



Development Plan Amendment 13-02: Cabin Branch Community

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Description

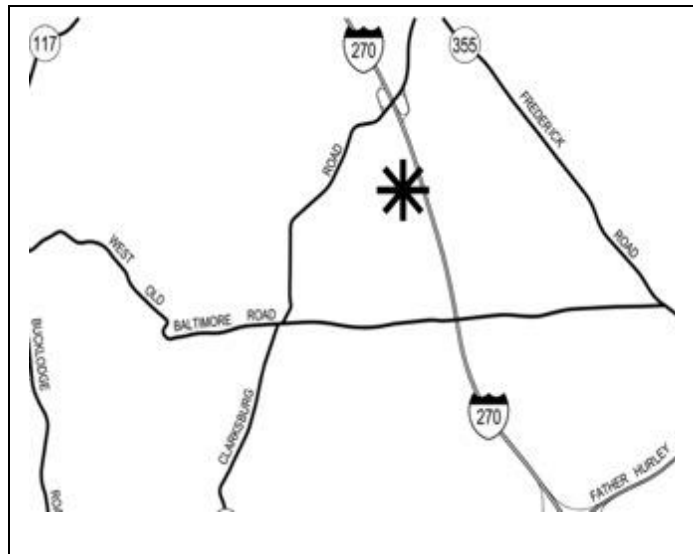
Development Plan Amendment 13-02: Cabin Branch Community

Amendment to an approved Development Plan to increase the retail from 120,000 to 484,000 square feet within the approved total of 2,420,000 square feet of non-residential area and 1,139 dwelling units, located west of I-270, east of Clarksburg Road (MD- 121) and north of West Old Baltimore Road, 283.5 acres, MXPDP Zone, Clarksburg Master Plan & Hyattstown Special Study Area

Staff recommendation: Approval with conditions

Filing Date: March 7, 2013

Applicants: Adventist Healthcare, Inc. and Cabin Branch Commons, Inc.



Summary

The Development Plan Amendment (DPA) will foster the creation of a mixed-use community along the west side of I-270 to implement the recommendations in the Clarksburg Master Plan & Hyattsville Special Study. The DPA establishes a “comprehensively planned and designed employment center” including a variety of employment opportunities, additional retail, hotel, entertainment uses, public uses, and a variety of housing types.

- The Montgomery County Council approved the original Development Plan G-806 to reclassify 283.5 acres of land from the RE-1/TDR-2, RMX-1/TDR and 1-3 Zones to the MXPDP Zone pursuant to Section 59-D-1.11.
- Development Plan Amendment 13-02, proposes to amend the mix of uses proposed in the original application for the portion of the Cabin Branch Community in the MXPDP Zone.
- The Amendment substantially complies with the recommendations for land use and density in the Master Plan.
- The DPA meets all the applicable standards and requirements of the MXPDP Zone.
- The access points and vehicular circulation system on the DPA are adequate, safe and efficient.
- In addition to the review of Development Plan Amendment 13-02, the more detailed land use, design and transportation elements are to be addressed at the time of the review of a preliminary plan and site plan.
- A large number of area residents have sent letters in support of the DPA.

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I. RECOMMENDATION

Staff recommends APPROVAL of Development Plan Amendment 13-02 for the following reasons:

- A. The Development Plan Amendment (DPA) is substantially consistent with the Clarksburg Master **Plan** & Hyattstown Special Study Area including the land use, zoning and transportation recommendations.
- B. The Development plan Amendment is consistent with the purposes of the MXPDP Zone.
- C. The Development Plan Amendment conforms to the development standards of the MXPDP zone.
- D. The DPA is appropriate for the location and proposes a development that will be compatible with existing and future land uses in the surrounding area.

II. INTRODUCTION

In 2003, the Montgomery Council approved G-806 and an associated Development Plan by Resolution No. 15-326 for a large multi-phased, mixed-use community. The Development Plan includes a triangular area bounded by Clarksburg Road (MD-121) to the west, I-270 to the east, and Old West Baltimore Road to the south. The Subject Site was assembled to create a comprehensive, mix-use community.

The approved Development Plan G-806 with a total of 535 acres confirmed the existing RMX-1/TDR Zone on a portion of the site, and it reclassified 283.5 acres from the RE-1/TDR-2, the RMX-1/TDR and the I-3 Zones to the MXPDP Zone. This Development Plan also specified the general mix of land uses each in each area as follows:

- RMX-1/TDR Zone Area - Residential and public uses
- MXPDP Zone (283.5 acres) - Mixed-use area with office, retail, residential, and public uses

The Development Plan Amendment (DPA) proposes to retain the approvals in the portion of the site in the RMX-1/TDR Zone, and it proposes to revise the mix of retail and office uses in the MXPDP area without increasing the total density. The proposed DPA would modify the original Development Plan for the area along I-270 (where a hospital and medical offices were previously contemplated but not approved). State approval of a hospital in Germantown made any plan for construction of a hospital unattainable.

Approved Development Plan

The approved Development Plan G-806 included 2,420,000 square feet of non-residential development (e.g. retail and office uses), 1,886 dwelling units, 500 senior housing units, and 75,000 square feet of public uses. Since the approval of the original Development Plan in 2003, a preliminary and infrastructure site plan for the entire area, a site plan for a hotel and highway oriented retail uses, and five residential site plans have been approved. A Final Water Quality Plan and a Final Forest Conservation Plan have also been approved. The approved site plans cover the entire RMX-1/TDR portion and a part of the MXPDP portion of the site. Within the MXPDP zoned portion of the site, approximately 656 residential units, 8,600 square feet of retail, and 87,500 square feet of commercial and hotel use have been approved.

The original Development Plan in 2003 included 120,000 square feet of neighborhood retail. It did not specify the amount of retail in the remaining employment area, and it did not specify in addition to office uses other employment uses such as research and technology, hospital, light industrial, entertainment, or hotel uses for the remainder of the MXPB area. The vision of the Master Plan is to establish a highly desirable employment area in Clarksburg as part of the I-270 Technology Corridor without limiting specific employment uses or the nature of uses in addition to office use in the employment area.

The Development Plan included nine binding elements related to TDRs, MPDUs, trip reduction measures, total number of units, and non-residential square footage (see Appendix). The zoning case left final design considerations, including building locations and configurations, to be determined during the site plan review stage.

Proposed Development Plan Amendment

The proposed Development Plan provides for approximately 50,000-120,000 square feet of neighborhood retail included within a total of 484,000 square feet of retail. The proposed 484,000 square feet retail is within the approved total of 2,420,000 square feet of non-residential uses and within the 20 percent of the total commercial uses allowed in the MXPB Zone. The DPA also expands the employment land uses to include research and technology, light industrial, medical facilities, hotel, and entertainment uses. Additional public uses including daycare, places of worship and community buildings are also proposed. The proposed Development Plan Amendment will be consistent with the overall use and density in the Clarksburg Master Plan and conforms to the standards in the MXPB Zone as follows:

- Provides neighborhood retail and high quality specialty retail as both a destination for the Clarksburg community and the surrounding area as well as a catalyst for the development of the employment area in the Clarksburg portion of the I-270 Technology Corridor.
- Establishes a set of land uses appropriate for a “world class,” comprehensively planned and designed employment area to serve the needs of Montgomery County in the 21st century.
- Applies the most recent environmentally sensitive design (ESD) tools to preserve the tributaries of the Little Seneca Creek.
- Incorporates sustainable neighborhood planning practices into the Cabin Branch DPA including attention to placemaking, connectivity, compatibility and energy conservation, and the natural environment. These features become key elements of sustainable neighborhoods that can serve as a catalyst to attract employers.
- Expands the range of public uses to include daycare, places of worship and community buildings in addition to the elementary school, park and community center already approved.
- Confirms the approved inclusion of a variety of dwelling units for all ages and incomes in the Cabin Branch Community.

Cabin Branch Community and Subject Property



III. CURRENT APPLICATION: DPA-13-02 CABIN BRANCH

A. The Subject Property

The overall Cabin Branch development consists of 535 acres of existing farmland and forested stream buffers. The site is within the Clarksburg Special Protection Area and the Little Seneca Creek watershed. Two major stream buffers exist on the site: one parallels the eastern boundary of the site along I-270, the other extends from north to south within the western portion of the site south of Clarksburg Road to West Old Baltimore Road. Until recently, most of the site has been in active farm fields, forested buffers and hedgerows to accommodate stormwater runoff and best management practices for cultivation. The farming activity has been prevalent along Clarksburg Road and visible from I-270 and West Old Baltimore Road. Clearing activities are underway in some areas of the western portion of the property in preparation for developments that already obtained Site Plan approvals. Much of the forest is encompassed within the two stream valley buffers on the site. A number of structures, including the historic Magee House and farm buildings, are located on the property.

B. Planning and Zoning History

The Subject Property was classified under the RR Zone the Rural Residential in 1958, and with the Countywide Comprehensive zoning to the R-200 Zone in 1973. The area was rezoned to the RE-1/TDR-2, RMX-1/TDR, and I-3 Zones by Sectional Map Amendment G-710 in 1994. In 2003, 283.5 acres of the 535-acre property was rezoned from the RE-1/TDR, RMX-1/TDR, and I-3 Zones to the MXPB Zone by Local Map Amendment G-806. The remainder of the property is in the RMX-1/TDR zone.

C. Surrounding Area

In a floating zone application, the surrounding area is identified to evaluate compatibility properly. The “surrounding area” is defined less rigidly in connection with a floating zone application than in a Euclidean zone application. In general, the definition of the surrounding area takes into account those areas that would be most affected by the proposed development.

As established in the 2003 rezoning to the MXPB Zone (G-806), the surrounding area for this application can be described as an area bounded by I-270 on the east, an undeveloped 1-3 zoned parcel adjacent to the Clarksburg Detention Center on the north, Ten Mile Creek on the west, and Black Hill Regional Park and the Linthicum West Property to the South. The properties along West Old Baltimore Road (south) include one-family detached homes and the entrance to Black Hill Regional Park via near I-270. One-family detached homes and farms also front on Clarksburg Road. To the east of I-270 are located the Gateway 270 Business Center, Comsat, Little Bennett Regional Park and the Clarksburg Town Center. Clarksburg Road and West Old Baltimore Road connect with MD 355 east of I-270. Ten Mile Creek, a class IV stream to the west, flows into Little Seneca Lake, surrounded by Black Hill Regional Park.

Vicinity Map



IV. PROPOSED DEVELOPMENT

A. Project Description

The Applicants, Adventist Healthcare, Inc. and Cabin Branch Commons, Inc. request to amend the Development Plan approved by the Council in G-806 on September 9, 2003. The Development Plan Amendment, proposes to retain the total non-residential development of 2,420,000 square feet not including public uses, and the total residential development of 1,139 dwelling units. The DPA proposes to increase the amount of retail space from 120,000 square feet to 484,000 square feet and to decrease the amount of other non-residential land uses area.

All of the non-residential developments are located within the MXPDP zoned portion of the site along I-270 that consists of approximately 283.5 acres. This area also contains residential development along its western edges. The Amendments proposed in the current DPA affects the development mixes approved for only the MXPDP portion of the site. The portion of the site in the RMX-1/TDR Zone (Area E) is not included in the DPA, but it is part of the Development Plan. All developments in RMX-1/TDR portions of the site have gone through review of various site plans for residential development and obtained approvals (see the Appendix). The RMX-1/TDR portion of the site is residential in character, and it includes an elementary school, recreation areas, and an historic house.

The majority of the property in the MXPDP Zone is within the Clarksburg Special Protection Area. The 2003 Development Plan was approved with a broad mix of offices, residential units, and a neighborhood retail core.

The Applicants propose to modify the approved Development Plan by concentrating the neighborhood retail core in the central area of the site near the middle portion of the residential area. In addition, the DPA provides specialty retail space and decreases the amount of office space while remaining within the approved overall density of development. The proposed specialty retail is located adjacent near the intersection of MD 121 and I-270. Minor refinements are also proposed to expand the opportunities for a range of employment uses, additional public uses, senior housing, and public amenity space. The DPA also includes sustainable design principles to reduce the impact of development on the environment.



B. Development Plan Concept



TABLE: MXPDP YIELD SUMMARY DETAIL

MXPDP Yield Summary			MXPDP Yield Summary		
Cabin Branch-G-806-			Cabin Branch DPA-13-02 -PROPOSED		
Residential			Residential		
Detached	Not to exceed	100 units	Detached	Not to exceed	0-100 units
Attached	Not to exceed	600	Attached	Not to exceed	0-600
Multi Family	Not to exceed	439	Multi Family	Not to exceed	0-439
Total	Not to exceed	1,139	Total	Not to exceed	0-1,139
Employment			Employment		
Office	Not to exceed	2,300,000	Office*	Not to exceed	1,936,000
Retail	Not to exceed	120,000	Retail**	Not to exceed	484,000
Total		2,420,000	Total	Not to exceed	2,420,000
Other			Other		
Public Use	Not to exceed	75,000	Public Use***	Not to exceed	75,000
Senior	Not to exceed	500	Senior	Not to exceed	500

Notes: *Employment includes office, research and development, entertainment, light industrial and hotel

**Includes 50,000 - 120,000 square feet of neighborhood retail

***Provides daycare, places of worship, community building

The DPA proposes a mixed-use employment area comprised of 450,000 Square foot of retail, including 50,000 to 120,000 of local retail. The area will also include a hotel and other neighborhood serving retail uses. The Applicants long-term plan proposes that as build-out occurs, approximately 66,000 square feet of entertainment uses will be added (Area A). In addition, a range of office space and other employment uses will be allocated in-signature buildings with approximately 25,000 square feet of foot prints and smaller townhouse type offices. The DPA also provides for a variety of residential units with in the neighborhood will be added to the housing units that already have site plan approvals within the MXPDP area. An outdoor, public amphitheater will be provided adjacent to the forest conservation area.

Several adjustments (Last revised date 7/2/2013) have been made to the Development Plan Amendment since its original submission to address design, site layout, and Master Plan issues. The Applicants also submitted the approved Development Plan, Green Area Exhibit for the MXPDP zoned area, Trail and Land Plan Exhibits and a power point presentation that was also part of the Applicants' presentations during meetings with staff.

C. Location and Design Specification

The proposed specialty retail is located to create a sense of place that gives identity and vitality to the Cabin Branch Community. It will serve as a catalyst for employment based development and foster confidence in the development of future high quality projects in the area. In the justification statement, the Applicant explained the proposed design concept for the project and its particular sensitivity to the natural features of the land. The specialty retail use although regional in how it may be perceived, it is located and designed to also function as local serving retail, with its well-conceived streets, sidewalks, trails, and other connections to the entire Cabin Branch Community.

Concept Plan Organization



Northern Area

Retail Development

In the northern area of the site, a specialty retail center of approximately 450,000 square feet is located along MD 121 (Area A and B) near the intersection with I-270. This center is comprised of approximately 450,000 square feet of specialty retail. Instead of spreading the neighborhood retail along the internal roads, the DPA proposes to concentrate neighborhood retail of approximately 50,000 to 120,000 square feet in the southern area (Area C) adjacent to the community center and public green near the middle portion of the residential development in Cabin Branch Community. The neighborhood retail will connect and serve the residential portions of the Cabin Branch Community. The specialty retail will serve Clarksburg and the surrounding areas as a catalyst for future employment uses.

Office, Research and Technology, Light Industrial, Medical and Other Employment Uses

The proposed DPA located the office and other employment uses throughout the MXPD area. In the northern area, the office and specialty retail uses are served by structured parking as well as surface parking screened from MD 121. The highest buildings area located along I-270 and away from the residential areas. High-rise and low-rise buildings with a variety of footprints are located in the MXPD area. The DPA expands the employment uses beyond the singular designation of office.

Housing

The DPA confirms the location and amount of housing in the approved Development Plan and Site Plan. Attached, detached and multi-family residential homes will be located within this neighborhood, closer to Cabin Branch Avenue. Over 650 residential units already have site plan approvals in this area. Senior adult housing will be located in Area B or C.

Public Uses

The public uses will also be located throughout the MXPD area. The specific locations for the daycare, places of worship and community buildings will be determined during the site plan review process.



Southern Area

Public Gathering Spaces

An outdoor public amphitheater will be located adjacent to the forest conservation area and near the I-270 (Area A). A central square will be located in the northern area to serve as a neighborhood gathering space easily accessible by area residents. The natural conservation area will serve as a central amenity and organizing feature for the development. A variety of recreation and gathering spaces will be located adjacent to the conservation area and throughout the MXPDP area. The specially retail area will be a pedestrian oriented place with two pedestrian streets and three squares.

Transportation

The Community will be connected to the surrounding residential neighborhoods with sidewalks and trails to enhance the employment area as a desirable destination for the residents. Bus access to the future transitway and to the MARC Rail Station will be located along the internal streets. Bikeways are located to connect all portions of the site and the adjacent Black Hill Regional Park. The layout of the streets and blocks will provide connections throughout the MXPDP area and to the adjacent residential areas. In accordance with the Vision in the Master Plan, the area will be designed as a transit and pedestrian oriented community with a broad range of connections. The accessibility and visibility to the I-270 Technology Corridor and the rural areas of Montgomery County are key components of this neighborhood's identity.

Jobs to Housing Ratio

The MXPDP provides the potential for over 6,500 jobs to be located in the MXPDP area. This number approximately matches (within 1.6 percent) the potential jobs included in the approved Development Plan. The total jobs-to-housing ratio is nearly 2 to 1 in the Cabin Branch Community as proposed in the Master Plan for the Clarksburg area.

D. Sustainable Neighborhood Characteristics of the DPA

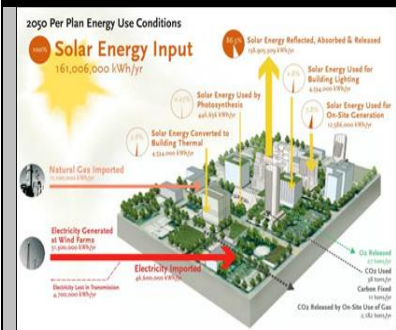
Employment and Placemaking



Linkage/Pedestrian Orientation



Compatibility and Energy Conservation



Environmental Protection



Sustainable neighborhood characteristics have been incorporated into the Cabin Branch DPA. These characteristics have been included in the DPA to augment and enhance the recommendations in the Clarksburg Master Plan. These features have become key elements of sustainable neighborhoods that serve as a catalyst to attract employers. The following paragraphs summarize each characteristic.

- **Employment and Placemaking** - Mixed-use including variety of land use in addition to traditional office space in the employment land uses category including 20 percent retail space, office, R&D, entertainment, industrial uses, places of worship, daycare and community buildings public uses, and a variety of housing types. In addition, public gathering spaces for the community have been incorporated to create desirable destinations are also included. The placemaking features are critical planning and design features found in employment centers in the I-270 Corridor.
- **Linkage/Pedestrian Orientation** - An extensive transportation system has been provided to link the entire Clarksburg community. The approved Preliminary Plan provides for to the dedication of ROW and phasing of the construction of roads with development. The project provides for bus links to the Clarksburg transitway and the MARC Station in Boyds. An extensive bike system provides links within the entire Cabin Branch community and the Black Hill Regional Park to the south.
- **Compatibility and Energy Conservation** - The streets, open spaces, and buildings are oriented to maximize sun access to buildings to maximize opportunities for day lighting of interior spaces and to reduce energy consumption. During the review of the site plan, the Applicant will incorporate additional sustainable neighborhood and green building technologies. The tallest buildings will be located along I-270 and away from the low-density residential areas for compatibility. Specialty retail areas will have immediate access to I-270 from MD 121 to reduce the traffic impact on the residential areas.
- **Environmental Protection** - The DPA has a large area (175 feet along both sides) of forest buffer for the tributaries of Little Seneca Creek. With the adjacent recreation areas and public spaces, this stream buffer will become a central organizing feature and amenity in a manner similar to the Boston Fens by Frederick Law Olmstead. The community will also have an extensive tree canopy, enhanced forest conservation, habitat protection, reduced imperviousness, and ESD (environmentally sensitive design) practices.

V. ANALYSIS AND FINDINGS

A. Master Plan Consistency

The Clarksburg Master Plan will “guide the growth of Clarksburg from a rural settlement to a transit-and pedestrian-oriented town surrounded by open space” (p.15). The Master Plan identified the Cabin Branch area as a “mixed-use neighborhood” with access to the Boyds commuter rail station, the transitway proposed east of I-270, Clarksburg Road, and Black Hills Regional Park with visibility to I-270. The Plan establishes the opportunity to provide a transit-oriented neighborhood and to reinforce the I-270 high-technology corridor concept (p. 64).

Consistency with the Recommendations in the Clarksburg Master Plan

59-D-1.61. Findings (Development Plan)

(a) The proposed development plan substantially complies with use and density indicated by the master plan or sector plan, and does not conflict with the general plan, county capital improvements program, or other applicable county plans and policies.

Master Plan Policies

The Clarksburg Master Plan recommends a series of General Policies for development. The Development Plan Amendment is consistent with these General Policies as summarized in the following:

- **Concept - Promote a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations (p. 10):**
The DPA promotes a wide range of non-residential uses to support a healthy economy as recommended in the Master Plan. The Amendment is consistent with the 1994 Plan’s long-term vision for the area along the I-270 corridor. It modifies the land use on the MXPD portion of Cabin Branch, by including a specialty retail element. The Amendment integrates a mix of employment use to achieve “a world class, 21st Century employment community.”
- **Town Scale of Development (p. 16):**
The proposed DPA has the same area (2,420,000 square feet) and scale as recommended in the Clarksburg Master Plan. The buildings step down in height and density from I-270 to the adjacent areas in the Cabin Branch Neighborhood in the RMX-1/TDR Zone for compatibility.
- **Natural Environment (p. 18):**
The Amendment incorporates enhanced conservation measures for the natural environment including protection of the forest areas and a tributary of Little Seneca Creek in accordance with the recommendations in the Master Plan. To achieve a sustainable community, the DPA includes principles of sustainable neighborhoods to reduce the impact of development on the environment in addition to recommendations in the Master Plan. The sustainable planning and design principles include:
 - Employment and Placemaking
 - Linkage and Pedestrian Orientation
 - Compatibility and Energy Conservation
 - Environmental Protection

- **Transit and pedestrian oriented neighborhoods (p. 28):**
 In accordance with the recommendations in the Clarksburg Master Plan the DPA includes:
 - Mix of uses (retail and employment opportunities) along with residential uses in the broader neighborhood.
 - Interconnected system of streets (transit and pedestrian oriented connections)
 - Diversity of housing types (attached and multi-family units)
 - Street oriented buildings (buildings located on streets as well as pedestrian ways)
- **Employment (p. 30)**
 The DPA continues to establish I-270 as place for employment uses. It broadens the employment base by identifying opportunities for office, R&D, light industrial, hotel, urgent care facilities, medical office, and professional service as well as retail, entertainment, and public uses. The DPA integrates the proposed mixed-use employment corridor within the Cabin Branch Neighborhood in conformance with the standards in the MXPDP Zone. This variety of uses is consistent with other employment centers in Montgomery County located outside central business districts and transit station areas such as the Washingtonian, Park Potomac and Rock Spring Park. Instead of an antiquated office park, the DPA will include a wide mix of uses that will attract all types of employment uses as part of the 1-270 Technology Corridor.

Specific Recommendations

In addition to the General Policies, the Clarksburg Master Plan includes specific recommendations. The proposed Development Plan Amendment is consistent with the specific recommendations in the Master Plan as described in the following paragraphs.

- **Generalized Land Use Plan (p. 38, 39, and 40):**
 The proposed Development Plan Amendment is consistent with the Generalized Land Use recommendations in the Clarksburg Master Plan. The Generalized Land Use Plan (p. 38) recommends the following generalized land uses for the Cabin Branch Neighborhood, and the recommended land uses have been incorporated into the Development Plan Amendment.
 - Mixed-Use Center
 - Major Employment
 - Residential (5-7 DUs/Acre)
 - TDR Receiving Area

Table: Summary of End-State Development Potential in the Entire Cabin Branch Neighborhood

Item	Master Plan Recommendation	Approved Development Plan	Proposed Development Plan
Dwelling Units	1,950	1886	1881
Employment and Retail (square feet)	2,420,000	2,420,000	2,420,000

- **Cabin Branch Neighborhood Plan Objectives (p. 64 to 67):**
 The DPA provides for a mix of uses including employment. In accordance with the Master Plan Vision, the DPA provides for a “comprehensively designed employment center” with a variety of uses. The following table compares the mix of uses in the Master Plan, the approved Development Plan, and the proposed DPA:

Land Uses	Master Plan	Approved Development Plan	Proposed Development Plan Amendment
Residential	1,950 dwelling units in the entire Cabin Branch are located west of I-270	1,886 dwelling units in the entire Cabin Branch neighborhood, not including 500 housing and related facilities for senior adults	1,881 dwelling units in the entire Cabin Branch neighborhood, not including 500 housing and related facilities for senior adults
Mix of Uses including Employment	2,420,000 s.f. of total development including 120,000 s.f. in the retail core	2,420,000 s.f. of total development including 120,000 s.f. in the retail core	2,420,000 sf of total development including 50,000-120,000 s.f. in the retail core and 484,000 s.f. of total retail development
Retail Core	120,000 s.f. including a grocery store	120,000 s.f. including a grocery store	50,000-120,000 not including a grocery store
Public Uses	Places of worship, child care, community building, park, and elementary school	75,000 s.f. of public uses (places of worship and childcare) in the MXPDP portion. Community building, park, and elementary school approved in the remaining portions of the Cabin Branch neighborhood.	75,000 s.f. of public uses (places of worship and childcare) in the MXPDP portion. Community building, park, and elementary school retained in the remaining portions of the Cabin Branch neighborhood.

- **Residential Dwelling Units** (1881 dwelling units and 500 senior housing units proposed)
The DPA includes residential uses consistent with the approved Development Plan. The amount and variety of residential land uses is consistent with the recommendations in the Master Plan.
- **Employment Uses** (2,420,000 square feet of total development proposed)
The Master Plan provides for 120,000 square feet in the retail core and 2,000,000 to 2,300,000 square feet of employment. The DPA includes a variety of employment uses such as office, R&D, light industrial, hotel, urgent care, medical office, and professional service as well as retail, and entertainment. Although not described individually in the Master Plan, these uses are consistent with the land uses found in other employment centers in the I-270 Technology Corridor such as the Washingtonian, Rock Spring Park and Park Potomac. The Master Plan also recognized the importance of retail as part of the employment area, but it did not clearly specify the amount of retail for the employment area. To provide a dynamic mix of uses, the DPA provides for 20 percent of the total development to be retail (484,000 square feet) as allowed in the MXPDP Zone. The Master Plan recognizes the need for flexibility in its recommendations where it states: "It is recognized that circumstances will change following adoption of a plan and that specifics of a master plan may become less relevant over time." (p. vii) and "the end state densities recommended in the Land Use Plan cannot occur without a more detailed review than is typically required by the subdivision or site plan process." (p. 98).
- **Retail Uses** (484,000 sq. ft. proposed including 50,000 to 120,000 square feet to serve the community). The Clarksburg Master Plan provides for three neighborhood centers:
 - o Newcut Road (Clarksburg Village) with 109,000 square feet
 - o Clarksburg Town Center with 194,000 square feet
 - o Cabin Branch Neighborhood with 120,000 square feet

The proposed DPA includes 50,000 to 120,000 square feet of neighborhood retail uses not including a grocery store consistent with the recommendation for a neighborhood center in the Master Plan. Because of the importance of a grocery anchored Town Center retail and questions about market demand for two more grocery stores in Clarksburg, this DPA does not include a full-size 60,000 sq. ft. grocery store. The Master Plan proposes 120,000 square feet for local retail in the Cabin Branch neighborhood outside the area proposed for the MXPDP Zone area, the Plan does not specify or limit the amount of retail that could be located within the employment area. The Master Plan recommends a mixed-use planned development zoning strategy (MXPDP Zone) for the employment frontage to foster an integrated plan that could include residential units (p. 67). The proposed DPA with the mix of uses is consistent with the recommendations in the Plan and the MXPDP standards.

- **Public Uses** (75,000 square feet proposed)

The Master Plan does not specify the amount of public uses. The proposed public uses include places of worship and childcare. A community building, park, and elementary school have already been approved in the remaining portions of Cabin Branch.

▪ **Maximizes access to the open space system (p. 68):**

The DPA provides vehicular, pedestrian and bicycle access to the adjacent Black Hill Regional Park, the local park, the town green, a variety of small public spaces, and the natural features in the tributary of Little Seneca Creek in accordance with the Plan.

▪ **Creates a strong neighborhood focal point (p. 70):**

The neighborhood center with retail, office and housing forms a neighborhood focal point located adjacent to the town green and the community center. In addition, the public gathering spaces along the natural areas along the tributary of Little Seneca Creek form another focal point and a central organizing feature for the entire employment area.

▪ **MXPDP Zone which requires action by the County Council (p. 98):**

The Plan recommends the use of the MXPDP Zone which requires action by the County Council to achieve the end state densities. As a result, the end-state densities recommended in the Land Use Plan cannot occur without more detailed review. This strategy is essential if the mixed-use strategies are to be realized” (p. 98).

▪ **Variety of Housing Types (p. 105):**

The Master Plan recommends that the Cabin Branch Neighborhood provide a variety of housing types to support employment opportunities. The mix of unit types is shown in the following table. The mix of unit types in the DPA combined with the mix in the remainder of the Cabin Branch Neighborhood is consistent with the Master Plan.

Table of Residential Uses

Dwelling Unit Types	Total Approved Preliminary Plan	Approved RMX-1 TDR	Proposed MXPDP Amend.	Total Housing Development
▪ Detached	793	660	60	720
▪ Attached	1148	254	468	722
▪ Multi-family	439	0	439	439
▪ Total*	1886	914	967	1881
▪ Senior Housing**	500	NA	500	500

Note: *Of the 967 units in the MXPDP Amendment, 311 multi-family units and 500 senior housing units have not had approval of a Site Plan.

** Senior adult housing is defined as housing for a person over 62 years of age or older (Section 59-A-2.1. Definitions).

▪ **Roadway Recommendations (p. 69 and 112-126):**

The Development Plan Amendment provides for an extensive roadway system for the area.

- **Interconnected roadway system (p.69):** An interconnected system of streets is proposed in accordance with the recommendations in the Master Plan and all previous approvals.
- **Road Dedications (p. 112-126):** The road dedications for the intersection of Clarksburg Road and I-270, Clarksburg Road, A-304, West Old Baltimore Road, and Newcut Road extended are proposed by the DPA in addition to the internal streets.

▪ **Transit Plan (p. 110-111):**

The Development Plan incorporates a transit plan as recommended in the Plan. Bus loops have been provided along A-304 and Clarksburg Road to connect the Cabin Branch Neighborhood to the transitway located east of I-270 and the MARC Rail Station located south of the area.

▪ **Bikeway Plan (p. 134)**

The recommended bikeways, B-9, B-12 and B-15, have been provided along Clarksburg Road, Newcut Road, and A-305 to connect the Cabin Branch Neighborhood to Black Hill Regional Park and the Transit Corridor District. Bikeways have also been provided within the development to connect the residential, commercial areas, and the public uses.

▪ **Environment and the Clarksburg Master Plan**

Respecting the natural environment is a central feature of the DPA. A tributary of Little Seneca Creek is an organizing feature of the neighborhood. The DPA is in accordance with the recommendations for augmenting and enhancing the natural environment as follows:

- **Environmental features (p. 144-148):** The DPA designates forested buffers along the tributary to the Little Seneca of 175 feet, protection of wetlands, preser, and incorporates ESD standards and requirements.
- **Little Seneca Creek (p. 149):** The DPA preserves the quality of the tributary of Little Seneca Creek. The enhanced environmental guidelines for the Cabin Branch project also include structured parking to reduce imperviousness, locating all stormwater management features outside the enhanced stream buffers, reforestation of all stream buffer areas, and extensive tree planting to reduce the heat island effect.
- **Noise (p. 152):** In accordance with the recommendations in the Clarksburg Master Plan, the Development Plan Amendment continues to locate residences away from I-270.

Precedents

1. The Proposed Development for the MXPDP zone is similar in many ways to other mixed-use developments that were approved at several places in Montgomery County on land recommended by master plans for MXPDP zone development along the I-270 Corridor. Therefore, approval of the subject project would not be setting a new precedent.

The following table compares the approved development standards for three projects in the MXPDP and I-3 Optional Method Zones with the proposed development standards for the Cabin Branch MXPDP. Two of the projects (The Washingtonian or Rio and the Park Potomac) have been constructed.

Development Standard	Required/ Allowed	Rock Spring Centre	Park Potomac	Washingtonian (Rio) Phase 1 & 2	Cabin Branch MXPDP Area
Zone	MXPDP	MXPDP	**I-3 Optional	MXPDP	MXPDP
Tract Area	20.0 Acres	53.4 Acres	59.84 Acres	212.6 Acres	283.5 Acres
Non-residential Land Uses:					
▪ Retail/restaurant	20%	20%	20%	20%	20%
- Percent retail					
- Total square feet	NA	150,000-220,000	145,000	400,000	*484,000
▪ Office, R&D, Industrial	NA	830,000-900,000	735,000	NA	1,782,500-
▪ Entertainment	NA	454,000-490,000	NA	NA	1,936,000
▪ Hotel	NA	200,000	156 rooms	NA	66,000
▪ Banks	NA	80,000-185,000	NA	1,825,000	79,775
▪ Total Non-residential	NA	1,050,000	850,000	2,225,000	7,725
▪ Additional Public Uses	NA	NA	NA	NA	2,420,000
					75,000
Residential Land Uses:					
▪ Dwelling Units	40%	1,249	600	1,400	***1,881
▪ Dwelling Units/Acre	75	23.4	10.0	6.6	
FAR (non-residential)	0.75 FAR	0.45	0.32	0.30	0.20
Minimum Green Area (percent of Tract Area):					
▪ Residential	50%	50%	50%	50%	50%
▪ Non-residential	35-40%	40%	35%	40%	40%

Notes: *Total retail area includes 50,000-120,000 square feet of community/neighborhood retail

**I-3 Optional, but in accordance with the MXPDP Standards

***500 senior housing units are not included

The approved projects indicate that a wide range of land uses is necessary to create a successful employment center in the I-270 Technology Corridor in Montgomery County. The Cabin Branch employment center has a similar range of land uses that have been created in the other successful employment centers in the I-270 Technology Corridor. Land uses in the Cabin Branch Neighborhood will take advantage of the existing economic recovery to enhance Clarksburg and Montgomery County as a destination for employers. These projects share four characteristics:

- Employment and Place making
- Linkage/Pedestrian Orientation
- Compatibility and Energy Conservation
- Environmental Protection

These four characteristics have been augmented and enhanced in the Development Plan Amendment for the Cabin Branch neighborhood to take advantage of the opportunities in the Clarksburg Master Plan Area. These features have become the key elements of sustainable development that are intended to serve as a catalyst to attract employers to the Clarksburg and Montgomery County.

2. A page with a heading "Notice to Readers" in the 1990 Wheaton Central Business District and Vicinity Sector Plan: includes the language *"Master Plans generally look ahead to time horizon of about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years. It is recognized that the original circumstances at the time of plan adoption will change over time, and that the specifics of master plan may become less relevant as time goes*

on.” In 2010, the Planning Board Recommended approval of a schematic Development Plan in Wheaton Master noting the above quoted statement. At the time, the Board determined that the effectiveness and applicability of the specific recommendations may not be germane to current situations in the area.

The Clarksburg Master Plan (p. vii) under the heading “*Notice to the reader*” states the following:

Master plans generally look ahead about 20 years from the date of adoption, although they are intended to be updated and revised about every 10 years. It is recognized that circumstances will change following adoption of a plan and that the specifics of a master plan may become less relevant over time.

The Clarksburg Master Plan is nearly 20 years old. The goals still reflect the values that are important to the residents of Clarksburg, but the need for flexibility in the face of changing circumstances is also evident. Implementation strategies would have to be innovative in establishing the direction to be followed to protect and enhance the quality of life of the residents of the community

3. *The Summary of the Maximum End-State Development Potential by Geographic Area Table* in the Land use section of the Master Plan (page 40) allocates 2,420,000 Square feet of Employment and Retail development for the Cabin Branch Neighborhood. No qualification is provided for types and nature of Employment or retail. The approval, by the Planning Board, of Site Plan No. 820060240 for 87,500 square feet of employment uses that includes a hotel, a restaurant and two banks, indicates the Board’s recognition that the term “Employment” covers a wide variety of employment generating uses such as banks, hotels and restaurants. The proposed regional type retail employment use in the form of a fashion center with efficient blending of retail, restaurants and entertainment designed at a neighborhood scale satisfies the plan objectives in terms of providing a mixes of uses and encouraging an employment pattern which is supportive of I-270 as high technology corridor.

Conclusion

The 21st century outlet stores have evolved in terms of design, efficiency of services and as a destination and attractions. As evidence in many of such new centers around the country and the globe, present day out let stores also attract other employment-based developments to the areas and neighborhoods in which they are located. The Master Plan does not place a cap on the amount of retail permitted in the MXP zone. The MXP zone allows 20 percent of the total employment to be retail use and with the proposed 484,000 square feet retail use the DPA stays within this requirement while retaining 1,936,000 square feet for other employment uses. The proposed DPA provides for approximately 50,000-120,000 square feet of neighborhood retail included in the 484,000 square feet.

Given the fast pace of development in the past decade and the evolution of present day employment centers with increasing diversity in scale, character and mix of uses, one has to take into consideration the fact that the effectiveness and applicability of the specific recommendations of the nearly 20-year old Master Plan may not be relevant to current needs and demands of the area. But with considerable effort to stay within the vision of the Master Plan, and with sensitivity to the present needs of the

Cabin Branch neighborhood for transformation from its rural/farming nature into a vibrant, mixed use community, the proposed DPA provides a good opportunity for a development of successful employment center.

B. Standards of Review

1. Section 59- D-1.61

a. Compliance with use and density recommendations of the Master Plan and conformity with other County plans and policies:

The amended development plan is substantially consistent with the use and density of the Clarksburg Master Plan & Hyattstown Special Study Area. The Master Plan designates the subject property as part of a mix-use neighborhood with employment, retail, public and residential uses. It recommends the MXP zone for the eastern portion of the Cabin Branch Community. The DPA provides for the same mix of uses with some variation with the employment/retail mix than what was approved in the original Development Plan. The DPA stays within the 20 percent specific allowance in the MXP zone and retains the square feet for other employment uses.

b. Compliance with purposes and standards and regulations of the zone: Safety, convenience and amenity of residents: and compatibility with adjacent development.

Purposes of the Zone:

(a) To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master or sector plans can serve as the basis for evaluating an individual multi-use center development proposal.

The proposed DPA would implement the Master Plan recommendation to develop the subject property as part of a comprehensively planned, mixed use community. The original DPA was found to provide the desired flexibility needed to allow the property's development in a fashion more consistent with the objectives of the Master Plan. The proposed DPA provides a realistic form of implementing the goals and objections of the Master plan taking into account changes in the character of design and development patterns, economy, current situations and needs of the community.

(b) To encourage orderly, staged development of large-scale, comprehensively planned, multi-use centers by providing procedures for the submission of a concept plan for an entire site and subsequent development plans for each stage of development, as identified on the concept plan.

Although the Applicants chose not to make use of the concept plan options, they have provided several concept plans and illustrative design specifications along with the Development Plan.

(c) To provide, where appropriate, higher density residential uses integrated into the overall multi-use center.

As established with the previous approval, the DPA includes higher-density multi-family residential uses as an integral part of the development. Most of the multi-family uses

would be within easy walking distance of the neighborhood retail uses as well as the office and other retail and service employment uses.

(d) To ensure internal compatibility of residential and nonresidential uses by providing a suitable residential environment that is enhanced by the commercial, recreational, employment and institutional amenities within commercial and industrial components of the multi-use center.

(e) To assure compatibility of the proposed land uses with surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories

The proposed DPA promotes a variety of uses, including residential, destination employment retail, community entertainment activities, hospitality, community retail, research and development, light industrial uses, public and civic uses, parks and open space. With the development of the uses contemplated in this DPA, the entire Cabin Branch Community will be transformed into a place that offers a pleasant and enriching environment for living, working, socializing and relaxing.

(f) To encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial/industrial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation, and social activity. It is also intended that open space and amenities be located so as to achieve the physical and aesthetic integration of the uses and activities within each development. In addition, structured parking within mixed-use planned developments is encouraged to help achieve the open space and amenities objectives of the zone.

The DPA takes advantage of its location near Black Hill Regional Park, providing an opportunity for public open space linkages to the park from the employment center. The DPA incorporates physical and visual connections to the stream valleys throughout the Cabin Branch Community, including parks, trails, and open spaces between buildings. The DPA provides for a combination of surface and structure parking. Parking areas are landscaped and designed with consideration for unique site features including topography and existing vegetation.

(g) To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities

The design for the Cabin Branch employment center provides for an interconnected framework of streets. Streets are designed with the pedestrian in mind; sidewalks and street trees will be located on all of the streets. A network of bike paths and trails are established creating connections within the mini-neighborhoods in the Cabin Branch community as well as connecting to the surrounding parks, greenways, bike paths on regional roads, neighborhood and regional centers, and environmental protection areas.

The DPA also provides for bus routes that course through the community and provide mass transit connections to the other centers in the area, including the Clarksburg Town Center, the Germantown Transit Center, the CCT and the Metro and downtown Washington, DC. as well as the Boyds MARC station.

(h) To encourage and provide for efficient use of energy resources through shared facilities or other economies of scale or technology, including innovative fuels and district heating, etc.

The Applicants are aware of this element of the purpose clause and will explore a variety of measures to satisfy its requirements, including installing energy-efficient appliances, windows, lighting fixture and building materials.

(i) To preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.

The DPA conforms to all Forest Conservation Plan, Water Quality Plan and Stormwater Management approvals, which were approved for the overall development of the Cabin Branch Community. The balance of the forest conservation requirement will be satisfied on the portion of the property that the DPA modifies.

Standards Of The Zone:

The proposed development meets or exceeds all applicable current development standards of the MXPDP zone.

59-C-7.51. Where applicable.

(a) Master Plan. No land shall be classified in the mixed use planned development zone unless the land is within an area for which there is an approved and adopted master or sector plan which recommends mixed-use development for the land which is subject of the application.

The Master plan recommended the MXPDP Zone for the northern portion of the subject property. The 2003 Rezoning changed the I-3 zoning of the southern portion of the property to MXPDP Zone to allow for the development of the property in a comprehensive manner, consistent with the recommendation of the Master Plan.

(b) Minimum Area. No land shall be classified in the mixed use planned development zone unless it contains a minimum of 20 acres.

The DPA proposes a development project on 283.5 acre of MXPDP Zone property.

(c) Location. Such land shall be located adjacent to and readily accessible from existing or planned major highways or limited access freeways. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area.

The property is located adjacent to I-270, a major limited access freeway. It currently has one major point of access to I-270 at the Clarksburg Road Interchange, and a second would be constructed as part of the traffic mitigation requirement for the development.

59-C-7.52. Uses permitted.

- (a) **Residential.** All types of residential uses are permitted, including accessory uses. These include the following: group home, embassies, housing and related facilities for senior adults or persons with disabilities and a life care facility. A life care facility is subject to the provisions of section 59-G-2.35.1.

The overall Cabin Branch Community development includes single-family attached and detached units, multifamily units as well as up to 500 units of housing for senior adults or persons with disabilities.

- (1) **The various residential housing types should be planned and constructed in accordance with recommendations and guidelines of the approved and adopted master or sector plan.**

The residential housing types are consistent with the recommendation of the Master Plan. With the exception of the multi-family housing that are within the area that the DPA proposes to modify, all housing projects have received site plan approvals at various phases and they will be entering construction phase in a near future.

- (2) **The location and type of all residential uses proposed on the site must be shown on the development plan submitted in accordance with the requirements of division 59-D-1.**

The DPA satisfies this requirement.

- (3) **Residential uses should be included in any mixed use planned development zone where the applicable master or sector plan specifically recommends that residential development is to be an integral component of a proposed multi-use center.**

The DPA satisfies this requirement.

- (4) **Exclusively residential uses shall not be located on more than 40 percent of the total area of a site unless the specific land use recommendations of the applicable master or sector plan identifies a larger area for residential development.**

The residential uses component of the amended plan is consistent with the land use recommendation of the Master Plan.

- (5) **Multi-family dwellings may be located within proposed commercial/industrial areas, rather than a separate residential area on the site, upon a finding by the district council that combining residential and nonresidential uses at one location, within a site, will not adversely affect the overall development proposed.**

The amended plan proposes multi-family uses in locations that are in close proximity to both the commercial and lower density residential uses. Multi-family uses will be integrated in the overall fabric of the development and will contribute to the mix of uses along Cabin Branch Avenue within the development.

(b) Commercial: All permitted and special exception uses allowed in the C-2 and H-M (Hotel-motel) zones.

- (1) The location and general type of commercial uses proposed on the site must be shown on the development plan submitted in accordance with division 59-D-1 and must be approved by the district council as part of the approval of the development plan.**

The Proposed DPA shows the location and general types of commercial uses. Staff finds that the proposed plan amendment is capable of accomplishing the purposes of the MXP zone, and is compatible with the general plan and the applicable master plan.

- (2) In order to establish a dominant employment character within the commercial/industrial component of the mixed use planned development zone, retail commercial uses should not exceed 20 percent of the gross commercial/industrial floor area proposed on a site, as shown on either the concept plan or development plan.**

The amended plan proposes 20 percent (484,000 square feet) retail commercial uses of the total gross commercial floor area (2,420,000 square feet).

(c) Industrial: All industrial and office uses allowed in the I-3 zone, both permitted uses and special exception uses, are permitted in the mixed use planned development zone. Heliports and helistops, however, are allowed as a special exception in accordance with the provisions of article 59-G.

- (1) The location and general type of industrial uses proposed on the site must be shown on the development plan submitted in accordance with division 59-D-1 and must be approved by the district council as part of the approval of the development plan.**

The proposed DPA shows the location of industrial uses proposed which is mainly concentrated in the southern portion of the subject property.

- (2) Industrial uses must meet the environmental control provisions of section 59-C-5.46.**

The Applicants have stated that all industrial uses will meet the environmental control provisions of section 59-C-5.46.

(d) Transitory use. Any transitory use is allowed in accordance with section 59-A-6.13. No transitory uses are proposed.

(e) Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.

The Applicants will comply with the cited provision for any such installation.

59-C-7.53. Density of residential development

- (a) The residential density in the mixed use planned development zone should be compatible with the residential density recommendations contained in the applicable master or sector plan. The maximum residential density shall not exceed 44 dwelling units per acre for residential areas shown on the concept or development plans. Where residential development is proposed to be located within a proposed commercial/industrial area, the maximum residential density for such areas shall not exceed 75 dwelling units per acre.

The residential density approved for the MXPD zoned portion of the subject site is approximately 4.8 dwelling units per acre. The DPA remains within this density.

- (b) The district council shall determine whether the density applied for is appropriate, taking into consideration and being guided by the area master or sector plan, the purposes of the mixed use planned development zone, the requirement to provide moderately priced dwelling units in accordance with chapter 25A of this Code, as amended, and such county housing policies as may be relevant.

- (c) The density of development must be based on the area shown for residential use on the applicable master or sector plan and should be compatible with the density recommended on such plan; except that the maximum density permitted may be increased by one dwelling unit for each moderately priced dwelling unit included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase does not exceed 22 percent of the total number of units recommended on the appropriate master or sector plan.

The Council found the proposed density in the original development plan to be appropriate for the site. The DPA does not propose to change the overall density approved with the development plan. The DPA does not alter the Council's finding.

59-C-7.54. Density of commercial/industrial development.

The commercial/industrial density in the mixed use planned development zone should be compatible with any gross floor area or floor area ratio recommended in the applicable area master or sector plan. The maximum density of commercial/industrial development shall be based on the area shown for commercial/industrial uses on the concept or development plans and shall not exceed a floor area ratio of 0.75.

The proposed maximum density of commercial/industrial development does not exceed a floor area ratio of 0.75. The DPA proposes a maximum 0.20 floor area the Master Plan does not recommend a particular ratio.

59-C-7.55. Compatibility standards.

All uses shall conform to the purposes of the mixed use planned development zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such external compatibility, the following requirements shall apply:

(a) No buildings other than one-family detached dwellings shall be constructed within 100 feet of adjoining property that is developed with one-family detached homes unless the district council finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than 100 feet, with the minimum setback determined as part of the development plan review.

(b) No building proposed for commercial/industrial use shall be constructed less than 100 feet from any adjoining property recommended for residential zoning and land use on the applicable master or sector plan. The minimum setbacks shall be determined as part of the development plan review.

No building proposed for commercial/industrial use shall be constructed less than 100 feet from any adjoining property recommended for residential zoning and land use on the master plan.

(c) No building shall be constructed to a height greater than its distance from any adjoining property recommended for residential zoning and land use on the applicable master or sector plan, unless the district council finds that approval of a waiver of this requirement will not adversely affect adjacent property.

No building shall be constructed to a height greater than its distance from any adjoining property recommended for residential zoning and land use on the master plan.

Compliance with these requirements shall not in and of itself be deemed to create a presumption of compatibility.

59-C-7.56. Minimum green area and amenity requirements.

The amount of green area required for the residential portion of a mixed-use planned development shall be not less than 50 percent of the total area shown for residential use. The minimum green space requirement for the commercial/industrial portion of a mixed-use planned development shall be 40 percent of the total area devoted to commercial/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the district council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

The DPA proposes 50 percent green area for the residential developments and 40 percent green area for the non-residential developments. Approved site plans for several residential developments as well as one commercial development, so far, have applied these appropriations of green areas. The DPA complies with the minimum green area requirement.

59-C-7.57. Public facilities and utilities.

(a) A mixed use planned development should conform to the facilities recommended for the site by the approved and adopted master or sector plan, including and granting such easements or making such dedications to the public as may be shown thereon or as shall be deemed necessary to ensure the compatibility of the development with the surrounding area and to assure the ability of the area to accommodate the uses proposed by the application.

The Applicants indicated that several approvals have been obtained for infrastructure and site development construction for the overall development of the Cabin Branch Community between 2012 and 2013. The sewer outfall was constructed in 2007. The site grading began in 2012. The Phase 1 rough grading has been completed with SWM ponds 5, 6 and 11 constructed as sediment basins. Overall approximately 30 SWM plans, (including twelve SWM ponds and various WQ plans) have been approved or permitted by Montgomery County. The areas that have Site Plan approval received SWM/WQ permits or approval by May 3, 2013 and are grandfathered under the old SWM regulations. The first road phase, the north half of Broadway Avenue is under construction. The Applicants' justification statement also provides the following list of other approvals with which the DPA is in conformance:

- WSSC CIP Projects authorized and budgeted in WSSC and County CIP
- WSSC Letter of Finding (Phase 1)
- WSSC SEP Final Plans under construction (main onsite 24" sewer outfall and 24" water line)
- Off-site outfall sewer built 2007
- Preliminary Plan with APFO (includes road phasing for all density)
- Roads being final engineered
- 30 Final SWM and WQ Plans approved and/or permitted
- SWM Pond 11, constructed
- MDE permits
- NPDES Permit
- Rough Grading Plans
- Site Grading underway

- (b) All utility lines in the mixed-use planned development zone shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of utility lines as provided in the subdivision regulations being section 50-40(c) of this Code. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.**

The Applicants have satisfied this requirement in the approved site plans for the site. If the DPA is approved, the proposed development will be in compliance with the requirements as part of the site plan review process.

59-C-7.58. Parking facilities.

- (a) Off-street parking shall be provided in accordance with the requirements of article 59-E.**
- (b) Off-street surface parking areas shall be appropriately sized and landscaped so as to preclude the development of large, unrelieved, paved parking areas as found in many multi-family and commercial developments in other zones.**

The Applicants will satisfy the requirements of Chapter 59-E. The DPA provides for an adequate supply of parking while minimizing the use of land for surface parking lots. The DPA proposes a combination of structure parking and surface parking areas. The surface parking areas will be appropriately landscaped incorporating bio-retention storm water management facilities, a measure that also protects the quality and quantity of groundwater.

- (c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.**

Analysis of the Applicant's traffic study and the proposed amendment indicate that the DPA application for the Cabin Branch Community with the proposed access, internal circulation, and pedestrian facilities shown on the amended development plan and all previously conditioned roadway improvements will be adequate and approval of this application will not result in an adverse impact on the surrounding roadway network.

- (d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.**

The DPA would prevent soil erosion, minimize grading and would preserve the natural features of the site. There is an existing approved forest conservation plan for the entire Cabin Branch development (820050150) with detailed environmental recommendation with which the Applicants intend to comply. There is also an existing approved Water Quality plan for the same area. Each new phase of development updates this forest conservation plan based on detailed design, especially related to stormwater management (SWM). Recently updated standards have created an opportunity for more efficient methods of stormwater that would allow for further reduction in forest removal.

Due to updated standards for SWM and the potential for using methods other than ponds to address stormwater, the areas currently shown for forest removal can be preserved. Stream buffer encroachments due to outdated SWM methods should be naturalized according to Special Protection Area standards. The DPA indicates that measures have been taken to reduce forest clearings but there is potential to achieve more as the project goes through detailed site plan process.

- e. That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.**

The approved plan as well as the DPA specify under General Note 13 that at the time of site plan review, the owners of the property would enter into a Site Plan Review Agreement providing for perpetual maintenance of open space areas and other areas used for recreational common or quasi-public purposes.

C. Adequate Public Facilities.

- (i) Water and Sewer Service**

The property is served by public water and sewer. Various plans have been approved by The Washington Suburban Sanitary Commission (WSSC) as part of the overall development

of the Cabin Branch community.

(ii) Transportation

The proposed DPA application for the Cabin Branch Community with proposed access, internal circulation, and pedestrian facilities shown on the DPA and all previously conditioned roadway improvements will be adequate and approval of this application will not result in an adverse impact on the surrounding roadway network.

The APF findings including the LATR and TPAR tests will be addressed at the time of Preliminary Plan Review and adequate solutions are available to satisfy or mitigate any transportation related potential impact concerning the proposed project.

Approved Cabin Branch Phase 2 Development and Proposed Development Plan Amendment (DPA)

Table 1 below summarizes the total AM and PM peak hour trips to be generated under the 2004 approved Cabin Branch Preliminary Plan and the proposed DPA. As shown in Table 1, the site development program approved under the 2004 original preliminary plan would generate 3,671 and 3,963 peak hour trips during the AM and PM peak hours, respectively. The proposed development program under the subject DPA would generate 3,355 and 3,525 peak hour trips during the AM and PM peak hours, respectively. Based on the trip generation analysis as summarized in Table 1, the uses and densities associated with the Subject DPA would generate less peak hour trips than the approved Cabin Branch Development Plan and Preliminary Plan would generate. The major contributing factor for generating less peak hour trips is that the proposed DPA includes a reduction of the general retail from 120,000 square feet to 50,000 square feet while including 434,000 square feet of the specialty retail or fashion center outlet center.

Table 1

Development	AM Peak Hour	PM Peak Hour
1. Cabin Branch Phase 2 – Approved in 2004 Plan		
a. 2,386 Residential Dwelling Units and Elderly Housing	879	947
b. Commercial/Employment	2,792	3,016
Trip Total for 2004 Plan Densities	3,671	3,963
2. 2013 DPA Proposed Plan		
a. 2,386 Residential Dwelling Units and Elderly Housing	861	961
b. . Commercial/Employment	2,494	2,564
Trip Total for 2012 DPA Plan Densities	3,355	3,525

Site Access and Vehicular/Pedestrian Circulation

The previously approved roadway system in the Cabin Branch Community is not proposed to be changed by the Development Plan Amendment. The proposed internal vehicular and pedestrian circulation system as shown on the DPA and the external roadway system as analyzed and approved previously are adequate.

Local Area Transportation Review (LATR)

A traffic study dated April 2013, was submitted to determine the impact of the proposed development on local intersections in the vicinity of the site. Four external local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,425 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. In the total future traffic analysis, all previously conditioned roadway improvements were included. The result of the CLV calculation is shown in the following table.

Table 2

Intersections	Existing		Background		Total*	
	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	543	308	853	747	1,362	1,313
MD 121/I-270 SB off-ramp	388	361	706	665	1,248	992
MD 121/Goldeneye Av. (Whelan Lane)	339	391	410	525	975	1,220
MD 121/W. Old Baltimore Rd.	310	394	504	654	539	771

*With all roadway improvements to be provided by the Cabin Branch

As shown in the above table, all analyzed intersections are currently operating within an acceptable 1,425 CLV congestion standard, and they are expected to continue the same for the background and total future development conditions with all previously required roadway improvements. Therefore, the subject DPA application meets the LATR requirements.

Transportation Policy Area Review (TPAR)

The Property is located in the Clarksburg Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Clarksburg Policy Area is adequate under the roadway test and inadequate under transit test, requiring 25 percent of Impact Tax as TPAR payment. The subject DPA application is not subject to the TPAR since the proposed development under the DPA would generate less peak hour trips (i.e., no new trips) than the previously approved Preliminary Plan would generate. In addition, the total square footage is not increased under

the DPA proposal. Therefore, the results of the trip generation analysis indicate that the subject DPA application is not subject to the TPAR requirements. It is noted that the new APF test will be conducted at the time of Preliminary Review.

D. Environment

The Plans comply with Section 22A of the Montgomery County Code and the M-NCPPC Environmental Guidelines. There is an existing approved Forest Conservation Plan for the entire Cabin Branch development (820050150). There is also an existing approved Water Quality Plan for the same area. Each new phase of development updates this Forest Conservation Plan based on detailed design, and especially related to stormwater management (SWM).

Much of the forest removal on the subject DPA area is due to the anticipated requirement for large SWM ponds and outfalls that drain directly to streams. Due to updated standards for SWM and the strong potential for using methods other than ponds to address stormwater, many the areas currently shown for forest removal can be preserved. This is especially important in the area of SWM pond #12. This forest area is of particular high quality and will be significantly fragmented if disturbed as currently planned.

Forest preservation should be the priority in locations where ponds and outfalls are no longer needed in existing forest areas. In addition, streams should be re_naturalized according to Special Protection Area standards.

E. Future Review

In addition to the zoning review of the Development Plan Amendment, the proposed project will also be subject to approval of a Preliminary Plan and Site Plan by the Planning Board. The entire Cabin Branch Community is uniquely located within the Clarksburg Master Plan area and more specifically within the Clarksburg Neighborhood area near existing or proposed interchange and surrounded by major roads with viable prospect of achieving the Master Plan goals for a development of a comprehensively planned, mixed use, transit oriented and pedestrian friendly community. The Subject 283.5 acre property, which is in the Eastern portion of the Cabin Branch Community where all of the proposed non-residential uses will be located, has approximately 5,000 feet of frontage on I-270, 2,100 feet of frontage on Clarksburg Road, and 1,600 feet frontage on West Old Baltimore Road. This area holds the greatest potential for implementation of the master plan Vision of the I-270 Technology corridor.

The Applicant worked with the community and staff in developing a concept that is based on established characteristics of mixed-use developments in the MXPD Zone in the I-270 Corridor. The details will be further developed and refined at the time of the review of the Site Plan.

VI. COMMUNITY OUTREACH

The applicants have been engaged in extensive outreach work over the past year. They have contacted more than 2,500 residents in the Clarksburg area to inform them of the proposed DPA. Documents submitted by the applicants identify 13 public meetings that the development team held in the community, and additional meetings are also scheduled. The Applicant indicated that each meeting involved a presentation of the DPA for retail and mixed-use followed by a question and answer period. Area residents were also contacted by mail and individual discussions were conducted with various members of the community.

Staff has received a large amount of community support for the proposed application. Many of the letters stress the need for developments such as proposed in the DPA. The letters also indicate that the proposed project would be constructed as soon as review and permit processes are completed to make the project even more attractive. The following items are excerpts from the letters from the community:

...The Cabin Branch Outlet will offer high-end luxury retail shopping and dining at a convenient location. Finally, we won't have to drive all the way to Leesburg or Hagerstown to do our shopping. Not only that, because of its unique niche, it will still allow for us to move forward with the Town Center, which will give us even more options. The luxury outlets will not only provide a place for residents to shop, but will also attract customers, and possibly future residents, from other areas of the county and state...

...For as many residents as we have in the community, there is an astounding lack of services, particularly retail and restaurants. The development at Cabin Branch is a great opportunity to fix this problem. It will help the economy by bringing in more tax revenue, it will help our children and adults by bringing in more jobs, and it will help all of our residents by giving us the goods and services we need in a close, convenient location...

...Beyond the obvious benefits of bringing much-needed retail to Clarksburg, turning the currently unused Adventist HealthCare property into an upscale shopping destination will enhance local property values, add more than 1,500 permanent jobs, and re-energize the entire area... It also will have a tremendous financial impact. It is estimated that the new development will bring more than \$150 million in private investment to the area. It also will mean \$2 million in annual sales, \$12 million in sales taxes, and \$2 million in annual real estate taxes. Clarksburg Premium Outlets' development team also plans to invest more than \$15 million in improvements in the I-270 Interchange and MD Route 121, benefitting the entire area...

...We and our neighbors are strong supporters of the outlet project at Cabin Branch and it will be very beneficial to our community. We attended meetings with the Clarksburg Premium Outlet team and we are very happy to say that we are looking forward to the luxury retail outlet. They eased our concerns about the traffic and also our concerns about our own Town Center development. The luxury retail outlet will actually attract other stores and businesses to Clarksburg Town Center and want to add their business to our Town

Center since it will be so close to the retail with the Cabin Branch outlets.

...“Clarksburg can never be the town envisaged by the Master Plan, but I believe this proposed development will be a positive for our town for the following reasons:

- 1. Approvals are in place for such a project and completion will be within three years.*
- 2. The Germantown Master Plan was updated to include many millions more square feet of commercial development without regard to the Clarksburg plan. Commercial development in Clarksburg is therefore decades away, so this project should be encouraged.*
- 3. Retail was envisaged for this particular area, and I think this project is preferable to yet another cookie cutter “village center”.*
- 4. This location is such that local roads will not be impacted by the traffic generated. This is very important and this is one reason that I do not support the other outlet project.*
- 5. Traffic will not conflict with rush hour traffic.*
- 6. The project will provide local jobs, especially for young people who do not have public transportation to get to jobs at any distance from their homes.*
- 7. Clarksburg residents will have “one-stop retail” in the town which will enable them to shop locally and not have to travel all over the county to buy non-food items....”*

Staff also met with representatives of the Peterson Companies and Tangier Development on plans for development for the Miles Coppola property located east of I-270. No formal application is submitted for the Miles Coppola site because the property is located within the boundaries of a limited master plan amendment currently under review.

VII. CONCLUSION

The proposed DPA conforms to all applicable standards of the MXP Zone and applicable requirements of the Zoning Ordinance. The request is also consistent with the land use and density recommendations of the Clarksburg Master Plan & Hyattstown Special Study Area and bears sufficient relationship to the public interest to justify approval.

Achieving the Plan Vision

The Clarksburg Master Plan continues the role, on both sides of I-270, as a high technology center, at a scale and intensity that is consistent with a town scale of development (p. 30, Master Plan).

The Master Plan provided an alternative to the existing low-density, office and industrial uses along the existing Gateway Center Drive. The existing uses along this arterial road were automobile oriented, separated from each other, and surrounded by parking lots. In contrast with the existing automobile oriented, industrial and office uses, the Clarksburg Master Plan also provides for the implementation of a different Vision for the employment area that incorporates a broad mix of land uses. The purpose is to allow Montgomery County to be more competitive in the world marketplace and to provide an opportunity for Clarksburg to serve as an attractive place for a wide range of employers to serve as part of the economic engine of Maryland and Montgomery County. The goal is to promote a healthy economy, including a

broad range of business, service, and employment opportunities at appropriate locations (p. 10, Master Plan). The Master Plan recognized that retail and other land uses as well as office should be incorporated into neighborhoods (page 30, Master Plan). This Vision embraced a mix of uses without designating specific amounts of land uses appropriate to an evolving I-270 Technology Corridor. Developments at this time, consistent with this vision for Clarksburg, included the Washingtonian and the Reston Town Center in Virginia. Since the Plan was approved, the County Council has also approved retail, hotel, entertainment, residential, and public uses as well as office space in the Cabin Branch community. Developments located in the I-270 Corridor such as Park Potomac and Rock Spring Park also incorporate a mix of uses including 20 percent retail important to the creation of desirable employment centers. These other centers create a successful, mix-use vision for the I-270 Corridor.

Alternatives Considered

The staff recommends approval of the proposed Development Plan including the mix of uses. The following paragraphs briefly describe the other options considered by the staff to implement the recommendations in the Clarksburg Master Plan.

1. Approve the Proposed Development Plan: Staff Recommendation

The proposed Development Plan provides a desirable mix of retail, office, research and technology, medical, industrial, hotel, entertainment, and public uses in accordance with the standards in the MXPDP Zone including a 20 percent maximum for the retail uses.

2. Option 1: Proceed to the Review of a Preliminary Plan and Site Plan

A Development Plan Amendment would not be necessary since the maximum total development remains unchanged (2,420,000 square feet). The increase in retail above the specific amount approved in the original Development Plan requires an Amendment. The staff does not recommend this option.

3. Option 2: Deny the Application including the Proposed Development Plan

Recommend to the County Council to limit the specific mix of uses to office and retail uses. The approved Development Plan already includes a hotel, entertainment uses, and a hospital has been considered that are not specifically mentioned in the original C Development Plan. Retail uses above the 120,000 square feet of neighborhood retail would not be permitted despite the desirability recognized in other developments in the I-270 Corridor in the MXPDP Zone approved by the County Council. This option is not consistent with the Plan Vision or the other developments that have been established along the evolving, I-270 Corridor in the MXPDP Zone. The staff does not recommend this option.

4. Option 3: Defer Action on the Development Plan

The Planning Board could recommend to the County Council to defer action for 1 to 4 years on the Development Plan pending the approval of a Master Plan Amendment to designate specific amounts of other uses already permitted in the MXPDP Zone. Embracing the concept of mixed-use development, but deferring action on the Development Plan is not necessary. The MXPDP Zone already permits the mix of uses and density consistent with the Master Plan Vision. Mixed-use employment centers with 20 percent of the total development as

retail have already been approved in other developments in the I-270 Corridor (e.g. The Washingtonian, Park Potomac, and Rock Spring Park). The master plans for these areas did not always designate the specific amount of uses for each area, but they relied on the Local Map Amendment and Development Plan process to designate the appropriate mix of uses within the density specified in each master plan. Providing for retail at approximately 20 percent of the total development is an important component and a catalyst for desirable employment in each of these centers approved in the I-270 Corridor.

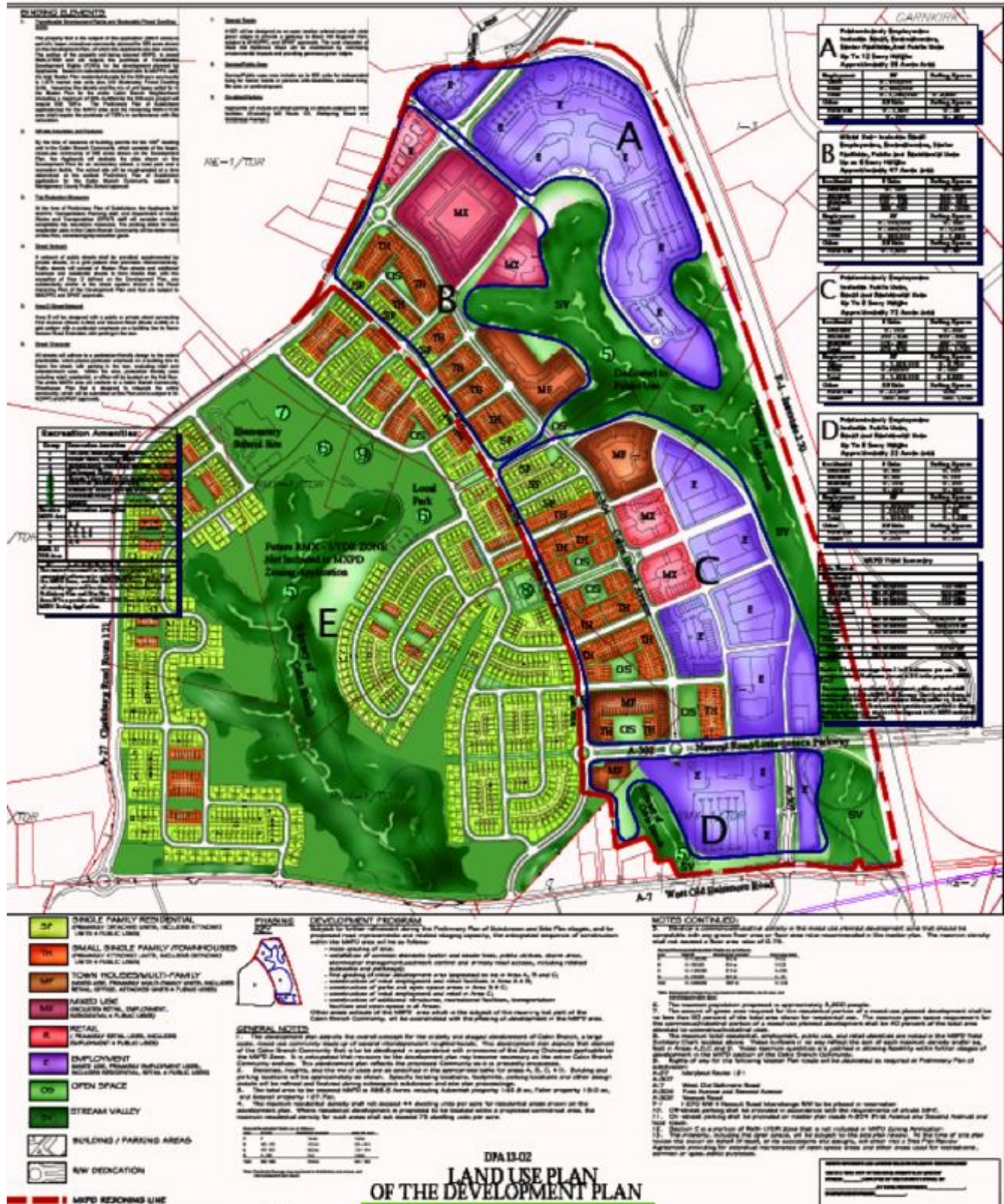
During the approval of the Clarksburg Master Plan, the County Council recognized the importance of Montgomery County competing in the world marketplace for employers. The Clarksburg Master Plan also states the following (page vii):

“Master plans generally look ahead 20 years although they are intended to be updated and revised about every 10 years. The Plan recognized that circumstances will change following adoption of a plan and that specifics of a master plan become less relevant over time.”

In conclusion, the Plan provides the opportunity for the County Council to designate the specific range of land uses consistent with the evolving I-270 Technology Corridor and within the density specified in the Clarksburg Master Plan during the Local Map Amendment and Development Plan process in the MXPD Zone as proposed in the Development Plan Amendment.

VIII. APPENDIX

A. Development Plan Amendment



B. Binding Elements

The approved Development Plan included nine binding elements related to TDRs, MPDUs, trip reduction measures, total number of units, and non-residential square footage. The approved Zoning application (G- 806) and Development Plan left final design considerations, including the building locations and configurations, to be determined during site plan review process. The DPA does not introduce new binding elements or modifications. The proposed Development Plan Amendment retains all of the binding elements shown in the following paragraphs.

1. Transferable Development Rights and Moderately Priced Dwelling Unit's

The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535.5 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPDP, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-MCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPDP area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

2. Off-site Amenities and Features

By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

3. Trip Reduction Measures

At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

4. Street Network

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-MCPPC and DPWT approvals.

5. Area D Street Network

Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

6. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.

7. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

8. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

9. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities (Excluding MD Route 121, Wellspring Street and Goldeneye Avenue).

C. Land Use Table for Each Geographic Area

The following tables identify the mix of land uses for each area in the MXPD Zone.

A Predominantly Employment
Includes Retail, Entertainment,
Senior Facilities, And Public Uses
Up To 12 Story Height
Approximately 38 Acres Area

Employment	SF	Parking Spaces
Office	0 - 900,000	
Retail	0 - 450,000	
Total	0 - 1,350,000	0 - 5,850
Other	SFUnits	Parking Spaces
Public Use	0 - 7,500	0 - 25
Senior	0 - 100	0 - 200

B Mixed Use- Includes Retail
Employment, Entertainment, Senior
Facilities, Public and Residential Uses
Up to 6 Story Height
Approximately 47 Acres area

Residential	# Units	Parking Spaces
Detached	0 - 100	0 - 200
Attached	200 - 325	400 - 650
Multifamily	125 - 325	250 - 650
Total	325 - 750	650 - 1500
Employment	SF	Parking Spaces
Office	0 - 100,000	0 - 400
Retail	0 - 250,000	0 - 1,250
Total	0 - 350,000	0 - 1,650
Other	SFUnits	Parking Spaces
Public Use	0 - 7,500	0 - 50

C Predominantly Employment
Includes Public Uses,
Retail and Residential Uses
Up To 8 Story Height
Approximately 72 Acres area

Residential	# Units	Parking Spaces
Detached	0 - 100	0 - 200
Attached	300 - 425	600 - 850
Multifamily	175 - 350	350 - 700
Total	475 - 875	950 - 1,750
Employment	SF	Parking Spaces
Office	0 - 1,425,000	0 - 5,700
Retail	0 - 30,000	0 - 150
Total	0 - 1,455,000	0 - 5,850
Other	SFUnits	Parking Spaces
Public Use	0 - 27,500	0-85
Senior	150 - 500	150-1,000

D Predominantly Employment
Includes Public Uses,
Retail and Residential Uses
Up To 8 Story Height
Approximately 22 Acres area

Residential	# Units	Parking Spaces
Detached	0 - 50	0 - 100
Attached	0 - 50	0 - 100
Multifamily	0 - 100	0 - 200
Total	0 - 200	0 - 400
Employment	SF	Parking Spaces
Office	0 - 300,000	0 - 1,200
Retail	0 - 10,000	0 - 50
Total	0 - 310,000	0 - 1,250
Other	SFUnits	Parking Spaces
Public Use	0 - 20,000	0 - 60
Senior	0 - 100	0 - 200

MXPD Yield Summary

Cabin Branch

Residential		
Detached	Not to Exceed	100 Units
Attached	Not to Exceed	600 Units
Multifamily	Not to Exceed	430 Units
Total	Not to Exceed	1130 Units
Employment		
Office	Not to Exceed	1,936,000 SF
Retail	Not to Exceed	484,000 SF
Total	Not to Exceed	2,420,000 SF
Other		
Public Use	Not to Exceed	75,000 SF
Senior	Not to Exceed	500 Units

NOTES:
Number of bedrooms range from 1 to 5 bedrooms per unit. The average number of bedrooms per unit is 2.5 in the proposed MXPD Zone.
The maximum total residential, employment, public use, and retail densities noted in the MXPD Yield Summary Chart located above, in no way reflect the mix of each maximum density and/or sq. feet in Areas A, B, C and D. These maximum quantities are justified in allowing flexibility within further stages of development in the MXPD section of the Cabin Branch Community.

F. Data Table

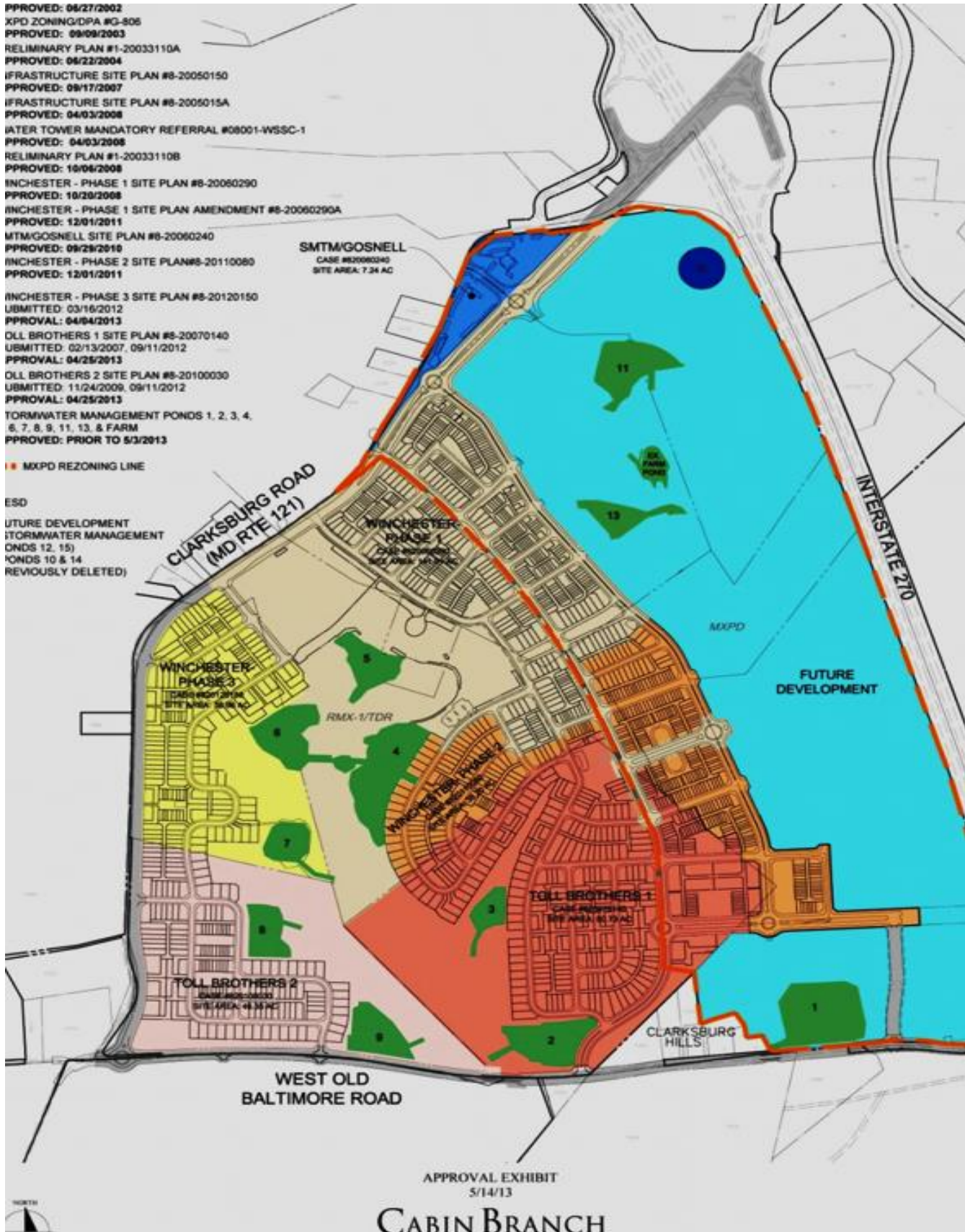
Conformance with the Development Standards in the MXPDP Zone

Items	Required/ Allowed	Approved Development Plan	Proposed Development Plan
Site Area	20 Acres (min.)	283.5 Acres	283.5 Acres
Commercial (square feet):			
▪ Retail	484,000	120,000	*484,000
▪ Hotel	-	79,775	79,775
▪ Office/R&D/Other	-	2,220,225	1,856,225
▪ Total	2,420,000	2,420,000	2,420,000
FAR (Commercial)	0.75	0.20	0.20
Residential:			
▪ Detached	-	100	100
▪ Attached	-	600	600
▪ Multi-family	-	439	439
▪ Total	-	1,139	1,139
Residential (DUs/acre)	44-75 DUs/acre	4 DUs/acre	4 DUs/acre
Residential Area (% of total)	40% max.	40% max.	24% min.
Other Land Uses:			
▪ Public Uses-Day care, places of worship, community buildings (square feet)	-	75,000	75,000
▪ Senior Housing Units	-	500	500
**Green Area:			
▪ Residential Area	50%	50% min.	50% min.
▪ Commercial Area	40%	40% min.	40% min.
▪ Total (acres)	-	120.38 min.	134.70 min.

Notes: *Includes 50,000-120,000 square feet of neighborhood retail.

**Green area is based on the total requirements for the entire Cabin Branch Neighborhood

E. Previous Approvals



Previous Approvals (continued)

Since the 2003 Approval of G-806 with the associated Development Plan, Preliminary Plans and various Site Plans have been approved for different portions of the site. Approvals for developments have been obtained for the western portion of the site and for two thirds of the residential developments.

Approval Dates	Projects
April 3, 2008	Mandatory Referral MR 08001-WSSC-1 for an elevated water storage tank to serve the Cabin Branch neighborhood and surrounding area
October 20, 2008	Site plan No. 820060290, Winchester Phase 1: 427 residential dwelling units, consisting of 149 one-family detached, 182 townhouses, and 96 two-over-two multi-family units, including 64 MPDUs and 128 TDRs; and local park and future school sites on 141.26 acres of MXPDP and RMX-1/TDR -zoned land.
July 11, 2012	Site Plan No. 820006029A: 440 Residential dwelling consisting of <ol style="list-style-type: none"> a. 232 residential units on 56.92 acres in the MXPDP zone, comprised of 33 one family detached units, 199 one-family units (53 MPDUs) b. 208 residential units on 84.99 acres in the RMX/TDR-1 Zone comprised of 83-one family detached units and 124 Attached units (17 MPDUs). c. Restoration of the historic Byrne-Warfield House, Accusation of 132 TDRs; dedication of 9.61 acres to Montgomery County Public School; and provision of a minimum 10-acre parks with facilities and parking for Montgomery County Department of Parks.
September 19, 2007	Site Plan No. 820050150-Infrastructure and Road Only Plan: To establish a road network for future development; identifying primary site features such as stormwater management; and setting the framework for construction and phasing of the entire development
June 9, 2008	Amendment to the Infrastructure and Roads Only Plan for the design and cross section of West Baltimore Road
September 29, 2010	Site Plan No. 820060240 for 87,500 square feet of employment uses, 8,600 square feet of highway/ auto related retail uses, a 12% parking reduction waiver on the east side of the property, and parking waivers granted for sections 59E-2.71 and 2.81(a) on 7.24 gross acres in the MXPDP zone,
July 11, 2012	Site plan 820110080, Winchester Phase 2, for 341 residential dwelling units, consisting of the following: <ol style="list-style-type: none"> a. 234 residential dwelling units, including 27 one-family detached units, 207 one-family attached units, including 39 MPDUs on 25.10 acres of MXPDP zoned land. b. 107 residential dwelling units , including 80 one-family detached units, 27 one-family attached units, including 2 MPDUs, using 102 TDRs on 13.10 acres of RMX-TDR-1 zoned land
April 9, 2013	Site plan 820120150, Winchester Phase 3: 185 residential dwellings (10 MPDUs) consisting of 128 one-family detached and 57 one family attached units, using 56 TDRs on a 36.96 acre of RMX-1/TDR -zoned land.
May 3, 2013	The Planning Board approved the remaining site plan for the Toll 1 and 2 residential developments in the RMX-1/TDR Zone and the MXPDP Zone.

F. Comparison with Other Projects in the MXPDP Zone in Montgomery County

The following table compares the approved development standards for three projects in the MXPDP and I-3 Optional Method Zones with the proposed development standards for the Cabin Branch DPA. All of the approved projects provide a range of land uses. The approved projects indicate that a wide range of land uses is necessary to create a successful employment center in the I-270 Technology Corridor in Montgomery County. The Cabin Branch employment center has a similar range of land uses that have been created in the other successful employment centers in the I-270 Technology Corridor. Land uses in the Cabin Branch Neighborhood will take advantage of the existing economic recovery to enhance Clarksburg and Montgomery County as a destination for employers.

Development Standard	Required/ Allowed	Rock Spring Centre	Park Potomac	Washingtonian (Rio) Phase 1 & 2	Cabin Branch MXPDP Area
Zone	MXPDP	MXPDP	**I-3 Optional	MXPDP	MXPDP
Tract Area	20.0 Acres	53.4 Acres	59.84 Acres	212.6 Acres	283.5 Acres
Non-residential Land Uses:					
▪ Retail/restaurant					
- Percent retail	20%	20%	20%	20%	20%
- Total square feet	NA	150,000-220,000	145,000	400,000	*484,000
▪ Office, R&D, Industrial	NA	830,000-900,000	735,000	NA	1,782,500-1,936,000
▪ Entertainment	NA	454,000-490,000	NA	NA	66,000
▪ Hotel	NA	200,000	156 rooms	NA	79,775
▪ Banks	NA	80,000-185,000	NA	1,825,000	7,725
▪ Total Non-residential	NA	1,050,000	850,000	2,225,000	2,420,000
▪ Additional Public Uses	NA	NA	NA	NA	75,000
Residential Land Uses:					
▪ Dwelling Units	40%	1,249	600	1,400	***1,186
▪ Dwelling Units/Acre	75	23.4	10.0	6.6	6.7
FAR (non-residential)	0.75 FAR	0.45	0.32	0.30	0.20
Minimum Green Area (percent of Tract Area):					
▪ Residential	50%	50%	50%	50%	50%
▪ Non-residential	35-40%	40%	35%	40%	40%

Notes: *Total retail area includes 50,000 to 120,000 square feet neighborhood retail

**I-3 Optional, but in accordance with the MXPDP Standards

***500 Senior Housing units are included



Characteristics of Approved Projects in the MXPD Zone

The characteristics of three approved projects in the MXPD Zone and I-3 Optional Method in the I-270 Corridor are identified in the below table. Two of the projects (The Washingtonian and the Park Potomac) have been constructed. Each project includes the following:

- **Employment and Placemaking** - Variety of land uses in addition to traditional office space are provided in the employment land use category, including 20 percent retail space, and a variety of housing types. Creating opportunities of entertainment and public spaces to create a destination are also included.
- **Linkage/Pedestrian Orientation** - All of the projects provide an extensive pedestrian system and a link to a transit system.
- **Compatibility and Energy Conservation** - Each of the projects provide sun access to public spaces and orient buildings to maximize opportunities for day lighting of interior spaces to reduce energy consumption.
- **Environmental Protection** - Park Potomac has a large area of forest conservation on-site. All of the projects have extensive tree canopy.

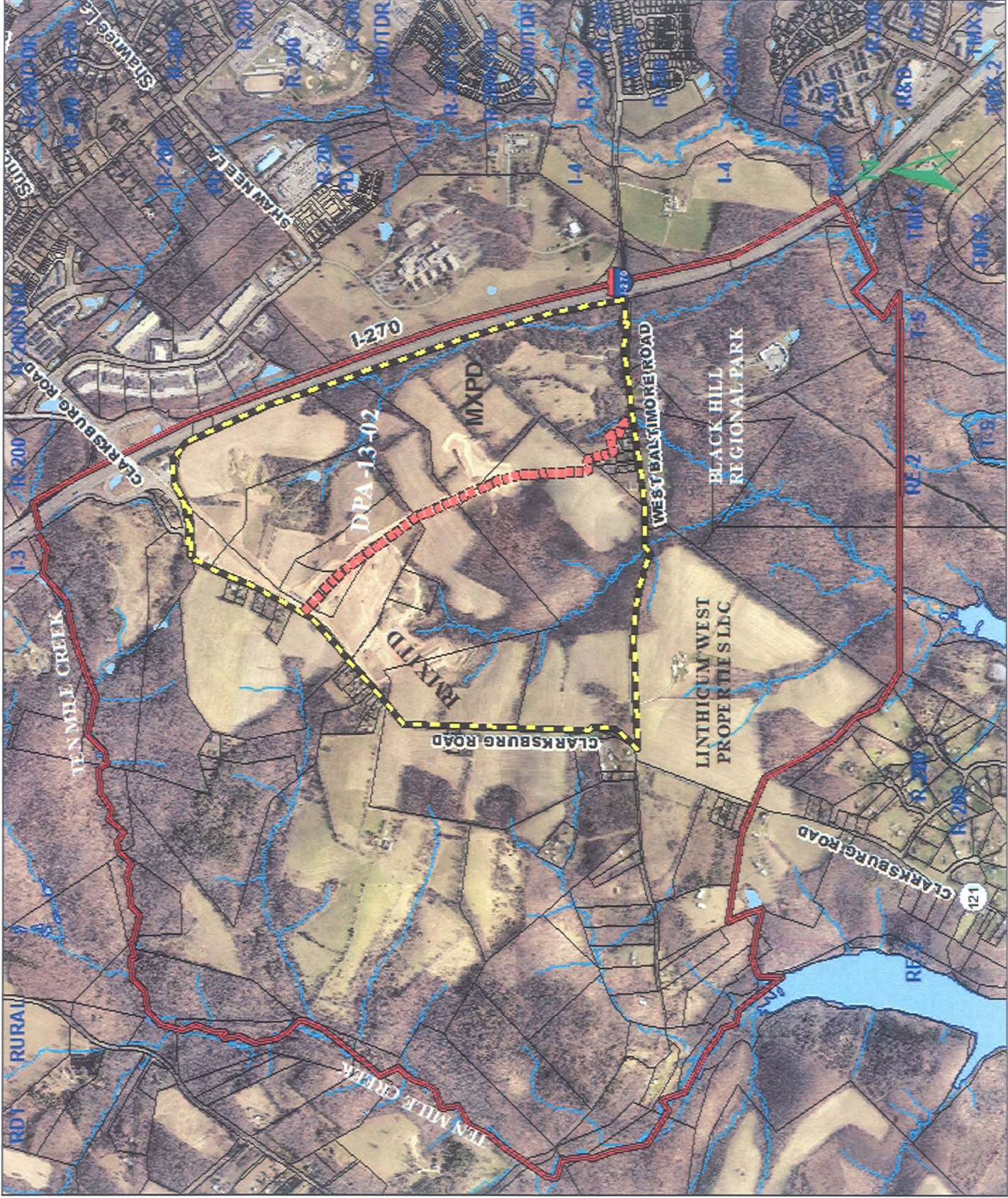
These four characteristics have been augmented and enhanced in the Development Plan Amendment for the Cabin Branch neighborhood to take advantage of the opportunities in the Clarksburg Master Plan Area. The table below summarizes each of the characteristics and illustrates the features of successful mixed-use development in the I-270 Corridor. These features have become the key elements of sustainable development that are intended to serve as a catalyst to attract employers to Clarksburg and Montgomery County.

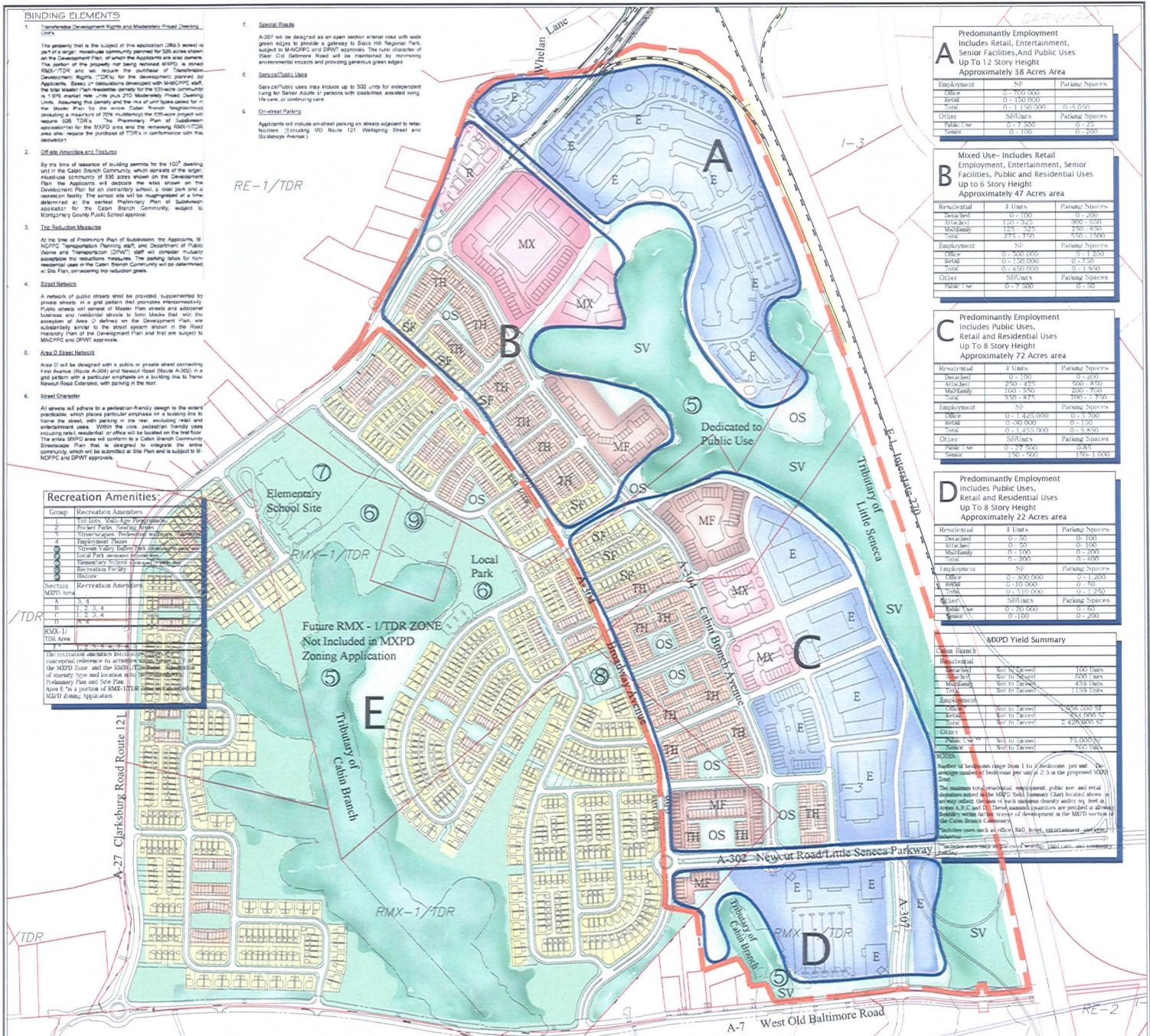
Employment and Placemaking	Linkage/Pedestrian Orientation	Compatibility and Energy Conservation	Environmental Protection
			
<ul style="list-style-type: none"> - Mixed Use (20% retail) - Variety of Office, R&D, and Industrial Uses - Housing Variety - Hotels/Entertainment - Public Use Space 	<ul style="list-style-type: none"> - Pedestrian Access - Links to Transit - Streetscape - Bicycle Network - Street Infrastructure - Dedication of ROW 	<ul style="list-style-type: none"> - Compatibility - Site Orientation - Solar Access - Green - Neighborhood Planning - Green Buildings 	<ul style="list-style-type: none"> - Forest Conservation and enhancement - ESD/Stormwater - Tree canopy - Green Area - Habitat Protection

A. PLANS AND DRAWINGS

Attachment-A







- BINDING ELEMENTS**
- Transferable Development Rights and Modernized Project Planning**
The property that is the subject of this application (Area B) shown in the development plan of which the Applicants are the owners...
 - Development Rights (CDR) for the development planned for the site shall be transferred to the site shown in the development plan of which the Applicants are the owners...
 - Development Rights (CDR) for the development planned for the site shall be transferred to the site shown in the development plan of which the Applicants are the owners...
 - Development Rights (CDR) for the development planned for the site shall be transferred to the site shown in the development plan of which the Applicants are the owners...

Recreation Amenities

Group	Recreation Amenities
1	Recreation Amenities
2	Recreation Amenities
3	Recreation Amenities
4	Recreation Amenities
5	Recreation Amenities
6	Recreation Amenities
7	Recreation Amenities
8	Recreation Amenities
9	Recreation Amenities
10	Recreation Amenities
11	Recreation Amenities
12	Recreation Amenities
13	Recreation Amenities
14	Recreation Amenities
15	Recreation Amenities
16	Recreation Amenities
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50	Recreation Amenities

MXPD Yield Summary

Class (Block)	Area (Acres)	Units	Bedrooms	Garage Spaces
Residential	100.00	100	100	100
Office	100.00	100	100	100
Hotel	100.00	100	100	100
Multi-Family	100.00	100	100	100
Other	100.00	100	100	100
Total	100.00	100	100	100

DEVELOPMENT PROGRAM

Subject to further refinement during the Preliminary Plan of Subdivision and Site Plan stages, and to proposed road improvements and related staging capacity, the anticipated sequence of construction within the MXPD area will be as follows:

- Installation of common elements (water and sewer lines, public utilities, storm drain, stormwater management, treatment and primary road access, including related sidewalks and pathways).
- Final grading of initial development area (expected to be in Area A, B and C).
- Construction of initial employment and retail facilities in Area A & B.
- Construction of parks and open space areas in Area B & C.
- Construction of initial employment and retail in Area C.
- Construction of additional structures, recreational facilities, transportation facilities and open space in all Areas.

Other areas outside of the MXPD area which is the subject of the rezoning but part of the Cabin Branch Community, will be coordinated with the phasing of development in the MXPD area.

GENERAL NOTES

- The development plan depicts the overall concept for the orderly and staged development of Cabin Branch, a large scale, mixed-use community made up of several interdependent neighborhoods. This development plan depicts that element of the Cabin Branch Community that is to be developed in accordance with provisions of the Zoning Ordinance applicable to the MXPD Zone. It is anticipated that revisions to the development plan may become necessary as the entire Cabin Branch Community evolves. This development plan reflects the proposed Community as it is presently envisioned.
- Densities, heights, and the mix of uses are as specified in the appropriate table for areas A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z. Building and parking locations will be approximately as shown. Specific building locations, footprints, parking locations and other design details will be refined and finalized during subsequent subdivision and site plan proceedings.
- The total area to be rezoned MXPD is 293.5 Acres including Advertisers property 142.8 ac., Faller property 13.0 ac. and General property 127.7 ac.
- The maximum residential density shall not exceed 44 dwelling units per acre for residential areas shown on the development plan. Where residential development is proposed to be located within a proposed commercial area, the maximum residential density for such areas shall not exceed 75 dwelling units per acre.

LAND USE PLAN OF THE DEVELOPMENT PLAN

CABIN BRANCH
Clarksburg, Maryland

May 2013

Figure 1

NOTES CONTINUED:

- The maximum residential density in the mixed-use planned development shall not exceed a gross floor area ratio of 0.75.
- The maximum population proposed is approximately 3,000 people.
- The amount of green area required for the residential portion of a mixed-use planned development shall not be less than 50 percent of the total area shown for residential use. The maximum green space requirement for the commercial/industrial portion of a mixed-use planned development shall be 40 percent of the total area devoted to commercial/industrial uses.
- The maximum total residential, employment, public use, and retail densities are noted in the MXPD Yield Summary Chart located above. These numbers in no way reflect the sum of each maximum density and/or use listed in Areas A, B, C and D. These maximum quantities are justified in allowing flexibility within further stages of development in the MXPD section of the Cabin Branch Community.
- Rights of way for the following Master Plan roads will be dedicated as required at Preliminary Plan of Subdivision:
 Maryland Route 121
 A-27 West Old Baltimore Road
 A-7 West Old Baltimore Road
 A-304 First Avenue and Second Avenue
 A-302 Newcut Road / Little Seneca Parkway
 P-1 270 RW 4 Newcut Road Interchange RW to be placed in reservation
 I-2 Off-street parking shall be provided in accordance with the requirements of article 59-E.
 I-1 On-street parking shall be provided on master plan roads A-304 (First Avenue and Second Avenue) and local roads.
- Section E is a portion of RMX-1/TDR Zone that is not included in MXPD Zoning Application.
- The property, including the open spaces, will be subject to the site plan review. At the time of site plan review the owner or behalf of itself or its successors and assigns, will enter into a Site Plan Review Agreement for perpetual maintenance of open space areas and other areas used for recreational, common or quasi-public purposes.

RECREATION AMENITIES

Elementary School Site
Local Park
Future RMX-1/TDR ZONE Not Included in MXPD Zoning Application
Library of Little Seneca
Library of Cabin Branch

PHASING KEY

1
2
3
4

NOTES CONTINUED:

- The maximum residential density in the mixed-use planned development shall not exceed a gross floor area ratio of 0.75.
- The maximum population proposed is approximately 3,000 people.
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 I-1 On-street parking shall be provided on master plan roads A-304 (First Avenue and Second Avenue) and local roads.
- Section E is a portion of RMX-1/TDR Zone that is not included in MXPD Zoning Application.
- The property, including the open spaces, will be subject to the site plan review. At the time of site plan review the owner or behalf of itself or its successors and assigns, will enter into a Site Plan Review Agreement for perpetual maintenance of open space areas and other areas used for recreational, common or quasi-public purposes.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION

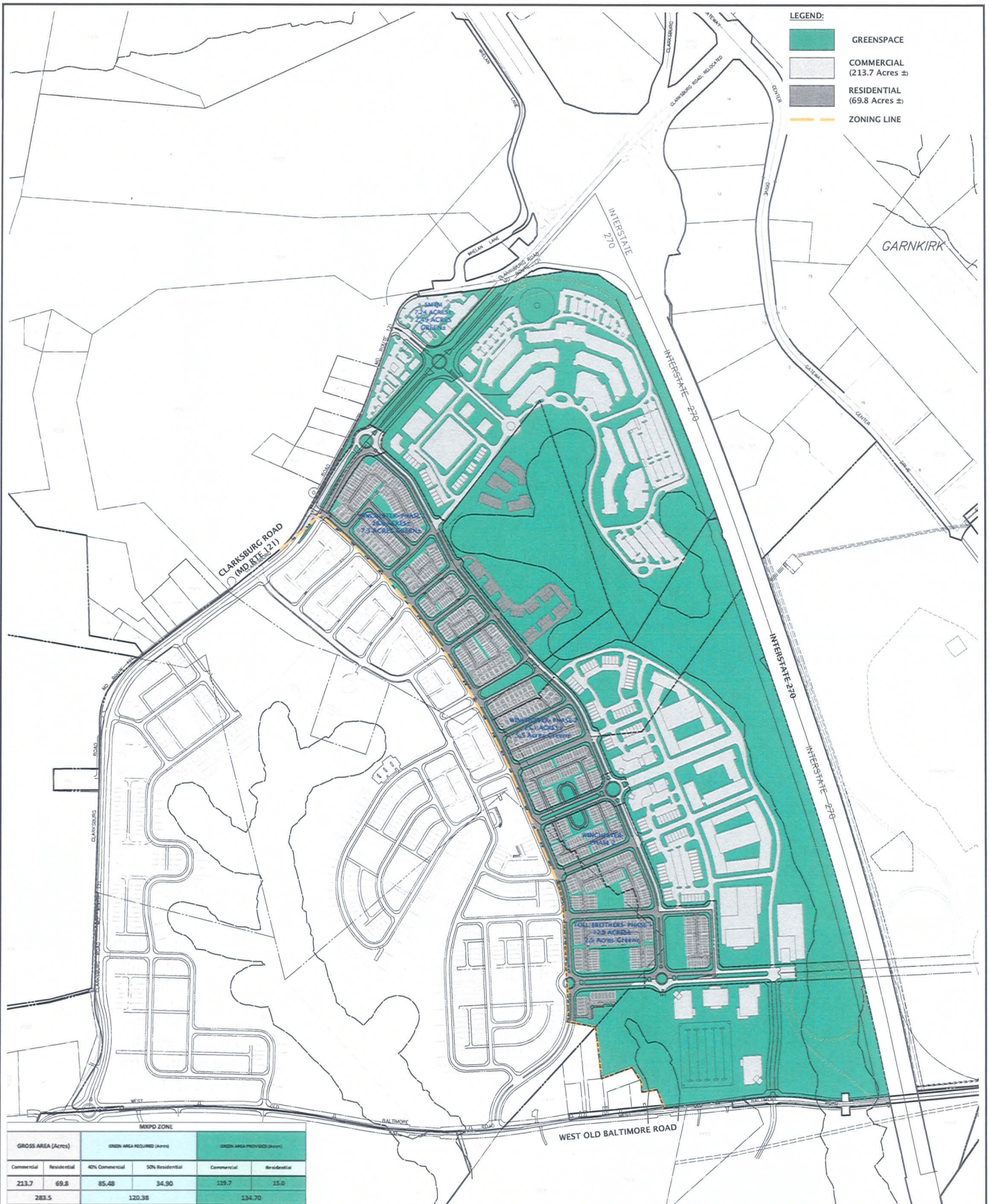
THIS IS A TRUE COPY OF THE DEVELOPMENT PLAN (EXHIBIT NUMBER _____) APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION NUMBER _____ IN APPLICATION NUMBER _____

HEARD BY EXAMINER: _____ DATE: _____

HEARD BY EXAMINER'S NAME PRINTED: _____

RODGERS CONSULTING
Knowledge • Creativity • Enduring Values

1947 Century Boulevard
Suite 200
Clarksville, Maryland 21024
P: 301.348.1700 (Main)
F: 301.348.1700 (FAX)
www.rodgers.com



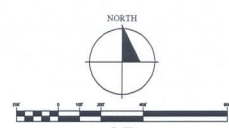
LEGEND:

- GREENSPACE
- COMMERCIAL (213.7 Acres ±)
- RESIDENTIAL (69.8 Acres ±)
- ZONING LINE

MXPD ZONE					
GROSS AREA (Acres)		GREEN AREA REQUIRED (Acres)		GREEN AREA PROVIDED (Acres)	
Commercial	Residential	40% Commercial	50% Residential	Commercial	Residential
213.7	69.8	85.48	34.90	129.7	15.0
283.5		120.38			134.70

Notes:
 1. Green Space locations and quantities are subject to change pending future Site Plan approvals.
 2. The calculations reflected in the chart are approximate, based on approved and proposed plans and estimated green area within them. As final engineering/design is completed, more precise calculations of green area can be made for each site and for the MXPD zone overall.

MXPD GREEN AREAS EXHIBIT
05/15/13

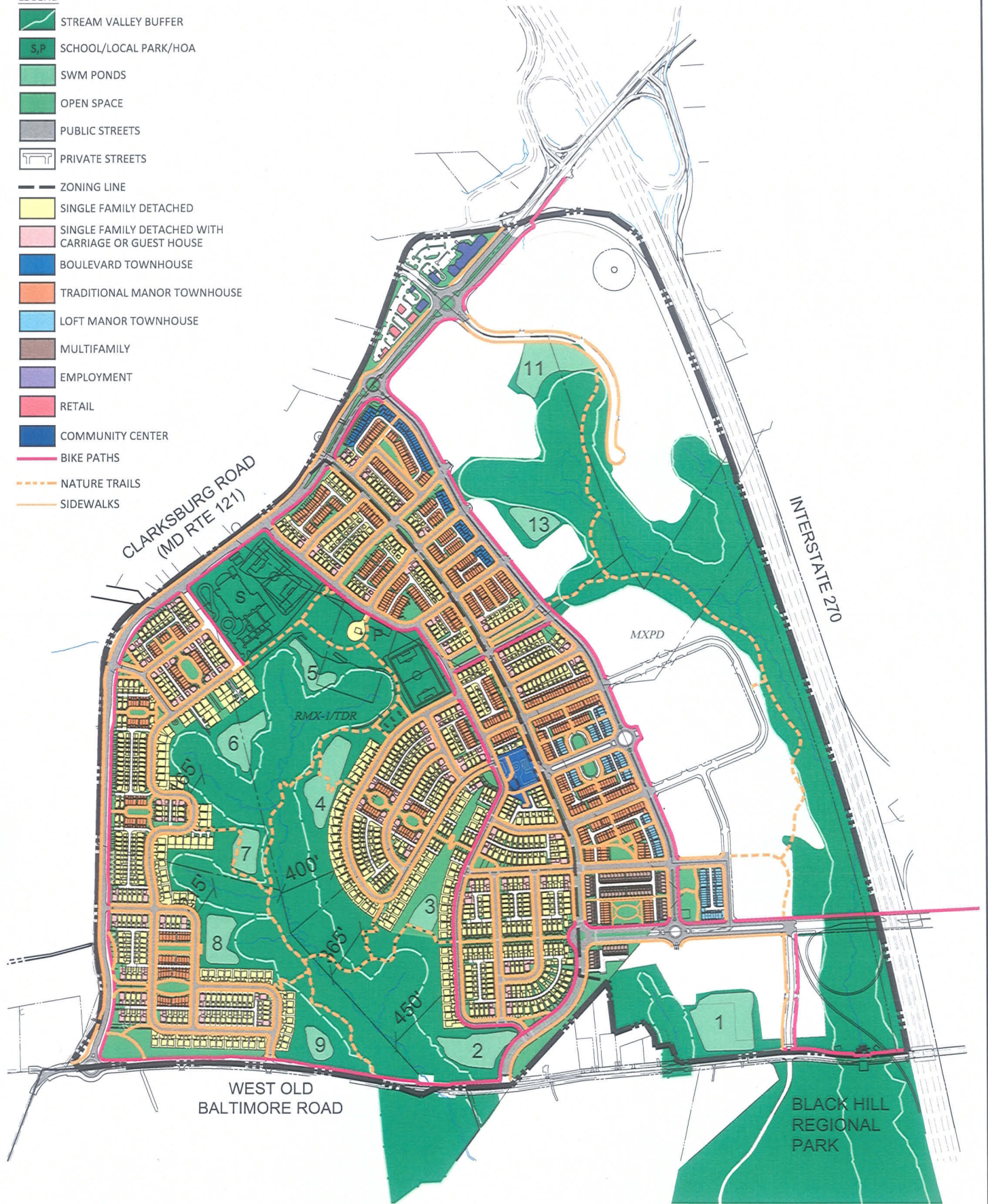


CABIN BRANCH
CLARKSBURG, MARYLAND

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Crownsville, Maryland 21034
Ph: 410.588.6200 (toll free)
Ph: 410.284.6200 (local)
Ph: 410.588.6206
www.rodgers.com

LEGEND

-  STREAM VALLEY BUFFER
-  S,P SCHOOL/LOCAL PARK/HOA
-  SWM PONDS
-  OPEN SPACE
-  PUBLIC STREETS
-  PRIVATE STREETS
-  ZONING LINE
-  SINGLE FAMILY DETACHED
-  SINGLE FAMILY DETACHED WITH CARRIAGE OR GUEST HOUSE
-  BOULEVARD TOWNHOUSE
-  TRADITIONAL MANOR TOWNHOUSE
-  LOFT MANOR TOWNHOUSE
-  MULTIFAMILY
-  EMPLOYMENT
-  RETAIL
-  COMMUNITY CENTER
-  BIKE PATHS
-  NATURE TRAILS
-  SIDEWALKS



TRAIL AND LAND PLAN EXHIBIT
5/15/13

CABIN BRANCH

CLARKSBURG, MARYLAND



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Crownsville, Maryland 21034
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Ph: 410-588-6700 (local)
Ph: 410-588-6700 (international)
www.rodgers.com

LEGEND

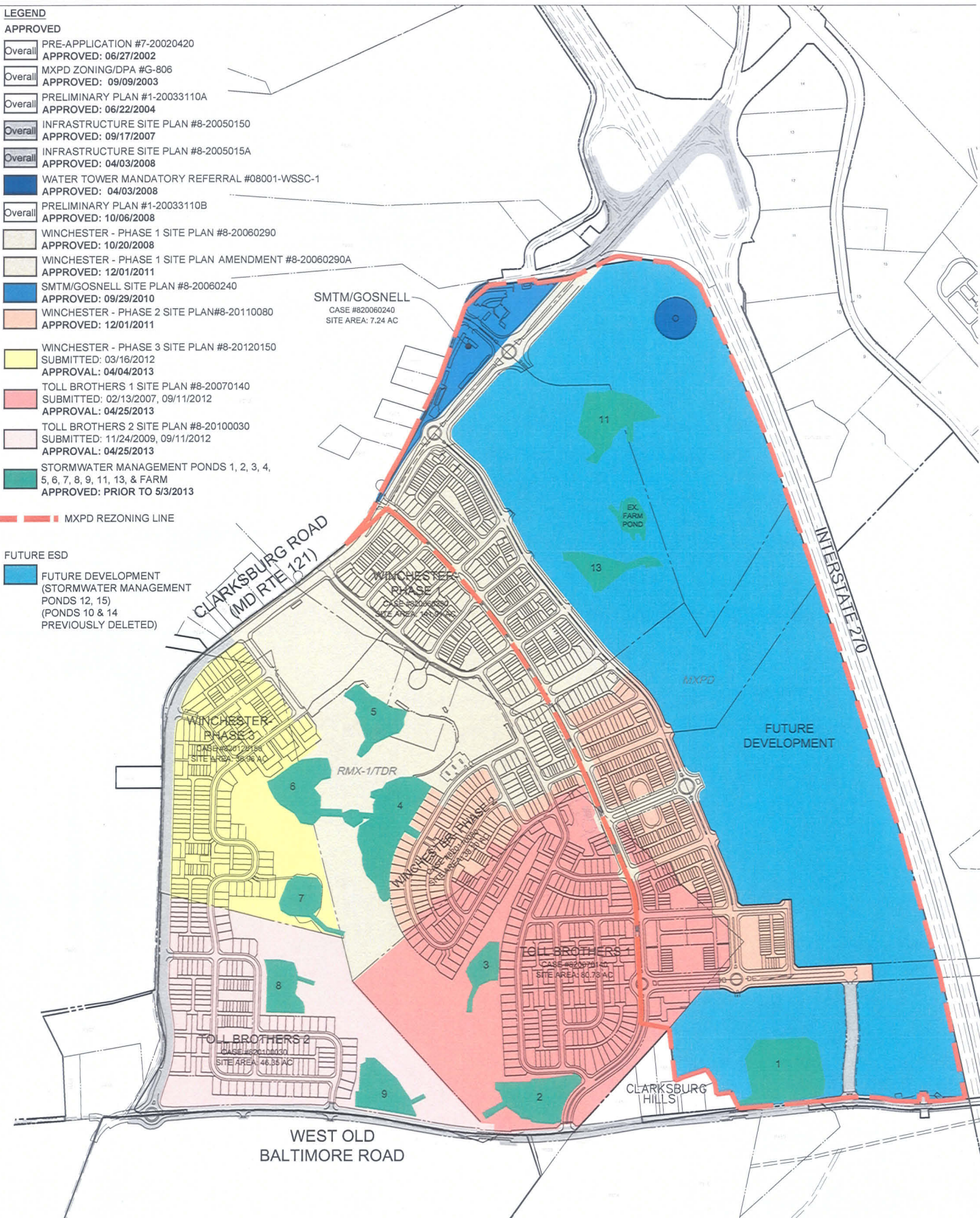
APPROVED

- Overall PRE-APPLICATION #7-20020420
APPROVED: 06/27/2002
- Overall MXPD ZONING/DPA #G-806
APPROVED: 09/09/2003
- Overall PRELIMINARY PLAN #1-20033110A
APPROVED: 06/22/2004
- Overall INFRASTRUCTURE SITE PLAN #8-20050150
APPROVED: 09/17/2007
- Overall INFRASTRUCTURE SITE PLAN #8-2005015A
APPROVED: 04/03/2008
- WATER TOWER MANDATORY REFERRAL #08001-WSSC-1
APPROVED: 04/03/2008
- Overall PRELIMINARY PLAN #1-20033110B
APPROVED: 10/06/2008
- WINCHESTER - PHASE 1 SITE PLAN #8-20060290
APPROVED: 10/20/2008
- WINCHESTER - PHASE 1 SITE PLAN AMENDMENT #8-20060290A
APPROVED: 12/01/2011
- SMTM/GOSNELL SITE PLAN #8-20060240
APPROVED: 09/29/2010
- WINCHESTER - PHASE 2 SITE PLAN #8-20110080
APPROVED: 12/01/2011
- WINCHESTER - PHASE 3 SITE PLAN #8-20120150
SUBMITTED: 03/16/2012
APPROVAL: 04/04/2013
- TOLL BROTHERS 1 SITE PLAN #8-20070140
SUBMITTED: 02/13/2007, 09/11/2012
APPROVAL: 04/25/2013
- TOLL BROTHERS 2 SITE PLAN #8-20100030
SUBMITTED: 11/24/2009, 09/11/2012
APPROVAL: 04/25/2013
- STORMWATER MANAGEMENT PONDS 1, 2, 3, 4,
5, 6, 7, 8, 9, 11, 13, & FARM
APPROVED: PRIOR TO 5/3/2013

MXPD REZONING LINE

FUTURE ESD

- FUTURE DEVELOPMENT
(STORMWATER MANAGEMENT
PONDS 12, 15)
(PONDS 10 & 14
PREVIOUSLY DELETED)



SMTM/GOSNELL
CASE #820060240
SITE AREA: 7.24 AC

WINCHESTER
PHASE 3
CASE #820120150
SITE AREA: 35.99 AC

WINCHESTER
PHASE 1
CASE #820060290
SITE AREA: 10.20 AC

TOLL BROTHERS 1
CASE #820070140
SITE AREA: 40.78 AC

TOLL BROTHERS 2
CASE #820100030
SITE AREA: 46.35 AC

APPROVAL EXHIBIT
5/14/13

CABIN BRANCH
CLARKSBURG, MARYLAND

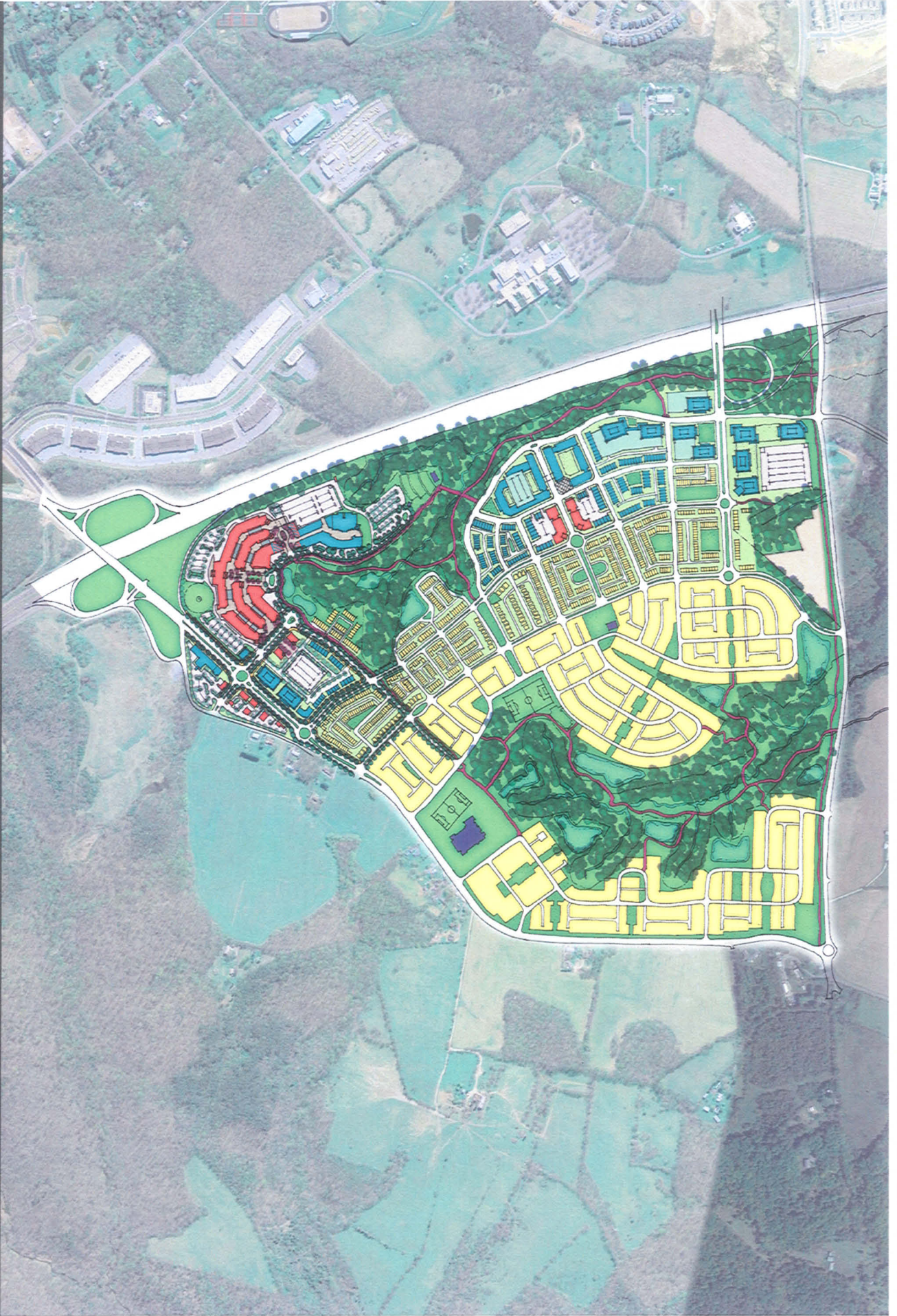


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Ph: 301.326.4800 (local)
Ft: 301.984.6200
www.rodgers.com

\\s01-ws01p001\2\Clarksburg\Region\Long\Clarks Branch\Exhibit\Drawn\Title\Plan Exhibit.dwg 3/14/13 10:11:28am

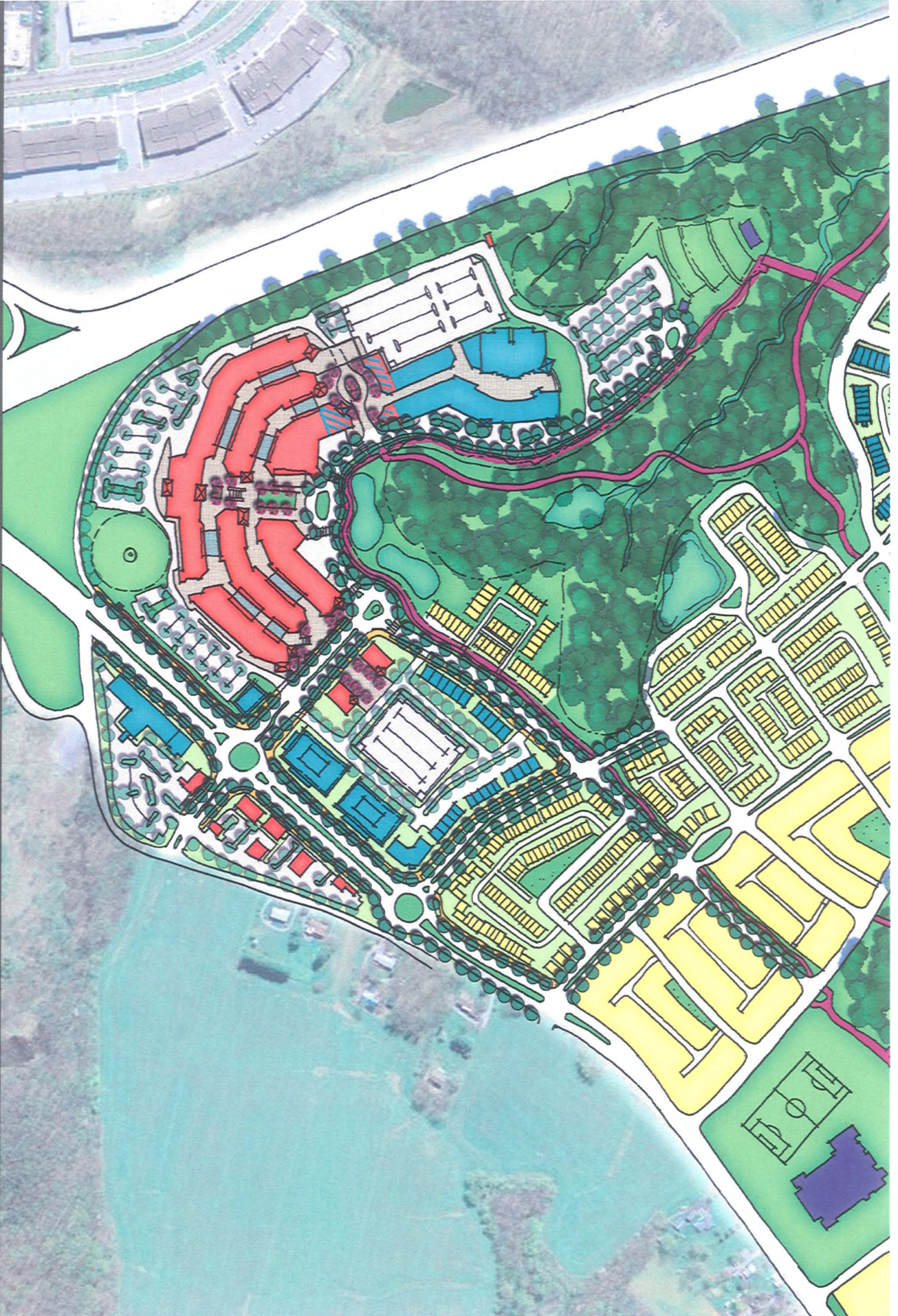
06/17/13

Build-Out




06/17/13

Build-Out



B. LETTERS FROM THE COMMUNITY

 Attachment-B

21809 Diller Lane
Boyd's, MD 20841

July 1, 2013

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: CLARKSBURG PREMIUM OUTLETS AT CABIN BRANCH

This letter is to express my support for the Cabin Branch Premium Outlets.

I have lived here for 33 years and have been very involved with Clarksburg since the before the 1994 Clarksburg Master Plan. To say that I have been disappointed with the actions of the Planning Board and Montgomery County Council and the lack of understanding of the needs of Clarksburg is a gross understatement.

Clarksburg can never be the town envisaged by the Master Plan, but I believe this proposed development will be a positive for our town for the following reasons:

1. Approvals are in place for such a project and completion will be within three years.
2. The Germantown Master Plan was updated to include many millions more square feet of commercial development without regard to the Clarksburg plan. Commercial development in Clarksburg is therefore decades away, so this project should be encouraged.
3. Retail was envisaged for this particular area, and I think this project is preferable to yet another cookie cutter "village center".
4. This location is such that local roads will not be impacted by the traffic generated. This is very important and this is one reason that I do not support the other outlet project.
5. Traffic will not conflict with rush hour traffic.
6. The project will provide local jobs, especially for young people who do not have public transportation to get to jobs at any distance from their homes.
7. Clarksburg residents will have "one-stop retail" in the town which will enable them to shop locally and not have to travel all over the county to buy non-food items.

I hope you will consider my comments and do right for Clarksburg.

Sincerely

Kathie Hulley

Tesfaye, Elsabett

From: Luqman Ahmad <luqman.jehlumi@gmail.com>
Sent: Monday, June 24, 2013 12:59 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabett
Subject: Premium Outlets at Cabin Branch

Dear members of the Planning Board,

My neighbors and I hope you will be as enthusiastic as we are in your support for Clarksburg Premium Outlets at Cabin Branch.

Over and over again, we have heard about developments that were going to come to Clarksburg. And over and over again, we have been disappointed as developers pulled out and projects fell through.

Now, I think we have our best opportunity yet, to see retail come to our area. I don't think anyone who lives in Clarksburg would say that retail isn't needed here. We are all tired of driving elsewhere to access upscale shops and nice restaurants.

Equally important is the fact that the Cabin Branch project can come on line quickly. The development team there, which has a great deal of experience in creating beautiful shopping environments, has already secured the various zoning and subdivision approvals that are needed. They are in the process of making road, water, sewer, and other infrastructure improvements.

I urge you to make Clarksburg Premium Outlets at Cabin Branch a reality.

Sincerely,

Luqman Ahmad
21108 Archstone Way, 105
Germantown, MD 20876
[301-252-2815](tel:301-252-2815)

Garcia, Joyce

From: James A. Chester <jimchester@mris.com>
Sent: Tuesday, June 25, 2013 6:40 PM
To: MCP-Chair
Subject: CLARKSBURG PREMIUM OUTLETS

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: James A. Chester <jimchester@mris.com>
Subject: CLARKSBURG PREMIUM OUTLETS

Message Body:

I encourage you to support the Clarksburg Premium Outlets® at Cabin Branch, with minimal traffic impact and no impact on 10 Mile Creek.

jimchester@mris.com
12407 Carriage Park Place
Clarksburg
Maryland
20871

Garcia, Joyce

From: Jessica Dancer <jobrienj@gmail.com>
Sent: Tuesday, June 25, 2013 10:31 PM
To: MCP-Chair
Subject: Support Clarksburg premium outlets

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Jessica Dancer <jobrienj@gmail.com>
Subject: Support Clarksburg premium outlets

We have been promised things in the past with years of delay or nothing in the end. Don't let this happen again. Approve the premium outlets and lets make revenue for our county schools, employes, and roads. Get with the citizens of Clarksburg and let's bring high end retail to attract revenue!

11962 Little Seneca Pkwy

Clarksburg
Maryland
20871

Tesfaye, Elsabett

From: Wendy Davis <wskpcdavis@verizon.net>
Sent: Monday, June 24, 2013 2:58 PM
To: Tesfaye, Elsabett
Subject: Outlets

Dear Ms. Tesfaye,

My name is Wendy Davis and I have lived in Clarksburg since 2004. I am writing to ask the Planning Board to approve the Cabin Branch outlet center application.

Like many of my neighbors, I am excited that a high-end retail outlet center may be coming to Clarksburg. In addition to the benefits of being able to quickly get to upscale stores and nice restaurants without leaving Clarksburg, the Cabin Branch outlet center will bring lots of jobs to our area. The construction of the development alone will create 500 jobs, not to mention the 1,000 new full and part-time jobs that will be available when the outlet center opens.

More importantly, the design of the Cabin Branch outlet center will create a community gathering space for local residents. At a local community meeting, the Simon Property Group Vice President said the project is about more than just a place to shop; he described it as a welcoming outdoor, village-style center with space for community concerts and other gatherings. This is exactly what Clarksburg needs!

As I stated earlier, I live in Clarksburg, but I probably should have said that I reside here. I want to be able to actually LIVE here. I want to be able to shop here, have more than one nearby restaurant to choose from and local employment options for my teenage children. Once the Cabin Branch outlet center is built, I can have a choice of wonderful restaurants for family dinners, attend an outdoor concert nearby, and my children could get a great part-time job at a high-quality store in our community.

I strongly support the Clarksburg Premium Outlets at Cabin Branch project because it will give residents like me more options and the chance to fully enjoy living in Clarksburg.

Thank you,

Wendy Davis

Garcia, Joyce

From: Thomas Christopher Donnelly <tcd122@hotmail.com>
Sent: Tuesday, June 25, 2013 10:40 PM
To: MCP-Chair
Subject: Approval of the outlets

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Thomas Christopher Donnelly <tcd122@hotmail.com>
Subject: Approval of the outlets

I support the Cabin John outlets. I can't wait for more shopping to come to Clarksburg. We definitely need it!

13123 Clarksburg Square Rd

Clarksburg
Maryland
20871

Tesfaye, Elsabet

From: Ana Dubin <acneiva81@gmail.com>
Sent: Tuesday, June 25, 2013 9:56 AM
To: MCP-Chair
Cc: Tesfaye, Elsabet; Carter, John
Subject: support for the Cabin Branch Premium Outlets

To the Montgomery County Planning Board,

I have lived in the Boyds/Clarksburg area for years and I've seen the area's progress delayed on multiple occasions. I am writing today to ask that you allow the Premium Outlet Center at Cabin Branch to begin development.

Like many Clarksburg residents, I am tired of the Council deferring to address our needs to bring development to the area. Many of us were promised retail, restaurants and a community-gathering place when we first moved in several years ago. Isn't it time that these promises are fulfilled?

The Cabin Branch Outlet will offer high-end luxury retail shopping and dining at a convenient location. Finally, we won't have to drive all the way to Leesburg or Hagerstown to do our shopping. Not only that, because of its unique niche, it will still allow for us to move forward with the Town Center, which will give us even more options. The luxury outlets will not only provide a place for residents to shop, but will also attract customers, and possibly future residents, from other areas of the county and state.

These are all good things for the residents and Clarksburg as a whole. Please don't delay our progress anymore, and give the development at Cabin Branch the final approvals.

Thank You,

Ana Dubin
12834 Grand Elm Street
Clarksburg, MD 20871
(301)540-4487

Tesfaye, Elsabett

From: Randolph Dziendziel <dzie9@msn.com>
Sent: Friday, June 21, 2013 8:03 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabett
Subject: Clarksburg Premium Outlet Supporter

Dear Montgomery County Planning Board:

I am a strong supporter of the Clarksburg Premium Outlets at Cabin Branch and I am writing to encourage you to approve the development team's proposal.

I have read the proposal and visited the website. The Cabin Branch development team has gone above and beyond to work with the local community and develop a project that invests in Clarksburg and complements our surroundings.

Clarksburg Premium Outlets at Cabin Branch is the complete package. Not only will it re-energize Clarksburg and bring more than \$160 million in private investment to our area, this project will spur additional retail development in our area. In addition, the outlet center would be located in Cabin Branch so there is no negative impact on Ten Mile Creek. The icing on the cake is the timeline – this project could become a reality faster than any other proposal. There are no environmental or master plan hurdles to consider and a large part of the infrastructure construction is already happening.

Please give the Cabin Branch development team the go-ahead to bring this project to fruition so we can all enjoy the benefits Clarksburg Premium Outlets at Cabin Branch has to offer.

Sincerely,

Heidi Dziendziel

22929 Turtle Rock Ter

Clarksburg, MD 20871

301-540-7816

Sent from my iPad

Carter, John

From: hgarcia33@comcast.net
Sent: Tuesday, June 04, 2013 6:02 PM
To: Tesfaye, Elsabett
Subject: Clarksburg

Dear Ms. Testafaye,

As a resident of Arora Hills and a concerned voter, I urge you to support the development of Clarksburg Premium Outlets at Cabin Branch.

Beyond the obvious benefits of bringing much-needed retail to Clarksburg, turning the currently unused Adventist HealthCare property into an upscale shopping destination will enhance local property values, add more than 1,500 permanent jobs, and re-energize the entire area.

It also will have a tremendous financial impact. It is estimated that the new development will bring more than \$150 million in private investment to the area. It also will mean \$2 million in annual sales, \$12 million in sales taxes, and \$2 million in annual real estate taxes.

Clarksburg Premium Outlets' development team also plans to invest more than \$15 million in improvements in the I-270 Interchange and MD Route 121, benefitting the entire area.

Without question, this kind of financial infusion will have a major positive impact on both the quantity and quality of resources our community will now have available to improve the lives of area residents.

Thank you,
Hugo Garcia
23055 Birch Mead Rd
Clarksburg Md 20871
Tel 240-477-7446

June 11, 2013

Montgomery County Planning Board
Ms. Francoise Carrier, Chair
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Carrier,

We have owned our home in Clarksburg for 8 years and have been unhappy with the progress of our Town Center. We were promised retail and restaurants for our community but this never happened. We and our neighbors are strong supporters of the outlet project at Cabin Branch and it will be very beneficial to our community. We attended meetings with the Clarksburg Premium Outlet team and we are very happy to say that we are looking forward to the luxury retail outlet. They eased our concerns about the traffic and also our concerns about our own Town Center development. The luxury retail outlet will actually attract other stores and businesses to finally pay attention to Clarksburg Town Center and want to add their business to our Town Center since it will be so close to the retail with the Cabin Branch outlets.

The development team showed us how their design will minimize traffic impact and how their design will respect our local shops and we truly believe that the Cabin Branch outlets will benefit our community tremendously.

We hope that the planning board will also agree with us and our neighbors.

Thank you for listening,

Nancy and Gerald Garner
23808 Grapevine Ridge Terrace
Clarksburg, MD 20871
240-723-6014

cc: John Carter, Staff Member
cc: Elsabett Tesfaye, Staff Member

Tesfaye, Elsabet

From: Angie Glauber <luci28g@hotmail.com>
Sent: Wednesday, June 19, 2013 12:05 AM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabet
Subject: Clarksburg Premium Outlets at Cabin Branch

Planning Board Members,

I have been a resident of Clarksburg for three years, and today I am writing to express my support for Clarksburg Premium Outlets at Cabin Branch.

More and more people are moving to Clarksburg because of its potential to become a beautiful and self-sustaining community. However, we have yet to see this potential really harnessed. For as many residents as we have in the community, there is an astounding lack of services, particularly retail and restaurants. The development at Cabin Branch is a great opportunity to fix this problem. It will help the economy by bringing in more tax revenue, it will help our children and adults by bringing in more jobs, and it will help all of our residents by giving us the goods and services we need in a close, convenient location.

Time and time again we have been promised that development is near, and time and time again we have seen such promises broken. It is time for the Planning Board to allow Clarksburg to become the community we have been promised for so long!

Sincerely,

Angelica Glauber
23409 Clarksridge Rd.
Clarksburg, MD. 20871
(301) 540-8180

Garcia, Joyce

From: Nicole Graves <nbest1988@gmail.com>
Sent: Tuesday, June 25, 2013 8:32 PM
To: MCP-Chair
Subject: In favor of outlets

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Nicole Graves <nbest1988@gmail.com>
Subject: In favor of outlets

Message Body:

I fully support the clarksburg premium outlets coming to Clarksburg. We need more retail and dining options. This can only improve our area.

23046 Sweetspire Dr

Clarksburg
Maryland
20871

Tesfaye, Elsabet

From: Gloria Hearne <gloriahearne@ymail.com>
Sent: Monday, June 24, 2013 7:30 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabet
Subject: Clarksburg Premium Outlets @ Cabin Branch

To the Planning Board:

I hope that you will join me in supporting Clarksburg Premium Outlets at Cabin Branch. Development in the area has certainly become imminent, but because Clarksburg is such a desirable area to develop, we need to ensure that we make the right choice.

I am very much in favor of having the option of a local, upscale shopping and dining facility. I also think it is important to make sure that the impact on Clarksburg will be a positive one, and not take away from all the already great aspects. In that sense, it is important we ensure that any development we move forward with does not negatively impact Ten-Mile Creek and does not add to our current traffic problem.

Clarksburg Premium Outlets at Cabin Branch will not affect Ten-Mile Creek. As for traffic concerns, the developers will be making much-needed road improvements, which must be completed before the outlets open.

The benefits of having a high-quality retail outlet in our own backyard are numerous. Choosing to grant these approvals will ensure that you have played your part in making the responsible decision to grant Clarksburg the progress it so needs.

In addition, with the current plan to close Lake Forest Mall and the Mall in Rockville, the only place for upscale shopping will be in Frederick, MD or Tysons Corner, VA.

Thank you,

Gloria Hearne
21804 Diller Lane
Boys, MD 20841
301-540-6804

Garcia, Joyce

From: Maria Ho <mho94@yahoo.com>
Sent: Tuesday, June 25, 2013 8:20 PM
To: MCP-Chair
Subject: We support the Clarksburg Premium Outlets!

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Maria Ho <mho94@yahoo.com>
Subject: We support the Clarksburg Premium Outlets!

Message Body:
The Clarksburg premium outlets would be a great addition to the Clarksburg community!!!

12519 Blue Sky Drive

Clarksburg
Maryland
20872

Garcia, Joyce

From: Dennis Kelsh <d.kelsh@verizon.net>
Sent: Tuesday, June 25, 2013 6:24 PM
To: MCP-Chair
Subject: Clarksburg Premium Outlets at Cabin Branch

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Dennis Kelsh <d.kelsh@verizon.net>
Subject: Clarksburg Premium Outlets at Cabin Branch

Message Body:

I urge you to support approval of the proposed outlets at Cabin Branch. Unlike the competing proposal, this one will not have negative environmental impact on the 10 mile creek, nor will it disrupt traffic in historic Clarksburg.

12832 Clarksburg Square Road
Unit 205
Clarksburg
Maryland
20871

Tesfaye, Elsabett

From: Wei <rednetz12010@gmail.com>
Sent: Tuesday, June 18, 2013 6:34 PM
To: MCP-Chair
Cc: Tesfaye, Elsabett; Carter, John
Subject: Clarksburg Premium Outlets at Cabin Branch

Montgomery County Planning Board:

As a resident and homeowner in Clarksburg I felt it was necessary to contact you and urge you to support the development of the Clarksburg Premium Outlets at Cabin Branch.

The project is exactly what Clarksburg residents need for convenient accessibility to retail and restaurants. Many of us moved into the area thinking that we would soon be living near a bustling Town Center. Well, that has yet to come about, but this project is ready to go now! From what I understand of the estimates, the new development will bring in more than \$150 million in private investment to the area in addition to \$12 million in sales taxes and \$2 million in annual real estate taxes.

Besides the obvious benefits of having more shopping and restaurants for residents, the development will also help to increase property values. Please put Clarksburg back on track, and give the go ahead for the outlets at Cabin Branch.

Regards,

Wei Liao, resident at
12726 Grand Elm St, Clarksburg, MD, 20871
Phone: 3017626089

Garcia, Joyce

From: Vladimir Litvak <vladli@comcast.net>
Sent: Tuesday, June 25, 2013 5:38 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabet
Subject: Support for Cabin Branch Outlets!

RECEIVED
0542
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Planning Board ,

Please consider my support for the Outlets at Cabin Branch. The Clarksburg area is in dire need of shopping at a convenient location. We are constantly driving and spending money outside of our neighborhood so that others are benefiting from the jobs, tax revenues and convenience of being able to walk or quickly arrive at stores and restaurants.

There has been a lot of growth to the Clarksburg area, and we need the retail, shops and restaurants to keep our neighborhood flourishing.

Please vote to pass the final requirements for the Outlets at Cabin Branch so that we can enjoy our community even more.

Thank you.

Vladimir Litvak
21117 Futura Court, Germantown, MD 20876
(301)515-8797

Tesfaye, Elsabett

From: Nader Mamish <nmamish9@yahoo.com>
Sent: Friday, June 21, 2013 5:33 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabett
Subject: Cabin Branch Premium Outlets

To the Planning Board:

As a resident of the Clarksburg area (and a person who loves to shop), I'm hopeful that we will soon receive a variety of retail options, as well as a number of restaurant and dining choices, by way of Clarksburg Premium Outlets at Cabin Branch. I moved to the Clarksburg area to improve my quality of life – and that of my family's. So far, I have been disappointed by the lack of follow through on all the promises made about development.

We want to have options for locally purchasing the things we need. Having to drive a minimum of 25 minutes to get any of the essentials does not go to enhancing the quality of life – in fact, it does just the opposite. We are already stretched thin on time – we simply don't have an extra hour just for commuting to retail stores. In addition, we are paying extra money for gas to then go spend more money that will end up benefitting another area. Our money should be going towards Clarksburg. That is why I'm writing to urge you: please support the proposed Clarksburg Premium Outlets at Cabin Branch in our community.

Thank you

Nader Mamish,

23006 Turtle Rock Ter.

Clarksburg, MD 20871

E-mail: nmamish9@yahoo.com

Phone: 301-972-2209

Tesfaye, Elsabet

From: Erin Eckles <erineckles@comcast.net>
Sent: Wednesday, June 19, 2013 2:05 PM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabet
Subject: Clarksburg Premium Outlets at Cabin Branch

To the Chair and Members of the Planning Board:

I am moving to Clarksburg in two months and I wanted to let you know how excited I would be to have upscale outlets come to Cabin Branch. The benefits it would bring to the residents of our community are plentiful.

The location would give Clarksburg residents a nice place to shop and eat, without having to drive out of Clarksburg for a change! Additionally, the Cabin Branch outlet center will bring lots of jobs to our area. The development will create 500 jobs while it is being constructed and 1,000 new full and part-time jobs that will be available when the outlet center opens. These jobs are vital for a community that has so many families needing working opportunities for parents as well as teens.

This is such a great opportunity to really build a livable community here in Clarksburg. Please give the final approvals that we need!

Sincerely,

Erin E. McEvoy
9404 Bruce Drive
Silver Spring, Maryland 20901

Soon to be:

11824 Little Seneca Parkway
Clarksburg, Maryland 20871

Tesfaye, Elsabett

From: Purnima@Mookimlaw.com
Sent: Friday, June 28, 2013 10:34 AM
To: MCP-Chair
Cc: Carter, John; Tesfaye, Elsabett
Subject: Premium Outlets

Dear Members of the Planning Board

I support outlets at this location because approvals for environmental aspects of the plan are completed; leaving me to feel confident that it will not have a negative impact. Other approvals for forest conservation have been completed as well. More importantly, there will be no significant impact on Ten Mile Creek. I know that other discussions of a similar development in Ten Mile Creek are arising, but that is not acceptable to me. There has not been a thorough environmental review of that site, as has been done in Cabin Branch. There are many unknowns of the environmental impact.

As a resident of Clarksburg, more development is needed and will inevitably occur, but having the comfort that I'm not destroying my community is important; the environment is important.

I hope that you truly consider the environmental impact and support the plans for Clarksburg Premium Outlets at Cabin Branch. Let's make the right choice for Clarksburg.

Thank You.

Purnima **Mookim Esq.**
Law Office of Purnima Mookim P.C
12710 Piedmont Trail Road
Clarksburg, MD 20871
Phone 1-301-972-1435
www.mookimlaw.com

RECEIVED
0350
MAY 07 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Carrier, Françoise
Sent: Tuesday, May 07, 2013 11:54 AM
To: Hill, Joanne
Subject: FW: Very Excited about Cabin Branch Premium Outlets at Clarksburg

From: vamsi motaparthy [<mailto:vamsi.motaparthy@gmail.com>]
Sent: Tuesday, May 07, 2013 10:36 AM
To: Carrier, Françoise
Subject: Very Excited about Cabin Branch Premium Outlets at Clarksburg

Françoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Carrier,

I am writing to express my strong support for the proposal to build a high-end retail outlet in Cabin Branch. I believe The Clarksburg Premium Outlets at Cabin Branch project would benefit our community and it is exactly what we need to spur the much needed retail and commercial development in Clarksburg.

For far too long Clarksburg has been a forgotten area of Montgomery County. Even with the new housing development we still don't have retail and other business development to serve the residents here. We lack some of the things most people take for granted like major grocery store chains, options for take-out, or more than one restaurant to have a family dinner. Maybe building a high-end shopping destination in here will finally attract some attention to Clarksburg and signal to other businesses that this area is worth investing in. I believe this project will turn the unused, vacant Adventist Healthcare property in to a financial asset that will bring additional retail and business development in our community.

Not only will the Cabin Branch project serve as an economic catalyst, it can do so faster than any other proposed outlet project. The Clarksburg Premium Outlets at Cabin Branch could be open for business within two or three years. It's my understanding that the zoning and subdivision approvals for this location have already been granted and the road improvements, water, and sewer construction are already underway. Given all of these factors, allowing development at the Cabin Branch location to proceed makes sense; it is the right kind of development at the right time.

Our community has waited long enough for a major development project. Give the Cabin Branch project the green light to move forward so that Clarksburg's local economy finally gets the development it deserves.

Best Regards,

Vamsi Motaparthy
12224 Cypress Spring Road,
Clarksburg, MD 20871
301 385 2780 (m)

Garcia, Joyce

From: Monica Alexandra Neiva <mneiva90@gmail.com>
Sent: Tuesday, June 25, 2013 10:36 PM
To: MCP-Chair
Subject: Yes to Cabin Branch!

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Monica Alexandra Neiva <mneiva90@gmail.com>
Subject: Yes to Cabin Branch!

I entirely support the plan for the premium outlets at Cabin Branch!

13123 Clarksburg Square Rd

Clarksburg
Maryland
20871

Garcia, Joyce

From: Niraj Patel <datnodr@hotmail.com>
Sent: Tuesday, June 25, 2013 6:53 PM
To: MCP-Chair
Subject: Cabin branch outlets

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Niraj Patel <datnodr@hotmail.com>
Subject: Cabin branch outlets

Message Body:

Please approve the planned cabin branch outlets. Many neighbors are very excited to have this development in our town. Thank you.

23308 bent arrow dr

Clarksburg
Maryland
20871

Garcia, Joyce

RECEIVED
JUN 26 2013

From: Joel Sandler <joel@joelsandler.com>
Sent: Tuesday, June 25, 2013 6:22 PM
To: MCP-Chair
Subject: Clarksburg outlet center

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

As a resident of Clarksburg I have to express my concern and voice my opposition to the proposed outlet center. I do not believe the claim that an outlet center has a lower impact on traffic than a hospital. As a hospital administrator I have NEVER seen traffic even close to what I have observed at other outlet centers or shopping malls. With 270 well past capacity at rush hour and local roads creating additional problems I am not supporting adding additional traffic at other times. While I look forward to economic growth in Clarksburg I want to make sure the infrastructure can support it first. Please feel free to contact me with any questions at my number below.

Sincerely,

Joel Sandler
23033 Turtle Rock Terrace
Clarksburg, MD 20871
713-203-8176

Garcia, Joyce

From: Yudi Srisawasde <yudisri58@hotmail.com>
Sent: Tuesday, June 25, 2013 9:31 PM
To: MCP-Chair
Subject: Outlet at Cabin Branch

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Yudi Srisawasde <yudisri58@hotmail.com>
Subject: Outlet at Cabin Branch

Please approve this outlet project. I and family have been waiting for something like this for so so long.

Thank you.

12913 Benton Park Circle

Clarksburg
Maryland
20871

May 25, 2013

Dear neighbor:

There has been much buzz among our friends, clients and neighbors about the confusing mix of potential retail developments in Clarksburg introduced recently in the press and at community meetings. As someone who is very interested in our community, I thought a summary review of the facts might be useful to help all of us better understand what is being proposed.

While newspapers have mentioned a retail conflict, I'm not sure I agree. For a long time, there has been discussion about the Town Center, and hopefully we will see this come to fruition. With regard to the two other developments being discussed, both can help make Clarksburg more vibrant – and as a result could help make the Town Center and the rest of Clarksburg a more viable and vital neighborhood.

The attached chart provides some simple, key facts about each proposed development, including websites with more detail and contact information for the respective development teams. Please also feel free to call me with additional thoughts or questions.

I hope this basic information is helpful. Personally, I can't wait for Clarksburg to have more amenities and shopping options!

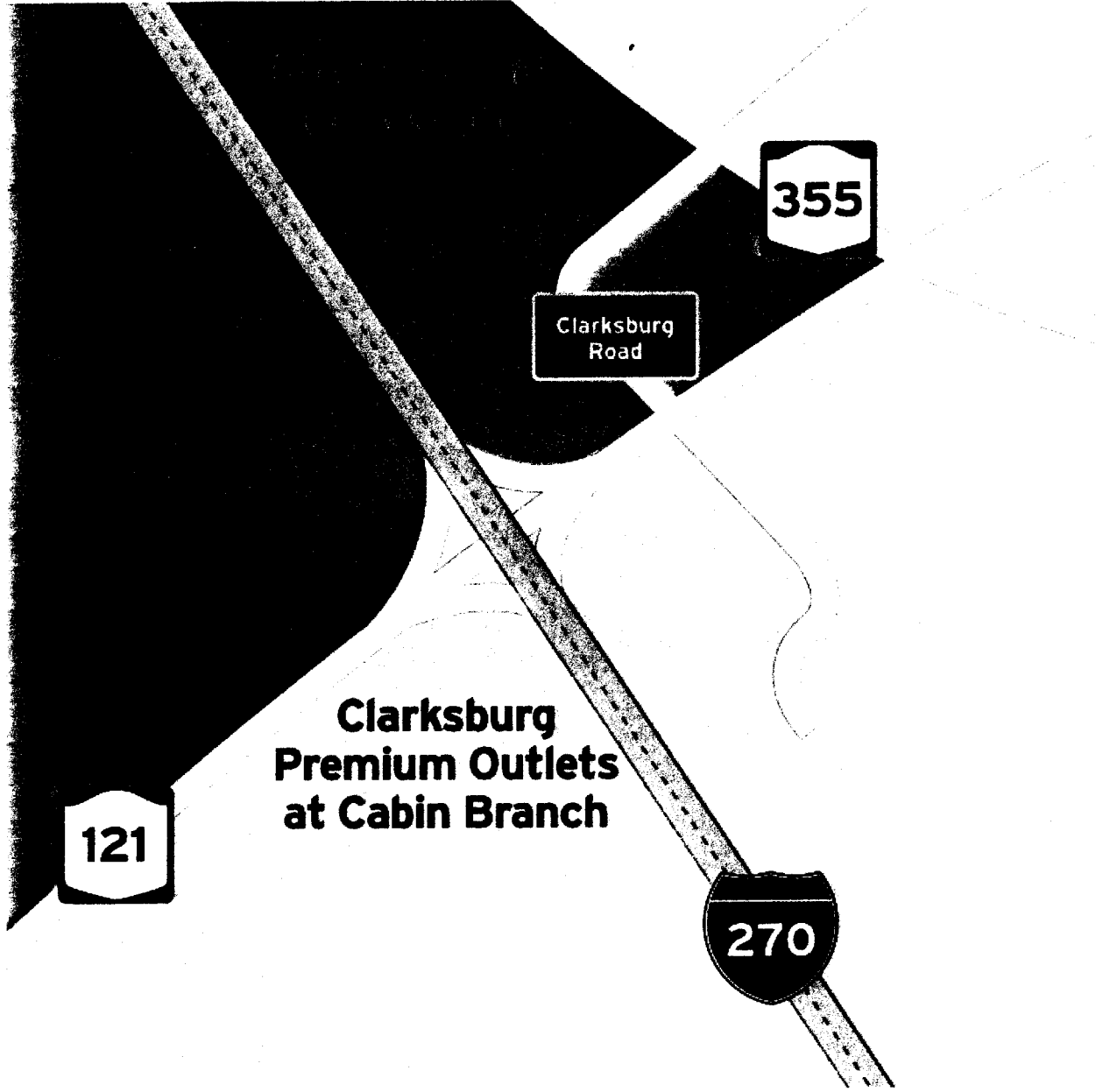
All the best,



Ibi Sofillas, Broker
MyRealtyTeam Real Estate LLC
301-972-5031

P.S. For news and updates, you can also visit our website at www.ClarksburgLovelyHomes.com or our Facebook page at www.Facebook.com/ClarksburgLiving.

MAP OF PROPOSED DEVELOPMENTS



121

**Clarksburg
Premium Outlets
at Cabin Branch**

Clarksburg
Road

355

270

SUMMARY OF DEVELOPMENT PROPOSALS IN CLARKSBURG

Property:	ADVENTIST HEALTHCARE	MILES COPPOLA
Location:	West of I-270; South of Clarksburg Road (121) North of West Old Baltimore; East of Cabin Branch Avenue	East of I-270; North of Clarksburg Road (121) West of Frederick Road (355) South of Ten Mile Creek
Developers:	Simon Property Group Streetscape Partners New England Development	Peterson Companies Tanger Outlets
Proposed Development:	Clarksburg Premium Outlets at Cabin Branch would include a Premium Outlet Center, restaurants, a food court, public plazas and an outdoor, green amphitheater. Later phases of development would result in an integrated, mixed-use development that includes retail, restaurants, office, hotel, residential and senior housing.	Streamside at Clarksburg would include a Tanger Outlet Center, hotel, restaurants, entertainment plaza and multi-family residential.
Traffic Studies/ Road Improvements/ Access:	Access to the property would be from I-270 ramps onto Rt. 121 west of I-270. Traffic studies are complete and the County has determined the road improvements that are required, including widening parts of Rt. 121, widening the off-ramp onto Rt. 121 and building a new on-ramp adjacent to the property, all to be completed prior to opening by the developer.	Access to the property would be via Frederick Road (355), and/or Stringtown Road/Clarksburg Road. Traffic studies need to be completed and traffic mitigation/road improvements are not yet determined. There has been some discussion regarding access to the property via a new "Conservation Drive" or "355 bypass" once funded and constructed.
Zoning Status and Approvals:	The property is currently zoned for mixed-use/commercial, and all subdivision, environmental, traffic and forest conservation approvals have been completed. Roads and sewer lines are already under construction.	The property is currently zoned single family or residential. Proposed zoning changes are under review as part of Stage 4 of the Clarksburg Master Plan. The site is also under Master Plan review for its impact on Ten Mile Creek, which could be completed by October of 2013. The site must then go through a rezoning process. If it is rezoned for mixed-use, there will be subdivision, environmental, traffic and forest conservation reviews and approvals still required.
Timeline:	If development plans are approved this September, site plan approvals will be required next. On an aggressive timeline, the center could be complete and open by the end of 2015.	Rezoning could take until Spring or Summer 2014 to be completed, followed by typically two to three years for subdivision, environmental, traffic and forest conservation reviews. Site plan approval would then be required.
Risks to Timeline:	Though the site is zoned and the majority of approvals are in place, the development plan amendment and site plan review process could delay the project perhaps six months such that it may not open until early 2016.	Before beginning the rezoning process, the Master Plan process must conclude. In addition, environmental reviews to determine impact on Ten Mile Creek watershed are underway. These processes and the ensuing number of sub-approvals required could take an additional one or two years to complete, resulting in a 2018 or 2019 opening.
More Information:	www.cabinbranchoutlets.com www.premiumoutlets.com www.simon.com/premiumoutlets	www.tangeroutlet.com www.petersoncos.com

Tesfaye, Elsabett

From: douglas tucker <douglasmtucker@yahoo.ca>
Sent: Monday, June 10, 2013 9:45 PM
To: Carrier, Francoise; Carter, John; Tesfaye, Elsabett
Subject: Support for Clarksburg Premium Outlets at Cabin Branch

Douglas M. Tucker
12928 Clarks Crossing Drive
Clarksburg, MD 20871

10June2013

Francoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Carrier,

My wife and I have been residents of Clarksburg since 2007, when we moved to Maryland from Wisconsin. We, like many of the residents of Clarksburg, have been waiting for several years for something positive to happen to the community, something to stimulate the retail and business environment, something to provide a strong economic base upon which we can build a strong community.

I think that it is fair to say that the community has been repeatedly frustrated by over-reaching promises, and underwhelming delivery. My wife and I had high-hopes for the proposed construction in Clarksburg of a healthcare facility to serve the up-county area. While we understand the decision to locate the facility in Germantown, that decision does leave a void in the our community.

We are again encouraged by what we have learned about Clarksburg Premium Outlets at Cabin Branch. We think that the proposed plan puts to good use the land previously proposed for the hospital. We understand that utility infrastructure, traffic evaluation, and environmental impacts on the site have already been fully vetted as part of the proposed hospital project. Converting the area to a retail project makes sense, and should not take a lot of 're-thinking', 're-working', time or cost. It is our understanding that the water and sewer construction and road improvements are already underway, and as I understand it, zoning and subdivision approvals have been granted and require only minor changes. We like the fact that plans exist to both widen the 270 off-ramp and the

121 bridge over 270, as well as have a direct access via an on-ramp to 270. These efforts should go a long way towards mitigating traffic impacts to residents, and help to reduce the need for 'bypass' traffic onto 355 (which is already over-burdened, in my opinion).

I attended the 'livable Clarksburg' meeting on May 29th, and listen to all of the presentations. I came away from that meeting with an appreciation for the environment in which we live, and a particular appreciation for the Ten-Mile Creek. I think the community needs to think long and hard before beginning new developments in the Ten-Mile Creek watershed; given what I heard, I am not in favor of upsetting that watershed.

I urge you to support Clarksburg Premium Outlets at Cabin Branch. Doing so will provide for the Clarksburg community an excellent business foundation upon which a strong community can be built.

Sincerely,

Douglas M. Tucker

<Francoise.Carrier@mncppc-mc.org><John.Carter@mncppc-mc.org><Elsabett.Tesfaye@mncppc-mc.org>

[]
[]

Garcia, Joyce

From: Andrea Wehbe <anwehbe@gmail.com>
Sent: Tuesday, June 25, 2013 6:24 PM
To: MCP-Chair
Subject: Outlets @ Cabin Branch

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Andrea Wehbe <anwehbe@gmail.com>
Subject: Outlets @ Cabin Branch

Message Body:

I just wanted to let the Planning Board know that I, Andrea Wehbe, fully support the Premium Outlets at Cabin Branch in Clarksburg. I am a Clarksburg Town Center resident of 3 years, and plan on being here for a long time. I am excited about the prospect of being able to shop (premium) right here in Clarksburg, rather than driving to Bethesda, Tyson's Corner, or Leesburg.

23911 Burdette Forest Rd

Clarksburg
Maryland
20871

Garcia, Joyce

From: Baozhu Wei <baozhuwei@yahoo.com>
Sent: Tuesday, June 25, 2013 8:42 PM
To: MCP-Chair
Subject: Outlet Mall

RECEIVED
JUN 26 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Baozhu Wei <baozhuwei@yahoo.com>
Subject: Outlet Mall

I support the outlet Mall project at Clarksburg

12642 granite rock road

Clarksburg
Maryland
20871

June 27, 2013

Lynn A. Robeson, Esq.
Hearing Examiner
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Re: Cabin Branch – Development Plan Amendment (DPA 13-02)

Dear Ms. Robeson:

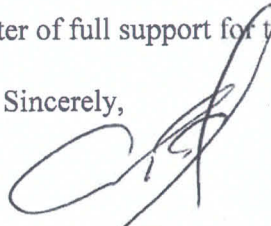
We are writing to you today to voice our support for the referenced DPA. By way of background, Winchester Homes owns approximately 176 acres of land within the planned Cabin Branch community, and jointly owns approximately 42 acres. We have been working on this project for more than 10 years and now have all the development approvals in place to move forward with our development. More specifically, we have obtained approval of the Zoning, Development Plan, Preliminary Plan, Infrastructure Site Plan, Detailed Site Plans and numerous related approvals allowing us to begin construction of 968 dwelling units (consisting of single-family units and townhomes) in a phased manner. In fact, we have been under construction with initial earth work on the site, have commenced Sales (Have our first Home Sale!), and will be starting individual units later this year. Cabin Branch is a major investment for our company and a major resource for us and the County for years to come. This DPA will complement our plans.

Throughout the process, we have partnered closely with Adventist HealthCare with respect to the property they own at Cabin Branch. Their property adjoins our property and comprises the overwhelming majority of the land slated for commercial development at Cabin Branch. For years, we were working with Adventist HealthCare with the anticipation of them building an up county hospital, nursing facilities, medical office buildings and other related uses on the northern portion of the property they own, with the larger portion to the south remaining available for future mixed-use development. We, like many in the Clarksburg area, were very disappointed three years ago when the State of Maryland decided instead to award a Certificate of Need for a new up county hospital on the Montgomery College campus in Germantown rather than on the land Adventist HealthCare had purchased for that purpose many years earlier. This leaves Adventist HealthCare with the site that is the subject of this application, without an intended use. We were pleased to learn last year that Adventist HealthCare wanted to

seek approval to revise its mixed-use employment center plans at Cabin Branch to include more significant retail uses. Since then, we have worked closely with Adventist HealthCare and its Cabin Branch team in terms of defining the uses, design and other features for the portion of Cabin Branch that is the subject of this application. We are thrilled with the plan for a major retail component because we believe it will provide an important catalyst for the full development of Cabin Branch over the coming years as well as build out of development envisioned in the Clarksburg Master Plan nearly 20 years. It has been our experience that quality retail services such as those proposed in this application are essential to the creation of a vibrant community and will serve to attract business and future residents to Clarksburg. We believe this will incentivize development on both sides of I-270 in Clarksburg including the Town Centre retail area.

Please consider this as our letter of full support for the DPA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Shapiro', written over a yellow highlight on the company name below.

Winchester Homes Inc.

Alan Shapiro
President

cc: Francois Carrier, MNCPPC Planning Board Chair
John Carter, MNCPPC
Elsabett Tesfaye, MNCPPC

SMTM Cabin Branch East, LLC
SMTM Cabin Branch West, LLC
8130 Boone Boulevard, Suite 100
Vienna, VA 22182

June 26, 2013

Lynn A. Robeson, Esq.
Hearing Examiner
Office of Zoning and Administrative Hearings
100 Maryland Avenue, Room 200
Rockville, Maryland 20850



Re: Adventist HealthCare, Inc./Cabin Branch Commons, Inc.
(Development Plan Amendment No. 13-02)

Dear Ms. Robeson:

Our company is the owner of a 7.24 acre parcel located along MD Route 121, just west of I-270. I am writing to you today to express our support for this Development Plan Amendment.

Our property lies within the Cabin Branch Neighborhood and has been planned for an integrated component of commercial uses, related to and drawing from other development within Cabin Branch. Our property is zoned MXPDP and we have obtained subdivision and site plan approval for construction of 87,500 square feet of employment uses (hotel and two banks) and 8,600 square feet of retail use. We are aware the plans reflected in this DPA for development of the property across MD Route 121 (relocated) from our site reflect a mix of retail/employment uses. These uses will have a catalytic effect on the development and operation of our approved uses, and we believe our site, likewise, will serve those uses very well. Hotel and retail services

Lynn A. Robeson, Esq.
June 26, 2013
Page 2

function very compatibly and we believe the long term effect of the development proposed in the DPA will also energize other employment development within Cabin Branch.

We ask that you recommend approval of this project.


Very truly yours,

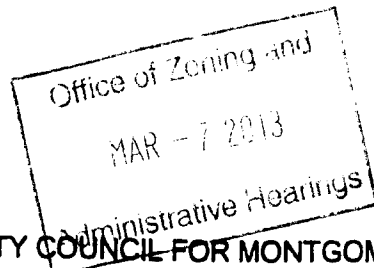


Barry R. Gosnell
Member, SMTM Cabin Branch East, LLC
and SMTM Cabin Branch West, LLC

cc: Ms. Françoise Carrier
John Carter
Elsabett Tesfaye

C. RESOLUTIONS

 Attachment-C



Resolution No. 15-326
 Introduced: September 9, 2003
 Adopted: September 9, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
 SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
 OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
 IN MONTGOMERY COUNTY,**

By: County Council

Subject: APPLICATION NO. G-806 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,
 Robert Harris, Esquire, Jody S. Kline, Esquire and Stephen J. Orens, Esquire, Attorneys
 for Purchasers, OPINION AND RESOLUTION ON APPLICATION
 Tax Account Nos. 02-00016905; 02-00016916; 02-00022666; 02-00020725

OPINION

Application No. G-806, filed on December 16, 2002 by Applicants Adventist Healthcare, Inc., FFTM I Limited Partnership and King Farm Partnership, LLP, requests reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPB Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District. As required under Code § 59-D-1.11, the application was accompanied by a Development Plan with binding specifications related to land use, density, development standards and staging. Development under the MXPB Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the MXPB Zone.

The Hearing Examiner recommended approval of the application on the basis that (i) the submitted Development Plan satisfies all of the applicable requirements set forth in the Zoning Ordinance; and (ii) the proposed rezoning and development would satisfy the purposes and standards of the MXPB Zone, would be compatible with existing and planned land uses in the surrounding area, and would serve the public interest. The Montgomery County Planning Board (the "Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The Applicants seek reclassification of approximately 283.5 acres of land in Clarksburg, which will be referred to as the "subject property." The subject property comprises roughly ⁵/₆ the eastern

DPA 13-02

half of a 535-acre tract of land that has been assembled by the Applicants and a fourth party, Winchester Homes, Inc. (together, the "Property Owners"). This 535-acre area forms a triangle abutting Clarksburg Road (MD 121) to the west and north, I-270 to the east and West Old Baltimore Road to the south, and will be referred to as the "Cabin Branch Community." The Applicants propose to develop the entire Cabin Branch Community as a single planned development with residential, employment, retail and service uses. The portion of the Cabin Branch Community outside the subject property is intended to be developed under its existing RMX-1/TDR zoning.

While each of the Property Owners retains the right to proceed with the development of its property independently, the development team approached the whole of the Cabin Branch Community as a single project. As a result, all of the graphical exhibits in the record, including the Land Use Plan that is the central component of the Development Plan, cover the entire Cabin Branch Community. Moreover, the Property Owners intend to present to the Planning Board a single application for preliminary plan approval for the entire Cabin Branch Community. For ease of reference, the Cabin Branch Community as a whole will sometimes be referred to as the "site," and the 251.5 acres not included in the subject property will be referred to collectively as the "west side" of the site.

The subject property is comprised of the 127.7-acre Gosnell parcel (also known as the King Farm Limited Partnership parcel), the 13-acre Faller parcel, and the 142.8-acre Adventist HealthCare parcel, for a total of 283.5 acres. It has approximately 4,000 feet of frontage on I-270, 2,100 feet of frontage on Clarksburg Road, and 1,600 feet of frontage on West Old Baltimore Road. The property is dominated by fields in active agricultural use, bordered by hedgerows, and has several abandoned farm buildings. A stream valley for a tributary of Little Seneca Creek flows through the subject property and is partially forested. The majority of the subject property lies within the Clarksburg Special Protection Area.

The west side of the site (outside the subject property) is developed in a similar fashion, with fields in active agricultural use and a small number of abandoned farm buildings. It also contains a small property known as the Magee Property, which is the location of the Byrne-Warfield House,

designated in the *1994 Clarksburg Master Plan* as a historic site. The Property Owners have contracted to purchase the Magee Property and intend to preserve this historic site as a community amenity. A tributary of Cabin Branch Creek runs through the west side of the site. Most of the stream valley, as well as a sizeable area adjacent to it, is forested. Two small areas in the west side of the site are within the Clarksburg Special Protection Area.

The surrounding area for this application is bounded roughly by I-270 on the east, an undeveloped I-3 zoned parcel adjacent to the new Clarksburg Detention Center on the north, Ten Mile Creek on the west, and Black Hill Regional Park and the Linthicum West Realty property to the south. The surrounding area is dominated by agricultural fields to the north, west and south, classified under the RE-1/TDR Zone, and Black Hill Regional Park to the south. Scattered houses have been and are being developed along Clarksburg Road and West Old Baltimore Road in the RE-1/TDR Zone. Immediately north of the subject property are the Clarksburg Road/I-270 interchange, a rubble excavation area left over from I-270 construction, a recently built Montgomery County Detention Facility, and undeveloped land classified under the I-3 Zone. Immediately south of the Cabin Branch Community, abutting the south side of West Old Baltimore Road, is the Linthicum West Realty property, which is designated in the *1994 Clarksburg Master Plan* for residential development under the RE-1/TDR Zone. East of I-270 (outside the designated surrounding area) are the Gateway 270 Corporate Office Park and the Lockheed Martin office development.

The subject property was classified under the RR Zone (Rural Residential, now known as R-200, 20,000-square-foot minimum lot size) in the 1958 Countywide Comprehensive Zoning. It was rezoned to a combination of RE-1/TDR, RMX-1/TDR and I-3 by sectional map amendment G-710 in 1994.

The *1994 Clarksburg Master Plan* (the "Master Plan") was intended to "guide the growth of Clarksburg from a rural settlement to a transit- and pedestrian-oriented town surrounded by open space." Master Plan at 15. It divides the study area into a series of geographic areas including the "Cabin Branch Neighborhood," a 950-acre area that includes the Cabin Branch Community north of

West Old Baltimore Road, plus an additional 415 acres south of West Old Baltimore Road. See Master Plan at 40-41. The Cabin Branch Neighborhood is the only area of Clarksburg west of I-270 that the Master Plan proposes for significant residential development. The Master Plan identified several reasons to designate this area as a "mixed-use neighborhood center," including proximity to the Boyds commuter rail station and the transitway (a dedicated light rail or bus route) proposed east of I-270; access to Clarksburg Road, which has one interchange with I-270 and is planned for a second one; land ownership in several large parcels conducive to an overall planned development concept; close proximity to Black Hill Regional Park offering the opportunity for a strong neighborhood-park relationship; and extensive frontage on I-270, opposite existing high-tech uses. See Master Plan at 64. Relevant Master Plan objectives for the Cabin Branch Neighborhood are outlined below.

- Provide a mix of uses including 1,950 residential dwelling units (45 to 55 percent detached, 35 to 45 percent attached, and 10 to 20 percent multi-family), 2–2.3 million square feet of employment uses, 120,000 square feet of retail space, and public uses including places of worship, child care, a community building, a park and an elementary school.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor, with RMX and I-3 as base zoning along I-270 and rezoning to MXPD recommended.
- Create a transit-oriented land use pattern that facilitates bus access and circulation, with a neighborhood core that is linked by bus to the proposed transitway east of I-270 and to the existing MARC station in Boyds, and that is located within one-quarter mile of as many residential units as possible.
- Maximize access to the proposed open space system by locating public uses such as a local park, an elementary school and passive open spaces adjacent to the Cabin Branch stream valley, locating residential streets adjacent to the stream

valleys on at least one side, and connecting the two central stream valleys with public open spaces.

- Provide an interconnected roadway system with site access via a widened Clarksburg Road and an extension of Newcut Road as a four-lane highway from Clarksburg Road, through a new I-270 interchange, to Mid-County Highway; West Old Baltimore Road was also described as an attractive rural road that should not be widened, but was also designated as an Arterial Highway which, if built to County standards, would require a wide corridor and widening of the roadway from the existing 20 feet to 44 feet including shoulders.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Emphasize protection of the west fork of Cabin Branch, which has high water quality and tree cover.

The Development Plan in this case contains adequate information concerning the required elements, including site access, proposed buildings and structures, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. The Land Use Plan divides the Cabin Branch Community into Areas A, B, C and D, which constitute the subject property, and Area E on the west side. While it does not specifically identify the intended use of each individual structure, the Land Use Plan identifies the type and density of land uses to be built in Areas A through D and specifies, in the tables reproduced on the next page, the maximum total density to be permitted for each type of use in the entire subject property.

The Land Use Plan includes a development program that outlines the phasing for development of structures, open spaces, vehicular and pedestrian circulation systems and recreational facilities. Pursuant to this development program, the first buildings to be constructed on the subject property are required to be office and health care facilities in Area C and office facilities in Area A. The

**Uses and Densities on Subject Property
Excerpted from Land Use Plan, Exhibit 67(g)**

Tables from Page 18 of HE Report

Land Use Plan also identifies planned recreational amenities, including the stream valley buffer areas, in which no construction is to occur except for utilities, road right-of-way and stormwater management.

The Land use Plan also includes "General Notes" that provide important commitments by the Applicants, including the following:

- Note (2) restricts development in Areas A through D to the uses and densities specified in the summary tables.
- To demonstrate compliance with MXPDP requirements, notes (3) and (4) specify, for Areas A through D, maximum residential densities and minimum and maximum square footage and floor area ratio ("FAR") for employment uses.
- In compliance with the MXPDP Zone, note (7) requires at least 50 percent green area in the residential area of the subject property and 40 percent in the commercial area.
- Note (8) underscores the binding nature of the maximum densities specified in the MXPDP Yield Summary table.
- Note (9) memorializes the commitment to dedicate land for road right-of-way as required at preliminary plan review.

The Applicants have specified on the Land Use Plan additional binding elements in textual form, which were developed jointly by the Applicants, Technical Staff and the People's Counsel. Some of the binding elements apply to the west side of the site as well as to the subject property. The first binding element commits the Applicants to acquiring the same number of transferable development rights that would be required if all of the property currently classified under the RMX-1/TDR Zone were developed according to its existing zoning. Other binding elements commit the Applicants to dedicating sites for an elementary school, a local park and a recreation facility; considering trip reduction measures during preliminary plan review; creating a network of interconnected public and private streets in a grid pattern; designing streets with pedestrian-friendly elements; designing the road that leads to Black Hill Regional Park to serve as a park gateway; maintaining the rural character of West Old Baltimore Road by minimizing environmental impacts and providing generous green edges; including in the service/public uses up to 500 dwelling units for seniors or persons with disabilities; and providing on-street parking on streets with retail uses. Binding element number 5 contains a clerical error that should

be corrected, as specified on page 21 of the Hearing Examiner's Report and Recommendation, to correspond more closely to the evidence of record.

The Development Plan includes a Road Hierarchy Plan, Exhibit 47, which shows that the main roadways through the development would be First Avenue and Second Avenue, running north/south from Clarksburg Road to Newcut Road. First and Second Avenues are both numbered A-304 because they represent a reconfiguration of the Master Plan-designated Route A-304, which was recommended to be a four-lane divided highway. To better support the goal of a pedestrian- and transit-friendly development, the Applicants show A-304 as two separate, two-lane roadways that would run roughly parallel to one another. Both would be divided by medians and allow on-street parking.

The Master Plan recommended that Newcut Road be constructed as a four-lane divided highway from Clarksburg Road to Mid-County Highway, with a new interchange at I-270. Newcut Road was to serve as one of the main through points for traffic. To avoid the environmental damage of building Newcut Road through the middle of the Cabin Branch stream valley, and to avoid having a major highway pass through the development, the Applicants propose Newcut Road as a two-lane road (divided by a median) extending from West Old Baltimore Road north to the terminus of Second Avenue, where it would turn east and connect with a new I-270 interchange. Thus, traffic bound for I-270 would need to use West Old Baltimore Road to get from Clarksburg Road to the Newcut Road interchange, or drive up Clarksburg Road to its interchange with I-270 a short distance to the north. The Applicants propose to widen West Old Baltimore Road to accommodate additional traffic.

The Master Plan recommended widening Clarksburg Road to six lanes for a short distance south of its interchange with I-270, then to four lanes from there to its new intersection with Newcut Road, and to two lanes from that point south to Boyds. The Applicants propose to widen Clarksburg Road to six lanes for a short distance south of the I-270 interchange, then to four lanes from that point to Second Avenue, which is considerably north of where Newcut Road would have intersected Clarksburg Road under the Master Plan concept. The Applicants propose to taper Clarksburg Road down to two lanes immediately south of Second Avenue.

The Applicants were supported in their decisions concerning Newcut and Clarksburg Roads by Technical Staff, who testified that the environmental harm attendant to extending Newcut Road to Clarksburg Road through the Cabin Branch stream valley was too great to justify the transportation benefit. Technical Staff also stated that based on current transportation modeling, the full number of lanes recommended for Clarksburg Road in the Master Plan is not needed. See Tr. June 12 at 123-132. Staff opined that replacing the four lane recommended Route A-304 with two two-lane, pedestrian-friendly streets, consistent with a short-block grid pattern, would be valuable in attaining the Master Plan goal of integrating the employment areas into the overall Cabin Branch Community. See Staff Report, Ex. 38 at 17.

The plans for the Cabin Branch Community incorporate principles of traditional neighborhood design such as creating neighborhoods with a pedestrian scale, mixing uses horizontally and vertically, and locating both public and private services and amenities within a five-minute walk of as many residences as possible. These principles were applied in designing the interconnected road system, short blocks, buildings close to the road with parking in the rear, numerous bus stops, and a retail core area along First Avenue, within a five-minute walk for many residents. The Development Plan includes specific efforts to create physical and visual connections to the stream valleys throughout the Cabin Branch Community, including parks, trails, and open spaces between buildings. The design would employ structured parking to reduce the amount of surface parking. Where surface parking is used, the Applicants intend to incorporate bio-retention stormwater management facilities into landscaping areas. This would avoid large, unrelieved paved parking areas and at the same time contribute significantly to protecting groundwater quality and quantity.

The District Council finds that the Development Plan submitted with this application satisfies all of the applicable requirements under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below.

§59-D-1.61(a): master plan consistency. The proposed development of the subject property is fully consistent with the uses and density indicated by the *1994 Clarksburg Master Plan*.

The Master Plan designated the subject property as part of a mixed-use neighborhood with employment, retail, public uses and residential, and the Applicants propose the same mix of uses. The potential number and types of residential units the Applicants propose on the subject property is consistent with the Master Plan's recommendations for the number and type of residential units in the Cabin Branch Neighborhood. The square footage of employment and retail uses proposed by the Applicants also is consistent with the amounts recommended in the Master Plan. Evidence related to the county capital improvements program indicates that that the proposed reclassification would not conflict with that program.

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development. The purpose clause for the MXPDP Zone contains a number of goals and objectives, all of which are satisfied by this application. The District Council's findings as to each section of the purpose clause are set forth below.

Introductory paragraph and paragraph (a): Master Plan implementation. The proposed rezoning would allow implementation of the Master Plan recommendation to develop the subject property as part of a comprehensively planned, multi-use center. As stated by Technical Staff, "the MXPDP Zone will permit an integrated approach to design and development in which land uses are combined, densities are shared, impact on the environment is mitigated, and infrastructure is located in an efficient manner without the constraints of property [or zoning] lines." The proposed reclassification would provide the flexibility needed to allow the Property Owners to cooperate productively in creating a single, comprehensively planned mixed-use center. As a result, the subject property would be developed in a fashion more consistent with the objectives of the Master Plan than would be possible with the current split zoning.

Paragraph (b): concept plan. The Applicants chose not to use the concept plan option.

Paragraph (c): higher density residential uses integrated into overall multi-use center. The Land Use Plan includes higher-density multi-family residential uses as an integral part of the

development. Most of the multi-family uses would be within easy walking distance of the retail core, and all would be in close proximity to employment uses and other types of residential development. The system of interconnected roadways, trails and open space would strengthen the linkages between higher-density uses and lower-density residential, public parks and other recreational amenities.

Paragraph (d): internal compatibility of residential and nonresidential uses. The Land Use Plan presents a development with a high degree of internal compatibility. The density and intensity of uses decrease from the I-270 frontage to the west side of the property, allowing employment uses to provide a noise buffer for most of the residential uses while placing most of the residential units within a five-minute walk of the retail core. Residents would have easy access to commercial, recreational, employment and institutional amenities within the non-residential areas, including shopping, employment opportunities, health services, parks and other open space.

Paragraph (e): ensure compatibility with surrounding uses through higher standards of land planning and site design than under conventional zoning. The Development Plan required in the MXPD Zone serves as an additional, more comprehensive level of review than would be required for the underlying zones. The MXPD Zone also incorporates specific standards, particularly with regard to setbacks, that assure compatibility with adjoining uses. Moreover, the proposed reclassification would permit a comprehensive, integrated approach to developing the subject property which, by its nature, involves higher standards of land planning and site design than could be accomplished under the differing requirements of the existing zoning classifications.

Paragraph (f): open space to benefit community generally, with physical and aesthetic integration of uses and activities within the development, structured parking to minimize surface parking, and landscaping for surface parking. Open space to be provided on the subject property includes the Little Seneca stream valley, the Central Park, additional urban parks and open spaces, and trail connections. Additional open space including the Cabin Branch stream valley would be available on the west side of the site. Many of these elements would be along the edges of the subject property, making them accessible to the general community for relaxation, recreation and social activity. The grid pattern

of the roadways, the attention to maintaining open vistas of the stream valleys and links between the two main stream valleys, the location of the larger recreational amenities abutting a stream valley, and the extensive system of trails, bike paths, parks and other open spaces would result in a high degree of physical and aesthetic integration of uses and activities. The Applicants intend to incorporate on-street parking, structured parking, and extensively landscaped surface parking in the development.

Paragraph (g): comprehensive non-vehicular circulation networks and linkages among different types of uses. The Development Plan incorporates a comprehensive non-vehicular circulation network including an interconnected system of sidewalks, trails and bike paths, with short blocks in a grid pattern to encourage residents to walk within the development. This network would provide extensive linkages among the various uses and open spaces on the subject property and in the Cabin Branch Community as a whole.

Paragraph (h): efficient use of energy resources. The evidence demonstrates that the Applicants are aware of this element of the purpose clause and will explore a variety of measures to satisfy its requirements, including installing energy-efficient appliances, windows and lighting fixtures.

Paragraph (i): preserve and take the greatest possible aesthetic advantage of trees, and minimize grading. The submitted Development Plan includes preservation of higher quality forest as well as reforestation and afforestation in the stream valleys. Applicable forest conservation requirements would be satisfied on site. The comprehensive approach taken to development of the subject property and the Cabin Branch Community as a whole would allow the site design to follow the topography and minimize grading.

Final paragraph: three findings. The purpose clause states that the PD Zone may be approved if three findings are made:

- (1) the application is proper for the comprehensive and systematic development of the county;
- (2) the application is capable of accomplishing the purposes of this zone; and
- (3) the application is compatible with the general plan and applicable master plan.

As explained further in the remainder of this resolution, based on the preponderance of the evidence, the District Council concludes that the proposed reclassification is proper for the comprehensive and systematic development of the county, is capable of accomplishing the purposes of the MXP zone, and is compatible with the general plan and the applicable master plan.

The MXP Zone includes a number of standards and regulations, each of which would be satisfied by the proposed development of the subject property. These regulations and the application's compliance with them are summarized below.

59-C-7.51(a): Master Plan. Land cannot be classified under the MXP Zone unless it is recommended for mixed-use development in an approved and adopted master plan. The 175-acre portion of the subject property fronting on I-270, which corresponds roughly to the area from I-270 to First Avenue, was recommended in the Master Plan for MXP mixed-use zoning. The remainder of the subject property was recommended in the Master Plan for its current zoning classification, RMX (Residential Mixed Use).

59-C-7.51(b): Minimum area. At 283.5 acres, the subject property substantially exceeds the 20-acre minimum for the zone.

59-C-7.51(c): Adjacent and readily accessible from major highways. The subject property is located adjacent to and has access to I-270, a major limited access freeway.

59-C-7.52(a): All residential uses permitted. The proposed development would include single-family detached, single-family attached and multi-family residential dwellings, as well as housing and related facilities for senior adults or persons with disabilities. The planned development would follow closely the recommendations of the Master Plan. Locations and types of residential units proposed are shown on the Development Plan, with multi-family uses close to both commercial and lower density residential uses. Multi-family uses would be integrated in the overall fabric of the development and would contribute to the mix of uses along the main street in the development, First Avenue.

59-C-7.52(b) and (c): Commercial and Industrial. The submitted Development Plan shows the location and general types of commercial and industrial uses, as required.

The District Council's approval of the Development Plan includes approval of the locations and general types of commercial and industrial uses proposed. Retail uses would occupy roughly ten percent of the commercial floor area, well below the 20 percent limit. Industrial uses would comply with the environmental control provisions of Section 59-C-5.46.

59-C-7.52(d): Transitory use. Transitory uses are permitted; none are proposed.

59-C-7.52(e): Equipment. Any installation of rooftop-mounted antennas and related unmanned equipment will comply with §59-A-6.14, as required.

59-C-7.53(a). The maximum residential density proposed on the subject property is approximately 20 dwelling units per acre, consistent with the recommendations of the Master Plan and well below the limits set for the zone.

59-C-7.53(b). The District Council must determine whether the density applied for is appropriate, taking into consideration the master plan, the purposes of the MXP Zone, the requirement to provide MPDUs, and county housing policy. The proposed density is well below the maximum permitted in the zone, so clearly it is not excessive. A moderate overall density is appropriate in light of the Master Plan recommendations specifying a maximum of 1,950 residential units in the entire 950-acre Cabin Branch Neighborhood, and the emphasis in the purpose clause on compatibility. A development with densities approaching the levels permitted in the MXP Zone would have difficulty maintaining compatibility with the largely rural, low-density uses in the surrounding area. Accordingly, the District Council finds that the residential density proposed for the subject property is appropriate for the site.

59-C-7.53(c). The Master Plan recommended a comprehensively developed mixed-use center with residential and non-residential components, as proposed here. The residential density proposed on the Development Plan is consistent with the recommendations of the Master Plan.

59-C-7.54: Density of commercial/industrial development. The maximum commercial/industrial density proposed on the Development Plan is a FAR of 0.59, which is compatible with the recommendations of the Master Plan and below the limit established for the zone.

59-C-7.55: Compatibility standards. All uses must conform to the purposes of the MXP Zone and must be compatible with existing or proposed uses in the surrounding area. Three threshold requirements apply, related to setbacks and height limits. The Development Plan would satisfy each of these requirements. Moreover, based on a more general consideration of compatibility, the District Council finds that the proposed development would be compatible with existing and proposed uses in the surrounding area.

The proposed development would be a significant change from the current agricultural use of the subject property, and would be a more intense form of development than the rural, low-density uses prevailing in the surrounding area. However, only small portions of the subject property abut residentially developed property, and for the most part the development facing those residences would be buffered by green space and/or roads. The largest borders of the Cabin Branch Community that abut residential uses would be in the west side of the site, where development is intended to be almost entirely low-density, single-family detached residential. The Linthicum Realty property south of the Cabin Branch Community is expected to be developed for single-family residential use, creating easy compatibility in that portion of the site. Mixed-use development of the subject property would result in employment uses along I-270 that would be much more compatible with a high-speed freeway than the existing agrarian uses. Moreover, the proposed development would implement the principal goals of the Master Plan, including focusing development in identified areas and preserving surrounding green space. Technical Staff testified that they found the proposed development to be compatible because of the layout, including setbacks, and because of the support it garnered among Clarksburg residents. For all of these reasons, based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be compatible with existing and proposed uses in the surrounding area.

59-C-7.56: Minimum green area and amenity requirements. A binding element of the Land Use Plan commits the Applicants to meeting the minimum green area requirements for the zone.

59-C-7.57: Public facilities and utilities. The Development Plan provides for property dedication for roadways and for the principal public facilities recommended in the Master Plan: an elementary school, a recreation center/community building, and a local park. The Applicants have represented that all utility lines would be installed underground.

59-C-7.58: Parking facilities. The Applicants have represented that they would satisfy the requirements of Chapter 59-E and that off-street surface parking areas would be carefully designed and landscaped to comply with this provision and a similar provision in the purpose clause for the zone.

In addition to the purpose and regulations of the zone, the application satisfies the requirement to provide for the maximum safety, convenience and amenity of residents. Residents would enjoy a neighborhood developed with a high level of planning and attention to convenience, making the best use of amenities. Many residences would be within a very short of walk of shopping and employment opportunities, and all would have ready access by foot, bicycle, bus or car. Residents would be able to enjoy the aesthetic benefit of the stream valleys within the Cabin Branch Community, close proximity to Black Hill Regional Park, and the view of the surrounding countryside. The extensive, efficient roadway network with its grid pattern and easy access to neighboring roadways would provide for residents' safety.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems. The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient, particularly in view of the extensive roadway improvements that the Applicants would be obligated to provide to satisfy Planning Area Transportation Review and Local Area Transportation Review requirements.

§59-D-1.61(d): preservation of natural features. The evidence supports a finding that because of the comprehensive, integrated nature of the proposed development, it would tend to prevent soil erosion, minimize grading and preserve natural vegetation and other natural features of the site considered to have the highest environmental value. The Development Plan demonstrates that the

Applicants would satisfy forest conservation requirements on-site, and the approved Preliminary Water Quality Plan demonstrates compliance with water resource protection requirements.

§59-D-1.61(e): common area maintenance. The Land Use Plan specifies in binding element number 13 that at site plan review, the owners of the property would enter into a Site Plan Review Agreement providing for perpetual maintenance of open space areas and other areas to be used for recreational, common or quasi-public purposes. This statement satisfies this requirement.

The District Council further determines that the proposed zoning bears sufficient relationship to the public interest to justify it. The proposed rezoning and development would be in substantial compliance with the use and density recommended in the Master Plan. The Development Plan would depart from the Master Plan's recommendations for roadway configuration because the Applicants would widen West Old Baltimore Road to serve as the main east-west through road, instead of directing the main flow of traffic through the new development on Newcut Road. The record contains no discussion of the environmental impacts of widening West Old Baltimore Road, although presumably they are less dramatic than the severe impacts of building a new four-lane roadway through a stream valley. Technical Staff and the Planning Board concluded that under today's standards and based on current traffic modeling, the benefits of extending Newcut Road as recommended in the Master Plan are clearly outweighed by the costs. Based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be in substantial compliance with the *Clarksburg Master Plan*.

The District Council further concludes that the proposed development would be adequately served by and would not adversely affect public facilities in the area. A community member presented anecdotal evidence that development of the roadway network as proposed by the Applicants would have adverse effects on area roadways. While frustration with traffic congestion is understandable, the Applicant presented competent, probative and substantial evidence that the proposed development would not adversely affect traffic congestion during the weekday peak periods, which is the commonly accepted measure of traffic impact in this County. To allow such evidence to be

outweighed by contentions that amount to little more than generalized concerns and unsupported allegations would be counter to the dictates of Maryland law. See *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183, 192-93 (1970); *Moseman v. County Council of Prince George's County*, 99 Md. App. 258, 265 (Ct. Spec. App. 1994).

Correspondence from Montgomery County Public Schools indicates that school capacity may not be adequate to accommodate the proposed development. However, the Planning Board bases its determination concerning school capacity on the AGP, which currently states that school capacity in the Clarksburg/Damascus school district is considered adequate. Under these circumstances, the evidence does not justify denial of the requested rezoning on the basis of school capacity.

For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.


ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-806, for the reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPD Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District, is hereby approved in the amount requested and the Development Plan submitted in conjunction therewith is also approved, subject to the specifications of the Land Use Plan, Ex. 67(g), which forms its central component; provided, however, that within 10 days of receipt of the District Council's approval resolution, the Applicants must submit a reproducible original and three copies of the approved Land Use Plan, Ex. 67(g), with binding element no. 5 revised to read "Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern

with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear”
for certification in accordance with §59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Clerk of the Council



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

OCT 6 2008

MCPB No. 08-117
Preliminary Plan No. 12003110B¹
Cabin Branch Amendment B
Date of Hearing: April 3, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on July 2, 2004, Cabin Branch, LLC, ("Applicant"), filed an application to amend a previously approved preliminary plan of subdivision that was approved for 1,600 residential dwelling units, 1,538,000 square feet of commercial space and 500 dwelling units for senior housing 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 property generally bordered by MD Route 121 to the west and north, Interstate 270 to the east and West Old Baltimore Road to the south ("Property" or "Subject Property"), in the Clarksburg Planning Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12003110B, Cabin Branch Amendment B ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum ("Staff Report"), to the Planning Board, dated March 21, 2008, setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions; and

DBL 9/19/08

Approved for legal sufficiency
M.NCFFPC Office of General Counsel

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on April 3, 2008, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, the Planning Board held a public hearing ("Hearing") on the Application; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 3-0, Commissioners Bryant, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan Amendment No. 12003110B, to allow 286 additional residential dwelling units and 886,000 square feet of additional commercial space on the Property, subject to the following conditions which supersede, in their entirety, any and all previously approved conditions of approval:

- 1) Applicant is bound by all binding elements for Local Map Amendment G-806.
- 2) Total development under this Application is limited to the following uses and density:
 - 1,886 residential dwelling units
 - 2,420,000 square feet of commercial space
 - 500 dwelling units of senior housing
- 3) The Applicant shall satisfy the following transportation improvements:

To satisfy Policy Area Transportation Review for the approved development under the original approval, the Applicant must:

- a. Construct, in accordance with the staging sequence referenced below, Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270.
- b. Upgrade, in accordance with the staging sequence referenced below, West Old Baltimore Road to a two-lane arterial roadway standard between Broadway Avenue and Clarksburg Road (MD 121), as outlined in the Department of Public Works and Transportation's (now, Department of Transportation or "DOT") March 10, 2008, letter to M-NCPPC.

- c. Construct, in accordance with the staging sequence referenced below, two parallel, two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway.
- d. Upgrade, in accordance with the staging sequence referenced below, MD 121 to an arterial roadway standard between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270 that provides for six-lanes of traffic (both ways) on the MD 121 bridge over I-270.

To satisfy Local Area Transportation Review (LATR) for the total build out of development, the Applicant must also provide the following improvements:

- e. Construct, in accordance with the staging sequence referenced below, the following improvement at the MD 121/I-270 northbound on/off ramp:
 - Add a northbound left-turn lane to provide for dual left turn lanes.
 - Add a separate westbound left-turn lane.
 - Signalize the intersection.
 - Widen the Clarksburg Road bridge (MD 121) over I-270 to accommodate one additional through lane in each direction and a media island subject to SHA's requirements.
 - Add a westbound through lane on MD 121. This third westbound through lane would be dropped at the I-270 southbound loop ramp.
 - Add eastbound right-turn lane for I-270 northbound ramp.
 - Provide two lanes on the I-270 northbound ramp.
 - Provide non-automobile transportation amenities which include 2 LED traffic signals, 2 bus shelters, 1 super bus shelter, (defined as a larger than standard bus shelter with heating and lighting), and 3 bike lockers subject to approval by DPWT. If any of the non-auto amenities described here are not acceptable to DPWT, the Applicant must provide other improvements (at the discretion of M-NCPPC-Transportation Planning staff) equal to mitigating the same level of traffic to pass LATR.

- f. Construct, in accordance with the staging sequence referenced below, the following improvements at the MD 121/I-270 southbound on/off ramp:
- Add a westbound through lane.
 - Signalize the intersection.
 - Add an eastbound lane to southbound on-ramp I-270.
- g. Construct, in accordance with the staging sequence referenced below, the following improvements along the MD 121 frontage:
- Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road.
 - Four-lane roadway between Street "A"/Whelan Lane and First Avenue.
 - Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road at this intersection.

The preceding roadway improvements (3a through 3g) must be constructed in accordance with the sequence described in the Cabin Branch Roadway Improvement Phasing Table and associated Diagram dated March 20, 2008 (see Attachment to this Resolution). Construction of all roadway improvements tied to each phase must be complete and open to traffic prior to the issuance of any building permit for the next phase of development.

- h. Construct the following improvements at the MD 121/Gateway Center Drive intersection:
- Reconfigure the existing intersection to provide two lanes for through movement to, and from, the east.

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

i. Construct the following improvements at the Stringtown Road Extended/
Gateway Center Drive intersection:

- Widen eastbound Stringtown Road Extended to provide dual left-turn lanes.
- Convert a southbound Gateway Center Drive through/right lane in to a through lane and construct a free right turn lane with a channelized median.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

j. Construct or participate on a pro rata share in the following improvements at the MD 121/Frederick Road (MD 355) intersection:

- Re-stripe northbound MD 355 to convert from a through-right and a right-turn lane to a through-left and a right-turn lane.
- Modify the traffic signal to meet the requirements of SHA traffic operation with new lane configuration.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

k. Construct or participate on a pro rata share in the following improvements at the MD 355/West Old Baltimore Road intersection:

- Widen eastbound approach of West Old Baltimore Road to provide for a separate right-turn lane
- Widen the northbound approach of MD 355 to provide for a separate left-turn lane and a three-lane section on MD 355 between West Old Baltimore Road and Brink Road.
- Widen southbound approach of MD 355 to provide separate right-turn lane at West Old Baltimore Road.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

- I. Construct or participate on a pro rata share in the following improvement to MD 355 at Brink Road.

- Widen MD 355 south of Brink Road to a four-lane divided section to join the existing four-lane section at Willstone Manor Lane.

This improvement shall be complete and open to traffic before the issuance of 1400th residential building permit and for more than 570,000 square feet of commercial space.

- m. Prior to the issuance of 1,256 residential building permits (not including the 500 units of senior housing), widen the MD 121 northbound off-ramp to 2 lanes. Should the construction of a grade separated interchange at Newcut Road/I-270 be funded in the Maryland Consolidated Transportation Program by the time that the Applicant has obtained bids for the widening of the northbound off-ramp, the Applicant shall then transfer to SHA a sum equal to the actual bid cost of construction for the northbound off-ramp improvement for use in construction of the Newcut Road/I-270 interchange and such contribution shall be considered as having met the Applicant's obligation for such improvement.
 - n. If any of the road improvements identified in the above paragraphs either are now, or become obligations of other projects, applicants of other projects may participate in the joint funding of such improvements. The basis of participation on a pro rata share is the sum of total peak hour trips generated by the subject development over the sum of total peak hour trips generated by all developments required by the Planning Board to participate in the construction of the particular improvement.
- 4) Prior to certification of the initial site plan, the Applicant, M-NCPPC Transportation Planning staff, and DPWT staff shall consider mutually acceptable trip reduction measures. The parking ratios for non-residential uses in the Cabin Branch Community will also be determined at the time of Site Plan review considering the trip reduction goals.
 - 5) All road rights-of-way shown on the approved preliminary plan must be dedicated, by the Applicant, to the full width shown in the Adopted June 1994, Clarksburg Master Plan unless otherwise designated on the preliminary plan.

- 6) All road right-of ways shown on the approved preliminary plan must be constructed, by the Applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes unless modified by DOT or the Montgomery County Department of Permitting Services ("DPS").
- 7) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan including: reforestation of the stream buffers starting in the first growing season after DPS issuance of the initial sediment control permit; and a 5-year maintenance period for all planted areas. Final forest conservation plan(s) to be approved at the time of site plan(s). The Applicant must satisfy all conditions prior to recording of plat(s) or DPS issuance of sediment and erosion control permits.
- 8) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers.
- 9) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways.
- 10) Record plat to reflect to the Board of Education, dedication of an elementary school site as shown on the approved preliminary plan or as modified by Infrastructure Plan or Site Plans. Applicant to grade the site to elevations that are acceptable to MCPS and construct any retaining walls as are necessary to support the program requirements of an elementary school facility. The bounds of the school parcel shall exclude any retaining walls.
- 11) Applicant to convey to M-NCPPC, in fee simple, the agreed area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continuing south along the Little Seneca Tributary to West Old Baltimore Road. The northern portion of the conveyed land must include at least 10 acres of contiguous land that is suitable for active recreation uses divided only by the historic home (including circular driveway) which is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland must be conveyed prior to recordation of plat for that particular land area and conveyed free of trash and unnatural debris. Park boundaries must be staked and signed to distinguish from private properties.
- 12) At the time of individual site plan review, the Applicant must work with M-NCPPC staff to finalize and clearly delineate the exact park dedication boundaries that are acceptable to Parks Department staff. Park boundaries

shall be easy to identify, manage, sign and shall be clearly distinguishable from HOA property and private property.

- 13) No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- 14) Within the conveyed local park acreage, Applicant to provide, at Applicant's expense, the following active recreational facilities and amenities:
 - At least one (1) adult sized soccer field,
 - one (1) multi-age playground acceptable to M-NCPPC staff,
 - an open grass play area as prescribed below
 - a picnic area with two (2) shelters,
 - eight (8) foot minimum width hard surface trails within the park to serve the various facilities, except ten (10) feet wide where needed for maintenance access,
 - one drinking fountain,
 - park signage,
 - information kiosks,
 - a portable restroom pad and enclosure as determined by staff,
 - appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff),
 - park landscaping,
 - Local park parking for at least 120 cars, including at least 60 spaces on the conveyed parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users.

Park conveyance and facility layout to be substantially as set forth on the approved Infrastructure Plan, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to individual certified site plan approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of certified site plan approval.

- 15) The open grass play area adjacent to the historic house to include some relatively flat area(s) that is suitable for informal ball-type play. The final grading plan must incorporate this flat play area and be acceptable to M-NCPPC Parks Department staff.

- 16) Applicant to construct hard surface and natural surface trails on conveyed parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. The trails within parkland must be constructed to park standards and specifications.
- 17) Compliance with the DPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, May 13, 2004.
- 18) Compliance with conditions of approval of DOT letter dated, May 14, 2004 and March 9, 2008 unless otherwise amended by DOT.
- 19) Access and improvement along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration ("SHA").
- 20) Clearing and grading on-site must be in accordance with the Infrastructure Site Plan; no recordation of plats prior to approval of certified site plan.
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 22) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 23) Applicant to work with M-NCPPC staff before individual site plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 24) Maintenance of common open space facilities, including retaining walls and historic structure to be addressed prior to approval of any and all subsequent site plan approvals.
- 25) A landscape and lighting plan must be submitted as part all future site plan applications for review and approval by M-NCPPC staff.
- 26) Staging sequence of development shall be revised as follows:

The Preliminary Plan will remain valid for one hundred and twenty one (121) months from the date of mailing of the Planning Board Resolution for this Planning Board action. Record plats must be recorded based on the following staging sequence:

- Stage I (expires 31 months from the date of mailing of the Planning Board Resolution): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage II (expires 61 months from the date of mailing of the Planning Board Resolution): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
- Stage III (expires 91 months from the date of mailing of the Planning Board Resolution): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage IV (expires 121 months from the date of mailing of the Planning Board Resolution): All remaining development.

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed.

- 27) The Adequate Public Facility review for the Preliminary Plan will remain valid for one hundred and twenty one (121) months from the date of mailing of the Planning Board Resolution.
- 28) TDRs must be recorded in accordance with Section 59-C-10.3.132 and 59C-10.3.133 of the Montgomery County Zoning Ordinance.
- 29) Other necessary easements must be shown on the record plats.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The subject 540-acre property is located within the Cabin Branch Neighborhood of the 1994 Clarksburg Master Plan Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood is one of the most important public policy objectives. In summary, the Master Plan objectives are as follows:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Create a transit-oriented land use pattern.
- Maximize access to the proposed open space system.
- Provide a suitable transition to the rural/open space character south of West Old Baltimore Road towards Boyds.
- Provide an interconnected roadway system.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover.

The Cabin Branch Neighborhood is the only portion of the western side of I-270 that is proposed for significant residential development. Most of the development in the Cabin Branch Neighborhood is recommended to occur on the Subject Property. The Master Plan states the recommended mix of uses for this neighborhood as follows:

Residential	1,950 dwelling units plus MPDU units
Employment	2.4 million square feet
Public Uses	Places of worship, childcare, community building, elementary school, and park

This Application envisions a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. The Board notes that further refinement of the site design along MD 121 and West Old Baltimore Road should occur at time of individual site plan review to insure compatibility of the proposed project with the surrounding Ten Mile Creek and Boyds communities.

The Planning Board finds that the proposed conceptual development as shown on the Preliminary Plan drawing is in conformance with the goals and objectives of the Clarksburg Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application has been reviewed pursuant to the Local Area Transportation Review ("LATR") guidelines established in the Annual Growth Policy. A complete, updated, traffic study for this amended plan was reviewed by M-NCPPC, Transportation Planning staff, DOT, and SHA. The developer(s) of the project are required to construct and/or participate in numerous local and regional projects to meet the requirements of the LATR review. The transportation projects discussed in the Staff Report and required by the conditions of approval combine to meet the LATR requirements and are staged in a controlled sequence. The transportation projects also specify certain sidewalks, bikepaths, and shared use paths that will meet the pedestrian circulation requirements for the project. The Planning Board finds that the transportation projects will satisfy the LATR requirements; both vehicular and pedestrian access and circulation requirements are met through the conditions of approval.

Other public facilities and services are available and will be adequate to serve the proposed units. Public sewer and water service are available to the Property as testified to by MCDEP staff at the Hearing. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property has appropriate access for fire and rescue vehicles. The Applicant is required to dedicate a school site to the Montgomery County Public Schools to address the future school needs of the Application. Other public facilities and services such as police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect. All other local utilities such as, electrical and telecommunications services are also available to serve the Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the RMX-1/TDR and MXP zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Plan.

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

The Planning Board had previously approved a preliminary forest conservation plan that considered the total development of the entire site. A final forest conservation plan was approved with the Infrastructure Plan. The forest conservation plan proposes removal of 58.97 acres of forest and retention of 71.58 acres. The developers will be required to plant 58.32 acres of forest to meet the requirements of the Montgomery County Forest Conservation Law under Chapter 22A of the Montgomery County Code. Since this is an optional method of development, the developers will be required to meet all forest conservation requirements on the Subject Property as shown on the final forest conservation plan.

Under the M-NCPCC's implementation of the Special Protection Area ("SPA") regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Approximately 243 acres of the 540-acre site are within the Clarksburg SPA. Those portions of the site that drain to Cabin Branch, a Use I-P waterway, are not in the SPA except for two pods that were included because of the potential for groundwater contamination. The Cabin Branch tributary and the tributary immediately abutting and parallel to I-270, both drain to Little Seneca Lake. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body, the Planning Board required that the planting requirements be treated as if the entire site were located within the Clarksburg SPA. Therefore, the Planning Board requires that the Applicant plant the stream buffers after DPS approval of the first sediment control/grading permit and that the Applicant provide a five-year maintenance period for all planting areas credited toward the forest conservation plan.

The Planning Board finds that the Application complies with the requirement of Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the DPS that the Stormwater Management Concept Plan and SPA Water Quality Plan meet DPS's standards.*

A water quality plan is required for this development as part of the SPA regulations. Under the SPA law, DPS and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview. The Planning Board is responsible for determining if the site

imperviousness, environmental guidelines for SPAs, and forest conservation requirements have been satisfied. The Board finds that as conditioned the preliminary water quality plan meets the applicable requirements and should be approved.

6. *Other issues.*

The Planning Board heard testimony from three interested speakers at the Hearing. The first was Jim Clifford, Esq., representing the interests of the Miller family who reside on the south side of West Old Baltimore Road, and immediately adjacent to the Subject Property. Mr. Clifford spoke to the potential need for the Miller family home and property to be acquired for the future improvements to West Old Baltimore Road. He testified that the Miller family understood that their property was not needed for improvements to West Old Baltimore Road and had recently made \$80,000 in improvements to the home. More recently, the Millers learned that, due to wetland permitting issues for the nearby stream, the road will need to be expanded onto the Miller property and the house will need to be demolished. While not adamantly opposed to the development, Mr. Clifford asked on behalf of the Miller family that the Planning Board provide some assurance as to when the house and property would need to be acquired so that the Miller family could do some estate planning for the aged matriarch of the family.

The Planning Board also heard testimony from Greg Leck of DOT, who suggested that the improvements to West Old Baltimore Road were developer dependent. The developers and the Miller family would have to negotiate a purchase price for the required property. If such a settlement could not be achieved, only then would the developer be able to approach the County for a request to condemn the needed property. In response to this concern the Applicant's counsel indicated that the Applicant would be in contact with Mr. Clifford to start the negotiation process. The condemnation of the Millers home is beyond the scope of this proceeding.

The Planning Board also heard testimony from a Jim Cook, a resident on West Old Baltimore Road, who had a number of concerns with the Preliminary Plan. The first concern was with the phasing of the road improvements. Mr. Cook generally supported the phasing schedule that was tied to issuance of building permits, but expressed his belief that the improvements to West Old Baltimore Road and MD 355 were required too late in the development process. Mr. Cook was concerned that the intersection was already failing according to the LATR guidelines and that the improvement to this intersection should be accelerated in the phasing schedule since the development will add even more traffic prior to improvements to the intersection.

The Applicant's counsel argued that the Applicant's obligations under the current Plan include more stringent conditions of approval for this intersection, above those recommended in the original approval for the Application (12003110A). He pointed out that these include additional improvements to the intersection and a requirement that they be completed by issuance of the 1400th building permit which was not specified in the original condition language. In response to query by the Board, Staff concurred with the Applicant's representative that the staging for traffic improvements for this intersection and all other roadways included in the Application will satisfy the LATR requirements in a timely manner. Based on this discussion and the details of the LATR review, the Board finds that the proposed staging for traffic improvements is appropriate.

Mr. Cook was also concerned about the park trail connections from the development to the Black Hill Regional Park. He suggested that the specifics of the connections should be fully developed within the context of the Preliminary Plan, not at site plan as the conditions of approval stipulate. The Board elected to retain the language of the conditions as proposed.

Mr. Cook generally supported the condition of approval that requires developer funds to be diverted to the I-270/Newcut Road interchange should this project be included in the Capital Improvements Program in a timely manner, but worried that the funds might be diverted to the MD 121 interchange instead. Staff responded that the proposed language will ensure the funds are applied correctly and the Board elected to retain the proposed condition of approval.

Mr. Cook also expressed concern that the future Homeowners Association for Cabin Branch may be unfairly saddled with cumbersome maintenance costs for the retaining walls planned within the Cabin Branch community. Staff stated that they shared these concerns and will continue to work to reduce the heights of retaining walls as part of the individual site plan reviews. The Planning Board agreed that site plan is the appropriate time to further address this concern.

Mr. Cook finally expressed concern about the inclusion of "two-over-two" units as single family, attached units in the unit count mix for the overall development. His concern was that by defining these units as single family attached, it would allow additional multi-family units to be built. This concern was echoed by Kathy Hulley, President of the Clarksburg Civic Association. Staff, however, testified that the Zoning Ordinance allows two-over-two units to be classified as single family attached if there is appropriate usable open "yard" space for each unit, which must be the case in this instance. The Board was satisfied that application of the Zoning Ordinance standards as part of the site

plan review will prevent the unit mix of multi-family and single family attached from being skewed.

Ms. Hulley also agreed with Mr. Cook's concern about future HOA retaining wall maintenance costs and additionally expressed her own concerns about the look of the shopping center and the commercial center planned as part of the Application. It may be appropriate to address these issues as part of site plan review, but not in the context of a preliminary plan review. Ms. Hulley also took issue with the potential design of the water tower planned for the Cabin Branch community, a mandatory referral issue.

Finally, Ms. Hulley questioned the viability of the Limited Liability Corporation, Cabin Branch, LLC, the lead developer responsible for the infrastructure required for the Property, and who, if anyone, would be responsible should it fail as an entity. Her fear was that the HOA would ultimately become responsible for completion of the infrastructure.

In response to Planning Board query about this concern and the Board's ability to address it as part of a plan review, Legal staff advised that the Board's responsibility was to ensure that infrastructure be in place prior to, or commensurate with, development which the phasing schedule conditions require. The Applicant's counsel opined that while this concern may not be within the purview of the Planning Board, the Board's conditions of approval run with the land, not with individual developers. In the event of an unlikely failure of the LLC, or any of the individual developers, anyone who wished to develop on the Cabin Branch property would be subject to the same conditions of approval. The Applicant's counsel further argued that the LLC contains prominent members of the development community and are well capitalized. Based on this discussion, the Board is satisfied that while there is no guarantee of the LLC's survival, the conditions of approval of this Application will remain effective.

BE IT FURTHER RESOLVED, that the date of this Resolution is ~~OCT - 6 2008~~ (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).

* * * * *

MCPB No. 08-117
Preliminary Plan No. 12003110B
Cabin Branch Amendment B
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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 Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor, present and voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday September 25, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

**Cabin Branch On-Site Road Improvement Phasing Schedule
 3/20/08**

Approved Phasing 12003110A	Proposed Phasing 12003110B	Improvement(s)	Approved Development 12003110A	Proposed Development 12003110B
1.1		2nd Avenue (A-304 West) - from MD 121 to Street Q. 2-lane business district road	210 units 190,000 s.f.	
1.2		MD 121 - from Street Z to the I-270 interchange, 2-lane to 4-lane to 6-lane	210 units 125 Senior units 190,000 s.f.	
1.3		MD 121/I270 interchange and bridge improvements	210 units 125 Senior units 190,000 s.f.	
1.4	2.1	2 nd Ave (A-304 West) - Street Q to W. Old Balt. Rd., 2-lane business district road Newcut Rd. (A-302) - from 2 nd Ave to 1 st Ave, 4-lane divided road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.5	2.2	1 st Ave (A-304 East) - from MD 121 to Street I, 2-lane business district road	194 units 190,000 s.f.	57 units 101,250 s.f.
1.6	2.3	1 st Ave (A-304 East) - from Street I to Newcut Rd. (A-302), 2-lane business district road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.7	2.4	MD 121 - from W. Old Balt. Rd. to Street Z, 2-lane arterial	194 units 190,000 s.f.	57 units 101,250 s.f.
1.8	2.5	W. Old Balt. Rd. (A-7) - MD 121 to Newcut Rd., upgrade to 2-lane arterial	194 units 208,000 s.f.	57 units 101,250 s.f.
	2.6	Non-automobile transportation amenities		58 units 101,250 s.f.

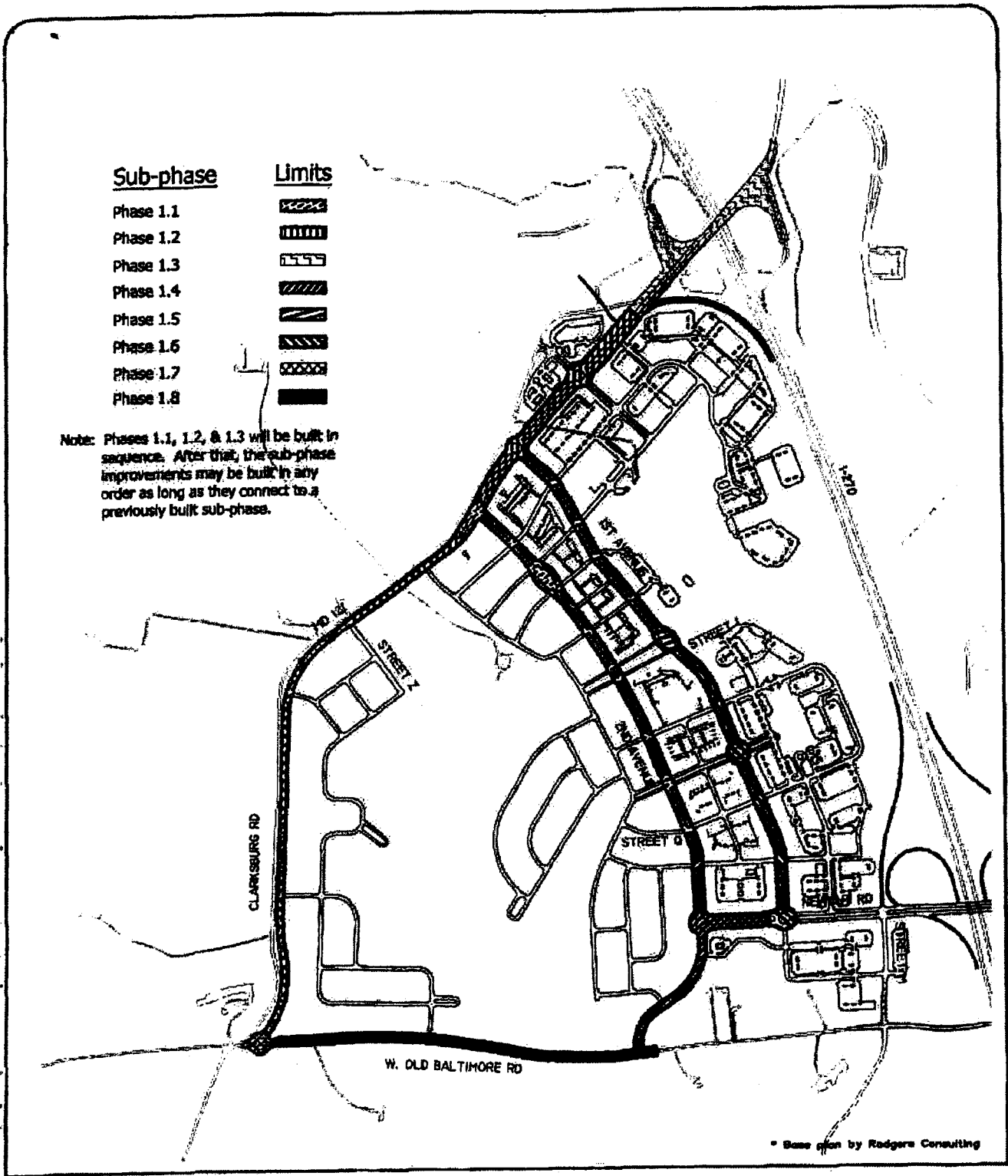


Figure 1
Phase 1 Policy Area Improvement Sub-phasing



Cabin Branch
Montgomery County, Maryland

WELLS & ASSOCIATES, LLC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS