




MONTGOMERY COUNTY, MARYLAND

M E M O R A N D U M

September 4, 2025

TO: County Council

FROM: Kathleen Byrne, Director/Hearing Examiner 
Office of Zoning and Administrative Hearings

SUBJECT: Development Plan Amendment (DPA) 25-01

The Office of Zoning and Administrative Hearings (OZAH) accepted the application for Development Plan Amendment (DPA) No. 25-01 on February 18, 2025 as filed by the Applicant, Willow Manner at Clarksburg LLLP. The Applicant seeks to amend the development plan previously approved by the Council on September 9, 2003, in Local Map Amendment (LMA) G-806, which was subsequently amended on February 4, 2014, in DPA 13-02. This matter must be decided under the 2004 Zoning Ordinance (*i.e.*, the one in effect on October 29, 2014) because it is grandfathered under the terms of Section 59.7.7.1.B.1. of the current Zoning Ordinance.

The property is located within the "Cabin Branch" property which contains 535 acres of land and lies to the west side of Interstate 270 between Old Clarksburg Road and West Old Baltimore Road. Exhibit 27, p. 6. More specifically located in the northern quadrant of the intersection of Clarksburg Road (Rt. 12) at Gosnell Farm Drive, Tax Account No. 02-0384915 also known as 22705 Gosnell Farm Drive, Boyds, Maryland 20841. Exhibit 1. "Area A" within the Development Plan Amendment seeks a "modest change" to the density mix within the larger Development Plan area. Exhibit 27, p. 6.

The Development Plan Amendment received seeks only to modify Binding Element #8. See Exhibit 23. Binding Element #8 as previously approved provides:

8. Service/Public Uses. Service/Public uses may include up to 500 units for independent living for Senior Adults or person with disabilities, assisted living, life care or continuing care.

Planning Staff of the Maryland-National Capital Park and Planning Commission (hereinafter, "Planning Staff" or "Staff") describes the subject property as follows (Exhibit 27, pp. 6-7):

[T]he area within Cabin Branch that was previously rezoned MXPDP is substantially developed and establishes the boundary of the subject Development Plan Amendment (Figure 4). The original Development Plan was divided into five study areas: A, B, C, D, and E. The Subject Development Plan Amendment pertains to Areas A, B, C, and D, which are collectively outlined in Figure 4. The Applicant is requesting a modest change to the density mix of Study Area A within the larger Development Plan Amendment Area (Figure 5). Study Area A is located in the northmost area of the Development Plan Area, bounded by I-270 to the east, Old Clarksburg Road to the north, and Gosnell Farm Drive to the west. Study Area A is developed with commercial development including the Clarksburg Premium Outlets, several surface parking lots, and a CVS Pharmacy with a drive-thru.



Exhibit 27, Staff Report – Figure 4, p. 6



Exhibit 27, Staff Report,
Figure 5, p. 7

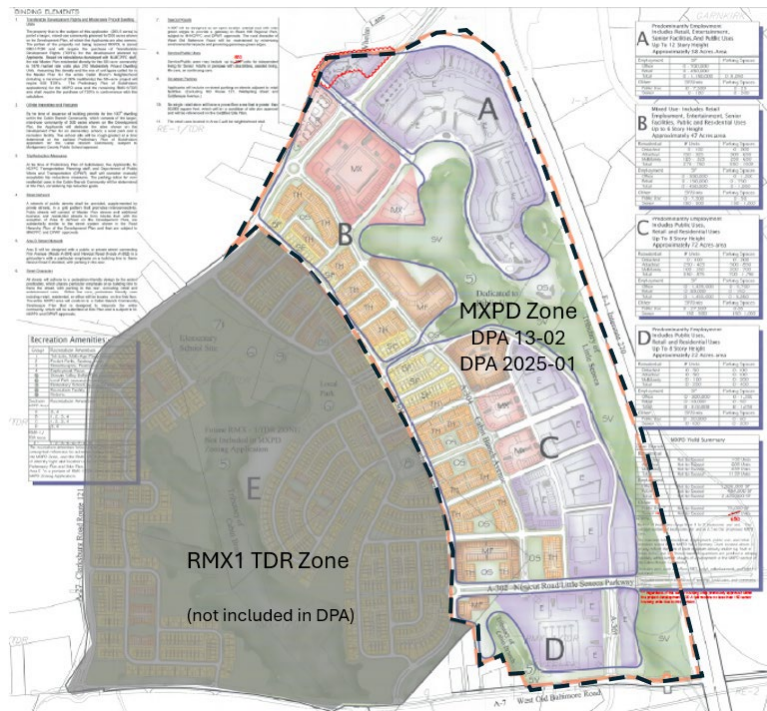


Exhibit 27, Staff Report, Figure 5, p. 10

The Applicant seeks modification of Binding Element 8 to increase the density from 500 to 650, adding up to 150 additional units of “affordable, age-restricted, multi-family”. Exhibit 27, p. 9. An amendment to Binding Element No. 8 would allow future replacement of a previously approved, unbuilt hotel with a senior living facility. *Id.* The Applicant intends to locate the senior living facility in roughly the same footprint as the previously approved hotel. *Id.* at 10. Staff note that approval of the use change as well as changes to the site layout, onsite circulation, landscaping, etc. will be subject to preliminary and site plan review and approvals. *Id.* Additionally, Staff note that forest conservation, open space, setbacks, shared facilities, energy resources and applicability of a traffic study may all be required of the Applicant during the preliminary plan and/or site plan review process. *Id.*

Both Staff and the Montgomery County Planning Board recommended approval of DPA 25-01 and request that the amendment be placed on the District Council agenda without the necessity of a public hearing by the Hearing Examiner. Exhibits 27 and 28. Staff report that “the subject application is generally consistent with the recommendations” of the *Clarksburg Master Plan* and *Thrive Montgomery 2050*. Exhibit 27, p. 12. Staff also found that DPA 25-01 satisfies the purposes of the MXP zone because senior living units were a use explicitly envisioned for this area within the original development and an increase in that number of units will “continue to ensure internal compatibility of residential and nonresidential uses, envisioned for the multi-use center.” *Id.* at 13. Additionally, Staff note the DPA plan boundary is substantially built and the increase in units will contribute to the orderly and staged development plan, not preclude higher density residential uses to be integrated, and placing the new senior housing facility near retail contributes to the “envisioned multi-use center”. *Id.* at 14. Further Staff determined, that the “internal roadway and sidewalk

networks have largely been constructed” and that the estimated peak hour vehicle trips to be 29 in the morning and 38 in the evening. *Id.* at 20.

The Planning Board unanimously recommended approval of DPA 25-01. Finding that DPA 25-01 is

- consistent with the purpose of the MXPDP Zone,
- meets all applicable standards of the MXPDP Zone per the 2004 Zoning Ordinance; and
- in substantial conformance with *Clarksburg Master Plan and Hyattstown Special Study* area and *Thrive Montgomery 2050*.

There has been no opposition to DPA 25-01, and no request has been made for an OZAH hearing. Therefore, under the provisions of 2004 Zoning Ordinance §59-D-1.74(c)(3), “the office of zoning and administrative hearings [OZAH] must forward the Planning Board’s report and recommendation directly to the Council,” without a hearing by OZAH. In these kinds of cases, a draft resolution is prepared by OZAH based solely on the record prepared by Staff and the Planning Board’s transmittal letter.

Staff forwarded a transcript of the proceeding before the Planning Board (Exhibit 29). Staff received no correspondence from the public on this Application. Exhibit 27, p. 10. The Applicant properly posted the property and sent written notice of the Application per 59-D-1.74. Exhibits 30 and 31. The record is complete, and the matter can be considered directly by the District Council without the need for a hearing or recommendation by the Hearing Examiner. A proposed resolution is attached for your consideration.

cc: Livhu Ndou, Senior Legislative Attorney for the County Council
Sara Tenenbaum, Clerk of the Council
Jody S. Kline, Esquire, Applicant’s counsel
Kathrine Mencarini, M-NCPPC