

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

January 31, 2025

MCPB No. 25-003
Site Plan No. 820240050
Clarksburg Chase
Date of Hearing: January 9, 2025

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on August 31, 2023, John King & Anita Kowalski/US Home, LLC (“Applicant”) filed an application for approval of a site plan for the construction of 49 single-family detached units, 52 Townhouse units, and 18 parcels for roads and open space on 136.17 acres of RNC and Clarksburg West Environmental (CWE) Overlay zoned-land, located at the northwest quadrant of the intersection of Gosnell Farm Drive at Old Clarksburg Road (“Subject Property”), in the Clarksburg Policy Area and 2014 *Ten Mile Creek Area Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240050, Clarksburg Chase (“Site Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240180 and Preliminary Plan No. 120240040; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 30, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 9, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedeem, and Commissioners Bartley, Hedrick and Linden voting in favor.

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Approved as to
Legal Sufficiency:

/s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240050 for the construction of 49 single-family detached units, 52 Townhouse units (12.5 percent MPDUs), and 18 parcels for roads and open space, the Subject Property, subject to 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 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 & 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 purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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 approximately 100.57 acres as shown on the Open Space Exhibit as the Park Conveyance Area and as detailed in Condition No. 3 of the approval for the corresponding Preliminary Plan No. 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. The Applicant may only plant the following species 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 approved 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 approved 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820240050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report December 30, 2024, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The findings herein apply only to the Subject Property.

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

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

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

Map Amendment.

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

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

a. Development Standards

The Subject Property includes approximately 136.17 acres zoned RNC, CWE Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

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.

Development Standard	Zoning Code Req.		Proposed	
Impervious Area Max (59.4.9.6.D.1, CWE)	6	% MAX.	6	% MAX.
	8.17	AC.	8.17	AC.
<u>SITE COVERAGE:</u>				
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.
<u>LOTS:</u> (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.

Development Standard	Zoning Code Req.	Proposed	
Townhouse (Market Rate & MPDU)	Determined at Site Plan	80	% MAX.
<u>BUILDING SETBACKS:</u>			
<u>Front setback from public street:</u>			
Detached (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 (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 (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>			

Development Standard	Zoning Code Req.	Proposed
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)

b. General Requirements

i. *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 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.

ii. *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 parking spaces provided for use at the trailhead 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.

iii. *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.

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 serve a variety of age groups ranging from tots up to 12 years old.

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.

iv. *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, as 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 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.

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

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 5, 2024. The plan will meet stormwater management requirements via micro-bioretenion with enhanced filters, due to good infiltration rates and micro-bioretenion planter boxes

Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. Final Forest Conservation Plan No. F20240180 was reviewed concurrently with this Application and was approved by a separate resolution, the findings of which are incorporated herein.

6. *The development 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.

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

The 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 most MPDUS the Applicant could provide and stay under the impervious cap is 12.5 percent. Therefore, the Applicant will provide 12.5 percent MPDUs to comply with the environmental requirements of the master plan.

- *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 with 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 Application provides 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 located 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, as conditioned.

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). This recommendation is met through the approval of the accompanying Forest Conservation Plan No. F20240180. 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. The Board finds that the Applicant’s submission of the Stream and Wetland Restoration Plan meets the recommendation of the Master Plan, although 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 approximately 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 area for parkland and therefore, the Final CMP includes 8.51 acres of the Property. 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. 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 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. As described in a separately approved resolution, the findings of which are incorporated herein, the associated 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.

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

Public facilities are available and will be adequate to serve the development. The Subject Property will 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.

9. *The development is compatible with the character of the residential neighborhood.*

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.

At a site located near the Subject Property, 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. Creekside at Cabin Branch 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. That development 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 four stories. The Subject Property is surrounded by residential development that ranges in the density and massing. Therefore, the development approved 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 approved development incorporates similar materials used on existing and approved residential development. This density is consistent with Master Plan recommendations and the approved residential development is compatible with the existing nearby development in terms of building types, massing, orientation, and architectural treatment.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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

January 31, 2025

(which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Linden was necessarily absent, at its regular meeting held on Thursday, January 23, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board