

**MEMORANDUM**

July 21, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Supervisor 301-495-4542 *CC*
Development Review Division

SUBJECT: Request for an Extension to the Validity Period – Preliminary Plan
No. 1-95042, Clarksburg Town Center

STAFF RECOMMENDATION: Grant extension of validity period for Preliminary Plan No. 1-95042 to October 26, 2005.

DISCUSSION

The subject preliminary plan application was submitted on November 23, 1994 to create a mixed-use development on 267.5 acres of land in the RMX-2 zone located in the northeast quadrant of the intersection of Frederick Road (MD 355) and Stringtown Road in Clarksburg. The preliminary plan was brought before the Planning Board for a public hearing on September 28, 1995 and was approved for a maximum of 1300 dwelling units, 150,000 square feet of retail uses, and 100,000 square feet of commercial office uses. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on March 26, 1996 (Attachment "A"). Per Condition No. 17, the preliminary plan remained valid for 109-months from the date of the mailing, or March 26, 2005 unless, prior to that date, the applicant either (1) record plats among the land records of Montgomery County or (2) submitted a request to extend the validity period.

On March 24, 2005, the Applicant's attorney, Mr. Todd Brown of Linowes and Blocher LLP, requested a 24-month extension of the validity period for the preliminary plan, citing delays subsequent to the plan approval that have materially prevented the Applicant from validating the entire preliminary plan (Attachment "B" is a copy of the extension request). This extension request was timely filed per Section 50-35(h)(3a) and remains valid.

In light of the other significant issues related to the Clarksburg Town Center development which have been under review and discussion by the Planning Board for the past several months, staff has delayed scheduling consideration of this extension request. Some of the allegations made during these discussions relate to requirements of the preliminary plan. Because the status of the review of these allegations is incomplete, staff continues to believe that full consideration of the preliminary plan extension request should be delayed. At this time, staff is recommending a short-term extension of the plan for seven months from the expiration date, or until October 26, 2005.

Attachments

Attachment A – Planning Board Opinion dated 3/26/96

Attachment B – Applicant’s Extension Request dated 3/24/05