



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

MCPB No. 18-046
Site Plan No. 82014016B
Clarksburg Premium Outlets at Cabin Branch
Date of Hearing: June 14, 2018

JUL 03 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on December 23, 2014, the Planning Board, by Resolution MCPB No. 14-112, approved Site Plan No. 820140160 for 450,000 square feet of retail and restaurant uses, parking facilities and public amenities on 84.24 acres of MXPB zoned-land, located south of the intersection of I-270 and Clarksburg Road, Lots 1, 3 & 4 and Parcels A & B, Block AN recorded by Plat No. 25001, ("Subject Property"), in the Clarksburg Policy Area and the 1994 Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan") area; and

WHEREAS, on April 25, 2016, the Planning Director approved administrative Site Plan No. 82014016A for minor modifications related to site grading, stormwater management facilities, crosswalks, surface parking facilities, a dumpster location, and the landscape plan; and

WHEREAS, the Cabin Branch Development is also subject to that Infrastructure Site Plan and Final Water Quality Plan No. 820050150, as amended ("Infrastructure Site Plan"), which, in accordance with Conditions 1 and 14(c) of Site Plan No. 82005015B, is further amended through approval of this Site Plan; and

WHEREAS, on August 31, 2017, Simon/Clarksburg Development, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) for approval of the following modifications:

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

1. Remove the median within the main loop access drive (condition of approval 13.c.i. of Site Plan No. 820140160);
2. Improve the promenade hardscape layout, materials, and finishes;
3. Update the landscape plan and site furnishing;
4. Make minor revisions to the site details and retaining wall adjustments; and
5. Revise the approved playground equipment to match the as-built conditions; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82014016B, Clarksburg Premium Outlets at Cabin Branch ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 1, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 14, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 14, 2018, the Planning Board approved the Forest Conservation Plan on motion of Commissioner Cichy; seconded by Commissioner Fani-Gonzalez; with a vote of 4-0, Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board adopts Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82014016B, subject to the following revision to Condition No. 13.c.i of Site Plan No. 820140160 and two new conditions:¹

Revisions to Previous Conditions

13. Transportation

- c. The Certified Site Plan must show the internal circulation as private drive aisles.
 - i. The Applicant must construct a private drive aisle (labeled as "Premium Outlets Drive") from the main entrance at Clarksburg Road (MD 121) to the southern end of the site that terminates at the

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

amphitheater as shown on the Certified Site Plan. This drive aisle will consist of travel lanes that will be at least 12-feet wide and will vary between 1 and 2 lanes in each direction. Sections of this drive aisle will contain a raised median or striped pavement as indicated on the Certified Site Plan. A shared use path will be accommodated within Premium Outlets Drive as indicated on the Certified Site Plan from the private drive aisle connecting to Cabin Branch Avenue to the proposed amphitheater.

New Conditions

1. **Site Plan Conformance**

The proposed development must comply with the conditions of approval for Site Plan 820140160 as listed in MCPB Resolution No. 14-112, and as amended, except as amended by this application.

2. **Certified Site Plan**

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) The Applicant must provide Staff with a playground safety certification from a Certified Playground Safety Inspector (CPSI). Any minor revisions suggested by the CPSI may be incorporated in the Certified Site Plan subject to Staff approval.
- b) Revise the plan drawings to correct legibility issues, sheet detail references, and inconsistencies between drawings as indicated by Staff in ePlans.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Clarksburg Premium Outlets at Cabin Branch, 82014016B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered 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:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.*

- 2. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Pedestrian and vehicular circulation systems

The replacement of raised, planted medians with pavement striping and reconfiguration of lanes along the mall access road improves vehicular circulation. As originally designed and installed, the road would have been difficult for buses and trucks to navigate without running onto the medians, and a disabled vehicle would have completely blocked traffic in one direction. The revised access road adequately addresses these issues and is both safe and efficient.

Landscaping

The landscaping modifications, including improvements to the hardscape layout, materials, and finishes; updates to the landscape plan and site furnishings; and revisions to the site details and retaining wall adjustments, are minor and will not adversely impact the original intent of the Certified Site Plan and conform to the findings of that Plan, as amended. The revised landscaping remains adequate, safe, and efficient.

Recreation facilities

The modifications to the playground equipment and layout are adequate, safe, and efficient as conditioned. Although the equipment is different, it still accommodates a range of activities for similar age-groups of children.

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 03 2018 (which is the date that this resolution is mailed to all parties of record); and

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

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, June 28, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board