussed in the Forest Conservation findings section of this report.

Impervious Surface Limitations

Impervious surface restrictions for development projects in this portion of the Ten Mile Creek SPA are set forth in the Clarksburg West Environmental Overlay Zone. As per Chapter 59, Section 4.9.6.D.1, the maximum total impervious surface area for any development after August 4, 2014, is six percent (6%). The Application includes the proposed construction of a residential development, the resulting development proposes approximately 354,902 square feet or 8.15 acres of impervious surface on the Property, which translates to 5.98 percent of the 136.18-acre total area under the Application as shown on the impervious exhibit dated August 9, 2024 (Attachment F).

The Application meets all applicable requirements of Chapter 19 for SPA Water Quality Plans.

The Water Quality Plan proposes to meet required stormwater management goals via micro-bioretenion with enhanced filters, due to good infiltration rates and micro-bioretenion planter boxes. At the detailed plan review stage, DPS will review the stormwater management plans to assure that the ESD facilities are non-erosive and safely conveyed to a stable outfall. The ESD facilities are not designed to overflow in an uncontrolled manor. Additionally, at this stage DPS will review the plans for the minimization of disturbed areas.

DPS approved a Stormwater Management Concept on April 5, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion with enhanced filters, due to good infiltration rates and micro-bioretenion planter boxes.

ii. **Chapter 22A, Forest Conservation**

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for the associated Forest Conservation Plan No. F20240180.

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

The Site Plan provides for safe and well-integrated parking, circulation patterns, building massing, and open spaces and site amenities. The Site Plan is clustered along two public roads that connect to Old Clarksburg Road. In addition, there are private alleys to serve the rear-loaded townhouses in the development. All public streets include a minimum five-foot-wide buffered sidewalks. The pedestrian and bicycle facilities provide access to all on-site amenity spaces.

The higher density of the block is located within the central portion of the subdivision. The townhouses all front on either the public streets or the open spaces. All townhouses are rear-loading and accessed by private alleys, which will help to activate the public spaces on the Site. The density transitions from the subdivision to the surrounding area with the single-family detached homes creating a perimeter around the clustered development. This takes full advantage of the existing topography and maximizes the area that can be dedicated to parkland.

Recreation and amenity areas are strategically located throughout the development in the subdivision center and at the end of the cul-de-sac. Three trailheads provide connections to the future natural surface trails that will be constructed throughout the future park. Over 80 percent of the Site will be dedicated to rural open space and 6.6 percent will be reserved for additional open space and amenities. These open spaces are well integrated into the development and connected by sidewalks and natural surface trails.

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

See discussion of Master Plan conformance under the Preliminary Plan in Section 5 of this report. The Application substantially conforms with the recommendations of the Master Plan.

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

Public facilities are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, police stations, firehouses, and health services are operating according to the 2020-2024 *Growth and Infrastructure Policy* in effect and will be adequate to serve the Property.

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

The Property is in the Rural Neighborhood Cluster Zone and the Site Plan is compatible with existing and approved adjacent development in terms of density, building types, massing, orientation, and architectural treatment. The development is clustered in such a way that is compatible with the existing development. Higher density is located centrally to the Site, and lower density residential development surrounds the townhouses, creating a transition to the surrounding area. The development also utilizes materials that are seen in adjacent and nearby development and therefore, compatible with the character of the residential neighborhood.

The Planning Board approved Creekside at Cabin Branch Development in 2021 for 326 residential units. Of the 326 new units, up to 117 will be single-family detached units and up to 208 will be townhouses, achieving a similar mix and ratio to the Subject Application. It was also developed under the RNC and CWE Overlay Zone, dedicating 86 percent of the Site to rural open space. Additionally, the Cabin Branch residential development, approved under the RMX-1/TDR and MXP Zones is located directly south of the Subject Property from Clarksburg Road. It was approved for residential and commercial use on 540-acre tract. The Winchester project, located just west of Cabin Branch on the south side of Clarksburg Road was approved for 186 residential dwelling units resulting in 3.46 dwelling units per acre. Finally, the Toll I and Toll II development was approved for 435 dwelling units resulting in 5.38 dwelling units per acre. These developments include a combination of single-family detached, single-family attached, and multi-family units that are up to 4-stories. The development is surrounded by residential development that ranges in the density and massing. Therefore, the development

proposed as part of the Subject Application is within the range that exist in the adjacent and nearby development in terms of density with a density of 0.74 dwelling units per acre and compatible with the massing in the surrounding development since it consists of two-story single-family detached and three-story single-family attached residential development. Finally, architectural treatment is also consistent with surrounding development since the proposed development incorporates similar materials used on existing and approved residential development. This density is consistent with Master Plan recommendations and the proposed residential development is compatible with the existing nearby development in terms of building types, massing, orientation, and architectural treatment.

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

This finding is not applicable as the Property is located within the RNC zone, as discussed in the previous finding.

3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

This finding is not applicable as this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

This finding is not applicable, as the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 7: FINAL FOREST CONSERVATION PLAN F20240180 FINDINGS AND ANALYSIS

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

The Subject Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan.

Environmental Guidelines and Limited Amendment Master Plan

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 420230240 was approved on January 30, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property, under the guidance of the Environmental Guidelines, Guidelines for Environmental Management of Development in Montgomery County (“Environmental Guidelines”) and the Limited Amendment. The Property is within the Seneca Creek Watershed, which is classified by the State of

Maryland as Use Class I-P waters, within the Ten Mile Creek Special Protection Area, and the Clarksburg West Environmental Overlay Zone. Ten Mile Creek originates just north of MD 355 and flows into Little Seneca Lake, which then flows into the Potomac River via Seneca Creek. There is one main tributary of Ten Mile Creek that flows through the Property in a westerly direction, and it is identified in the Limited Amendment as LSTM 110. The Limited Amendment notes that LSTM 110 (King Spring Tributary) is considered one of the highest quality streams in Montgomery County (Master Plan, page 14). Slopes in excess of 15 percent, including slopes ≥ 25 percent and highly erodible soils as listed in the Environmental Guidelines have been identified on the Property. There are no FEMA mapped floodplains on or immediately adjacent to the Property, but there is an M-NCPPC mapped floodplain that has been incorporated into the environmental buffer. Seeps, springs, and ephemeral streams were identified and included within the Master Plan recommended environmental buffer. The NRI/FSD also identified numerous significant and specimen trees.

The Application proposes some minor encroachments into the environmental buffer for necessary and unavoidable storm drain outfalls, and, grade tie-outs, these are permitted by the Environmental Guidelines when necessary to provide safe, non-erosive conveyance of stormwater to the receiving streams. All other areas of environmental buffer will be reforested and protected either through conveyance to the Montgomery Department of Parks or through a Category I conservation easement.

Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan No. F20240180 (FFCP) (Attachment A) for review with the Application. The Application satisfies the applicable requirements of the Forest Conservation Law, Chapter 22A of the Montgomery County Code.

The Subject Property is zoned RNC and is assigned a Land Use Cluster Medium Density Residential (CDR) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20 percent and a conservation threshold of 45 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 136.17-acre Total Tract plus 0.04 acres offsite improvements associated with this Application, for a total Net Tract area of 136.22 acres. There is 75.51 acres of forest onsite of which 0.89 acres is being cleared.

The application results in no afforestation/reforestation requirement as per the forest conservation worksheet. However, the application does require the planting of unforested Stream Valley Buffer of 8.04 acres. All areas of Stream Valley buffer and plantings will be placed into a Category I Conservation Easement.

Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”) Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (CRZ), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An Application that requests a Variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Law requires no impact to trees that: measure 30

inches or greater in diameter at breast height (DBH); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request dated October 8, 2024, for the removal of three (3) trees and impacts to five (5) Protected Trees for the construction of the new development. The Protected Trees to be removed and impacted are shown on the Final FCP (Attachment A).

Table 10: Variance Trees to be Impacted

Tree No.*	Common Name	Botanical Name	DBH	Condition	Impacts
ST-54	Chestnut Oak	Quercus montana	30 inches	Fair	4 % impact, Save
ST-132	Chestnut Oak	Quercus montana	37.5 inches	Fair	12.2 % impact, Save
ST-156	Red Maple	Acer rubrum	34.5 inches	Fair	8 % impact, Save
ST-175	Tulip Tree	Liriodendron	49 inches	Fair	1 % impact, Save
ST-178	Red Maple	Acer rubrum	56 inches	Fair	0.4 % impact, Save

* Existing trees within Stream Valley Buffer

Table 12: Variance Trees to be Removed

Tree No.*	Common Name	Botanical Name	DBH	Condition	Impacts
ST-130	Chestnut Oak	Quercus montana	37.5 inches	Fair	100%
ST-131	Black Walnut	Juglans nigra	31 inches	Fair	100%
ST-147	Tulip Tree	Liriodendron tulipifera	33 inches	Fair	100%

* Existing trees within Stream Valley Buffer

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment J). Pursuant to Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in an unwarranted hardship. Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the development of the Subject Property for residential units in accordance with the recommendations of the Master Plan and Zoning Ordinance without the Variance.

Enforcement of a prohibition of impacting the specimen trees would deprive the applicant of the rights commonly enjoyed by others who are in similar areas that have many of the same features as the subject property. The recommendations of the Master Plan and Design guidelines apply to the Ten Mile Creek area, which is characterized by similar residential developments with existing impervious in stream valley buffers.

The eight (8) trees are all within the stream valley buffer which according to the master plan should remove impervious areas where possible. The three (3) trees will be replaced, and the more naturalistic state of the stream valley buffer will enhance the open space on-site.

The request to remove imperviousness is a DRC request by M-NCPPC per the master plan recommendations for this site. Disturbance is limited to only the areas of impervious cover and the minimal space around these areas needed to remove the impervious area thus limiting the critical root zone impacts within the stream valley buffer. The trees adjacent to the impervious areas are not able to be retained while also eliminating imperviousness in the stream valley buffer. This governmental request is typical of other proposed residential communities within the Ten-mile-creek area and thus would deprive the landowner of development rights if not allowed.

Based upon the Application the Applicant has demonstrated an unwarranted hardship.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted.

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the Property and satisfying the requirements of the Master Plan. Granting this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, and Master Plan recommendations.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the requirement impervious removal and stream restoration on the Property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The FCP proposes to reforest the currently unforested stream buffers, as well as provide additional mitigation for the removal of Protected Trees in the form of tree planting on the Property. These trees will replace any water quality functions that may be lost by the removed trees.

Mitigation for Trees Subject to the Variance Provision – There are three trees proposed for removal in this variance request. The Applicant proposes mitigation at a rate that approximates the form and function of the trees being removed. These trees will be replaced at a ratio of approximately one-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 26 inches with the installation of eight, three-and-one-half inches to four-inch caliper trees. These trees will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. These mitigation trees must be overstory trees native to the region. There is some disturbance within the critical root zones of three trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees impacted but retained.

Variance Recommendation

The FCP as conditioned, meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. Staff recommends that the Planning Board approve the FCP and associated tree variance, with conditions.

SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan and Site Plan applications each satisfy the findings under Chapter 50 and Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance and Subdivision Regulations. The Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation law, Montgomery County Code Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines. The Preliminary Plan Site, Plan and Final Forest Conservation Plan substantially conform to the recommendations of the 2014 *Ten Mile Creek Area Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area*. Therefore, Staff recommends approval of the Preliminary Plan, Site Plan, and Final Forest Conservation Plan, with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Preliminary/Site/FFCP Plan

Attachment B: Prior Approval: Pre-Preliminary Plan 720230020 Resolution MCPB No. 23-056

Attachment C: Agency Letters

Attachment D: Community Correspondence

Attachment E: Affidavit Regarding Community Meeting and Meeting Minutes

Attachment F: Impervious Surface Plan

Attachment G: Conservation Management Plan

Attachment H: Noise Analysis for Subject Property prepared by Hush Acoustics, LLC dated July 25, 2023

Attachment I: Water Quality Plan

Attachment J: Variance Request