

# **Montgomery County Planning Board**

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-056

Pre-Preliminary Plan No. 720230020

Clarksburg Chase

Date of Hearing: May 4, 2023

**JUN 08 2023**

## **RESOLUTION**

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

WHEREAS, on October 5, 2022, U.S. Home, LLC ("Applicant") filed an application requesting a binding decision by the Planning Board on the issues of 1) the appropriateness of the general layout, single point of access, tear drop cul-de-sac and the general mix/location of unit types, 2) confirmation that the impervious cover limit of 6% in the Clarksburg West Overlay Zone is calculated based on the Gross Tract Area, and 3) confirmation that the existing and proposed pedestrian and bicycle improvements on Clarksburg Road (MD 121), and through Cabin Branch, meet the requirements under the 2014 *Ten Mile Creek Master Plan*, 2018 *Bicycle Master Plan* and Subdivision Regulations; on 136.18 acres of land in the Rural Neighborhood Cluster (RNC) zone and Clarksburg West Environmental Overlay (CWEO) zone, located at 22600 Clarksburg Road, in the northwest quadrant of the intersection of Gosnell Farm Drive and Old Clarksburg Road ("Subject Property"), in the Clarksburg Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* and 2014 *Ten Mile Creek Area Limited Amendment* ("Master Plans") area; and

WHEREAS, Applicant's pre-preliminary plan application was designated Pre-Preliminary Plan No. 720230020, Clarksburg Chase ("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 April 21, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 4, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Piñero, with a vote of 4-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley and Hedrick voting in favor, with Commissioner Pedoeem being absent.

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Approved as to

Legal Sufficiency: /s/ Allison Myers

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720230020 and supports the submission of preliminary plan and site plan applications that, at a minimum, address the following recommendations and the issue of the additional bicycle and pedestrian connection and access.

The Planning Board supports the general layout, single-access point, non-standard cul-de-sac and general location of the units and mix of detached and attached dwelling units.

While the Planning Board supports the current road configuration and teardrop style cul-de-sac design at Preliminary Plan, the Planning Board acknowledges that the Montgomery County Department of Transportation ("MCDOT") is the lead agency when approving road and cul-de-sac designs, including, but not limited to road centerline radius, cul-de-sac shape (standard or teardrop) and certain frontage improvements. Therefore, the Planning Board could not approve the proposed design, and directs Staff to coordinate with MCDOT during the Preliminary and Site Plan review stage.

The Planning Board confirms that impervious surfaces must be calculated over the land area that is included in the Application, including any off-site improvements, which lies within the Clarksburg West Environmental Overlay Zone, which is consistent with the defined Gross Tract Area for this Application.

The Planning Board supports the addition of a new pedestrian and bicycle connection between Public Road B and Clarksburg Road, subject to further assessment of feasibility at preliminary plan. The Planning Board heard testimony from the Applicant during the Planning Board meeting, questioning the overall need for the additional connection, and identifying specific concerns about the path alignment, grading, imperviousness implications and property ownership. The Planning Board concludes that providing additional connection from the Subject Property to Clarksburg Road and the adjacent Cabin Branch development is desirable and could be required under the Subdivision Regulations and applicable Master Plan guidelines. However, the Planning Board acknowledges the Applicant testimony and concludes that additional information is needed to determine feasibility of the connection, as reflected in Condition 5 below. Staff and the Applicant will review the path alignment and feasibility during the preliminary plan stage.

The Planning Board supports the Applicant's submittal of a preliminary plan and site plan for a cluster development on the Subject Property, subject to the following conditions:<sup>1</sup>

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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.

1. Site Access and Public Road 'A' – At the time of Preliminary Plan, the Applicant must submit justification for a waiver to create of a non-through road (single access point) longer than 500 feet, which serves more than 75 dwelling units, pursuant to Section 4.3.E.2.e of the Subdivision Regulations.
2. The impervious surfaces must be calculated over the land area that is included in the Application, including any off-site improvements, which lies within the Clarksburg West Environmental Overlay Zone. Impervious Surfaces for purposes of determining conformance with the Overlay Zone are not calculated by subwatershed.
3. Bicycle and Pedestrian Improvements – The Applicant shall conform to recommendations outlined in applicable area master plans and *Complete Streets Design Guidelines* ("CSDG") recommendations concerning pedestrian & bicycle improvements. Pursuant to Section 49-33, the Applicant will be required to provide adequate pedestrian infrastructure in accordance with direction from Planning Staff, the Montgomery County Department of Transportation ("MCDOT") and the Montgomery County Department of Permitting Services ("MCDPS").
4. The Applicant must provide all street requirements proposed in the *Ten Mile Creek Master Plan* and 2021 *Complete Streets Design Guide*. In particular, the Application will need to provide sidewalks on both sides of all proposed public streets and along the frontage of Old Clarksburg Road.
5. Path Connection – The Applicant must design and construct a paved shared use path approximately from the center of the development area, between proposed Lots 43 and 44, to connect to Clarksburg Road, subject to feasibility assessment at Preliminary Plan. The path must include a crossing of Old Clarksburg Road and if necessary, a ramp connecting to the existing bicycle and pedestrian network on Clarksburg Road, near the intersection with Cabin Branch Avenue.
6. Road Dedication – The Preliminary Plan must provide adequate right-of-way dedication to support all public roads and facilities as required by the *Complete Streets Design Guidelines* ("CSDG") within the Subject Property. Public Roads 'A' and 'B' are considered "secondary residential streets" and require a minimum right-of-way of 60 feet per MC-211.03.
7. A multimodal transportation study may be required; the subsequent applications are subject to the 2022 LATR Guidelines.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated

January 13, 2023 and incorporates them as conditions of the Pre-Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Pre-Preliminary Plan approval.

9. Parks – No engineered steep slopes, stormwater management or storm drain infrastructure will be allowed on the future parkland conveyance areas. All representations of such on current plans have not been reviewed or approved by Parks Staff.

BE IT FURTHER RESOLVED that having considered 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

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 JUN 08 2023 (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 Bartley, seconded by Commissioner Hedrick, with a vote of 4-0-1; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Pedoeem abstaining at its regular meeting held on Thursday, June 1, 2023, in Wheaton, Maryland and via video conference.

  
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Jeffrey Zyontz, Chair

Montgomery County Planning Board