

**CREEKSIDE AT CABIN BRANCH
PRELIMINARY PLAN AMENDMENT NO. 12020005B**

Application to amend Condition No. 11 related to Utilization Premium Payments, amend Condition No. 14 to update the MCDOT letter of approval, and delete Condition No. 26 related to the release of building permits for a 326-lot subdivision.

No. 12020005B

Completed: 9-26-2025

MCPB
10-9-2025

Montgomery County
Planning Board
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LOCATION/ADDRESS

Northwest quadrant of the intersection with MD-121 Clarksburg Road and West Old Baltimore Road.

MASTER PLAN

2004 *Ten Mile Creek Area Limited Amendment*,
1994 *Clarksburg Master Plan*

ZONE

Rural Neighborhood Cluster (RNC), Clarksburg
West Environmental Overlay

PROPERTY SIZE

400 acres

APPLICANT

Pulte Home Company, LLC

ACCEPTANCE DATE

April 21, 2025

REVIEW BASIS

Chapter 50

Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 12020005B, with conditions.
- Preliminary Plan No. 12020005A allows for 326 lots and 22 parcels for 326 dwelling units consisting of 118 single-family detached and 208 townhouse units.
- The Application proposes to amend Condition No. 11 related to Utilization Premium Payments, amend Condition No. 14 to update the MCDOT letter of approval, and delete Condition No. 26 related to the release of building permits for a 326-lot subdivision.
- No change is proposed to the approved use, density, or any development standard.
- The Amendment is consistent with approved Final Forest Conservation Plan No. 120200050A for the Subject Property.
- One comment was received in opposition regarding fire safety access and speeding traffic.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 11985027B

Staff recommends approval of Preliminary Plan Amendment No. 11985027B to amend Condition No. 11 related to Utilization Premium Payments, amend Condition No. 14 to update the MCDOT approval letter, and delete Condition No. 26 related to the release of building permits for a 326-lot subdivision. The development must comply with the conditions of approval for Preliminary Plan No. 11985027A (MCPB Resolution No. 21-067), as amended.

All site development elements shown on the latest electronic version of the Preliminary Plan Amendment, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ All other conditions will remain in full force and effect.

Modified Conditions

11. ~~Prior to~~ **Before** issuance of each building permit above 60 single-family detached and 127 single-family attached dwelling units, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:

- a) ~~no 0.297 of a Tier 1~~ elementary school UPP ~~required~~;
- b) no middle school UPP required; and
- c) ~~a Tier 2 high school UPP per unit~~ **no high school UPP required.**

MCDPS will determine the ~~The timing of the payment to be determined by MCDPS.~~

14. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated ~~November 19, 2020~~ **August 29, 2025**, ~~and, with the exception of condition 8~~, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

Deleted Condition

- ~~26. Prior to the release of the 217th building permit, and no earlier than after the release of the 200th building permit, the Applicant shall perform a signal warrant analysis of the site entrance at~~

¹ For the purposes 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.

Clarksburg Road and Dowitcher Way. The analysis shall assume completion of all development as approved at the time of the study. This analysis shall be submitted to M-NCPPC Planning Staff, MCDOT and MDSHA for review. Prior to the release of the 240th building permit, the Applicant shall install a signal at the main site entrance if, and only if, as reviewed and approved by MCDOT, MDSHA and Planning Staff, the analysis warrants the installation of a signal. No signal shall be required if this signal warrant analysis does not meet required warrants, as determined by MCDOT, MDSHA and Planning Staff.

SECTION 2: SITE DESCRIPTION

VICINITY AND ZONING

The Subject Property is located on the northwest quadrant of the intersection of Clarksburg Road (MD 121) and West Old Baltimore Road, is zoned Rural Neighborhood Cluster (RNC) and Clarksburg West Environmental Overlay, and is subject to the 2004 *Ten Mile Creek Area Limited Amendment* and 1994 *Clarksburg Master Plan* (“Subject Property” or “Property”) (Figure 1).

To the east of the Property and east of Clarksburg Road is the Cabin Branch residential development, which is located in the Commercial Residential Town (CRT-0.5, C-0.25, R-0.25, H-65 T) zone. To the south of the Property are single-family detached houses in the RE-1 and Rural Zone (R) zones. To the west of the Property is Ten Mile Creek Conservation Park and the Rural Zone (R). To the north is forested land in the R and RE-1 zones, which also includes the Ten Mile Creek Conservation Park. To the northeast are additional single-family detached houses in the RE-1 zone, and forested land in the R zone (Figure 2).

Within the boundary of the Property is an approximately four (4) acre land-locked parcel (P225) known as the Delaney Property. The parcel is developed with a single-family house in the RE-1 zone. Access is from Clarksburg Road, which is approximately 1,500 feet east of the Delaney Property. The Delaney Property is not part of this Amendment or the Subject Property.



Figure 1 – Aerial map of Subject Property and vicinity

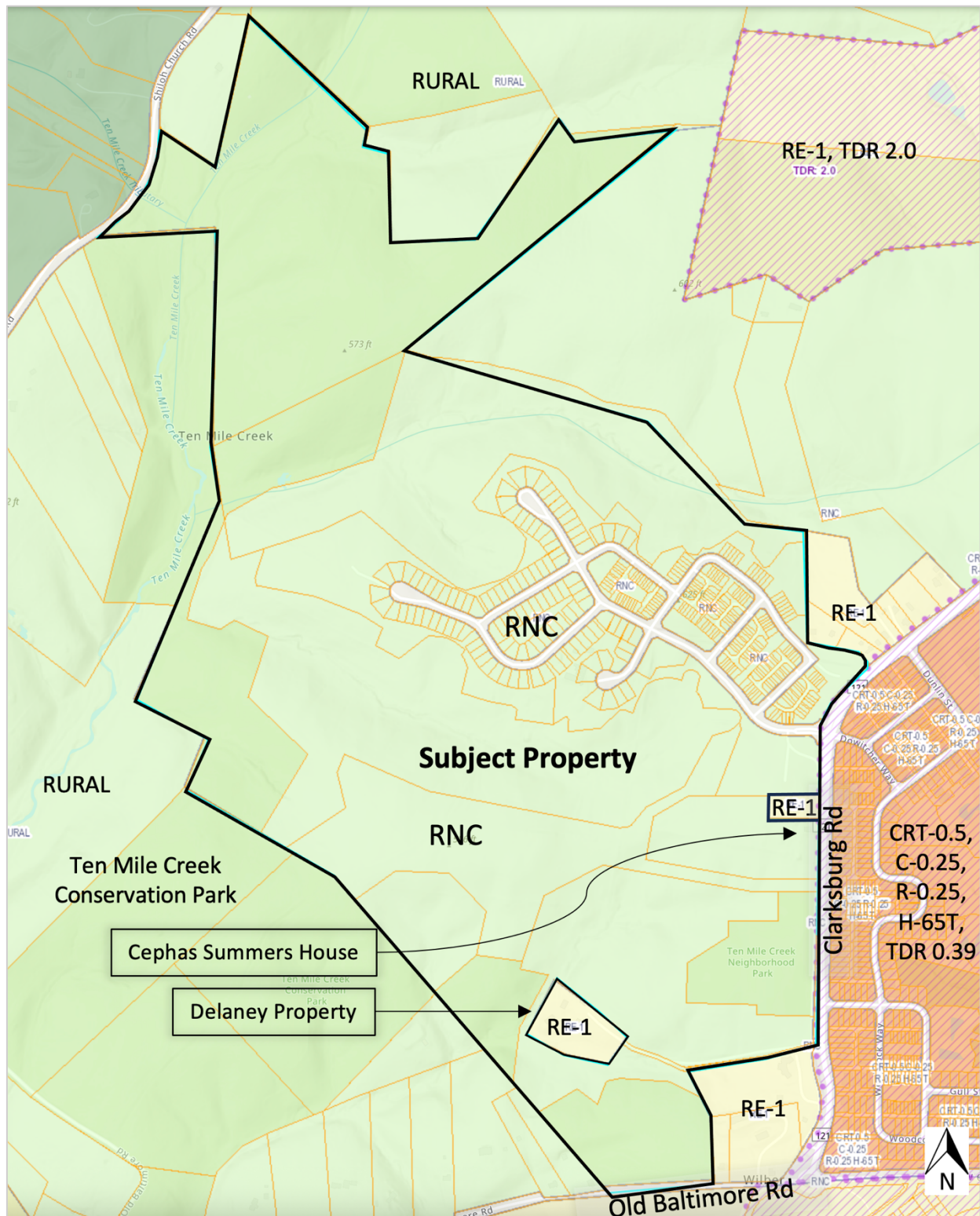


Figure 2 – Zoning map of Subject Property and vicinity

PROPERTY DESCRIPTION

The Property consists of approximately 400 acres of land currently under development for 118 single-family detached and 208 single-family attached units, parkland, and community amenities. To date, approximately 268 building permits and 180 dwelling unit occupancy permits have been issued. Access to the subdivision is from Clarksburg Road.

Apart from the residential lots and roadway areas, the remainder of the Property includes a mix of woodlands, farm fields, and forested stream valleys. Cephas Summers House, a Montgomery County historic resource referenced in the Master Plan (No. 13-25), is located along Clarksburg Road. The Cephas Summers House is accessed via the main roadway servicing the Property. No burial sites are known to exist on the Property. Ten Mile Creek Neighborhood Local Park is also within the Property boundary and located along Clarksburg Road.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On December 3, 2020, the Planning Board approved Preliminary Plan No. 120200050 (MCPB Resolution No. 20-129) to create 326 lots and 22 parcels for a residential development, including 12.5 percent MPDUs. Based on the 2020 fiscal year schools test, the approval was limited to 60 single-family detached dwelling units and 127 single-family attached dwelling units for a total of 187 dwelling units. The approval also included conveyance of land to M-NCPPC for a local neighborhood park and Ten Mile Creek Stream Valley Park, and the establishment of parcels for on-site open space and amenities.

On July 29, 2021, the Planning Board approved Preliminary Plan Amendment No. 12020005A (MCPB No. 21-067) to amend the school adequacy test to allow the remaining 139 of the 326 total residential dwelling units to be constructed and to convey an additional 31.3 acres to M-NCPPC for parkland.

On September 9, 2021, the Planning Board approved Site Plan No. 820200160 (MCPB Resolution No. 21-097) for 118 single-family detached units and 208 single-family attached, totaling 326 dwelling units, including 12.5 percent MPDUs, and parkland dedication of approximately 312 acres.

PROPOSAL

On April 11, 2025, the Applicant filed Preliminary Plan Amendment No. 12020005B (“Amendment”).

With the Amendment application, the Applicant proposes to amend Condition No. 11 related to Utilization Premium Payments, amend Condition No. 14 to update the MCDOT approval letter, and delete Condition No. 26 related to the release of building permits for a 326-lot subdivision. No change to the approved use, density, or any development standard is proposed.

SECTION 4: COMMUNITY OUTREACH

Pursuant to Division 7.5 (Notice Standards), the Applicant has complied with all noticing requirements, including the mailing of a notice of application letter and posting a notice sign on the Property. A pre-submittal meeting is not required for amendment applications. Staff mailed the public hearing notices for the Amendment pursuant to the Notice Standards.

As of the date of this report, one comment was received in opposition to the Amendment (Attachment E). The comment states the Amendment should not be granted due to purported vehicular speeding and that a fire department access point at Clarksburg Road should be reopened because the subdivision is alleged to exceed the number of units allowed with one vehicular access point. Staff has confirmed that the approved fire access plan, dated September 17, 2020, provides for primary and secondary access from Clarksburg Road. The secondary access point is for emergency vehicles only; not for public access. The total unit count of the approved fire access plan is 325 new units. One additional unit included under the subdivision approval is for the Cephas Summers House, which accounts for a total of 326 approved units. As such, the subdivision is consistent with the approved fire department access plan.

Additionally, the Applicant indicated they are moving forward with the traffic signal design and permitting as expeditiously as possible, given the underlying permit trigger, which did not allow for the traffic warrant analysis to be completed until after the 200th building permit was issued. The Applicant stated they are actively pursuing the design/engineering and installation of the traffic signal. The expected timeline for completing the traffic signal is discussed in Section 5 of this report.

SECTION 5: PRELIMINARY PLAN 12020005B FINDINGS AND ANALYSIS

Preliminary Plan Amendment No. 12020005B requests to amend Condition No. 11 related to the payment of a Tier No. 2 Utilization Premium Payment at the high school level because the current school analysis no longer requires such a payment. However, a partial payment of 0.297 of a Tier 1 elementary school level UPP is required. Additionally, Condition No. 26 requires the Applicant to perform a traffic signal warrant analysis prior to the release of the 217th building permit and, if warranted, to install a signal at the primary subdivision entrance (Clarksburg Road and Dowitcher Way) prior to the release of the 240th building permit. An update to Condition No. 14 is proposed to update the MCDOT approval letter related to the design, permitting, and installation of the subject traffic signal.

The proposed Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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

All public facilities continue to be adequate to support and service the Property. The existing Adequate Public Facilities (APF) validity period remains unchanged. The Amendment does not propose any change in use or density above the amount approved in the original preliminary plan, as amended. There are no additional public improvements required for the Amendment beyond those specified in the original preliminary plan, as amended.

TRAFFIC SIGNAL

As indicated in the updated MCDOT letter dated August 29, 2025, the Applicant has completed a signal warrant analysis as required by Condition No. 26. (Attachment D.) The analysis indicates that a signal is warranted at the intersection of Clarksburg Road (MD 121) and Dowitcher Way.

The Applicant indicates that the approval process timeframe required by the Maryland Department of Transportation State Highway Administration (SHA) and MCDOT will not enable the Applicant to obtain and install the required traffic signal equipment by the 240th building permit, as required by Condition No. 26. The Applicant has provided the following expected timeline for the signal approval and installation:

- Design review approval expected by October 2, 2025
- Final engineering approval expected by April 1, 2026
- Bonding and permit release expected by June 1, 2026
- Materials approval, installation, and operation of the traffic signal by January 4, 2027

M-NCPPC and MCDOT staff acknowledge the expected timeline and agree that Condition No. 26 would be satisfied by the conditions contained in the updated letter dated August 29, 2025. To continue the issuance of additional building permits for housing units, the Applicant will be required to post a surety bond for the traffic signal installation, as noted in the MCDOT letter. If the Applicant fails to install the traffic signal by January 4, 2027, SHA may call for the bond to guarantee construction. Posting the surety bond will enable the Applicant to complete the design, approval, and installation phases for the traffic signal and simultaneously proceed with constructing additional dwelling units. Therefore, with the revised MCDOT letter, Condition No. 26 is satisfied and is no longer applicable, as the requirements of Condition No. 26 are now contained within the updated MCDOT letter referenced in Condition No. 14.

SCHOOLS

The Applicant proposes to amend Condition No. 11 related to the payment of a Tier No. 2 Utilization Premium Payment at the high school level because the current school analysis no longer requires such a payment. However, as calculated below, a partial payment of 0.297 of a Tier 1 elementary school level UPP is required.

The Fiscal Year 2026 annual school test, approved by the Planning Board on June 26, 2025, and effective as of July 1, 2025, applies to this Amendment.

The Property is served by Cabin Branch Elementary School, Rocky Hill Middle School, and Clarksburg High School. The enrollment and capacity projections of these schools are reflected in the Fiscal Year 2026 Annual School Test, which evaluates for the 2029-2030 school year, and the default Utilization Premium Payment (UPP) tier placements are shown in Table 1.

Table 1. FY 2026 Annual School Test Projections (2029-2030 School Year) and UPP Tier Placements

School	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Cabin Branch ES	693	722	104.2%	-29	No UPP
Rocky Hill MS	1,020	1,043	102.3%	-23	No UPP
Clarksburg HS ²	2,020	1,881	93.1%	+139	No UPP

Based on the Fiscal Year 2026 Annual School Test results above, the Property is not subject to any UPP by default. However, if the project's enrollment impact estimate exceeds an adequacy ceiling shown in

² Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

Table 2, a payment will be required.

Table 2. FY2026 Annual School Test Adequacy Ceilings

School	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Cabin Branch ES	45	110	214
Rocky Hill MS	97	181	334
Clarksburg HS	299	543	846

Enrollment Impact Estimate

Based on the school impact area classification and net residential units proposed, this project's enrollment impact during an average year throughout its life is estimated to be 64 elementary school students, 35 middle school students, and 51 high school students, as shown in Table 3.

Table 3. Student Enrollment Impact Estimate (reflects FY 2026-2027 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Detached	118	x 0.180	= 21.240	x 0.098	= 11.564	x 0.148	= 17.464
SF Attached	208	x 0.207	= 43.056	x 0.113	= 23.504	x 0.166	= 34.528
TOTAL (rounded down)	-	-	64	-	35	-	51

The enrollment impact estimate at the elementary school level exceeds the Tier 1 adequacy ceiling identified in

Table 2 by 19 seats out of the 64 total estimated. Therefore, a partial payment is triggered at $19/64^{\text{th}}$ (0.297) of the elementary school Tier 1 UPP rate.

SECTION 8: CONCLUSION

As conditioned, Preliminary Plan Amendment No. 12020005B satisfies the findings under Chapter 50, the applicable standards of the Zoning Ordinance, and substantially conforms to the recommendations of the 1994 *Clarksburg Master Plan* and the 2004 *Ten Mile Creek Area Limited Amendment*. Therefore, Staff recommends approval of Preliminary Plan Amendment No. 12020005B, with conditions.

ATTACHMENTS

Attachment A: Prior Approval Resolutions

Attachment B: Applicant Statement of Justification

Attachment C: Preliminary Plan Amendment

Attachment D: Agency Letters

Attachment E: Community Comment