



**Site Plan Amendment #82007022B: Clarksburg Town Center**

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Date of Report: 6-28-13

**Description**

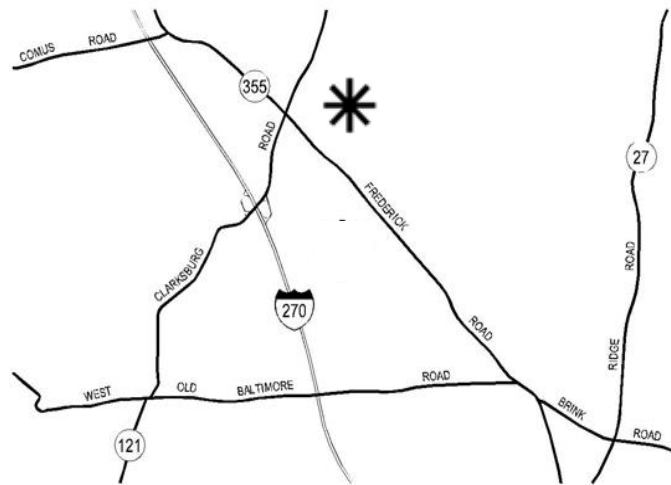
**Site Plan Amendment #82007022B: Clarksburg Town Center**

Amendment to clarify and reinstate accessory structure setbacks for lots in Block GG, K and N and confirmation that the lot standards apply to both one-family detached units and include both units with attached and detached garages, located in the southeast quadrant of the intersection with Burdette Forest Road and Grapevine Ridge Terrace, RMX-2 Zone, 270 acres.

**Staff Recommendation:** *Approval of Consent Agenda item and Adoption of Resolution*

**Application Received:** March 22, 2013

**Applicants:** Miller and Smith for the subject lots and NNPII Clarksburg LLC



**Summary**

- Staff recommends approval of the application to clarify and reinstate accessory structure setbacks for lots 10-14, Block GG; 9-14, 16, 19 & 20 Block K; 15-17, 26-34, 38 & 52-54 Block N.
- Accessory structure setbacks were shown on the approved plans but were not included in the data table for these lots approved as part of the "Interim Amendment" or subsequent Site Plan for the Town Center.

## **STAFF RECOMMENDATION**

Staff recommends **approval** of Site Plan Amendment 82007022B.

### **Site Plan Conformance to Conditions of Approval**

The proposed development must comply with the conditions of approval for Site Plan 82007022A as enumerated in the Planning Board Resolution No. 10-59 dated June 15, 2010 except as modified herein.

### **Site Plan Amendment**

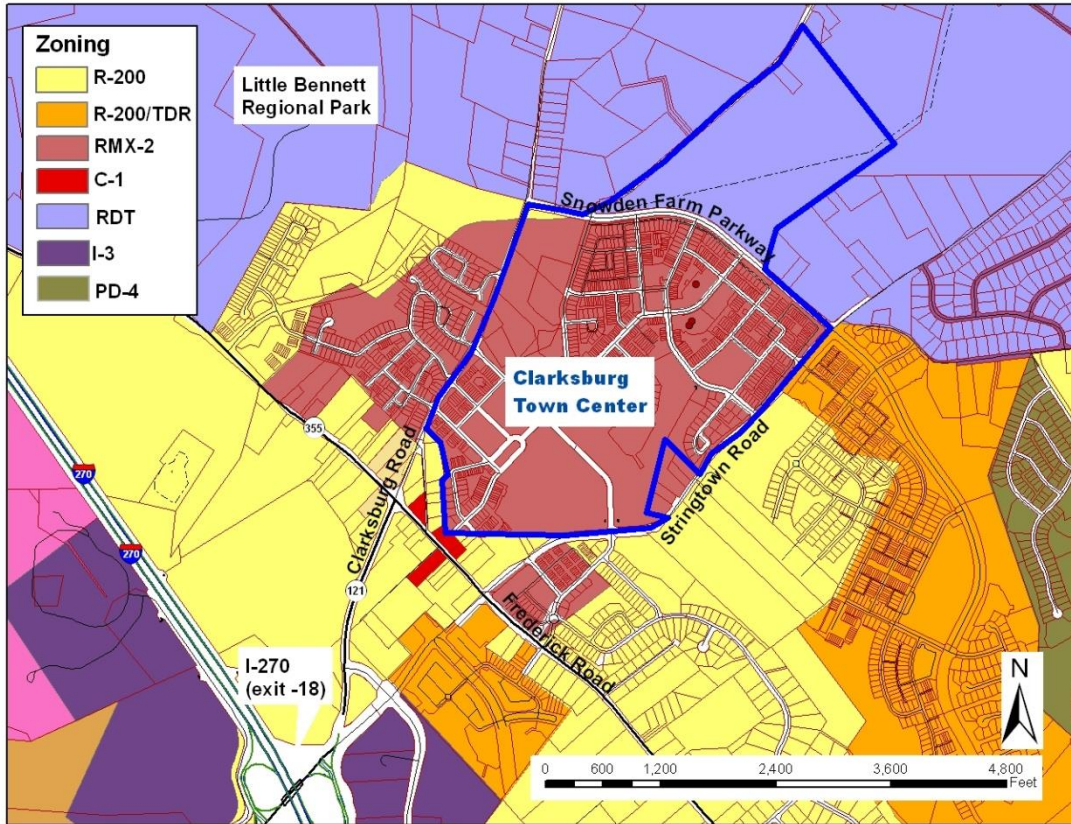
The Site Plan Amendment provides for accessory structure setbacks for lots 10-14, Block GG; 9-14, 16, 19 & 20 Block K; 15-17, 26-34, 38 & 52-54 Block N, and provides confirmation that either one-family detached houses with detached garages or the previously shown "Courtyard" houses with attached garages can be built on lots 1-3, 35-37 & 55 of Block N.

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood.

## **SITE DESCRIPTION**

### **Vicinity**

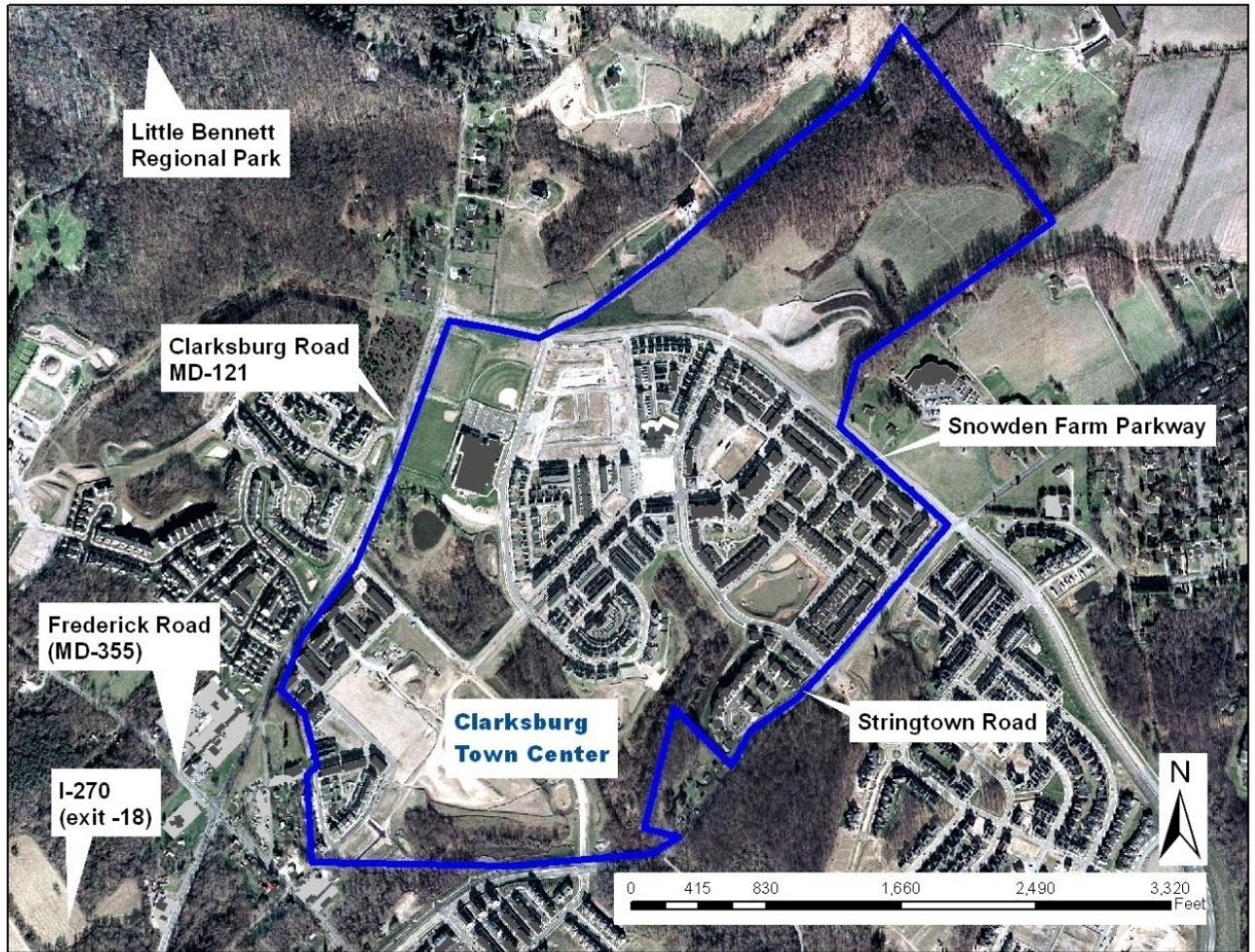
The subject property is bounded by Snowden Farm Parkway (formerly Piedmont Road) to the north, Clarksburg Road (121) to the west and Stringtown Road to the south and east. Frederick Road (MD 355) is located toward the southwest, incorporating the historic district of Clarksburg. The town of Clarksburg and properties along MD 355 consist of R-200, C-1 and RMX-2 zoned properties. RDT zoned properties are located to the north and east of Snowden Farm Parkway. The surrounding land uses consist of one-family residential dwellings on the west side of Clarksburg Road within the neighboring developments. Additional one-family residences pepper the road frontage along MD 355, Stringtown Road and Clarksburg Road. Cedarbrook Church is near the intersection of Snowden Farm Parkway and Stringtown Road. The larger communities of Clarksburg Village and Aurora Hills, zoned R-200 and PD-2, respectively, engulf a major portion of the property from Stringtown Road east and north to MD 27.



**Site Analysis**

The Town Center is an approximate 270-acre development split by a stream valley buffer now called the “Greenway.” The East Side of the Greenway is comprised of rolling topography from Snowden Farm Parkway to the greenway and Stringtown Road. This portion of the site consists primarily of residential uses; however, the elementary school is located in the northwest quadrant at the intersection of Snowden Farm Parkway and Clarksburg Road. The West Side has a more gradual slope from Clarksburg Road toward Stringtown Road. The West Side contains a number of one-family detached and attached units and is proposed to house the retail center, future civic building and additional housing. The Town Center is zoned RMX-2 and Piedmont Woods Park, which is part of the site, on the opposite side of Snowden Farm Parkway is zoned RDT. The lots submitted as part of this Amendment are located directly across from Little Bennett Elementary School on Burdette Forest Road. The pad sites for the block are rough graded and consist of approximately 50 lots. Construction of some detached homes has recently begun.





## PROJECT DESCRIPTION

### Background and Previous Approvals

#### Master Plan

The Clarksburg Master Plan and Hyattstown Special Study Area (“Master Plan”) was approved by the County Council in June of 1994. It called for the creation of a Town Center in Clarksburg, which would include the Historic District as a focal point and would be surrounded by a mix of uses, including office, residential, and retail.

#### Project and Preliminary Plans

In December of 1994, both a Project Plan (#919940040) and a Preliminary Plan (#119950420) were submitted for review by Piedmont and Clarksburg Associates. Using the optional method of development under RMX-2 zoning, the plan envisioned what is now known as a neo-traditional community and called for the construction of a maximum of 1300 residential units, 100,000 square feet of office, and 150,000 square feet of retail, to be constructed in phases. The Project Plan was approved in June of 1995 and the Preliminary Plan was approved in March of 1996.

### Site Plans

The first site plan for Phase I (#819980010) was approved in 1998 and covers the area primarily on the East side of the Town Center. The Phase II Site Plan (#820020140) was approved in 2002. By June of 2006, approximately 725 units of the approved 1,300 dwelling units had been built or were under construction in Phase I and II of the project. A Site Plan covering the Phase III (#820040340) retail portion was submitted but never approved.

### Violations

On April 14, 2005, in response to a request from the Clarksburg Town Center Advisory Committee (“CTCAC”), the Planning Board held a hearing to consider alleged height violations at Clarksburg Town Center. At the conclusion of the hearing, the Board voted 4 -1 to approve a motion that no violation had occurred. On July 7, 2005, the Board held another hearing to reconsider its earlier decision with respect to height violations and to consider whether or not violations had also occurred with respect to front setbacks at Clarksburg Town Center. With respect to both height and setback, the Board voted 5 – 0 that violations had occurred. The Board then held a hearing on the same day to determine Sanctions and/or Plan of Compliance. The Board members unanimously agreed that units that were either under contract and under construction, or under contract but construction had not yet begun as of July 7, 2005 would be grandfathered. However, the remainder of the Sanctions/Plan of Compliance hearing was postponed to provide an opportunity for staff to correctly determine the number of units in violation. When the number of alleged violations continued to be uncovered, the Developer (Newlands) and the CTCAC agreed to enter mediation in an attempt to reach an agreed upon Plan of Compliance and set of improvements for the site.

### Combined Project, Preliminary & Site Plans

In December of 2008, The Town Center plans for the Project Plan (91994004B), Preliminary Plan (11995042A) and a new site plan (820070220) covering the entire development were approved by the Planning Board for a mix of residential uses and retail space, as well as amenities for the site. The Certified Site Plan was completed and approved on February 4, 2010.

### Site Plan Amendment

A minor site plan amendment (82007022A) for the replacement of trash cans and modifications to the data table to clarify inconsistencies with the unit mix and unit count was approved on May 27, 2010.

## AMENDMENT DESCRIPTION

### Proposal

The Applicant submitted an application to amend the Site Plan to clarify accessory structure setbacks for lots 10-14, Block GG; 9-14, 16, 19 & 20 Block K; 15-17, 26-34, 38 & 52-54 Block N, and to provide confirmation that either one-family detached houses with detached garages or the previously shown “Courtyard” houses with attached garages can be built on lots 1-3, 35-37 & 55 of Block N.

These inconsistencies were brought to the Applicant’s attention when building permits were being considered for one of the lots on Block N. The “Interim Plan”, which allowed the Miller and Smith lots to move forward to building permit in 2008, identified all of the lots, both one-family attached and detached, for building setbacks and development standards. The Interim Plan was subsumed into the overall site plan for the Town Center carrying forward the development standards. Setbacks for accessory structures (detached garages) were provided for some of the lots but were unclear for this application. The table (sheet I-6) identifies all of the development standards for courtyard units. If the applicant chooses to construct one-family detached units with detached garages, then Table 2 on sheet I-5 applies to the principal structure as well as the accessory structure setbacks described below.

The Project and Preliminary Plans approved by the Board do not need to be amended since the setbacks are detailed in the site plan covering the entire site.

<b>Zoning Ordinance Development Standard</b>	<b>Site Plan 820070220/A</b>	<b>Proposed Development Standard</b>
<b>Residential Accessory Structure Setbacks/Standards</b>		
<b>Setback (Inside Lot)</b>		
-From Front Street Line	Not provided for all lots	60 feet
-From Side/Rear Lot Line	Not provided for all lots	0 feet
-From Alley Line	Not provided for all lots	0 feet
<b>Setback (Corner Lot)</b>		
-From Side Street (where abutting lots front)	Not provided for all lots	10 feet
-From Side Street (where abutting lots do not front)	Not provided for all lots	10 feet
-From Rear Lot Line	Not provided for all lots	0 feet
Maximum Height of Accessory Structure	Not provided for all lots	27 feet

## **PUBLIC NOTICE**

A notice regarding the subject amendment was sent to all parties of record by the Applicant on April 4, 2013. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff discussed the merits of the amendment with a homeowner in the Town Center; however, received no opposition to the proposed amendment.