

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

March 25, 2024

MCPB No. 24-027

Site Plan Amendment No. 82007022I

**Clarksburg Town Center**

Date of Hearing: February 29, 2024

## RESOLUTION

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

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

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

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

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

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

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

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

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

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

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

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

WHEREAS, on February 29, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

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

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

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

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

#### 1. Density

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

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

#### 2. Height

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

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

#### 3. Moderately Priced Dwelling Units (MPDUs)

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

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

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

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

### **Transportation and Circulation**

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

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

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

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated January 17, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## Site Plan

### 6. Site Design

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

### 7. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the Overall Property line, and at Parcel Q where it abuts Parcel H Block GG; excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### 8. Site Plan Surety and Maintenance Agreement

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Subject Property (not in the public right-of-way), including, but not limited to the splash fountain and plaza, parking lot landscaping and trees, other

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

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

9. Development Program

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

10. Certified Site Plan

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

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

- f) The Applicant must make final architectural revisions to address Staff's comments as provided in the latest electronic version of the architectural elevations in ePlans.

### **Other conditions**

#### 11. Maintenance Responsibility

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

#### 12. Architectural Design/Compatibility

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

#### 13. HOA Governing Documents.

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

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

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

#### 14. Recreation Facilities

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

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

*Table 1 - Prior Recreation Facilities*

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

15. Right-of-Way Permitting

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

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



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

16. Transportation

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

17. Pedestrian & Bicycle Circulation

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

18. Public Use Space, Facilities, and Amenities

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

19. Common Open Space Covenant

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

20. Landscape and Lighting

The Prior Applicant must provide the following:

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

21. Enhancement Planting/Streetscaping and Amenities

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

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

## 22. Retaining Walls

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

## 23. Park Development

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

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

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

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

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

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

be acceptable to the community.

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

- NCPPC Department of Parks staff and meet the Parks Design Standards and Specifications. Minor changes may be made to location and construction details of amenities in the park during the park permit process without the need to amend the site plan.
- iii. Prior Applicant to construct at its expense within the Local Park area the following recreational amenities:
  - iv. Playground/Seating Area-A playground and seating area comparable to similar facilities in Aurora Hills Local Park (as shown on construction documents dated May 2007). The required facilities in Kings Local Park shall be comparable in size and design quality, including, but not limited to the quantity and quality of play equipment, surfacing, colored concrete edging and site furnishings. The facilities shall be shown on the certified site plan. Complete construction details and specifications shall be included and approved as part of the Park Permit for construction.
  - v. Fishing Pier-A minimum eight (8) foot-wide, handicap accessible pier terminating in a 12' x 24' fishing pier platform shall be provided. The structure shall be constructed of recycled, engineered marine plastic such as Trelleborg or equal quality, and to include railings if determined by M-NCPPC Department of Park staff to be needed.
  - vi. Handicap Accessible, Asphalt Trail - An eight (8) foot-wide, handicap accessible asphalt trail shall be provided from the corner of Overlook Park Drive and Clarksburg Road to the pond area and shall access the picnic shelters and playground area. The approximate alignment of the trail shall be shown on the certified site plan and may be adjusted during the park permit process.
  - vii. Site Furnishings- Approximately 6 benches and a bike rack capable of holding 6 bikes shall be provided. Location and type shall be approved at the time of park permit.
  - viii. Landscaping-A landscape plan shall be approved as part of the certified site plan. The exact species, size and number of plants may be adjusted during the park permit approval process.
  - ix. Park entrance signage- Two (2) wood and stone park entrance signs shall be provided near (1) the parking area, and (2) at the corner of Clarksburg Road and Overlook Park Drive. Concept drawings shall be approved and included with the certified site plan. Construction details shall be approved as part of the park permit.
  - x. Retaining Walls-Any needed retaining walls on park property shall be constructed of concrete block, similar to the existing walls at the corner of the school. Location, design, and height of the walls shall be shown on the certified site plan and may be modified at the time of park permit. Construction details and specifications shall be provided with the park permit.



c) Clarksburg Greenway and Greenway Trail

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

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

#### 24. Architectural Guidelines

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

#### 25. Architectural Design/Compatibility

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

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

26. HOA Governing Documents.

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

27. MPDU Unit Architecture

The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

28. Maintenance of Public Amenities

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

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

*Table 2 - Site Plan No. 82007022B*

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

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

30. Prior Development Program

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

*Table 3 - Prior Development Program Table*

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

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

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan Amendment No. 82007022I, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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

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

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

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

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

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

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



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

**Data Table**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Chapter 22A, Forest Conservation

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

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

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

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

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

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

March 25, 2024

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

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

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, March 21, 2024, in Wheaton, Maryland and via video conference.



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