MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-034
Site Plan No. 820070220
Clarksburg Town Center
Date of Hearing: March 24, 2016

MAR 30 2016

RESOLUTION

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

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

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220 for 154,720 square feet of commercial uses which includes up to 60,720 square feet of specialty retail; 1,213 residential dwelling units, including 152 MPDUs; a waiver to permit a reduction in the number of parking spaces; and reconsideration of the previously approved reduction in setbacks from adjacent residentially zone properties, on approximately 275 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area and as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220A (MCPB No. 10-59) to convert the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220B (MCPB No. 13-120) to eliminate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 820070220C (MCPB No. 15-81), for modification of a driveway approach onto Clarksburg Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block HH in support of Site Plan #820140055; and

WHEREAS, on September 21 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 820070220D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 204,185 SF including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H, revise Kings Local Park and Piedmont Woods Local Park; and

WHEREAS, on August 28, 2015, Miller and Smith at Clarksburg, LLC, ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce 11 multi-family units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.35 acres in the RMX-2 zone, located on Block P in the northeast quadrant of the intersection of Catawba Hill Road and Sugarleaf Chapel Drive ("Subject Property") within the Clarksburg Town Center development; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 820070220E, Clarksburg Town Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 10, 2016, setting forth its analysis and recommendations for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 24, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070220E for 9 one-family attached units (including 3 MPDUs) with the following conditions:[1]

1. Project Plan Conformance
The development must comply with the conditions of approval for Project Plan No. 919940040, or as amended.

2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 119950402, or as amended.

3. Fire and Rescue
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its correspondence dated December 29, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of the Site Plan approval.

4. Density
The development is limited to a maximum of 206,185 SF of commercial uses (including office and retail), and a maximum of 1,118 dwelling units (including 12.5% MPDUs), on 270.92 acres.

5. Moderately Priced Dwelling Units (MPDUs)
a) The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its correspondence dated October 7, 2015, 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 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 on-site as shown on the certified site plan and consistent with the requirements of Chapter 25A and the Master Plan.
c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

6. Architectural Design Standards
a) 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.
b) The Applicant must enhance high visibility end unit facades (Lots 79 and 86) by providing at least two architectural treatments from the following list: two or bay window, minimum of two windows, gables, fireplace, brick water table, trim and keystone on exposed side consistent with front elevation. The details of the architectural treatments must be shown on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement
Before issuance of the 1st building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board for that Block or Phase. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5(d) 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, including, but not limited to, plant material, on-site lighting, site furniture, mailbox pad sites, fences, railings, private roads and alleys, curbs and gutters along all private roads and alleys, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant Block or Phase 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 Block or Phase of development will be followed by inspection and potential reduction of the surety.
d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each Block or Phase.

8. 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 final forest conservation approval letter, stormwater management concept approval letter, development program, and Resolution on the approval or cover sheet(s).
b) Add a note stating that "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."
c) Modify data table to reflect development standards approved by the Planning Board.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect, except as modified by the conditions above; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of the Clarksburg Town Center No. 820070220, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed herein is effect.*

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

The site plan is not subject to a development plan, diagrammatic plan, or schematic development plan. The Site Plan Amendment is consistent with Project Plan Amendment No. 919940040 for the Clarksburg Town Center in terms of land uses and maximum densities, design layout, development standards, and conditions of approval.

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

The Subject Property is zoned RMX-2 per the Zoning Map in effect prior to October 30, 2014, applicable in this case under the grandfathering provision in Section 59.7.7.1.B.3 of the current Zoning Ordinance. As demonstrated in the Data Table below, the Amendment meets the general requirements and development standards of the RMX-2 zone, under the optional method of development.

The Amendment slightly modifies the housing mix for the overall project. As a result, the ratio of multi-family units continues to be closer to the master plan recommended ratio, and the ratio of one-family attached units continues to be above the recommended ratio. As previously approved, the Planning Board found that the project substantially conformed to the Master Plan by providing a mix of residential and non-residential uses that enables the creation of a lively and diverse place as envisioned by the Master Plan, despite the fact that the housing mix provided was slightly outside the ratio recommendations. Because the new housing mix provided is not significantly different from the current approved plans and maintains the general goals of the Master Plan while responding to market demand, the Planning Board finds that the Amendment substantially conformed to the Master Plan. Lastly, DHCA strongly supports replacing the approved multi-family units with one-family attached.

The Data Table below lists only those development standards that are being modified by this Amendment. All other development standards remain in full force and effect as previously approved.

Data Table

Development Standard	Zoning Ordinance Permitted/ Required	Previously Approved with Site Plan 820070220	Approved with Site Plan Amendment (820070220E)
Density & Land Use			
Residential D.U.s (+ 30 acres adj. zone) (59-C-10.3.6)	155 min.	1,120	1,118
Res. Residential Density (du/acre) (59-C-10.3.7)	7 d.u./acre [1] (1,428 d.u.)	6.27 [2]	6.26
Land Use			
One-family detached	10-20%	219 (19.6%)	219 (19.6%)
One-family attached	30-50%	665 (59.3%)	674 (60.3%)
Multi-family	20-40%	236 (21.1%)	225 (20.1%)
MPDUs (Chapter 25A)	12.5%	12.5%	12.5% (140 MPDUs)
Min. Individual Lot Setbacks			
One-family attached (Block N) Lots 78-86			
Main Structure Setbacks	To be determined at Site Plan	n/a	
Public Street (Front/Side)			6
Sideyard (Interior Unit)			0
Sideyard (End Unit)			3
Rearyard			0
Accessory Structure Setbacks			
Max. Building Height (ft)			
Residential	To be determined at Site Plan		
One-family attached Lots 78-86, Block N			40
Accessory structures			20
Vehicle Parking Spaces (Section 59-7.7.1.B.3)			
East Side Residential			
One-family attached (9 units)	18 (2 spaces/unit)	n/a	18

[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.

MAR 24 2016
MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-054
Site Plan No. 820070220F
Clarksburg Town Center
Date of Hearing: May 23, 2019

MAY RECEIVED
MAY 24 2019

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 July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220 for 154,720 square feet of commercial uses which includes up to 60,720 square feet of specialty retail; 1,213 residential dwelling units, including 152 MPDUs; and a waiver to permit a reduction in the number of parking spaces; and reconsideration of the previously approved reduction in setbacks from adjacent residentially zone properties, on approximately 275 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220A (MCPB No. 10-59) to convert the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs on the Property; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220B (MCPB No. 13-120) to eliminate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment 820070220C (MCPB No. 15-81), for modification of a driveway approach onto Clarksburg Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block HH in support of Site Plan No. 820140055; and

WHEREAS, on September 21 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 204,185 SF including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H, revise Kings Local Park and Piedmont Woods Local Park; and

WHEREAS, on August 28, 2015, Miller and Smith at Clarksburg, LLC, ("Applicant") filed an application for approval of an amendment to the previously approved site plan to reduce 11 multi-family units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.35 acres in the RMX-2 zone, located on Block P in the northeast quadrant of the intersection of Catawba Hill Road and Sugarleaf Chapel Drive within the Clarksburg Town Center development; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 820070220E, Clarksburg Town Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, on March 24, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070220E for 9 one-family attached units (including 3 MPDUs) with the following conditions:[1]

1. Project Plan Conformance
The development must comply with the conditions of approval for Project Plan No. 919940040, or as amended.

2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 119950402, or as amended.

3. Fire and Rescue
The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its correspondence dated December 29, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of the Site Plan approval.

4. Density
The development is limited to a maximum of 206,185 SF of commercial uses (including office and retail), and a maximum of 1,118 dwelling units (including 12.5% MPDUs), on 270.92 acres.

5. Moderately Priced Dwelling Units (MPDUs)
a) The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its correspondence dated October 7, 2015, 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 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 on-site as shown on the certified site plan and consistent with the requirements of Chapter 25A and the Master Plan.
c) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the DHCA must be executed.

6. Architectural Design Standards
a) 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.
b) The Applicant must enhance high visibility end unit facades (Lots 79 and 86) by providing at least two architectural treatments from the following list: two or bay window, minimum of two windows, gables, fireplace, brick water table, trim and keystone on exposed side consistent with front elevation. The details of the architectural treatments must be shown on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement
Before issuance of the 1st building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board for that Block or Phase. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5(d) 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, including, but not limited to, plant material, on-site lighting, site furniture, mailbox pad sites, fences, railings, private roads and alleys, curbs and gutters along all private roads and alleys, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant Block or Phase 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 Block or Phase of development will be followed by inspection and potential reduction of the surety.
d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each Block or Phase.

8. 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 final forest conservation approval letter, stormwater management concept approval letter, development program, and Resolution on the approval or cover sheet(s).
b) Add a note stating that "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."
c) Modify data table to reflect development standards approved by the Planning Board.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect, except as modified by the conditions above; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of the Clarksburg Town Center No. 820070220, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of Staff as presented at the hearing and set forth in the Staff Report, which the Planning 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed herein is effect.*

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

The site plan is not subject to a development plan, diagrammatic plan, or schematic development plan. The Site Plan Amendment is consistent with Project Plan Amendment No. 919940040 for the Clarksburg Town Center in terms of land uses and maximum densities, design layout, development standards, and conditions of approval.

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

The Subject Property is zoned RMX-2 per the Zoning Map in effect prior to October 30, 2014, applicable in this case under the grandfathering provision in Section 59.7.7.1.B.3 of the current Zoning Ordinance. As demonstrated in the Data Table below, the Amendment meets the general requirements and development standards of the RMX-2 zone, under the optional method of development.

The Amendment slightly modifies the housing mix for the overall project. As a result, the ratio of multi-family units continues to be closer to the master plan recommended ratio, and the ratio of one-family attached units continues to be above the recommended ratio. As previously approved, the Planning Board found that the project substantially conformed to the Master Plan by providing a mix of residential and non-residential uses that enables the creation of a lively and diverse place as

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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facilities on Parcel A, Block HH in support of Site Plan No. 820140055 on the Property; and

WHEREAS, on September 21 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 204,185 SF including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H, revise Kings Local Park and Piedmont Woods Local Park; and

WHEREAS, on March 24, 2016, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220E (MCPB No. 16-034) for 9 one-family attached units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.36 acres in the RMX-2 zone, located on Block P in the northeast quadrant of the intersection of Catawba Hill Road and Sugarleaf Chapel Drive within the Clarksburg Town Center development; and

WHEREAS, on March 14, 2019, CTC Development ("Applicant") filed an application for approval of an amendment to the previously approved site plan to change the Site Plan Enforcement Boundary for Block HH, Parcel A and Block B, Parcel P, including final walkways, retaining walls, sidewalks, and landscaping on approximately 2.22 acres, located southeast of Wisconsin Road (MD 355) and Stringtown Road on the Subject Property within the Clarksburg Town Center development; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 820070220F, Clarksburg Town Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 9, 2019, setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 23, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below,

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070220F to amend the Site Enforcement Boundary for Block HH, Parcel A and Block B, Parcel P, on 19.42 acres located southeast of Wisconsin Road (MD 355) and Stringtown Road on the Subject Property subject to the following conditions which apply only to the Subject Property:[1]

1. Density
The Site Plan is limited to up to 12 townhouse dwelling units, including 15.5% MPDUs on the Subject Property of 5.04 acres.

2. Height
The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)
a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated December 18, 2018 and corresponding them as conditions of the Site Plan approval. The Applicant must comply with each of

[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.

MAY 23 2019
MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Memorandum

TO: Gwen Wright, Planning Director
VIA: Carrie Sanders, Interim Chief, Site Plans, Supervisor, Upcounty Planning
FROM: Jeffrey Server, Planner Coordinator, Upcounty Planning
RE: Clarksburg Town Center
MINOR SITE PLAN AMENDMENT #820070220
DATE: November 30, 2020

MAR 8 2022

CORRECTED 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, pursuant to Section 59-7.1.B.3, the Planning Board reviewed this site plan under the provisions and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220 for 154,720 square feet of commercial uses, which includes up to 60,720 square feet of specialty retail; 1,213 residential dwelling units, including 152 MPDUs; and a waiver to permit a reduction in the number of parking spaces, and reconsideration of the previously approved reduction in setbacks from adjacent residentially-zoned properties, on approximately 275 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area, and as amended in 2011 ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220A (MCPB No. 10-59) to convert the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs on the Property; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220B (MCPB No. 13-120) to eliminate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220C (MCPB No. 15-81) for modification of a driveway approach onto Clarksburg Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block HH in support of Site Plan No. 820140055; and

WHEREAS, on September 21, 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220D (MCPB No. 15-86), to reduce the total number of residential units to 1,120; increase overall commercial density to 204,185 square feet, including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H, and revise Kings Local Park and Piedmont Woods Local Park; and

WHEREAS, on March 24, 2016, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 820070220E (MCPB No. 16-034) for 9 one-family attached units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.36 acres in the RMX-2 zone, located on Block P in the northeast quadrant of the intersection of Catawba Hill Road and Sugarleaf Chapel Drive within the Clarksburg Town Center development; and

WHEREAS, on December 15, 2020, the Planning Director approved an amendment to the Site Plan Enforcement Boundary for Block HH, Parcel A, Block B, Parcel P, to rename General Store Drive to Saint Clair Road; addition of a hardscape accessible sidewalk and viewing area at the single-family detached townhouse units on Block HH and the Greenway Trail to previous paving; addition of Parcel AA, DD, and M to Marta Street, the north parcel, and pedestrian access to the condominium parcel; adjustments to PUE's and the addition of a PIE along Public House Road within Block HH; additional notes added to the plans referencing park permit numbers for King's Local Park and Piedmont Woods Park, along with a note referencing final approved park permit plans; and

WHEREAS, on January 6, 2022, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 6, 2022, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-González, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Bakas and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070220F to amend the Site Enforcement Boundary for 19.42 acres of commercial uses (including 8 MPDUs within 2 buildings) on Block M, Parcel A and Block B, Parcel P, for 12 townhouse dwelling units (including 2 MPDUs) on the Subject Property, subject to the following conditions which apply only to the Subject Property:[1]

Density, Height & Housing

1. Density
The Site Plan is limited to up to 12 townhouse dwelling units, including 15.5% MPDUs on the Subject Property of 5.04 acres.

2. Height
The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)
a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (MCDHCA) in its letter dated December 18, 2018 and corresponding them as conditions of the Site Plan approval. The Applicant must comply with each of

[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.

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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b) All onsite area lights must have full cut-off or IDA-equivalent fixtures.
c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
d) Illumination levels generated from on-site lighting must not exceed 0.5 foot-candles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
e) Streetlights near other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Site Plan Surety and Maintenance Agreement
Prior to issuance of any above grade building permit (including retaining walls), the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that shall include, but not be limited to, the following provisions. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) 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, including, but not limited to plant material, on-site lighting, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private utilities, associated improvements of development, including bikeways, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
c) Phasing of the surety shall be proportional to the development program, but completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

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

10. Certified Site Plan

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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, other agency approval letters, development program, and Resolution on the cover sheet.
b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save measures and protection devices before clearing and grading."
c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within public rights-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for the Overall Property, except as modified herein by the Amendment for the Subject Property, remain valid, unchanged, and in full force and effect;

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan Amendment No. 820070220, Clarksburg Town Center, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

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

The site plan is not subject to a development plan, diagrammatic plan, or schematic development plan. The Site Plan Amendment is consistent with Project Plan Amendment No. 919940040 for the Clarksburg Town Center in terms of land uses and maximum densities, design layout, development standards, and conditions of approval.

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

The Subject Property is zoned RMX-2 per the Zoning Map in effect prior to October 30, 2014, applicable in this case under the grandfathering provision in Section 59.7.7.1.B.3 of the current Zoning Ordinance. As demonstrated in the Data Table below, the Amendment meets the general requirements and development standards of the RMX-2 zone, under the optional method of development. Table 1 below lists those development standards related to the Overall Property and the specific standards for the Subject Property that are being modified by the Subject Amendment. All other development standards remain in full force and effect as approved.

Table 1, Data Table for the RMX-2 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Previously Approved with Site Plan Amendment	Approved for Site Plan Amendment 820070220
Density & Land Use Overall Property			
Residential D.U.s (+ 30 acres adj. zone) (59-C-10.3.6)	150 min.	1,118	1,118
Res. Residential Density (du/acre) (59-C-10.3.7)	7 d.u./acre [1] (1,428 d.u.)	6.26 [2]	6.18
Land Use			
One-family detached	10 - 20%	219 (19.6%)	219 (19.6%) (219 dwellings)
One-family attached	30 - 50%	674 (60.3%)	686 (61.3%) [3]

[1] Max residential density established by the 1994 Clarksburg Master Plan p.43.
[2] Calculated by dividing the total number of units by 178.83 acres, which is the area covered by residential use in the RMX-2 zone.
[3] Sum of units allocated by the 1994 Clarksburg Master Plan, p.44.

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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