



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

MCPB No. 21-051  
 Pre-Preliminary Plan No. 720210010  
 Miles Coppola  
 Date of Hearing: June 10, 2021

**JUL 20 2021**

**RESOLUTION**

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

WHEREAS, on June 10, 2021, Brookfield Washington, LLC (“Applicant”) filed an application requesting a binding decision by the Planning Board on the proposed alignment of the portion of the future MD 355 Bypass through the Subject Property, located along Clarksburg Road and north of Interstate 270 (“Subject Property”), in the Clarksburg Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area & 2014 Ten Mile Creek Area Limited Amendment (“Master Plans”)* area; and

WHEREAS, Applicant’s pre-preliminary plan application was designated Pre-Preliminary Plan No. 720210010, Miles Coppola (“Pre-Preliminary Plan” 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 28, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 10, 2021, 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 10, 2021, the Planning Board voted to approve the Pre-Preliminary Plan subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma; with a vote of 5-0; Chair Anderson, Commissioners Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720210010 and supports Option 2 for the Maryland 355 (MD 355) bypass alignment. The Option 2 alignment extends from Gateway Center Drive at

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Approved as to  
 Legal Sufficiency: /s/ Matthew T. Mills  
 M-NCPPC Legal Department

Stringtown Road, along Clarksburg Road, through the Subject Property and intersects Frederick Road approximately 1,200 feet to the northwest of the existing Clarksburg Road/Frederick Road intersection. Although Option 2 has greater environmental impacts, Option 2 secures a connection to MD 355 via the Subject Property's frontage along MD 355, provides greater intersection spacing from the intersection of 355 and Clarksburg Road, and places the intersection on 355 further west at the edge of the Clarksburg Historic District. Option 1 is also acceptable, if the Applicant is able to acquire and/or secure the ability to construct on the intervening properties to the north and immediately adjacent to the Clarksburg fire station. The Planning Board also agreed that the details and responsibilities of the future Maryland 355 bypass alignment will be determined at a future preliminary plan stage and will be subject to the following conditions:<sup>1</sup>

1. MD 355 Bypass –The Planning Board recommends the Applicant pursue the Option 2 alignment. However, the Option 1 alignment may be acceptable should the Applicant be able to ensure construction on the intervening properties to the north and immediately adjacent to the Clarksburg fire station, which currently are not part of the Application. The Preliminary Plan must provide:
  - a. Concept design for the bypass detailing road cross sections, horizontal and vertical alignment, easements, and location of transit facilities, to be reviewed and analyzed as part of the future preliminary plan.
  - b. Environmental impacts of the bypass with respect to extent of cut and fill, grading, stream and wetland impacts will be further reviewed and analyzed as part of the future preliminary plan.
2. Road Dedication – The future preliminary plan shall provide adequate right-of-way dedication to support the full master planned facilities of the bypass. Dedication shall support both the recommended alignment via Clarksburg Road as well as accommodate a future extension of Observation Drive.
3. Road Construction – The Applicant must construct a road connection following the bypass alignment through the Subject Property. The connection must run between Clarksburg Road and Frederick Road. The road must meet public road standards and meet requirements for the 2018 *Bicycle Master Plan*. Details of the cross section for the road and phasing of construction will be determined as part of the future preliminary plan.
4. Transportation Study – The future preliminary plan must include an updated transportation study to determine the impact of the development on the

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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.

transportation system (Section 50.39.K) considering all approved background development as well as new road connections.

5. Future development must be in substantial conformance with the Zoning Ordinance and consistent with the recommendations in the 2014 *Ten Mile Creek Area Limited Amendment*.
6. The Applicant is encouraged to locate the bypass intersection segment with Clarksburg Road as far uphill (existing Miles Coppola farm access road) to the north as possible to avoid and minimize environmental impacts to the nearby stream valley.
7. The Applicant must coordinate with staff to minimize environmental impacts along the MD 355 frontage, regardless of the alignment.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated May 27, 2021, and hereby incorporates them as conditions of the Pre-Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated May 27, 2021 and incorporates them as conditions of the Pre-Preliminary Plan approval.

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, the Board hereby adopts and incorporates said Staff Report by reference.

BE IT FURTHER RESOLVED that this Pre-Preliminary Plan binding review will remain valid for 90 days from the date of mailing of the Board resolution for the Pre-Preliminary Plan. The Applicant must file a Preliminary Plan application within this time period in order for the approval not to expire under Section 50.5.2.C.3.a.; 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 20 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).

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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 Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 15, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board

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