



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

MCPB No. 14-111
Preliminary Plan No. 12003110C
Cabin Branch
Date of Hearing: December 4, 2014

DEC 23 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 22, 2004, the Planning Board, approved Preliminary Plan Nos. 120031100 and 12003110A, creating 1,600 residential dwelling units, 500 senior units and 1,538,000 square feet of retail and employment on 540 acres of land in the RMX-1/TDR/MXPD zone, located generally bordered by MD Route 121 to the west and north, Interstate 270 to the east and West Old Baltimore Road to the south ("Subject Property"), in the Clarksburg Policy Area, Master Plan ("Master Plan") area; and

WHEREAS, on October 6, 2008, the Planning Board approved an amendment to the Preliminary Plan No. 12003110B to allow an additional 286 residential dwelling units and an additional 882,000 square feet of commercial space for a total of 1,886 residential dwelling units, 2,420,000 square feet of commercial space and 500 dwelling units for senior housing on 540 acres of land located on the Subject Property in the Master Plan; and

WHEREAS, on June 30, 2014, together with a site plan application to construct phase one consisting of 450,000 square feet of retail and restaurant uses, parking facilities and public amenities comprising a retail center (Site Plan No. 820140160, Cabin Branch Premium Outlets at Cabin Branch) within the multi-phased mixed-use development on the Subject Property, Simon/Clarksburg Development, LLC, on behalf of Cabin Branch Management, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved Preliminary Plan(s) to revise the adequate public facilities and Preliminary Water Quality Plan on the Subject Property; and

WHEREAS, Applicant's application to amend the Preliminary Plan was designated Preliminary Plan No. 12003110C, Cabin Branch ("Preliminary 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 November 21, 2014, setting forth its analysis and

Approved as to
Legal Sufficiency:

 12/16/14
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recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 4, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on December 4, 2014, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12003110C to revise the adequate public facilities and the Preliminary Water Quality Plan subject to the following conditions:¹

- 1) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated, August 25, 2014 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 2) The Applicant must construct the pavement labeled “Premium Outlets Drive” from Clarksburg Road (MD 121) to the southern end of the Subject Property in accordance with the MCDOT Road Code Standard MC-219.01: Commercial/Industrial Dual Road Modified to provide vehicular access to buildings and the amphitheater.
- 3) The Applicant must construct the internal private drive loop road along the northern side of the retail buildings to the MCDOT Road Code Standard 214.02: Commercial/Industrial Road Modified; the 30-foot wide drive aisle shall not have travel lanes that exceed 12-feet in width.
- 4) The Applicant must construct the east-west private drive that connects Cabin Branch Avenue to “Premium Outlet Drive” in accordance with the MCDOT Road Code Standard MC-219.01: Commercial/Industrial Dual Road Modified.
- 5) The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (“MCFRS”) Fire Code Enforcement Section in its letter dated September 22, 2014, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set

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.

forth in the letter, which MCFRS may amend if the amendments do not conflict with other conditions of Site Plan approval.

BE IT FURTHER RESOLVED, that all other Preliminary Plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or required findings in the originally approved Preliminary Plan, and all findings and conditions not specifically addressed remain in effect.

The lots did not change in configuration with this Amendment. Further, the retail and restaurant uses approved with this Amendment are part of the overall approvals for the MXPB area uses previously approved.

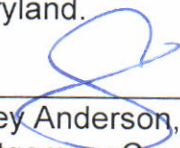
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 23 2014 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

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 motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with Vice Commissioner Wells-Harley, voting in favor, and Chair Anderson and Commissioner Presley absent, at its regular meeting held on Thursday, December 18, 2014, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board