



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

**MAR 30 2016**

MCPB No. 16-036  
Preliminary Plan No. 11995042C  
Clarksburg Town Center  
Date of Hearing: March 24, 2016

**RESOLUTION**

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

WHEREAS, by a Revised Opinion dated March 26, 1996, the Planning Board approved Preliminary Plan No. 119950420, for 1,300 residential dwelling units, 150,000 square feet of retail uses, and 100,000 square feet of office uses on approximately 267 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Road and Frederick Road (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area, as amended in 2011<sup>1</sup> ("Master Plan") area; and

WHEREAS, on August 14, 2001, the Planning Board approved Preliminary Plan No. 11995042R to include a Grading Plan and Borrow Plan (Off-site stockpile); and

WHEREAS, on July 16, 2009, by Resolution MCPB No. 08-163, the Planning Board, approved Preliminary Plan No. 11995042A, for 194,720 square feet of commercial uses, including up to 69,720 square feet of specialty retail, and 1,213 residential dwelling units, including 12.5 percent moderately priced dwelling units ("MPDUs"); and

WHEREAS, on September 21 2015, the Planning Board approved Preliminary Plan Amendment 11995042B (MCPB No. 15-92) to reduce the total number of residential units to 1,120; increase overall commercial density to 206,185 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; and revise Kings Pond Local Park and Piedmont Woods Local Park; and

<sup>1</sup> In 2014, a Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area Master Plan was adopted as the Ten Mile Creek Area Limited Amendment. The Subject Property was not included within the area that was subject to the 2014 Amendment.

Approved as to  
Legal Sufficiency:  3/17/16

WHEREAS, on August 28, 2015, Miller and Smith at Clarksburg, LLC, ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to replace 11 multi-family 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 N in the northwest quadrant of the intersection of Catawba Hill Road and Sugarloaf Chapel Drive ("Subject Property") within the Clarksburg Town Center development; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11995042C, Clarksburg Town Center ("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 March 10, 2016, setting forth its analysis and recommendation 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 Preliminary Plan No. 11995042C for 9 one-family attached units (including 3 MPDUs) with the following conditions:<sup>2</sup>

1. This Preliminary Plan is limited to a maximum of 1,118 residential dwelling units including 12.5% MPDUs, 129,545 square feet of retail, 45,280 square feet of medical office, and 31,360 square feet of office.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 10, 2016 for the Subject Application, and 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 MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval. This letter does not supersede all previous MCDOT letters referenced in other approvals and covering other areas.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

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<sup>2</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.

4. Prior to recordation of any plat, Site Plan No. 82007022E must be certified by Staff.

BE IT FURTHER RESOLVED that all other preliminary 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 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:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The Preliminary Plan Amendment substantially conforms to the Master Plan.*

The Amendment is consistent with and is in substantial conformance to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area and the 2011 Limited Amendment to the Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area to Allow an Exception to the Retail Staging Provisions (collectively referred to as "Master Plan"<sup>3</sup>). The Subject Property is located within the Town Center District identified on page 42 of the Master Plan.

The Amendment slightly modifies the housing mix for the overall project. As a result, the ratio of multi-family units continues to be below the Master Plan recommended ratio, and the ratio of one-family attached units continues to be above the recommended ratio (see Table below). 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 ratios recommended. 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.

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<sup>3</sup> The Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area does not include the Subject Property.

Housing Mix	Master Plan (p.44)	Approved with 11995042B	Proposed
Multi-family	25 to 45%	21.1%	20.1%
Attached	30 to 50%	59.3%	60.3%
Detached	10 to 20%	19.6%	19.6%

\*Please note: these percentages are based on the entire Town Center housing mix (both built houses outside the scope of this Application and remaining homes to be constructed as part of this Application).

3. *Public facilities will be adequate to support and service the area of the approved subdivision.*

As a result of several APF validity extensions granted by the County Council, the Preliminary Plan has an APF approval through March 26, 2022. The modifications associated with the Amendment will not have an adverse impact beyond the previously approved development because the amended development density is within the limits previously approved through Preliminary Plan 11995042B.

Site Access, Vehicular/Pedestrian Circulation and Rights-of-way

Access to the Subject Property is provided off Sugarloaf Chapel Drive via a one-way private alley, which connects to the alleyway system internal to Block N. The alley will be used as a right-in only off Sugarloaf Chapel Drive and the curb in front of Lot 9 on Sugarloaf Chapel Drive will be modified to provide one-way channelization. Pedestrian access is provided off Catawba Hill Drive to the front of the lots and via the private alley to the rear of the lots.

As previously approved, access to the Subject Property was provided off Catawba Hill Drive via a private alley. The modification described above will create a more continuous street wall along Catawba Hill Drive, which abuts the Resident's Club and associated amenity areas, while maintaining safe, adequate and efficient vehicular access and circulation to the new townhouse units.

Local Area Transportation Review (LATR)

The overall Clarksburg Town Center site, which this application is part of, has a valid APF approval for transportation facilities. The transportation impact of the revised development program does not exceed the impacts of the previously approved development.

Policy Area Review

The Amendment does not impact Policy Area Review findings as approved by the Planning Board most recently with Amendment No. 11995042B.

Other Public Facilities

Public facilities and services continue to be available and will be adequate to serve the development. The Subject Property is served by adequate public water and

sewer systems. The Amendment has been reviewed and approved by the Montgomery County Fire and Rescue Service, which has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as, police stations, firehouses, and health services are operating according to the Growth Policy resolution in effect when the APF approval was granted and will be adequate to serve the development. No additional residential units are proposed with this Amendment; therefore, the development is not subject to a School Facility Payment review.

4. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The size, width, shape and orientation of the lots are appropriate for the location of the subdivision, given the recommendations of the Master Plan. The lot pattern is comparable to other lots approved and built out as part of the Town Center. The size, shape, width and orientation of lots on the Amendment is appropriate and will provide a seamless continuation of the existing development.

5. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Amendment does not contemplate any modifications to the approved Final Forest Conservation Plan.

6. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The Amendment does not contemplate any modifications to the approved SPA Final Water Quality Plan.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is     **MAR 30 2016**     (which is the date that this Resolution is mailed to all parties of record); and

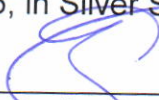
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**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 Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, March 24, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board