

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

**August 5, 2025**

MCPB No. 25-092  
Preliminary Plan No. 120250130  
Muncaster Mill Road Property  
Date of Hearing: July 31, 2025

## **RESOLUTION**

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

WHEREAS, on April 2, 2025, CM Muncaster Mill LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create 43 lots and 43 units on 4.46 acres of land in the R-200 zone, located at 7100 & 7106 Muncaster Mill Road, Rockville, MD 20855 (“Subject Property”), in the Derwood Policy Area and 2004 *Upper Rock Creek Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250130, Muncaster Mill Road Property (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20230500; 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 July 21, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 31, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250130 to create 43 lots and 43 units on the Subject Property, subject to the following conditions:<sup>1</sup>

---

<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.

### **General Approval**

1. This Preliminary Plan is limited to 43 lots for 43 townhouse Design for Life use, including at least 15% MPDUs, and associated open space and private road parcels.
2. The Preliminary Plan is required to comply with Section 59.3.3.1.D.2.b. This includes the Subdivision meeting or exceeding the Level II Accessibility Standards established by Section 52-106 and detailed in Section 52-107 of the County Code.

### **Adequate Public Facilities**

3. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

### **Plan Validity Period**

4. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

### **Outside Agencies**

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 22, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDOT may amend if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. Before recording a record plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated July 17, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MDOT SHA may amend if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. Before the issuance of access permits, the Applicant must satisfy the MDOT SHA’s requirements for access and improvements.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated November 11, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS – Water Resources Section may amend

if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, in its letter dated November 29, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
11. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated July 9, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### **Other Approvals**

12. The Applicant must comply with the conditions of the Hearing Examiner Resolution approving Conditional Use No. CU202407.
13. Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

#### **Transportation**

##### **Frontage Improvements on Existing Roads**

14. Before the recordation of record plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure the construction of an eleven-foot wide sidepath along the property frontage on Muncaster Mill Road.

#### **Private Roads**

15. The Applicant must provide Private Road A, Private Alley A, Private Alley B, and Private Alley C. The Private Road and Alleys, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the subsequent Site Plan within the delineated private road area (collectively, the “Private Roads”), are subject to the following requirements:
  - a) The record plat must show the Private Road in a separate parcel.
  - b) The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland, in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50.4.3.E et seq regarding private roads. The Covenant includes, but is not limited to, the following requirements/conditions:

- i) The Applicant, at its expense, shall design, construct and maintain the Private Road.
  - ii) The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Road and all improvements located within the Private Road, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no below-ground parking structures in the Private Road). The reserves must be adequate to cover the costs of needed repairs.
  - iii) The Applicant must post and retain signage to notify the public that the Private Road is not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Road.
  - iv) Approved sub-grade for private roads to be six-inch Graded Aggregate Base (GAB).
- c) Before issuance of the first building permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d) Before approval to release any portion of the performance bond or surety, the Applicant must deliver to the Planning Department and MCDPS inspector certification by a professional engineer licensed in the State of Maryland that the Private Road has been constructed in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on the Preliminary Plan or Site Plan, including in-place density testing of the roadway soil sub-grade, aggregate base, and asphalt, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all

necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshall.

### **Surety**

16. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions:
  - a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - b) The cost estimate must include private streets and alleys, sidewalks, sidepaths, retaining walls, playground equipment, benches, fences, landscaping, lighting, and other similar items.
  - c) Completion of all improvements covered by the surety will be followed by an inspection and potential reduction of the surety.
  - d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions and exhibits.
17. Before approval to release any portion of the performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

### **Record Plats**

18. There shall be no clearing or grading of the site before recordation of plat(s).
19. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
20. The record plat must show necessary easements.
21. The record plat must reflect common ingress/egress and utility easements overall shared driveways.
22. The record plat must reflect a common use and access covenant for the benefit of the public over all trails, sidewalks and paths not included in a public right-of-way or private street parcel. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

### **Notes and Labels**

23. The record plat must reflect all areas under common ownership.

24. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records in Book 28045 Page 578 (“Covenant”).

### **Schools**

25. Before issuance of each stick of building permits for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with the County Code and the Growth and Infrastructure Policy, as follows:

- a) 0.125 of a Tier 1 elementary school UPP required
- b) No middle school UPP per unit
- c) No high school UPP per unit

Montgomery County may modify the per-unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

### **Certified Preliminary Plan**

26. The certified Preliminary Plan must contain the following notes:

- a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permit(s) and must be in compliance with the approved Conditional Use. Please refer to the zoning data table for development standards, such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
- b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

27. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Show private roadway details and cross-sections on the certified set.
- c) Include the approved Fire Department Access Plan.

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 (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

Public water and public sewer, along with power and telephone in public utility easements, are included in this development. The Applicant is proposing private streets with access to Muncaster Mill Road through a new entrance across from Lisa Drive. The Private Road and Alleys will be on separate parcels. The lots and uses comply with the requirements of Chapter 59. The Hearing Examiner has approved the Conditional Use for Townhouse Living “Design for Life” for the Subject Property. The block design and layout for the subdivision are consistent with most townhouse communities in the area. The townhouse lots are deep enough to accommodate the townhouses with access from the rear and the units are organized in a block pattern. The Property is in the R-200 zone, which allows Townhouse Living as a Conditional Use. Per the Conditional Use requirements, the project complies with all the standards for townhouses in the TMD zone, Optional Method Section 59.4.4.12.C, as shown in the Development Standards Table below.

*Table 1: Muncaster Mill Property Preliminary Plan Data Table for TMD Zone, Standard Method, Section 59.4.4.12.C*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	4.46 aces
<b>Site Area</b>	n/a	4.46 acres
<b>Density</b>	12.10 units/acre	10.4 units/acres
<b>Minimum Lot Area</b>	800 sq. ft.	1,300 sq. ft.
<b>Minimum Lot Frontage</b>	14 ft.	20 ft.
<b>Minimum Lot width at B.R.L.</b>	n/a	n/a
<b>Maximum Lot Coverage</b>	n/a	n/a
<b>Principle Building setbacks</b>		

Development Standard	Permitted/ Required	Proposed
Front	4 ft.	5 ft.
Side	n/a	5 ft.
Sum of Side	n/a	n/a
Rear	4 ft.	4 ft.
Maximum Height	40 ft.	40 ft.
Common Open Space	20%	33%
Vehicle Parking Requirement (Section 59.6.2.4.B)	2 spaces/dwelling unit (43x2=86 spaces)	86 spaces & 12 visitor parking spaces

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Site is located within the 2004 *Upper Rock Creek Master Plan* (“Master Plan”) area. There are no specific recommendations in the Master Plan for this site. The Master Plan expresses the need for additional housing, as well as affordable housing or assistance with diverse housing needs, including the elderly and the physically disabled. The proposed use substantially complies with the Master Plan by providing 43 new townhomes, seven of which will be Moderately Priced Dwelling Units (MPDUs). The Application also conforms to the recommendations in the 2018 *Bicycle Master Plan* and the 2024 *Complete Street Design Guidelines* as further described below.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

a) ***Roads and other Transportation Facilities***

i. ***Existing Facilities***

There is a sidepath with a small buffer currently on Muncaster Mill Road. There are no bus stops along the Subject Property’s frontage, but there are nearby stops for the Ride On Route 53.

ii. ***Proposed public transportation infrastructure***

Per the *Master Plan of Highways and Transitways*, Muncaster Mill Road (MD 115) is classified as a Town Center Street with an eighty-foot required right-of-way, which is already dedicated. Additionally, the Applicant will upgrade the existing sidepath to an eleven-foot-wide sidepath with a six-foot-wide street buffer along the Subject Property frontage on Muncaster Mill Road. There is a bus stop located just north of the Property, which the Applicant will relocate to



the Site’s frontage on the southeast corner. The Applicant will install a bus shelter at this location.

iii. ***Proposed private transportation infrastructure***

The roadways within the Subject Property will consist of one private road and three private alleys. The private road will have ten-and-a-half foot-wide travel lanes with parallel parking that is eight feet wide on some sections of the street. Internally, the Project will have six-foot-wide sidewalks along the private street. The Applicant will also construct a sidewalk to the northwest corner of the Property boundary to support a future connection to Redland Road. The internal sidewalks will connect to the sidepath along Muncaster Mill Road.

**Local Area Transportation Review (LATR)**

The Property has two existing single-family homes and outbuildings that will be demolished. The proposed 43 townhouse units are estimated to generate a net increase of 14 vehicle trips in the morning peak hour and a net increase of 18 vehicle trips in the evening peak hour. The 2024-2028 *Growth and Infrastructure Policy* (GIP) requires a transportation impact study for any project estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. Since this is not the case for this Application, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 2 below.

*Table 2: Trip Generation Analysis*

		ITE Trip Generation Vehicle Rates		Adjusted Vehicle Rates Derwood Policy Area	
		AM	PM	AM	PM
Existing	Single-Family Homes	2	3	2	3
Proposed	43 Townhouse Units (Single Family Attached)	17	22	16	21
Subtotal		15	19	14	18
Net Change				14	18

*Source: Transportation Exemption Statement from The Traffic Group, January 27, 2025, modified by staff*

**a) Schools**

**School Impact Area Classification**

The Subject Property is located within the Derwood Policy Area, which is categorized as a Turnover Impact Area by the 2024-2028 Growth and Infrastructure Policy.

**Annual School Test Results**

As the Application was reviewed by the Planning Board on July 31, 2025, the results of the FY-2026 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, are applicable.

The Property is served by Sequoyah Elementary School, Redland Middle School, and Col. Zadok Magruder High School. The enrollment and capacity projections for these schools, as reflected in the FY2026 Annual School Test, which evaluates the 2028-2029 school year, and the resultant Utilization Premium Payment (UPP) tier placements are shown in Table 3.

*Table 3. FY2026 Annual School Test Projections & UPP Tier Placements*

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Sequoyah ES	434	501	115.4%	-67	No UPP
Redland MS	724	582	80.4%	+142	No UPP
Col. Zadok Magruder HS	1,885	1,679	89.1%	+206	No UPP

Based on the FY2026 Annual School Test results above, the property is not subject to any UPP. However, if the Application's enrollment impact estimate exceeds the adequacy ceiling shown in Table 4, a payment will be required.

*Table 4. FY2026 Annual School Test Adequacy Ceilings*

	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Sequoyah ES	7	25	85
Redland MS	262	292	396
Col. Zadok Magruder HS	366	583	866

### Enrollment Impact Estimate

Based on the School Impact Area classification and net residential units proposed, this Application's enrollment impact during an average year throughout its life is estimated to be eight elementary school students, four middle school students, and seven high school students, as shown in Table 5.

*Table 5. Student Enrollment Impact Estimate (reflects FY2026-2027 Student Generation Rates)*

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Estimate	Turnover MS Student Generation Rate	MS Estimate	Turnover HS Student Generation Rate	HS Estimate
SF Attached	43	x 0.207	= 8.901	x 0.113	= 4.859	x 0.166	= 7.138
<b>TOTAL (rounded down)</b>			<b>8</b>		<b>4</b>		<b>7</b>

The elementary school enrollment impact exceeds the Tier 1 adequacy ceiling identified in Table 5 by one seat out of the eight total estimated. Therefore, a partial UPP will be triggered at one-eighth of the Tier 1 rate and distributed across all units.

### Condition of Approval

Before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from the Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with the County Code and the Growth and Infrastructure Policy, as follows:

- a. 0.125 of a Tier 1 elementary school UPP required
- b. No middle school UPP per unit
- c. No high school UPP per unit

Montgomery County may modify the per-unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to the Montgomery County Department of Finance based on the rates in effect at the time of payment.

### ***b) Other Public Facilities and Services***

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision.

Dry utilities, including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the current Growth and Infrastructure Policy.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20230500, which are included in a separately approved resolution and are incorporated herein.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved the Stormwater Management Concept Plan on November 28, 2023. The plan will meet stormwater management requirements using landscape infiltration and bio retention.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M.*

This provision is not applicable, as there are no burial sites located on the Subject Property.

7. *Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied*

There are no additional provisions applicable to the Property.

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

**August 5, 2025**

(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 approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley necessarily absent, at its regular meeting held on Thursday, July 31, 2025, in Wheaton, Maryland and via video conference.



---

Artie L. Harris, Chair  
Montgomery County Planning Board