

**WILLOW MANOR AT CLARKSBURG
DEVELOPMENT PLAN
AMENDMENT NO. DPA202501**



Description

The Applicant seeks to amend Binding Element No. 8 of the previously approved Development Plan to increase the maximum number of senior living units permitted for the entire Development Plan area from 500 to 650 units and within “Study Area A” from 100 to 150 units.

COMPLETED: 6/16/2025

PLANNING BOARD HEARING DATE: 6/26/2025

MCPB ITEM NO. XX

Planning Staff



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LOCATION/ADDRESS

Northern quadrant of the intersection of Clarksburg Road and Gosnell Farm Drive in Clarksburg

MASTER PLAN

1994 *Clarksburg Master Plan and Hyattstown Special Study Area*

ZONE

CRT-0.5, C-0.25, R-0.25, H-130 T
(Reviewed under MXPDP)

PROPERTY SIZE

2.1829 Acres

APPLICANT

Willow Manor at Clarksburg, LLLP

ACCEPTANCE DATE

February 13, 2025

REVIEW BASIS

Section 59-D-1.7 of the 2004 Zoning Ordinance

Summary:

- Staff recommends: **APPROVAL** of the Development Plan Amendment with modifications to Binding Element No. 8 and transmittal of comments to the Hearing Examiner.
- Development Plan Amendments are ultimately approved by the Montgomery County Council.
- The public record will remain open until July 7, 2025 (10 days after the Board’s Public Hearing). During that time, any member of the public can request a public hearing with the Office of Zoning and Administrative Hearings to occur on August 21, 2025.
- 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.
- The Applicant is seeking approval to increase the cap on Service/Public use units (Senior Living) from 500 to 650. No development is proposed with the Subject Application.
- The Applicant will be required to obtain Preliminary Plan Amendment and Site Plan Amendment approvals before building permits can be issued.
- No correspondence has been received by staff as of the date of this report.

TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY 1

SECTION 2: RECOMMENDATIONS AND BINDING ELEMENTS/CONDITIONS..... 4

 DEVELOPMENT PLAN AMENDMENT NO. DPA202501..... 4

SECTION 3: SITE DESCRIPTION..... 5

 VICINITY/NEIGHBORHOOD 5

 PROPERTY DESCRIPTION..... 6

SECTION 4: PROJECT DESCRIPTION..... 8

 PREVIOUS APPROVALS 8

 PROPOSAL 9

SECTION 5: COMMUNITY OUTREACH 10

SECTION 6: DEVELOPMENT PLAN AMENDMENT FINDINGS AND ANALYSIS 11

SECTION 7: CONCLUSION 22

 ATTACHMENTS 22

SECTION 1: EXECUTIVE SUMMARY

The Applicant, Willow Manor at Clarksburg, LLLP, would like to replace an approved but unbuilt hotel in the Cabin Branch development with a senior living facility with up to 150 units. Typically, this would only require amendments to the associated Preliminary and Site Plans for the property. However, Cabin Branch is subject to a Development Plan, which includes a binding element that limits the number of “Service/Public Units” (senior living units) to 500 within Cabin Branch. A total of 500 units have already been built or entitled for future development. Therefore, approval of an amendment to the Development Plan to adjust the cap on senior living units is needed before the Applicant can submit Preliminary and Site Plan applications.



Figure 1: Approved Development Plan for Cabin Branch (Overall Site)

Prior to 2004, Development in certain zones, such as the Mixed Use Plan Development (MXPDP), required approval in the form of a “Development Plan” by the District Council. Like other zoning cases, Development Plans were reviewed by the Planning Staff, serving as technical staff to the Office of Zoning and Administrative Hearings (OZAH), as well as other government agencies. Recommendations by the Planning Board were transmitted to the hearing examiner, who then conducted their own hearing and analysis and submitted a final report and recommendation to the District Council. The District Council would then approve, disapprove, or remand for further consideration. While this is no longer required as part of the 2014 Zoning Ordinance, amendments to projects approved prior to 2014 with Development Plans are reviewed under the Zoning Ordinance in effect at the time of their approval. This will be the review process for the Subject Application.

In 2003, the Montgomery County Council approved zoning case G-806 and an associated Development Plan, by Resolution No. 15-326 for a large, multi-phased, mixed-use community in Clarksburg (535 acres). The Development Plan encompasses 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 (Figure 1). The approved Development Plan G-806 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 (Figure 2). This Development Plan also specified the general mix of land uses in each area as follows:

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

Development Plan Amendment, DPA 13-02, was approved in 2013 to retain the approvals in RMX-1/TDR area and revise the mix of retail and office uses in the MXPDP area without increasing the total density. The Subject Application pertains to the same geographic boundary of DPA 13-02.

The approved DPA 13-02 includes a maximum of 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. It has nine binding elements related to TDRs, MPDUs, trip reduction measures, the maximum number of dwelling units, the maximum number of senior housing units, and the non-residential square footage. It left specific uses and design considerations, including building locations and configurations, to be determined during the site and preliminary plan review stages.

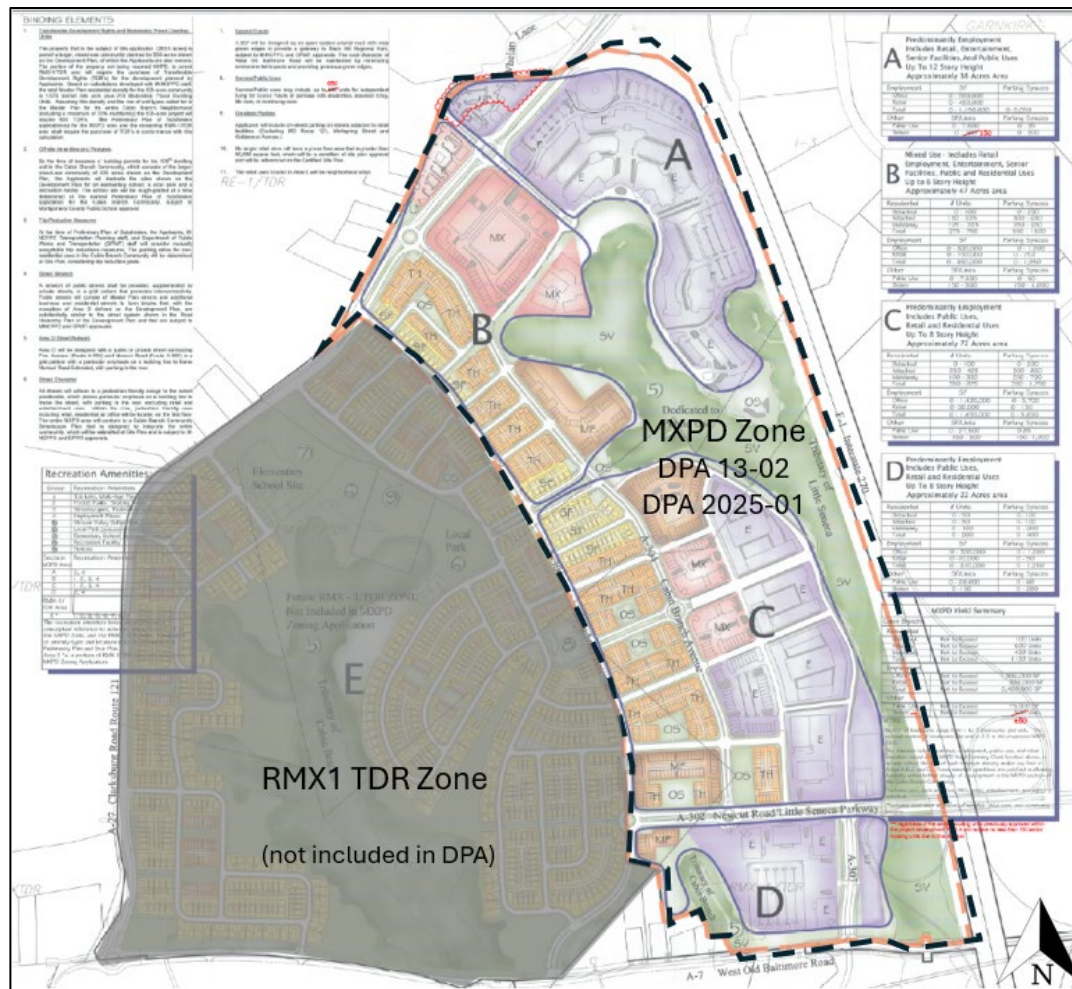


Figure 2: Approved Development Plan Amendment for Cabin Branch (Excludes Study Area E)

Since the initial development plan approval in 2003, the Planning Board has approved a preliminary and infrastructure site plan for the Overall Site and several site plans for residential and commercial development. Additionally, a Final Water Quality Plan and a Final Forest Conservation Plan have been approved.

As stated previously, the Subject Application seeks to modify Binding Element 8 to allow an additional 150 units of senior living on the Site and allow up to 150 senior living units within Study Area A. No development is proposed with the Subject Application. If approved, the Applicant will submit preliminary and site plan applications and must demonstrate compliance with the applicable master plans, as well as Chapters 50 and 59 of the County Code before they can be approved by the Planning Board.

SECTION 2: RECOMMENDATIONS AND BINDING ELEMENTS/CONDITIONS

DEVELOPMENT PLAN AMENDMENT NO. DPA202501

Staff recommends approval of Development Plan Amendment DPA202501, which requests to raise the cap on service/public use (senior living units) from 500 units to 650 total within the DPA boundary and update the Yield Summary Table for Study Area A to increase the number of service/public use units from 100 to 150. The following Binding Element No. 8 modifies the previously approved binding element. All other binding elements remain in full force and effect.

8. Service/Public Uses

Service/Public uses may include up to ~~500~~ 650 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

SECTION 3: SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Application is located within the greater Clarksburg Area. The general vicinity can be defined as MD 355 and I270 to the east, the Clarksburg Detention Center on the north, RNC zoned land and the Ten Mile Creek Conservation Park on the west, and Black Hill Regional Park and the Linthicum West Property to the south. The confronting properties along West Old Baltimore Road (south) include single-family detached homes and the entrance to Black Hill Regional Park near I-270. Single-family detached homes, farms, as well as the recently approved Clarksburg Chase residential development (Preliminary Plan No. 20240040 and Site Plan No. 820240050), and Creekside at Cabin Branch residential development (Preliminary Plan No. 120200050 and Site Plan No. 820200160) also front on Old Clarksburg Road, to the north and west.



Figure 3: Vicinity

PROPERTY DESCRIPTION

The overall “Cabin Branch” property, which was the subject of the original Development Plan Approval No. G-806, contains 535 acres of land and lies on the west side of Interstate 270 between Old Clarksburg Road and West Old Baltimore Road (“Cabin Branch”, “Overall Site”). The entire Cabin Branch development is subject to the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (“Master Plan”).



Figure 4: DPA Site outlined in yellow, dashed line

Today, the area within Cabin Branch that was previously rezoned MXP is substantially developed and establishes the boundary of the subject Development Plan Amendment (Figure 4). The original Development Plan was divided into five study areas: A, B, C, D, and E. The Subject Development Plan Amendment pertains to Areas A, B, C, and D, which are collectively outlined in Figure 4. The Applicant is requesting a modest change to the density mix of Study Area A within the larger Development Plan Amendment Area (Figure 5).



Figure 5: Study Area A, outlined in black

Study Area A is located in the northmost area of the Development Plan Area, bounded by I-270 to the east, Old Clarksburg Road to the north, and Gosnell Farm Drive to the west. Study Area A is developed with commercial development including the Clarksburg Premium Outlets, several surface parking lots, and a CVS Pharmacy with a drive-thru.

SECTION 4: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Sectional Map Amendment G-710: The Cabin Branch site (535 acres) was classified under the Rural Residential (RR) Zone in 1958, and with the Countywide Comprehensive zoning, later changed 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 1994¹.

Local Map Amendment No. G-806: Local Map Amendment No. G-806 (Res. 15-326), approved by the Montgomery County Council on September 9, 2003, rezoned 283.5 acres of “Cabin Branch” from the RE-1/TDR, RMX-1/TDR, and I-3 zones to the Mixed Use Planned Development (MXPDP) zone. As part of the approval of Case No. G-806, the County Council approved a Land Use Plan as part of the Development Plan, segmenting the MXPDP zoned areas into five Study Areas (A through E) with different development patterns for each study area. The Council Resolution approving Local Map Amendment No. G-806 prescribed the number of senior housing units that may be constructed in Study Area A to be between 0 and 100 units. Binding Element 8, included as part of the approved Development Plan, capped the overall number of senior housing units within the MXPDP-zoned area at 500 total units.

Preliminary Plan No. 120031100 and 12003110A: Preliminary Plan No. 120031100 was originally denied by the planning Board. On June 3, 2004, the Planning Board approved the Preliminary Plan Amendment No. 12003110A pertaining to the entire Cabin Branch tract of 535 acres², and included two phases of development tied to the Subdivision Staging Policy in place at the time based on infrastructure and school moratoriums. Preliminary Plan No. 12003110A limited Phase I development of Cabin Branch to 1,600 residential dwelling units, 1,538,000 square feet of commercial space, and 500 senior units.

Infrastructure and Roads Only Site Plan No. 820050150: On June 14, 2007, the Planning Board approved an infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units, and 2,436,000 square feet of retail and employment including 635 Transfer Development Rights, and 236 Moderately Priced Dwelling units on 535.04 acres of RMX-1/MXPDP zoned land (MCPB No. 07-131)

¹ Other Council Documents reference this Sectional Map Amendment but the original resolution has not been located.

² The Planning Board Opinion was mailed June 22, 2004, and was not given a Resolution number, as is the practice today.

Preliminary Plan Amendment No. 12003110B: On March 21, 2008, the Planning Board approved a Preliminary Plan Amendment to add 286 residential units and 882,000 square feet of non-residential uses to the Cabin Branch Site (MCPB No. 8-117).

Preliminary Plan Amendment No. 12003110C: On December 4, 2014, the Planning Board approved revisions to the adequate public facilities and Preliminary Water Quality Plan on the Overall Site (MCPB No. 14-111).

Development Plan Amendment (DPA) 13-02: On February 4, 2014, the County Council approved the DPA to amend the mix of uses proposed in the original application (Res. 17-1002). Specifically, it approved an increase in retail (up to 484,000 square feet) and a reduction in office (1,936,000 square feet) to develop an outlet center on the northeast portion of the property. The approved residential and public uses remained unchanged from the prior Development Plan approval.

Preliminary Plan Amendment No. 12003110D: On July 11, 2019, the Planning Board approved a Preliminary Plan Amendment to extend the validity period of each of the four stages of the Preliminary Plan by three years and extended the finding of the Adequate Public Facilities of the Preliminary Plan by three years (MCPB No. 19-080).

PROPOSAL

The Applicant, Willow Manor at Clarksburg, LLLP, is a business entity created to manage the entitlements, construction, and operation of an affordable, age-restricted, multi-family rental project to be developed under a Low-Income Housing Tax Credit (LIHTC) financing program.

Ultimately, the Applicant would like to construct a senior living facility with up to 150 dwelling units in Cabin Branch, which would exceed the total limit on senior living units within the Overall Site and Study Area A of the Development Plan area, as all 500 units have been entitled with respective approvals. Accordingly, the purpose of the Subject Application for a Development Plan Amendment (DPA) is to amend Binding Element No. 8 to allow future replacement of a previously approved, but unbuilt, hotel with a senior living facility. Binding Element 8 of the Development Plan approval states:

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

Note that since the purpose of the DPA is to modify a binding element of the Development Plan, no development drawings were included with the submission. The proposal includes a redline of the approved Development Plan, modifications to Binding Element No. 8, and revisions to the Mixed-Use Yield Summary tables to both the Overall Site, and Study Area A.

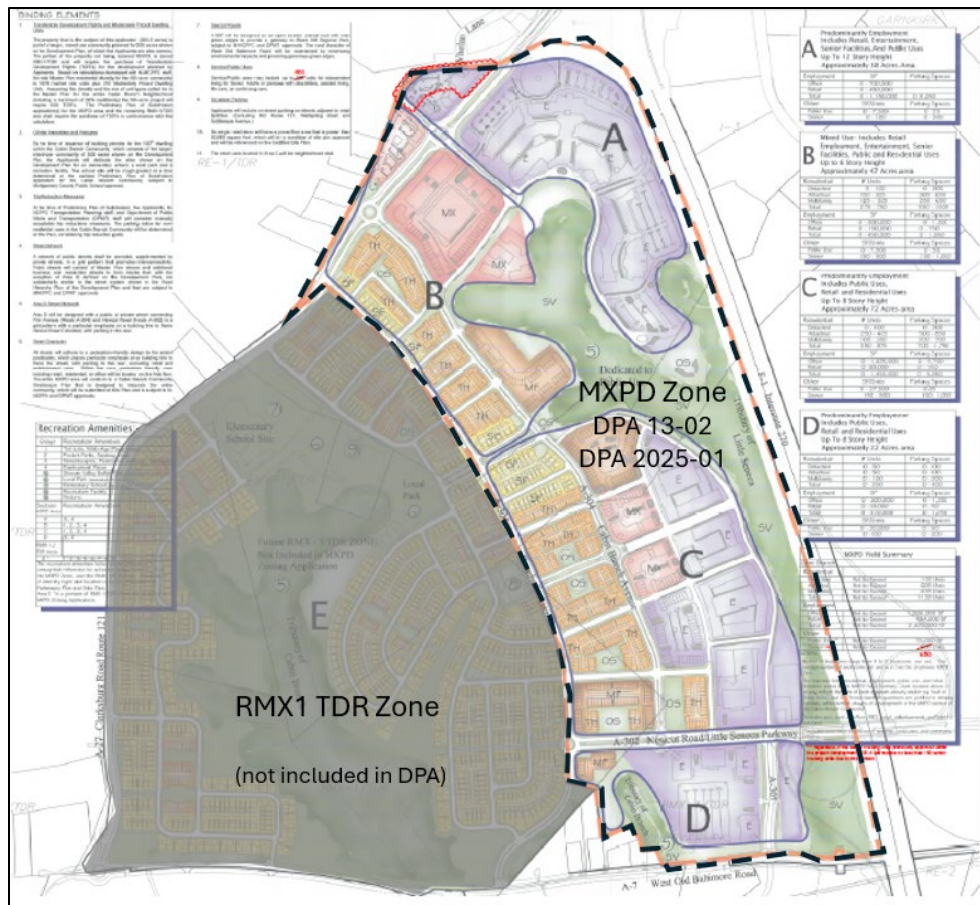


Figure 5: DPA 202501 Redline (Note Study Area E is not included with the Development Plan)

The Applicant plans to replace a previously approved hotel within Study Area A with a senior living facility in roughly the same footprint. Approval of the change in use, as well as the site layout, onsite circulation, landscaping, etc. will be subject to subsequent Preliminary Plan and Site Plan review and approvals.

SECTION 5: COMMUNITY OUTREACH

In accordance with Section 59-D-1.74, a pre-submission public meeting is not required. A notice was mailed to all adjacent and confronting properties, as well as to all civic and homeowners associations within a half mile of the Site by the Applicant. A sign was also posted noting the pending application. The public record will remain open for 10 days after the Planning Board's Public Hearing is conducted. Per Section 59-D-1.74.(d)(1), if there is public opposition to the development plan amendment, or if a public hearing is either recommended by the Planning Board or requested by any aggrieved party within that time, the Hearing Examiner will conduct a public hearing on the development plan amendment. As of the posting of this staff report, no correspondence from the public has been received.

SECTION 6: DEVELOPMENT PLAN AMENDMENT FINDINGS AND ANALYSIS

The District Council approved Local Map Amendment No. G-806 (the original Development Plan) on September 9, 2003, to rezone 283.5 acres of “Cabin Branch” from the I-3 zone to the Mixed Use Planned Development (MXPD) zone. In conjunction with the approval of Local Map Amendment No. G-806, the County Council also approved a Land Use Plan as part of the Development Plan, segmenting the MXPD zoned areas into five study areas (A through E) with different development patterns for each study area.

Pursuant to the legacy provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, the Subject Development Plan Amendment Application was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The proposed amendments do not alter the intent of the previous findings except as modified below.

Per Section 59-D-1.61 of the Zoning Ordinance, before approving an application for classification in any of these zones, the District Council must consider whether the application, including the development plan, fulfills the purposes and requirements in [Article 59-C](#) for the zone. In so doing, the District Council must make the following specific findings, in addition to any other findings which may be necessary and appropriate to evaluate the proposed reclassification:

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

The Subject Application is substantially consistent with the use and densities recommended in the 1994 *Clarksburg Master Plan*. The Master Plan designates the Subject Property as part of a mixed-use community with employment, retail, residential, and public uses. The Master Plan states that “attached and multi-family units are also proposed to help provide a variety of housing choices for people of different lifestyles and incomes” (p. 67). This Subject Application proposes an increase to the permitted number of senior living units (“Service/Public”), a use contemplated to occur in Study Area A, resulting in a modest change in the mix of uses contemplated in the original Development Plan.

The Master Plan envisions the “employment frontage to foster an integrated plan which could include residential units” (p. 67). The Master Plan also aims to provide a “strong interrelationship . . . among residential, employment, retail, and public facility uses” (p. 67). The provision of additional senior living units in addition to what was already envisioned will diversify the housing choices in the Study Area of the Development Plan and will provide for an integrated mix of uses, as the *Clarksburg Master Plan* envisioned.

Thrive Montgomery 2050 has a chapter focused on improving housing opportunities. The first two goals listed in that chapter are to “encourage the production of more housing to better

match supply with demand” and “plan for a wide range of housing types and sizes to meet diverse needs”. One objective calls to “expand opportunities to increase residential density, especially along major corridors and in locations where additional housing can assist in the development of Complete Communities” (p. 132).

Accordingly, the Subject Application is generally consistent with the recommendations of the *Clarksburg Master Plan* and Montgomery County’s General Plan, *Thrive Montgomery 2050*.

Cabin Branch has been developed in accordance with County development policies and a comprehensive capital improvements program (CIP) intended to implement the elements of the Development Plan (Tables 1 and 2). The opportunity to provide up to 650 senior living units, by allowing up to 150 senior living units in Study Area A, is in compliance with those County policies. The changes to the approved density as proposed in the Subject Application are highlighted in Tables 1 and 2 below: MXPDP Yield Summaries for the DPA boundary and Yield Summary for DPA Study Area A, respectively.

Table 1: MXPDP DPA Yield Summary Cabin Branch, DPA Boundary

Use	Approved # of Units/Square Footage	Proposal
Residential		
Detached	Not to Exceed 100 Units	No Change
Attached	Not to Exceed 600 Units	No Change
Multi-family	Not to Exceed 439 Units	No Change
Total	Not to Exceed 1,139 Units	No Change
Employment		
Office	Not to Exceed 1,936,000 SF	No Change
Retail	Not to Exceed 484,000 SF	No Change
Total	Not to Exceed 2,420,000 SF	No Change
Other		
Public Use	Not to Exceed 75,000 SF	No Change
Senior	Not to Exceed 500 Units	Not to Exceed 650 Units

Table 2: Yield Summary DPA Study Area A: Predominantly Employment Includes Retail, Entertainment, Senior Facilities and Public Uses, Up to 12 Story Height, Approximately 38 Acres Area

	Approved Maximum Area/Units	Proposed
Employment		
Office	0-700,000 SF	No Change
Retail	0-450,000 SF	No Change
Total	0-1,150,000 SF	No Change
Other		No Change
Public Use	0-7,500 SF	No Change
Senior	0-100 Units	0-150 Units

(b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

Section 59-C-7.5: Mixed Use Planned Development (MXPDP) zone:

Section C- 7.50 Objectives and Purpose of the MXPDP zone including:

(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 method of review of a development plan ensures that the Master Plan's recommendations for the comprehensively planned mixed use community are implemented. The Subject Application proposes a modest increase in a use previously envisioned by the Master Plan and later approved as part of the Development Plan, which demonstrated compliance with the Master Plan.

Study Area A of the Development Plan was identified for "Predominantly Employment" including retail, entertainment, and senior facilities. The Application is proposing to modify Binding Element No. 8 of the original Development Plan to allow for an increase in senior living units for the Overall Site, and reflecting it as part of the revised density mix for Study Area A. As senior living units was a use explicitly envisioned for this area within the original Development Plan, increasing the permissible amount of senior living units will continue to ensure internal compatibility of residential and nonresidential uses, envisioned for the multi-use center.

(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.

The Subject Application is a relatively modest change to the comprehensive plan for the DPA plan boundary, which is substantially built. Subsequent Preliminary and Site Plan applications will be required before the proposed senior facility can be built. These necessary approvals contribute to the orderly and staged development of the large-scale development plan.

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

Allowing additional senior living units within the DPA boundary and Study Area A will not preclude higher density residential uses to be integrated into the overall multi-use center.

(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.

As mentioned previously, senior living was identified among the approved uses, also including office, retail, entertainment. Locating the senior housing facility near existing retail facilities contributes to the envisioned 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 purpose of the Subject Application is to amend Binding Element No. 8 to allow for an additional 150 senior living units within the Overall Site. The Applicant is also seeking to adjust the maximum number of senior living units within Study Area A to 150 units. The design of the building and site layout will be reviewed, evaluated, and refined with future Preliminary and Site Plan applications. The use was envisioned as part of the original Development Plan and is therefore compatible. The density of that proposed use will be evaluated with the future Preliminary and Site Plan applications, and findings for compatibility will also be required at that time. The design of the future facility will need to demonstrate compliance with the Cabin Branch Design Guidelines.

- (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.**

Previously approved Preliminary and Site Plan applications have met this requirement with dedications to parkland, Forest Conservation Easements, and other public open space dedications that have been implemented over the past 20 years. The footprint, siting, and orientation of the proposed senior living facility will be evaluated under the subsequent Preliminary and Site Plan applications. Compliance with the zoning requirements for development standards such as setbacks, open space, etc. will be determined with those reviews.

- (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.**

Much of the infrastructure plan has already been constructed. The circulation networks (vehicular and non-vehicular) for any future development that may be feasible after approval of the Subject Application will be evaluated under the subsequent Preliminary and Site Plan applications.

- (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.**

Opportunities for shared facilities and other energy resources will be evaluated at the time of preliminary and site plan.

- (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 is consistent with FCP Plan No. 1200311100. The area between Old Clarksburg Road and the new extension of Clarksburg Road within Study Area A was cleared and mass graded to accommodate the existing CVS Pharmacy and the approved, but

unbuilt, hotel. . Therefore, there are no original trees to be preserved. The forest preservation requirements attributable to Development Plan are satisfied across the Overall Site. Any subsequent site plan application will include a landscape plan where existing and proposed tree canopy will be evaluated.

Per Section 59-C-7.52 of the Zoning Ordinance: Uses of the MXP Zone including:

(a) Residential. All types of residential uses are permitted, including accessory uses. These include the following: a 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.

(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.

As noted earlier in the staff report, this DPA seeks to increase the number of allowed senior units in Overall Site to no more than 650 and specifically within Study Area A to no more than 150. Senior living units were envisioned within the Cabin Branch area as part of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area Plan*.

(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.

A future senior living facility is being considered by the Applicant within Study Area A which was envisioned for “Predominantly Employment includes Retail, Entertainment, Senior Facilities [emphasis added] and Public Uses.” Therefore, senior housing was recommended within Study Area A, limited to “0-100” units, which this proposal satisfies. The Subject Application seeks a modest increase of the permissible senior living used from 100 units to 150.

(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 Subject Application satisfies this requirement as explained in response to requirements 59-C-7.52(a)(1) and (2) cited above.

(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.

Increasing senior housing units to 150 from the previously approved 100 within Study area A, does not exceed the 40% limit. Study Area A is substantially developed with retail uses including the Clarksburg Premium Outlets and the CVS pharmacy.

(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 Applicant proposes to introduce a multi-family residential use structure in the form of a senior housing facility within an area now exclusively developed with a single commercial use. As described previously in the staff report, the mix of residential and commercial uses is compatible and is an intended feature of the Cabin Branch Overall Site comprehensively planned mixed use development.

Per Section 59-C-7.53 of the Zoning Ordinance: Density of Residential Development in the MXPB Zone:

(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.

Study Area A did not recommend a density range for residential development but did authorize up to 100 “senior” units within its 38 acres. Therefore, the Development Plan contemplated a density of 2.63 senior units per acre for Study Area A. This Development Plan Amendment will deliver residential units at rate that is well below 75 units per acre (3.5 units/acre). This level of density is not inconsistent with any recommendations contained in the area master plan.

(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.

The density for the proposed senior living facility is consistent with the Development Plan’s limitation in Study Area A for “0-100 units”, proposing a

modest increase of 50 additional units, which will result in increasing the diversity of housing units in accordance with County housing policies.

- (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.***

See discussion in Section 59-C-7.53(b) in this report.

Per Section 59-C-7.54 of the Zoning Ordinance, Density of commercial/industrial development in the MXPB Zone:

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.

Since the proposed senior housing use does not increase or affect the maximum density of commercial or industrial development, this finding is not applicable.

Per Section 59-C-7.55 of the Zoning Ordinance, Compatibility Standards of the MXPB Zone:

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.***

The proposed increase in senior living units will not be located within 100 feet of any one-family detached residence. Furthermore, no single-family detached houses are planned to be located in Study Area A.

- (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. This DPA seeks a modest increase on the limit on senior housing and, therefore, this finding is not applicable to this application.

(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 property recommended for residential zoning or land use is located in close proximity to Study Area A, so this section is not applicable.

Per Section 59-C-7.56 of the Zoning Ordinance, Minimum Green Area and Amenity Requirements in the MXP Zone:

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.

This Amendment will not adversely affect the amount of green space within the Overall Site and will not reduce the level of green space to an overall amount of less than 50%.

59-C-7.57. Public facilities and utilities within the MXP Zone:

(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.

All public facilities, including schools, roads, water, sewer and stormwater management, have been addressed in the existing infrastructure of the Overall Site and are not prejudiced by the approval of this DPA.

(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.

All utility lines on the Site have been, and shall continue to be, placed underground. Any future development within Study Area A must demonstrate compliance with those requirements as part of the Site Plan review process.

Per Section 59-C-7.58 of the Zoning Ordinance, Parking facilities in the MXPDP Zone:

(a) Off-street parking shall be provided in accordance with the requirements of article 59-E.

Any future development must demonstrate compliance with those requirements as part of the Site Plan review process.

(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.

All off-street surface parking will be appropriately sized and landscaped as determined at the time of Site Plan review.

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

The envisioned infrastructure plan, which identified the internal roadway and sidewalk networks, was previously evaluated to address this required finding and has largely been constructed. All internal vehicular and pedestrian circulation systems and points of external access for any future development made feasible by the Subject Application will be reviewed, evaluated, and refined as part of future Preliminary and Site Plan applications. It is important to note that as proposed and without any trip credits applied, 150 senior living units are estimated to generate 29 morning peak hour vehicle trips and 38 evening peak hour vehicle trips (Table 3). In accordance with the 2024-2028 *Growth and Infrastructure Policy*, a Local Area Transportation Review (LATR) Study may be required at the time of Preliminary Plan and/or Site Plan.

Table 3: Estimated Trip Generation of 150 units of Senior Adult Housing (no trip credits applied)

Proposed Density Increase	ITE Trip Generation	Adjusted Vehicle Rates Clarksburg East Policy Area
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	Vehicle Rates (ITE code 252)			
	AM	PM	AM	PM
Senior Adult Housing – Multifamily (150 units)	29	38	29	38

(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.

A Final Forest Conservation Plan Amendment will be required and will be reviewed along with the Preliminary and Site Plan applications for any future development within the DPA boundary. At that time, the Applicant will need to demonstrate compliance with Chapters 22A and 19 of the County Code. A review of the Water Quality Plan will also be required.

(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.

Public and quasi-public areas proposed with the future development will be evaluated at the time of Site Plan review.

SECTION 7: CONCLUSION

As conditioned, Development Plan Amendment No. 202501 satisfies the findings under Sections 59-D-1.7 and the applicable zoning development standards of the 2004 Zoning Ordinance for the MXPB Zone. The Subject Application substantially conforms to the recommendations of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. Therefore, Staff recommends approval of Development Plan Amendment No. 202501 with the modified binding element specified at the beginning of this report and transmittal of comments to the Hearing Examiner.

ATTACHMENTS

Attachment A: *Development Plan Amendment No. 202501 Redline*

Attachment B: *Prior Regulatory Approvals*

Attachment C: *G-806 Development Plan Binding Elements*