

STATEMENT OF JUSTIFICATION

Amendment to Preliminary Plan

Creekside at Cabin Branch

Preliminary Plan No. 12020005B

This is an application to make two limited changes to the Conditions of Approval under the existing Preliminary Plan Resolution adopted August 11, 2021.

First, Condition No. 26 requires 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 main site entrance prior to the release of the 240th building permit. Applicant has performed the warrant analysis and has determined that a signal is justified. The approval process required through state and county agencies, however, and the time required to acquire the equipment and supplies and install the signal, will not enable it to be done by the 240th permit. Given the County's housing need, and the pace of sales in the community, applicant does not want to interrupt home construction and sales. As such, applicant has discussed with Planning Commission staff the ability to continue obtaining permits based on evidence that applicant is proceeding diligently for approval of the signal and its installation. Given the current limited volume of traffic on Clarksburg Road, applicant does not believe a slight delay in the installation of the signal will create any safety or operational problems.

Once the results of the warrant analysis justified the signal, the applicant submitted the analysis to the Maryland State Highway Administration (MDSHA), for formal acceptance. As of this writing, the State has not approved the warrant analysis, initially submitted on February 7th 2025, and resubmitted on April 21st, 2025. Unfortunately, MDSHA has a backlog of work and it

appears individual signal projects such as this are not the highest priority. We have been informed that the permit approval process can take eight months or longer, which we cannot submit until the warrant analysis is approved. Obtaining the signal equipment and installing the signal would likely take an additional six months when accounting for equipment lead times, traffic control implementation, installation, and acceptance from MDSHA. The applicant's optimistic timeframe projects the earliest the signal will be operational is 14 months from the warrant analysis approval. At the same time, housing demand has been strong and applicant already has obtained 222 permits and anticipates another 20 to 30 in the next few months. As a result, installing the signal by the 240th permit is not possible. Applicant is doing everything possible to move this forward but does not want to interrupt home sales to motivated buyers. Therefore, applicant suggests that condition 20 of the January 14, 2021 Resolution be modified as follows:

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 Clarksburg Road and Dowitcher Way. The analysis shall assume completion of all the development as approved at the time of the study. The 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, MSHA 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.~~ Prior to the release of the 320th building permit, the applicant shall post a performance bond for installation of the signal and such installation must occur prior to release of the bond.

Second, at the time of approval of the Preliminary Plan, school capacity issues in the Clarksburg area required payment of a Tier 2 Utilization Premium Payment ("UPP") at the high school level and this was incorporated into Condition 11. Since then, however, school

construction has proceeded and the current school analysis no longer requires such a UPP. As a result, applicant is requesting modification of Condition 11 so as to not require such a payment.