



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

MCPB No. 19-054  
Site Plan No. 82007022F  
Clarksburg Town Center  
Date of Hearing: May 23, 2019

**MAY 30 2019**

**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, on July 16, 2009, the Planning Board, by Resolution MCPB No. 09-15, approved Site Plan No. 820070220, for 194,720 square feet of commercial, which includes 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 number of parking spaces; and reconfirmation of the previously approved reduction in setbacks from adjacent residentially-zoned properties, on approximately 270 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Road and Frederick Road (MD 355), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan"); and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 82007022A (MCPB No. 10-59) to correct the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs on the Property; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 82007022B (MCPB No. 13-125) to reinstate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots on the property; and

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 82007022C (MCPB No. 15-81) for construction of a driveway approach onto Clarksridge Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management

Approved as to  
Legal Sufficiency

*Christina Sout* 5/13/19

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facilities on Parcel A, Block HH in support of Site Plan No. 820140050 on the Property;  
and

WHEREAS, on September 21 2015, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 82007022D (MCPB No. 15-86) to reduce the total number of residential units to 1,120; increase overall commercial density to 206,185 SF including the addition of office and medical uses; revise the design and layout of the Commercial Core; add a new Community Building to the Residents' Club; add a parking area on Sinequa Square; redesign Block H; revise Kings Pond Local Park and Piedmont Woods Local Park; and

WHEREAS, on March 24, 2016, the Planning Board approved an amendment to the previously approved site plan, designated as Site Plan Amendment No. 82007022E (MCPB No. 16-034) to replace 11 multi-family units (including 3 MPDUs) with 9 one-family attached units (including 3 MPDUs) and 1 HOA parcel on approximately 0.36 acres in the RMX-2 zone, located on Block N in the northwest quadrant of the intersection of Catawba Hill Road and Sugarloaf Chapel Drive within the Clarksburg Town Center development; and

WHEREAS, on March 14, 2019, CTC Development ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to change 36'-0" deep townhouse units to 40'-0" units, adjustments to site elements, including lead walkways, retaining walls, sidewalks, and landscaping on approximately 1.22 acres, located northeast of Frederick Road (MD 355) between Clarksburg Road and Stringtown Road on the Subject Property within the Clarksburg Town Center development; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82007022F, Clarksburg Town Center ("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 May 9, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 23, 2019, 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82007022F to change from the previously approved 36'-0" deep townhouse units to 40'-0" units, adjustments to site elements, including lead walkways, retaining walls, sidewalks, and landscaping by adding the following conditions:<sup>1</sup>

- 1) Prior to issuance of any building permit in Block GG, the Applicant must re-record plat(s) for Lots 33-53 in Block GG.

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 Site Plan No. 82007022F, submitted via ePlans to the M-NCPCC 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:

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

1. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is approximately 1.22 acres and is zoned CRT 0.75, C-0.25, R-0.5, H-65T, but reviewed under the RMX-2 zone. The above changes have not resulted in a change to the minimum or maximum setback, coverages, or development standards. While the particular lots have been adjusted to accommodate a different unit type, the previously approved development standards, including minimum lot size, remain the same and in full effect. The setbacks and parking counts for the Amendment continue to fall within the range allotted by the previous site plan.

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<sup>1</sup> 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.

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

#### Location of Buildings and Structures

##### Buildings and Structures

The location of all buildings remains adequate, safe, and efficient. Each of the townhouse buildings will increase by an additional 4'-0" of depth, from the previously approved 36-foot deep units to 40-foot deep units. Lots 33-50 and Lots 58-63, within Block GG, will include minor lot line adjustments and Lots 51-57, within Block GG, will include adjustments to minor site elements. The increase to the building footprint requires minor modifications to grading, specifically to the southeast of Lots 51-57 and Lots 58-63, which pushes the sidewalk and retaining wall to the southeast by about three feet. The horizontal length of the retaining wall will remain the same. While the height will increase by a maximum of 2'-0", the overall height will be no greater than 6'-0". The walkways to the front of each townhouse will be reconfigured to connect to the sidewalks. These changes do not impact the overall quality of the project or the intent of the original approval.

#### Location of Open Spaces, Landscaping, and Lighting

##### Landscaping and Lighting

The location and quantity of landscaping proposed by the Amendment is safe, adequate and efficient. The changes made to landscaping are minimal and are in response to the change in unit type which added 4'-0" to the rear of all townhouses, resulting in 40'-0" deep units. The type and quantity of plant material is substantially similar, and it maintains the intent of providing shade, screening, and foundation plantings.

3. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The thirty townhouse units are compatible with the surrounding existing development in terms of unit type, massing, and orientation. The new townhouse unit type matches closely with what was previously approved and is within the character of the existing development. Additionally, the same 40-foot deep townhouse units were also approved in Block BB. Both

existing and proposed units are consistently oriented towards the street and rear-loaded from alleys.

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 § 59-7.3.4.H; 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 ~~MAY 30 2019~~ (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 Commissioner Fani-González, seconded by Commissioner Cichy, 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, May 23, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board