

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-018

Pre-Preliminary Plan No. 720220020

MAR 03 2023

Tregoning Property

Date of Hearing: February 23, 2023

## RESOLUTION

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

WHEREAS, on August 24, 2022, Elm Street Development (“Applicant”) filed an application requesting a binding decision by the Planning Board on the issues of the Hoffman Drive connection, the off-site connection to Damascus Recreational Park, and the location and distribution of MPDUs, located on Kings Valley Road, west of Preakness Drive (“Subject Property”), in the Goshen Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, Applicant’s application was designated Pre-Preliminary Plan No. 720220020, Tregoning Property (“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 February 13, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 23, 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 Hill, seconded by Commissioner Branson, with a vote of 5-0; Chair Zyontz, Commissioners Branson, Hill, Piñero and Presley voting in favor..

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Pre-Preliminary Plan No. 720220020 and supports the submission of preliminary plan and site plan applications that, at a minimum, address the following recommendations on the issues of the Hoffman Drive connection and the location and distribution of MPDUs on the Subject Property. The Planning Board supports the Hoffman Drive connection and the location and distribution of MPDUs. The Planning Board reviewed in detail the issue of a road connection to Hoffman Drive and considered opposition by some area residents and by the Applicant. The Planning Board concluded that an internal road connection is required under the Subdivision Regulations and applicable Master Plan guidelines, but also recognized the community concerns about potential cut through traffic. The Applicant presented an option for connecting Hoffman Drive that

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Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

would discourage cut through traffic, but which would also provide a through street connection. Based on the Planning Board's request, the Applicant will evaluate at least one additional alternative alignment that would provide a direct route from Maryland 27 to Kings Valley Road in the Preliminary Plan submission at which time the Planning Board will consider the potential impacts of this alternative design with respect to cut through traffic, site grading, reduction in the number of housing units on the property, forest impact and sewer engineering. The Planning Board supports the location and distribution of MPDUs as duplex and triplex units, which would resemble single family detached units in terms of massing and architecture. The Planning Board did not support the proposed off-site connection, as a shared-use path along Kings Valley Road, to Damascus Recreational Park, but recognizes the limits of any developer obligations to construct or pay for the side path extension based on right-of-way constraints along Kings Valley Road, engineering and construction issues based on topography and farm crops, and the reasonableness and proportionality of the cost based on provisions in the Subdivision Regulations, 2020 – 2024 Growth and infrastructure Policy, Local Area Transportation Review Guidelines, and recently approved policy guidance on construction and fee-in-lieu for frontage improvements. Staff and the Applicant will review additional options, including a more direct connection to Damascus Park, crossing Kings Valley Road near the southern corner of the Subject Property, subject to the following conditions:<sup>1</sup>

1. Hoffman Drive Connection – The Applicant must provide an extension of existing Hoffman Drive as a public road from the existing terminus point through the Subject Property to Kings Valley Road to accommodate full vehicular and multimodal movement. The Applicant must provide at least one alignment alternative to illustrate a connection directly to Preakness Drive in addition to an alternative to connect to proposed internal Street C.
2. Road Dedication – The Preliminary Plan shall provide adequate right-of-way dedication to support all public roads and facilities as required by the Complete Streets Design Guidelines within the Subject Property.
3. A multimodal transportation study may be required; the subsequent application is subject to the 2022 LATR guidelines.
4. 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

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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.

the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Pre-Preliminary Plan approval.

5. The Applicant shall address layout and design related comments provided by Planning Staff at Preliminary Plan and Site Plan. Sight distance evaluations of proposed public access points for proposed roads on Kings Valley Road will be reviewed and must be addressed as part of the subsequent plan reviews.
6. The Applicant must provide MPDUs as duplex or triplex units that closely resemble single family detached units in terms of massing and architecture, dispersed throughout the Subject Property.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and as set forth in the Staff Report, the Board hereby adopts and incorporates said Staff Report 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 MAR 03 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 Piñero, seconded by Commissioner Branson, with a vote of 5-0; Chair Zyontz, Vice Chair Presley, and Commissioners Branson, Hill, and Piñero, voting in favor of the motion, at its regular meeting held on Thursday, March 2, 2023, in Wheaton, Maryland and via video conference.

  
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Jeffrey Zyontz, Chair  
Montgomery County Planning Board

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