



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

MCPB No. 18-132
Preliminary Plan No. 12015006A
Courts of Clarksburg
Date of Hearing: December 13, 2018

DEC 18 2018

RESOLUTION

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

WHEREAS, on January 29, 2016, the Planning Board, by corrected Resolution MCPB No. 15-95, approved Preliminary Plan No. 120150060, creating 140 lots on 54.32 acres of land in the PRC zone, located on the west side of Ridge Road/MD-27, north of Brink Road ("Subject Property"), in the Clarksburg Policy Area and 1994 Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan") area; and

WHEREAS, on October 8, 2018, Pulte Home Corporation ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to change a condition of approval that limits the release of the 76th building permit based on the completion of access to Brink Road to instead limit it to the 91st building permit; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12015006A, Courts of Clarksburg ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 30, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 13, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

Approved as to
Legal Sufficiency:

Christina Sount 12/16/18

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12015006A to allow an additional 15 building permits to be issued prior to access to Brink Road being accepted for maintenance by MCDOT by modifying the following condition:¹

8. Prior to the issuance of the 91st residential building permit for those units between Brink Road and Snowden Farm Parkway, both points of access to Brink Road and Snowden Farm Parkway must be complete and accepted for maintenance by MCDOT.
 - a. The Applicant must construct left turn lanes on eastbound and westbound Snowden Farm Parkway as shown on the Preliminary Plan prior to access to Snowden Farm Parkway being accepted for maintenance by MCDOT.
 - b. The Applicant must construct the frontage improvements on Brink Road as shown on the Preliminary Plan prior to access to Brink Road being accepted for maintenance by MCDOT.

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

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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

Roads and Transportation Facilities

The Planning Board Resolution for Preliminary Plan No. 120150060 found that the tertiary road classification limits the number of units to 75. However, a closer reading of the tertiary road classification indicates that it is merely the intention of the classification (the road is "meant to" provide access to that number of units). Nothing in the classification limits the number of units to 75 other than the fact that only the Planning Board can approve a tertiary classification. The Planning Board finds that temporarily allowing an additional 15 units to access Snowden Farm Parkway for the

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

few months needed to complete both connections meets the finding for adequate public facilities and the circulation is safe and efficient.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 18 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, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 13, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board