



April 7, 2005

MEMORANDUM

TO: Wynn Witthans, Planner Coordinator
Development Review Division

VIA: John A. Carter, Chief
Community-Based Planning Division

Sue Edwards, I-270 Corridor Team Leader *sue*
Community-Based Planning Division

FROM: Nellie Shields Maskal, Community Planner *NH*
Community-Based Planning Division

SUBJECT: **Site Plans No. 8-98001: Clarksburg Town Center - RMX-1 Zone; 120 acres; southeast quadrant of the intersection of Piedmont Road and Clarksburg Road; Residential Building Height Issue.**

The purpose of this memorandum is to provide comments from the Community-Based Planning Division concerning site plans for the Clarksburg Town Center.

INTRODUCTION**Vision of the Clarksburg Master Plan for the Town Center**

Clarksburg Town Center is located approximately one-half mile from I-270 near the intersection of MD 355 and MD 121 in the 1994 Clarksburg Master Plan Area. The Clarksburg Master Plan proposes a transit-oriented, multi-use Town Center that is compatible with the scale and character of the Clarksburg Historic District along MD 355. The Clarksburg Master Plan also proposes to provide a concentration of uses including a library, post office, park, elementary school, retail center and a mix of housing types. This combination of land uses is intended to help define the Town Center as the focal point of community activities (page 26).

Since the Clarksburg Master Plan was approved, both a Project Plan and Preliminary Plan for the entire Town Center was approved. These approvals have been followed by

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individual Site Plans for different phases of the Town Center development. Maintaining the vision for the Town Center established in the Master Plan throughout the development review process is a primary goal for the success of the Clarksburg area.

ISSUES

Building Height – Residents have argued that four story buildings that exceed 45 feet are not consistent with the Master Plan vision and with Project Plan 9-94004. In addition, there are other buildings that the Clarksburg Town Center Advisory Committee feel are too high. These properties are “two-over-two” units which are 46 feet high.

Master Plan guidance for residential building height for apartments in the Town Center is expressed as “four stories or less except within walking distance of the transit stop, where a building height of six to eight stories may be allowed if Master Plan recommendations concerning compatibility with the historic district can be achieved” (page 46).

Relationship to the Clarksburg Historic District -- Sustaining the scale and character of the Clarksburg Historic District is an explicit element of the Master Plan vision. Citizens assert that the height of Building #3, constructed and occupied, and Building #6, approved but not constructed, will violate the scale and character of the Historic District. The Master Plan (page 50) depicts the buffer areas for the Historic District where lower building heights are required.

ANALYSIS

Conformance with the Clarksburg Master Plan

Site Plan No. 8-98001 complies with the general land use objective in the Master Plan as follows:

- Encourage mixed-use development patterns in the Town Center to help create a lively and diverse place. The Master Plan states (page 46) that all apartments in the future Town Center will be four stories or less except within walking distance of the transit stop, where a building height of six to eight stories may be allowed if Master Plan recommendations concerning compatibility with the historic district can be achieved.
- The building height of four stories for the multi-family and two-over-two units is in conformance with the Master Plan recommendation of four stories or less. The Master Plan does not recommend a specific numerical cap on the maximum height of apartment buildings.



- The Planning Board Opinion for Site Plan #8-98001 referenced a building height of four stories without a numeric measurement of the maximum building height. This determination is consistent with the Master Plan guidance that apartment buildings in the Town Center be four stories or less.
- Buffers to the Historic District with two and three-story building height restrictions do not extend to the location of Buildings #3 and 6 and other buildings that are noted to be over 45 feet high.

CONCLUSION

Multi-family building heights including apartment and two-over-two dwellings of four stories in the Town Center are consistent with the Clarksburg Master Plan and implement the vision of the Plan.

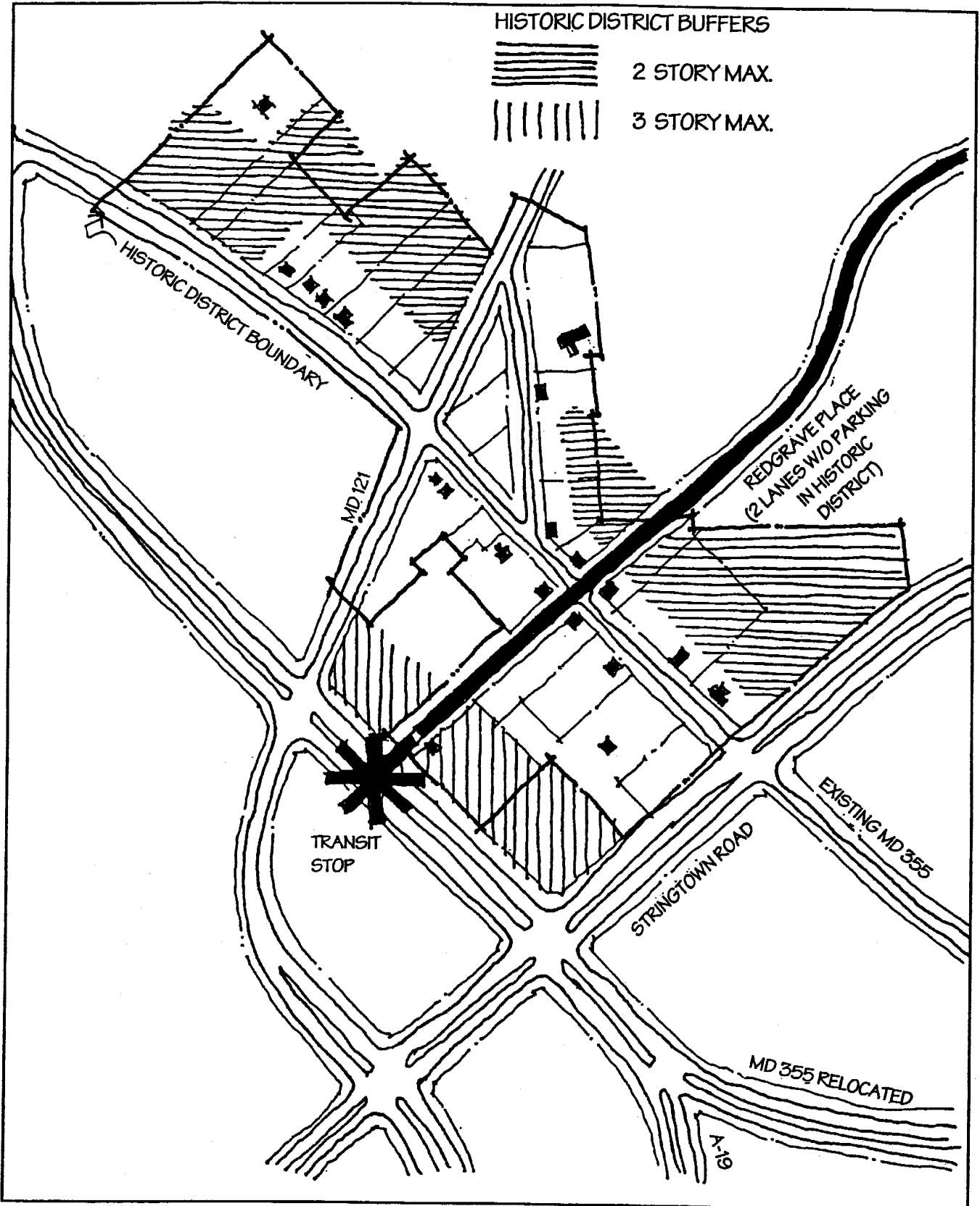
We also understand that the applicant intends to augment the landscaping and screening in the approved Site Plan to address some of the concerns of the residents in the Clarksburg Town Center. Although this additional screening is not part of the initial requirements, these efforts should be encouraged to alleviate concerns of Clarksburg residents.

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Clarksburg Historic District Buffers

Figure 21



CLARKSBURG TOWN CENTER ADVISORY COMMITTEE
Clarksburg, MD 20871

December 8, 2004

The Honorable Derick Berlage
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

VIA: Joyce Coleman, Special Assistant

Dear Mr. Berlage:

It is with great interest in upholding the vision and intent of the Clarksburg Town Center Master Plan that we are writing to you. As you may recall, per the letter you received from our group in August, 2004, the CTCAC (Clarksburg Town Center Advisory Committee) was formed in response to the Town Center residents' discovery of deviations by the developer (Newland Communities) to the Master Plan concept and Project Plan Guidelines. The residents elected the CTCAC to represent them in taking action with MNCPPC and the developer to ensure adherence to the vision and intent of the Master Plan.

Since the CTCAC was elected in July, 2004, we have become very active in researching not only the intent of the Master Plan and approved Project Plan, but also the detailed parameters within the Conditions and Findings, as well as the processes within MNCPPC for site plan submission and approval. As part of our process, we have researched and read every document available on file with MNCPPC relative to Clarksburg Town Center. In doing so, we have made ourselves aware of all requirements under the "Optional Method of Development" for the RMX2 zoning and the related requirements for complete compliance with the Conditions and Findings of the approved Project Plan #9-94004 and Preliminary Plan #1-95042.

The CTCAC and residents are in full agreement with the Land Use Objectives of the Clarksburg Master Plan, especially with regard to creating a pedestrian-friendly town center that will serve as the central focus for the entire study area. The CTCAC finds that in order to uphold these objectives, it is imperative for the developer to adhere completely to the Project Plan Guidelines/Conditions and Findings.

We have determined multiple areas in which Newland has departed from the intent and vision of the Master Plan and, more seriously, violated the Project Plan Conditions and Findings. The most pressing issue is Newland's violation of the height restrictions. The approved Project Plan restricts building heights to 4 stories/45' for residential and 4 stories/50' for commercial. The Master Plan and Project Plan clearly state the necessity for ensuring compatibility of scale with the historic district. As confirmed to us by John Carter and Nellie Maskal of Community Based

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Planning, and Michael Ma of Development Review, this was a driver for the height limitation of 45' for residential structures.

CTC residents are gravely disturbed that buildings already constructed in Phase 1-B3 of the CTC development (Bozutto condominiums) measure ⁶⁰57', as recently confirmed to CTCAC by MNCPPC Development Review. Newland also confirmed a height in excess of 45', but stated that the building was 53'4". In either case, the structures are not compatible in scale with the historic district. This is a serious violation which requires immediate attention.

In addition to the buildings already constructed in Phase 1-B3, there are also buildings currently under construction within Phase 2B (Craftstar 2/2 Condominiums – Parcels B & N) which also violate the height restrictions, with planned heights of 51'7". Further, there are several other site plans previously approved for Phase 2C which include additional Craftstar 2/2 Condominiums and Bozutto Condominiums with planned heights exceeding the 45' maximum allowable according to the Project Plan Guidelines. Apparently, the site plans for these structures were erroneously approved, and/or the developer did not specify heights on the site plan (beyond "4 stories") and has violated the height restriction without MNCPPC's awareness. The CTC residents are seeking immediate action by MNCPPC to correct this situation before new buildings are constructed.

Ensuring compatibility with the historic nature of Clarksburg, especially in terms of scale as described with the Master and Project Plan, is essential to creating the type of community that was presented to the residents by the developer and builders when we purchased our properties in Clarksburg Town Center. We appreciate the assistance that we have received from MNCPPC to date in this regard. We have scheduled another meeting with Community Based Planning and Development Review for December 13th to discuss the specifics relative to the height violations described. However, the CTCAC respectfully requests a meeting with you to discuss our overall concerns.

We would appreciate it if a meeting could be scheduled with you prior to December 17th. We will contact Joyce Coleman to arrange the meeting at your convenience.

Sincerely,

Kim Shiley, Co-Chair, CTCAC
Amy Presley
Randy DeFrehn
Joel Richardson
Niren Nagda
Lynn Fantle

Carol E. Smith, Co-Chair, CTCAC
Tim DeArros
Mark Murphy
Jen Jackman
Tricia Larade
Jeff Lunenfeld

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