



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

MCPB No. 13-125  
Site Plan No. 82007022B  
Clarksburg Town Center  
Date of Hearing: July 11, 2013

**JUL 16 2013**

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3 the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, by Resolution dated July 16, 2009 the Planning Board approved Site Plan No. 820070220 for 194,720 square feet of commercial development, including up to 69,720 square feet of specialty retail, and 1,213 residential dwelling units, including 152 MPDUs and a waiver to permit a reduction in the required number of parking spaces, and reconfirmed the previously approved reduction in setbacks from adjacent residentially zoned properties, on approximately 270 gross acres of RMX-2 and RDT-zoned land located at the northeast quadrant of the intersections with Stringtown Road and Frederick Road (MD 355) and bounded by Clarksburg Road to the north and Snowden Farm Parkway to the east ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, on May 27, 2010, the Planning Board approved Site Plan No. 82007022A (MCPB No. 10-59) to correct and clarify the unit mix and unit count, correct the data table, and remove a trash can; and

WHEREAS, on April 4, 2013, Miller and Smith and NNPII Clarksburg LLC (collectively, "Applicant") filed an application for approval of an amendment to the previously approved site plan to reinstate accessory structure setbacks for lots 10-14, Block GG; 9-14, 16, 19 & 20, Block K; 15-17, 26-34, 38 & 52-54, Block N; and confirm that based on the existing approved lot standards shown on the "Interim Amendment" (Sheet I-6) either single-family detached houses with garages or the previously shown "Courtyard" houses with attached garages can be built on lots 1-3, 35-37 & 55, Block N; and

WHEREAS, the April 4, 2013 application was designated Site Plan No. 82007022B, Clarksburg Town Center ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated June 28, 2013 setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 11, 2013, the Planning Board considered the Application on its consent agenda; and voted to approve the Application by the vote certified below;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan No. 82007022B to reinstate accessory structure setbacks for lots 10-14, Block GG; 9-14, 16, 19 & 20, Block K; 15-17, 26-34, 38 & 52-54, Block N; and confirm that based on the existing approved lot standards shown on the "Interim Amendment" (Sheet I-6), either single-family detached houses with garages or the previously shown "Courtyard" houses with attached garages can be built on lots 1-3, 35-37 & 55 Block N on the Property by adding/modifying the following table:

<b>Zoning Ordinance Development Standard</b>	<b>Site Plan 820070220/A</b>	<b>Proposed Development Standard</b>
<b>Residential Accessory Structure Setbacks/Standards</b>		
<b>Setback (Inside Lot)</b>		
-From Front Street Line	Not provided for all lots	60 feet
-From Side/Rear Lot Line	Not provided for all lots	0 feet
-From Alley Line	Not provided for all lots	0 feet
<b>Setback (Corner Lot)</b>		
-From Side Street (where abutting lots front)	Not provided for all lots	10 feet
-From Side Street (where abutting lots do not front)	Not provided for all lots	10 feet
-From Rear Lot Line	Not provided for all lots	0 feet
Maximum Height of Accessory Structure	Not provided for all lots	27 feet

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that all site development elements as shown on Clarksburg Town Center drawings stamped by the M-NCPPC on March 22, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in

the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved project and preliminary plan, and all findings not specifically addressed remain in effect; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

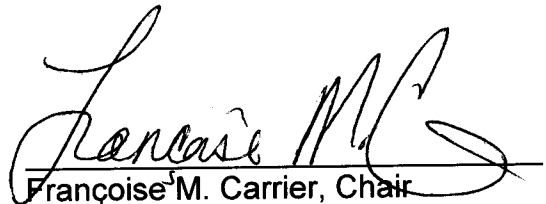
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 16 2013 (which is the date that this resolution is mailed to all parties of record); and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor, Commissioner Presley abstaining, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 11, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board