



March 24, 2011

MEMORANDUM

TO: The Montgomery County Planning Board

VIA: John Carter, Chief, Area 3 *JJC*

FROM: Ronald Cashion, RA, Planner Coordinator, Urban Designer *RC*
Area 3 (301-650-5671)

SUBJECT: **Staff Draft - Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area**
To Allow an Exception to the Retail Staging Provisions

RECOMMENDATION: Approve the Staff Draft as a Public Hearing Draft, and set the Public Hearing and Action for May 5, 2011.

PROJECT DESCRIPTION

Request from the County Council

On February 15, 2011, the County Council amended the work program for the Planning Department to prepare a limited amendment to the Clarksburg Master Plan. The sole purpose of the limited amendment is to consider a modification to the staging provisions in the Plan to allow retail in the village centers to proceed without delay.

Project Summary

In response to the request from the County Council, the proposed Master Plan Amendment is a limited modification of the staging provisions in the Plan to allow retail development in the Newcut Road and Cabin Branch neighborhoods, and also the Town Center, to move forward. The limited Amendment changes the existing staging that requires the Town Center to be established before retail development in the village centers proceeds. The limited Amendment will:

- Support the Master Plan's overall vision
- Meet the established market demand for retail
- Allow retail development in the Planning Area to proceed
- Allow development of retail including a grocery store
- Enhance the overall potential for retail
- Address the needs of residents

DISCUSSION

The staging provisions in the 1994 Master Plan require 90,000 square feet of retail/commercial uses to be established in the Town Center prior to retail/commercial development in the Newcut Road and Cabin Branch neighborhoods. The original Project Plan for the mixed use Town Center was approved in June of 1995, and the revised Project, Preliminary and Site Plans were approved in December 2008.

Continued delay of construction for the Town Center retail/commercial core will extend the delivery of much needed community serving retail uses, including a grocery store, in Clarksburg. The Amendment includes text changes in three locations in the Master Plan that acknowledge prior approvals of the Town Center and allows retail in the two village centers to move forward. The Amendment will allow retail uses, including a grocery store, in the Newcut Road neighborhood to move forward without delay.

ANALYSIS

Planning staff reviewed the retail staging provisions of the 1994 Clarksburg Master Plan. The following paragraphs provide analysis.

Status of Current Development

A market for retail uses has been established. The Master Plan identifies a threshold of 3,500 to 4,000 households needed to support a retail center that includes a grocery store (1994 Plan, page 190). To date, a total of approximately 5,200 residential units have been built, and a total of approximately 9,900 residential units have been approved in the Planning Area.

Relationship to the 1994 Clarksburg Master Plan

The Amendment retains the vision and the ten policy guidelines included in the Master Plan (1994 Plan, pages 16 - 35) with the exception of the staging of retail. The Plan organizes future development into a series of neighborhoods including the Town Center, and the Newcut Road and Cabin Branch village centers with designated retail core areas (1994 Plan, pages 16, 17 and 38). The Amendment continues to support the Master Plan provision that proposes retail and employment uses at a pedestrian scale and oriented to the needs of residents (1994 Plan, page 28). The Amendment only modifies the timing of retail development. The following paragraphs provide additional analysis of the relationship between the Amendment and the existing Master Plan:

- **Town Center** - The Amendment does not change the recommendations for land use, density, amount of retail, design character, and mobility for the Town Center. The Town Center has been allowed to proceed with the Project Plan (approved in 1995), and the Preliminary and Site Plan (approved in December 2008). These approvals allow the Town Center to proceed before the village centers as recommended in the existing Master Plan. Although approximately 5,200 dwelling

units have been constructed, the Town Center has not proceeded with development. The Amendment recognizes that the threshold of 3,500 to 4,000 dwelling units needed to support retail development, including a grocery store, has been exceeded. The Amendment allows the retail in the village centers to proceed without delay to serve the Clarksburg community.

- **Village Centers** - The Amendment retains all recommendations for land use, densities, mix of uses, mobility, character and impact on the environment for the two village centers. The village centers are an integral part of the town scale of development recommended in the Master Plan (1994 Plan, page 18).
- **Staging** - The Amendment only changes the timing of retail development for the village centers in Stage 3. The Amendment allows the Town Center with approved plans and the two village centers to proceed at any time. The Amendment retains all other important staging provisions in the Clarksburg Master Plan.

Adequacy of Transportation

The Amendment is consistent with the transportation objectives in the Clarksburg Master Plan (1994 Plan, pages 108 and 109). The Street and Highway Plan including the classification of roads, number of lanes and limits of construction remains unchanged. The transportation system that is needed to support the retail development remains unchanged from the recommendations in the Master Plan. The Amendment supports the construction of the needed transportation infrastructure including the system of bikeways, pathways and roadways to provide mobility for existing and future residents.

Impact on Environment

Clarksburg has many special environmental features. The limited Amendment does not modify any recommendations for the environment in the Clarksburg Master Plan. The recommendations to create forested buffers along all streams, protect forest, and preserve wetlands that balance community development objectives with environmental preservation concerns (1994 Plan, page 137) have been retained.

County Council and Community Support

The County Council requested that the Planning Department examine the potential for a limited Master Plan Amendment to address the concerns for the timing of retail development. The majority of the community supports the development of retail including a grocery store without delay to create the pedestrian oriented community envisioned in the Master Plan.

COMMUNITY OUTREACH

Staff participated in discussions of the retail timing considerations at several meetings of the Clarksburg Citizens Association (CCA) Planning Committee and the monthly, full membership meetings. A majority of the attending CCA members and community residents have expressed increasing frustration that needed retail uses including a grocery store have not been developed within the planning area. The continuing delay of retail development within the approved Town Center is a consistently expressed concern by residents. The CCA submitted a letter, dated December 3, 2010, stating that "it is in the best interest of the town of Clarksburg to allow Clarksburg Village the opportunity to move forward" and to "allow any amendments necessary" to do so.

In November of 2010, a petition with names of 439 residents was completed that included expressions of support for retail to move forward in the Newcut Road neighborhood. The petition was circulated and submitted as part of the development initiatives for Clarksburg Village.

Some residents have also expressed concern about the continued delay of the Town Center and preventing the village centers from moving forward. One Town Center resident voiced frustration about extended delays of the Town Center after homebuyers had been promised planned Town Center retail shopping uses, including a grocery store, within walking distance of nearby homes.

In November 2011, a Clarksburg resident and CCA member requested that the Master Plan be modified if the community and Planning Board want to modify the staging for retail development. The statement recognized that most everyone in Clarksburg probably wants a grocery store and retail soon. The resident recommended that both sides of the issue be broadly discussed and that a proper Master Plan Amendment process include involvement of the Clarksburg community.

At the January 21, 2011 town hall meeting at the Rocky Hill Middle School in Clarksburg a majority of the attending residents expressed support for retail in Clarksburg Village moving forward with construction as soon as possible.

SCHEDULE

The Montgomery County Council requested an expedited schedule for the Amendment that would (pending required reviews) allow approval before their August recess. The steps for an expedited schedule include:

- Complete the Staff Draft March 31, 2011
- Planning Board Hearing Draft May 5, 2011
Final Work Session, and transmit to the County Executive and County Council
- County Executive Review
- County Council Public Hearing (30 days)
- Final County Council Action August 2, 2011

CONCLUSION

The Master Plan recommends that 3,500 to 4,000 housing units are needed to support retail development that includes a grocery store. Approximately 5,200 dwelling units have been constructed in Clarksburg, however retail has been delayed. The proposed limited Amendment to the Clarksburg Master Plan will allow the retail development in the village centers and the Town Center to proceed. The proposed text changes to the retail staging provisions are necessary to allow retail development to move ahead without delay. The limited Amendment is consistent with the existing recommendations for land use, transportation and the environment in the Clarksburg Master Plan.

Attachment:

Staff Draft - Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area

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Staff Draft

Limited Amendment to the 1994 Approved and Adopted

Clarksburg Master Plan & Hyattstown Special Study Area

to Allow an Exception to the Retail Staging Provisions



March 2011



MONTGOMERY COUNTY PLANNING DEPARTMENT
M-NCPPC

MontgomeryPlanning.org

Abstract

This plan contains land use recommendations for retail uses in Clarksburg. It is a limited amendment to the approved and adopted Clarksburg Master Plan & Hyattstown Special Study Area, 1994. It also amends The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended.

Source of Copies

The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Available online at

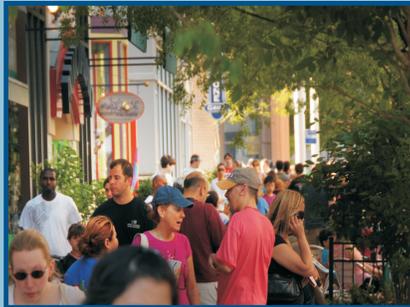
montgomeryplanning.org/community/plan_areas/I270_corridor/clarksburg/index.shtm

Staff Draft

Limited Amendment to the 1994 Approved and Adopted

Clarksburg Master Plan & Hyattstown Special Study Area

to Allow an Exception to the Retail Staging Provisions



Prepared by the Maryland-National Capital Park and Planning Commission
March 2011

Approved by the Montgomery County Council
Date

Adopted by the Maryland-National Capital Park and Planning Commission
Date

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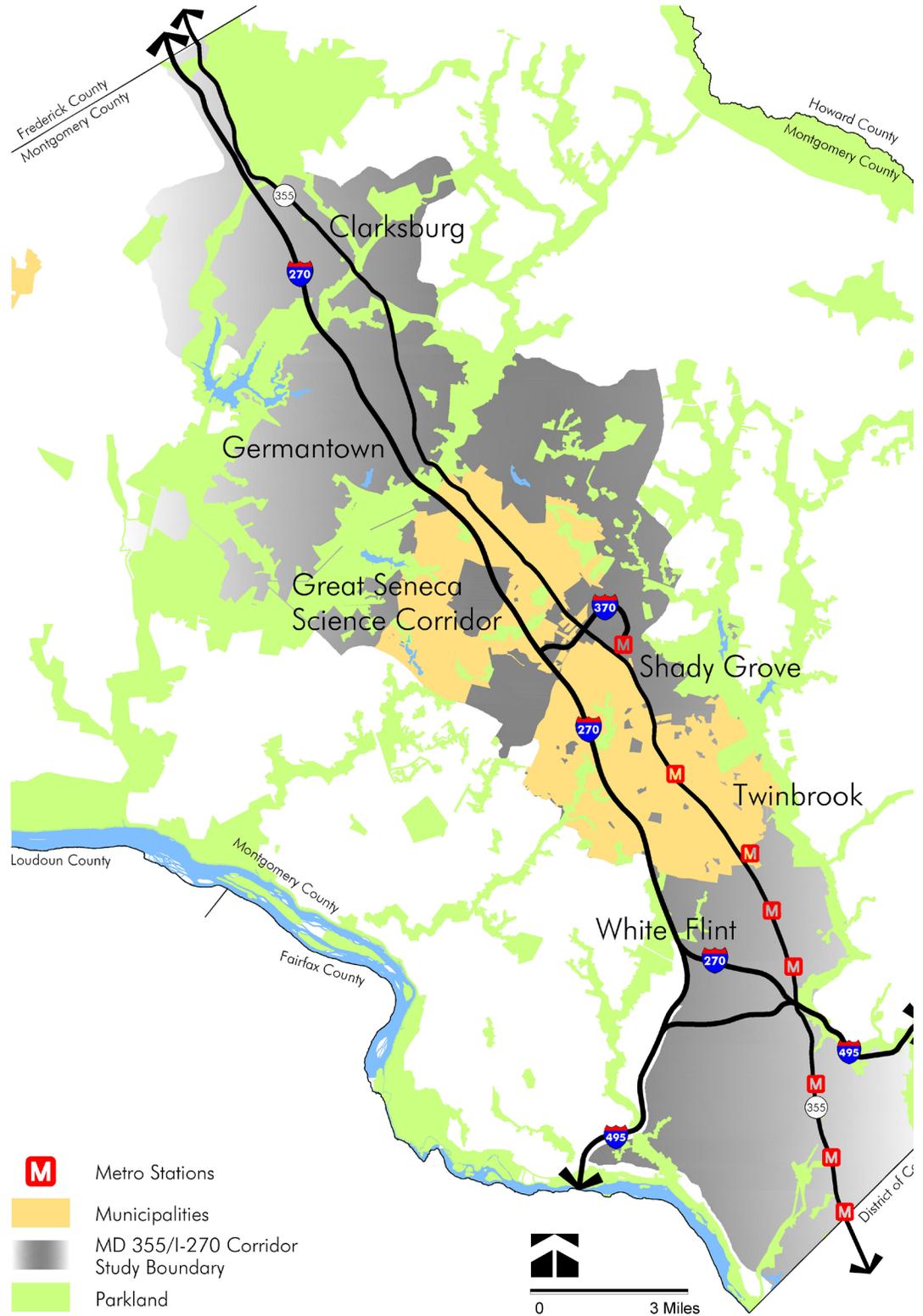
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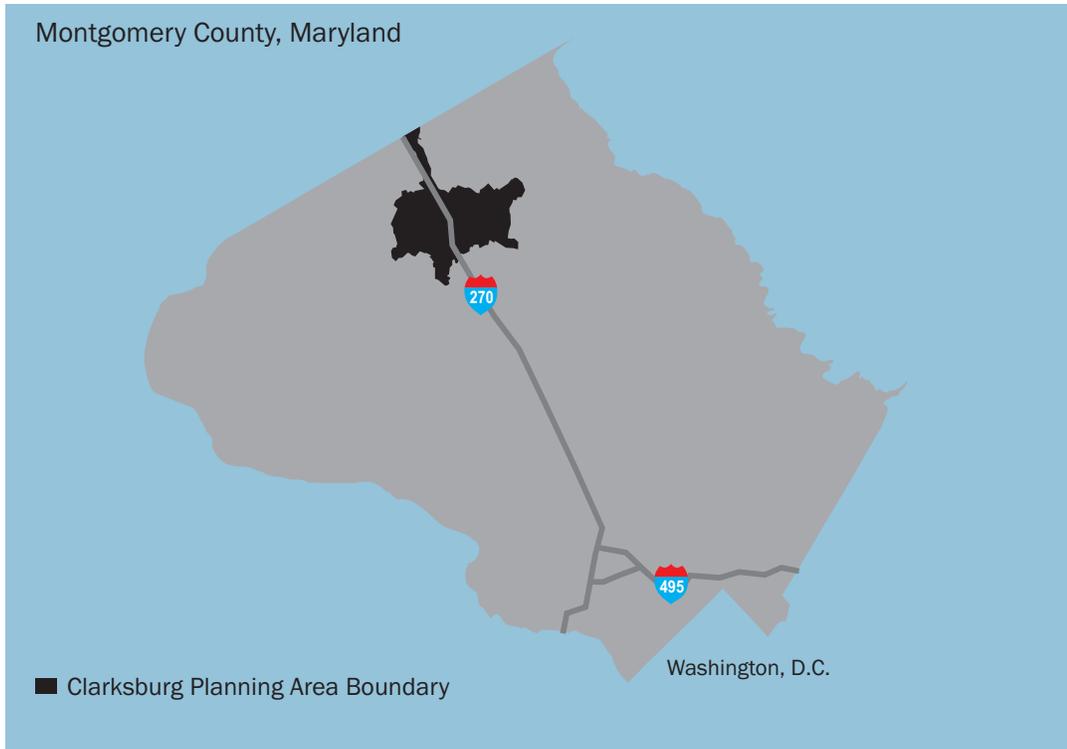
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MD 355/I-270 Corridor



Regional Location



Introduction

The 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* specifies that retail development in the Town Center should precede retail development in the Newcut Road and Cabin Branch neighborhood village centers. This Limited Plan Amendment changes the Plan's retail staging provisions to allow retail development in the Village Centers to proceed, after approval of a Preliminary Plan in the Town Center.

Timing of Retail for the Town Center and Village Centers

The 1994 Plan specifies that retail development should take place first in the mixed-use Town Center with retail in the two village centers to "follow the development of approximately 90,000 square feet of retail uses in the Town Center." (1994 Plan, page 190)

One of the Plan's development staging recommendations further specifies, "Retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods will be deferred, however, until 90,000 square feet of retail uses have been established in Clarksburg's Town Center." (1994 Plan, page 196)

These staging provisions must be modified if retail uses in the Clarksburg community are to be constructed in the near future.

Council Directive

On February 15, 2011, the Montgomery County Council directed the Planning Department to modify the master plan work program to allow preparation of a Limited Amendment to the 1994 Clarksburg Master Plan for the sole purpose of considering whether to amend its retail staging provisions. The following factors were considered in preparing the Amendment:

- reference to the 1994 Plan's staging recommendation for 90,000 square feet of retail in the Town Center to precede retail in the village centers (1994 Plan, pages 190 and 196)
- while the 1994 Plan's provisions for retail staging were to encourage a focus on the Town Center, it appears to have had the inadvertent effect of delaying the development of a grocery store in Clarksburg
- the Town Center developer has not moved forward with retail, including a grocery store
- other property owners have expressed an interest in building a grocery store
- whether to allow a grocery store and potentially ancillary uses outside the Town Center (in the village centers) to proceed
- there is currently no grocery store in Clarksburg and a strong demand exists.

Analysis

Current Development Conditions

Although the Clarksburg Master Plan and its recommendations for retail uses in the Town Center has been approved for over 17 years, construction of the retail core, including a grocery store, has not taken place. The continued delay in implementing retail uses in the Town Center, together with market demand for a grocery store, and the approval and readiness for retail uses for the village centers, are all factors that warrant reconsidering the Plan's retail staging provisions.

Purpose of the Amendment

This Amendment allows retail uses in the Newcut Road/Clarksburg Village Center and the Cabin Branch Village Center to proceed before 90,000 square feet of retail are built in the Town Center. The Amendment will:

- **support the Plan's overall vision**
The Plan "Organizes future development into a series of neighborhoods," with mixed-use centers including the Town Center, and the Newcut Road and Cabin Branch village centers with designated retail core areas (1994 Plan, pages 16, 17, and 38). While the Plan envisioned development of the Town Center first, the mixed-use village centers are integral components of the Clarksburg community. The Amendment supports the Plan's provision that "Proposes retail and employment uses at a pedestrian scale and oriented to the needs of residents." (1994 Plan, page 28)

- **meet market demand for retail**

A market for retail uses has been created. The Plan references a threshold of 3,500 to 4,000 households necessary to support a grocery store (1994 Plan, page 190). This threshold has been achieved with approximately 5,200 dwelling units built in the Plan area, and with a total of approximately 9,900 dwelling units approved.

- **allow retail development to proceed without delay**

As an example, the Clarksburg Village Center's developer can't move forward under the Plan's current staging requirements. The required infrastructure for the Clarksburg Village Phase III mixed-use center is approved and the developer is ready to move forward with a grocery store as the anchor for a total of 109,000 square feet of neighborhood-serving retail uses. For Clarksburg Village to proceed, a change to the Plan's retail staging is necessary.

- **allow development of retail including a grocery store**

Without modification, the Plan's staging provisions requiring that retail in the Village Centers proceed only after 90,000 square feet of retail in the Town Center, will delay construction of the approved Clarksburg Village Center and the future Cabin Branch Village Center.

- **enhance the overall potential for retail**

A common practice is for grocery stores to locate near each other. With approximately 5,200 residential units already built in the Plan area, and considering the lack of grocery stores in the immediate area, the threshold of 3,500 to 4,000 households identified in the master plan has been exceeded. Since approximately 9,900 residential units have been approved, construction of a grocery store with other retail should prove to be an incentive for additional retail to follow.

- **address the needs of residents**

The majority of residents strongly believe that neighborhood-serving retail uses in Clarksburg are long overdue.

The Amendment retains the Plan's overall land use policies and objectives (1994 Plan, pages 16-34). It also retains the overall staging recommendations (1994 Plan, pages 186-193). The seven Staging Principles in the Plan provide a general framework and guidance for the future staging and timing of private development and public facilities. The Staging Principles address:

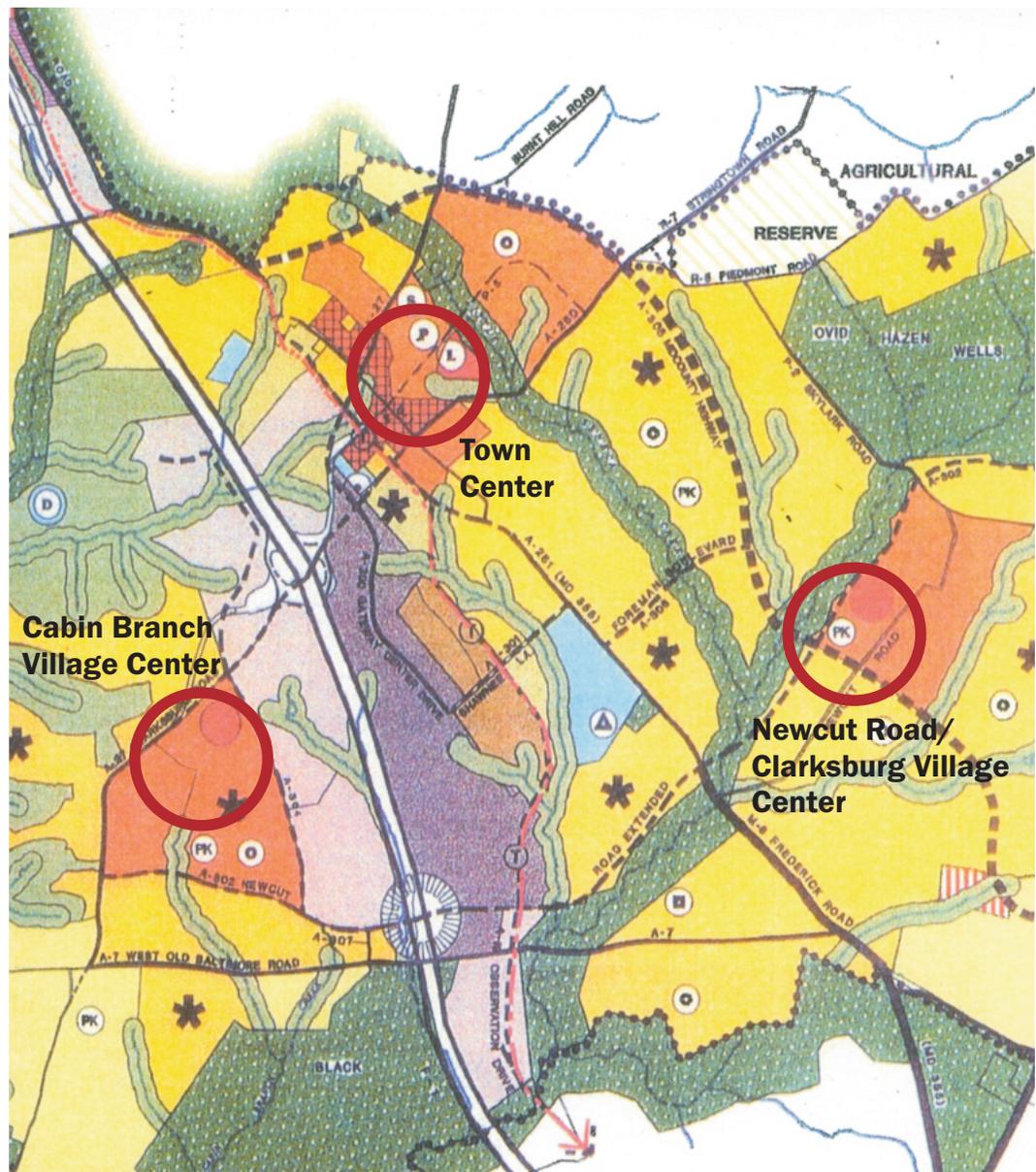
- Wastewater Treatment and Conveyance Limitations
- Fiscal Concerns
- Coordination of Land Development and Public Infrastructure
- Development of a Strong Community Identity
- Market Responsiveness
- Water Quality Protection
- Responsiveness to the Site Location of FDA.

The Amendment retains these staging principles with the sole exception of a change to the timing of retail development in the Newcut Road and Cabin Branch neighborhoods. It will also retain the Plan's transportation policies and objectives and all the recommended transportation infrastructure. The street and highway classification system remains, as does the emphasis on pedestrian access. As stated in the Plan, the timing of infrastructure to serve each village and mixed-use center will be determined at the time a Preliminary Plan is approved by the Planning Board. The Amendment therefore does not affect the Plan's balance between land use and transportation.

The Amendment will retain the Plan's environmental policies and objectives including:

- protection of Clarksburg's natural features and stream valleys
- efforts beyond current environmental guidelines to address development impacts on the high quality environment of Clarksburg.

Town Center and Village Centers



Amendment for Retail Staging

The following three locations for text changes amend the staging in the Clarksburg Master Plan for the limited purpose of allowing retail in the two village centers to proceed after approval of a Preliminary Plan for retail in the Town Center.

Text Changes to the 1994 Clarksburg Master Plan

Chapter 9 Implementation Strategies, Staging Recommendations, Staging Principles

Principle #4: Development of a Strong Community Identity

Page 190: Add text in last sentence of Principle #4, as noted:

- Coordinated Residential and Commercial Development: Provide for sufficient residential units to support Town Center retail and commercial activities.

This Plan recognizes that retail uses are critical to the validity of a community and can play a significant role in reinforcing the Town Center as a central focus for the entire Clarksburg area. Once a sufficient critical mass of housing units are in place to support a retail center (retailers indicate that approximately 3,500 to 4,000 dwelling units are needed to support a retail development that includes a grocery store), this Plan recommends that early retail development priority be given to the Town Center. Retail development in the Newcut Road and Cabin Branch neighborhoods should follow the development approval with a preliminary Plan of approximately 90,000 square feet of retail uses in the Town Center.

Chapter 9 Implementation Strategies, Staging Recommendations, The Staging Sequence for Private Development, Stage 3, Description

Page 196: Delete and Add text after “Description” as noted:

Stage 3

Description

Stage 3 includes all portions of Clarksburg that do not drain into the Ten Mile Creek watershed, i. e., most development east of I-270 and the Cabin Branch Neighborhood (see Figure 54, page 213). Retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods will be deferred, however, until 90,000 square feet of retail uses have been established approved with a Preliminary Plan in Clarksburg’s Town Center.

Chapter 9 Implementation Strategies, Staging Recommendations, The Staging Sequence for Private Development, Stage 3, Implementing Mechanisms

Page 196: Delete and Add text after “Implementing Mechanisms” as noted:

- 2) Floating zone and project plan approvals are guided by Master Plan language that recommends that retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods be deferred until 90,000 square feet of retail uses have been ~~established~~ approved with a Preliminary Plan in Clarksburg’s Town Center.

The Plan Process

A plan provides comprehensive recommendations for the use of publicly and privately owned land. Each plan reflects a vision of the future that responds to the unique character of the local community within the context of a countywide perspective.

Together with relevant policies, plans should be referred to by public officials and private individuals when making land use decisions.

STAFF DRAFT PLAN is prepared by the Montgomery County Department of Park and Planning for presentation to the Montgomery County Planning Board. The Planning Board reviews the Staff Draft Plan, makes preliminary changes as appropriate, and approves the Plan for public hearing. After the Planning Board's changes are made, the document becomes the Public Hearing Draft Plan.

The PUBLIC HEARING DRAFT PLAN is the formal proposal to amend an adopted master plan or sector plan. Its recommendations are not necessarily those of the Planning Board; it is prepared for the purpose of receiving public testimony. The Planning Board holds a public hearing and receives testimony, after which it holds public worksessions to review the testimony and revise the Public Hearing Draft Plan as appropriate. When the Planning Board's changes are made, the document becomes the Planning Board Draft Plan.

The PLANNING BOARD DRAFT PLAN is the Board's recommended Plan and reflects their revisions to the Public Hearing Draft Plan. The Regional District Act requires the Planning Board to transmit a sector plan to the County Council with copies to the County Executive who must, within sixty days, prepare and transmit a fiscal impact analysis of the Planning Board Draft Plan to the County Council. The County Executive may also forward to the County Council other comments and recommendations.

After receiving the Executive's fiscal impact analysis and comments, the County Council holds a public hearing to receive public testimony. After the hearing record is closed, the relevant Council committee holds public worksessions to review the testimony and makes recommendations to the County Council. The Council holds its own worksessions, then adopts a resolution approving the Planning Board Draft Plan, as revised.

After Council approval the plan is forwarded to the Maryland-National Capital Park and Planning Commission for adoption. Once adopted by the Commission, the plan officially amends the master plans, functional plans, and sector plans cited in the Commission's adoption resolution.

Elected and Appointed Officials

County Council

Valerie Ervin, President
Roger Berliner, Vice-President
Phil Andrews
Marc Elrich
Nancy Floreen
George Leventhal
Nancy Navarro
Craig Rice
Hans Riemer

County Executive

Isiah Leggett

The Maryland-National Capital Park and Planning Commission

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