

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

October 18, 2024

MCPB No. 24-093
Forest Conservation Plan Amendment No. F2024003A
Chick-fil-A Clarksburg
Date of Hearing: September 26, 2024

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on May 13, 2024, Chick-fil-A, Inc. (“Applicant”) filed an application for approval of a forest conservation plan amendment, in conjunction with Site Plan Amendment No. 82014006C to construct a restaurant with a drive-thru facility, including associated alterations to parking area and landscaping, pedestrian and bicycle facility improvements, and other site modifications, on approximately 2.49 acres of land located at 22705 Clarksburg Road, Clarksburg, MD 20871 (“Subject Property”) in the Clarksburg Policy Area and the 1994 Clarksburg Master Plan and Hyattstown Special Study Area (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan No. F2024003A, Chick-fil-A Clarksburg (“Forest Conservation 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 September 16, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 26, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F2024003A on the Subject Property to revise sheets 1, 2C, 2E, 3, 6, 9, 10, and 11 of the FFCP. All existing conditions of approval for the Forest

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

Conservation Plan¹ remain valid, unchanged and in full force and effect, except as modified by adding the following new conditions:²

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and/or 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:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A, and ensures the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan Amendment complies with the requirements of the Forest Conservation Law.

The Applicant has submitted a Final Forest Conservation Plan Amendment No. F2023003A for concurrent review with the Site Plan Amendment No. 82014006C. The Amendment amends the overall FFCP for the Cabin Branch property by revising sheets 1, 2C, 2E, 3, 6, 9, 10 and 11 of that overall FFCP. The FFCP is revised to show the proposed construction of the Chick-fil-A pad site as required under Sec. 22A.00.01.09 of the Forest Conservation Regulations. The Amendment conforms to the requirements established by the original overall FFCP and does not alter the requirements established by the overall FFCP worksheets.

¹ The Property has an overall Final Forest Conservation Plan No. 820050150, as amended, which was renumbered to F20240030 with the most recent amendment.

² For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is

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(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Commissioner Bartley, with a vote of **3-0**; Chair Harris, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Vice Chair Pedoeem and Commissioner Linden being necessarily absent, at its regular meeting held on Thursday, October 17, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board