



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

MCPB No. 21-115
Preliminary Plan No. 12016021A
Cashell Estates
Date of Hearing: October 21, 2021

NOV 15 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications, and Section 50.4.2.F.2 allows for review of minor amendments to an approved preliminary plan; and

WHEREAS, on April 5, 2018, the Planning Board, by Resolution MCPB No. 18-024, approved Preliminary Plan No. 120160210, creating 19 (nineteen) lots on 2 acres of land in the RE-1 zone, located in the southeast quadrant of the intersection of Garrett Road and Redland Road, approximately 2,300 feet south of the intersection of Redland Road and Muncaster Mill Road ("Subject Property"), in the Derwood Policy Area and 2004 *Upper Rock Creek Area Master Plan* ("Master Plan") area; and

WHEREAS, on June 24, 2021, Garrett Gateway Partners, LLC ("Applicant") filed an application for approval of a minor amendment to the previously approved preliminary plan(s) to amend the timing of the offsite access improvements on the Subject Property; and

WHEREAS, Applicant's application for a minor amendment to the preliminary plan was designated Preliminary Plan No. 12016021A, Cashell Estates ("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 October 8, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 21, 2021, the Planning Board considered the Staff Report and voted to approve the Application subject to certain conditions, by motion of Commissioner Cichy, seconded by Commissioner Verma; with a vote of 3-0, Chair Anderson, Commissioners Cichy and Verma voting in favor, with Commissioner Patterson being absent.

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 12016021A to amend the timing of the offsite access improvements by modifying the following conditions:¹

- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its revised letter dated October 8, 2021 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the incorporated recommendations as set forth in the letter, which may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 14) Prior to issuance of the sixteenth (16th) building permit, the Applicant must:
 - a) Record the access easement on Parcel 313, as stated in the Maryland State Highway Administration ("SHA") letter dated May 31, 2017.
 - b) Permit and bond the portion of the private street from Garrett Road to the Subject Property within the SHA access easement on Parcel 313.
- 15) Prior to release of the right-of-way permit #364051 bond and/or final inspection of the 19th unit, whichever comes first, the Applicant must construct the portion of the private street section on Parcel 313 including the proposed driveway access to Garrett Road.

BE IT FURTHER RESOLVED that all other previous 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 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, findings or requirements in the originally approved preliminary plan, and all findings remain in effect.

The layout of the subdivision, including size, width, shape, orientation and density of lot, and location and design of roads remain appropriate for 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.

subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

Construction of the approved townhouse development is underway. However, as explained in the Applicant's Statement of Justification, acquiring the requisite off-site easement took longer than expected, due to the complicated process, which was further delayed by the Covid-19 Pandemic. However, the Applicant has now acquire the easement (so no longer needs an extension of that time period), but still needs to complete the permitting and bonding process (See Condition 14b) which was delayed by the easement acquisition. Modifying the trigger for permitting and bonding the road connection will allow the Applicant to fulfill their obligation, while continuing construction of the second to last stick of townhouses. Similarly, the Applicant requested to amend Condition 16 to provide additional time for the final construction of the new road connection. These amendments are reasonable and consistent with the intent and objectives of the approved Preliminary Plan.

The Application has been reviewed by the MCDOT who, in an amended letter dated October 8, 2021, supports the revised conditions of approval.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 15 2021 (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 Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson abstaining at its regular meeting held on Thursday, October 28, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board