

DATA SUMMARY: CLARKSBURG TOWN CENTER

Items	Required	Proposed
Lot Area	NA NA	201.34 acres (RMX-2) 68.82 acres (RDT) 270.16 acres total
Minimum Green Area or Outside Amenity Area:		
a. Within Commercial Area	15% (2.19 ac.)	28% (4.06 ac.)
b. Within Residential Area	50% (93.37 ac.)	53% (99.47 ac.)
c. Within RDT Area	NA	(25.72 Acres)
Density of Development Shown in the Master Plan:		
a. Retail	150,000 sq.ft.	150,000 sq.ft.
b. Office	770,000 sq.ft.	100,000 sq.ft.
c. Civic Use (not including elementary school)	NA	24,000 sq.ft.
d. Residential	1380 du (5-7 du/ac)	1300 du (6.6 du/ac)
MPDU's	12.5%	12.5%
Maximum Gross Leasable (Non-Residential) Floor Area	600,000 sq.ft. (0.5 FAR)	250,000 sq.ft. (0.39 FAR)
Setbacks:		
a. From One-Family Zoning		
- Commercial Bldgs.	100 ft.	300 ft. min
- Residential Bldgs.	50 ft.	50 ft. min.
b. From Any Street*		
- Commercial Bldgs.	NA	0 ft. min.
- Residential Bldgs.	NA	10 ft. min.
Building Height:		
a. Commercial	4 stories	4 stories (50 ft.)
b. Residential	4 stories	4 stories (45 ft.)
Parking Spaces:		
a. Off-street	2910	2910
b. On-street	NA	596**

Notes: * No minimum setback is required if in accordance with an approved master plan.

** Off-street parking is necessary to provide street oriented buildings. A waiver from the on-street parking requirements is needed within some of the townhouse and multi-family areas.

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8-98001

ANALYSIS: Conformance to Development Standards - RMX-2

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	30 ac min.	120.17 ac Phase I 270.16 ac Total
Dwelling Units:		
One-family detached		75
Townhouse		295
Multiple-family		398
TOTAL	150	768
Moderately-priced DUs included(12.5%)	96	96
Min. Green Area or outside amenity area (total for site)		
W/in the commercial portion of site	15%	n/a w/ Phase II
W/in the residential portion of site	50%	64.7%
Min. Number of dwelling units approved	150 du's or	1,300 du's w/ Optional Method utilizing Project Plan
	Not > MP recommendation	2,600 for Town Center total 1,300 CTC total 768 CTC Phase I
Building Height	4 stories	4 stories
Max. Residential Density (total site)	30 du/ac	11.9 du/ac (1,300 du/109.17 ac)
Min Bldg setbacks (ft.):		
From one family zone		
Commercial bldgs	100 ft.	n/a -w/ Phase II
Residential bldgs	100 ft	50 ft*
From any street		
Commercial bldgs	n/a	n/a - w/ Phase II
Residential bldgs	n/a**	10 ft min**

* Per 59-C- 10.38 allows for setback reduction by 50% if there are trees or other features on the site that permit a lesser setback w/o adversely affecting development on the adjoining property. The applicant seeks a 50% setback in the areas adjoining the Clarksburg Historic District where mature trees are in place and are proposed to be saved and embellished with additional planting

** The Planning Board reviewed this setback during the Project Plan Review and found that no setback is necessary per the approved master plan.

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ANALYSIS: Conformance to Development Standards for the RMX-2 Zone

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	30 ac.	77.61 AC Phase II 270.16 AC Total CTC parcel
Density (dwelling/acre):		
Dwelling Units:	1,300 total	487 du

One-family detached
 One-family attached Townhouse
 Multiple-family
 TOTAL
 Moderately-priced DU's included (see discussion ahead)

	75 Phase I	153 Phase II
	295	202
	398	132
	768	487
	96	44

Min Green area outside of amenity area (total for site)		
Min. W/in Commercial portion of site	15%	n/a
Min. w/in residential portion of the site	50%	52.4%(40.68 Ac)
Building height:	(38.81 ac) 4 stories	4 stories
Min. Residential Density	30 du/ac	11.9 du/ac (1,300 du/109.17 ac)
Min. Bldg Setbacks (ft.):		
From One Family Zone		
Commercial bldgs	100 ft.	n/a Phase III
Residential bldgs	100 ft.	n/a
From Any Street		
Commercial bldgs	n/a	n/a Phase III
Residential bldg	n/a	10 ft min*
Parking:		



Total @ 2/du for TH & MF
(SFD pkg provided on lots)

668

668

264 off street

404 Garage

654

14

Standard

654

Handicapped-accessible

14

(On street parking not included)

* The Planning Board reviewed this setback during the Project Plan review and found that no setback is necessary per the approved Master Plan.

MPDU CALCULATIONS:

MPDUs required : 163 (12.5% of 1,300 units)

MPDUs provided: Phase I: 96 Phase II: 45 Subtotal: 141 MPDU's for
1,231 units or 11.45 %

With the approval of this Phase II Site Plan, the MPDU provision is slightly behind the number of units approved. To balance out the number of MPDU's with the number of units approved, a portion of units within Phase I are proposed to be delayed in construction. These 150 (approximately) units are identified as Block EE and GG on the MPDU Phasing Plan of May 2, 2002. These blocks are intended to be revised by the applicant in the future and returned to the Planning Board for re-approval. When the final section of Phase III retail and the residential and the revised Phase I residential uses are reviewed by the Planning Board the full measure of MPDU's will be supplied to the project.

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April 2, 2005

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

Dear Sir:

I am writing this letter in protest of the actions taken by the builders in the Clarksburg Town Center. I freely admit that I have no expertise in the area of land law or the inner workings of the county planning commission. However, as a West Point graduate, I do feel that I have a solid background in the areas of integrity, appropriateness, and adherence to prescribed standards. Our master plan is called the master plan for a reason; it is the county-approved document for what is permissible in the Clarksburg Town Center. The builders have not adhered to the plan. I find it difficult to believe that any builder would include in their project bid that they intend to disregard the master plan, and any subsequent binding project plan in the pursuit of additional profits. However, here we are with numerous variations. Something has clearly changed from proposal to implementation.

When I purchased my home in this community, I did so with the vision of the small town feel with a traditional design orientation. I enjoy this area and I chose this area for many quality of life reasons that include a community that I enjoy. I specifically chose the lot that my home is built upon and was prepared to wait out the night sleeping my car through a nasty thunderstorm to secure that location. I am not an investor looking to make a dollar, I am a homeowner and a husband who is trying to provide the best life I can for my family.

In this era of rapidly appreciating home prices, it is a great time to be a builder. However, to make additional profit through improper practices is not acceptable. My Clarksburg Town Center Advisory Committee (CTCAC) has informed me that several of the setbacks and building height restrictions that are set forth in the project plan have been violated. One would have to infer that the changes resulted in additional profitability for builder. Otherwise, the builder's argument is that they changed the design to build larger residences and did not adjust the prices. However, because there have been sales price increases from phase to phase of the building development of the condominiums, that line of reasoning does not seem to be an adequate representation of their strategy. The prices rise in accordance to market value; smaller residences in the exact same location rarely command a premium over larger residences. That would lead to a conclusion of additional profitability for the builder.

If the project plan changed somewhere in the county planning process, that needs further examination. I would like to know how the plan changed. I would like to know what internal controls are in place to ensure that master plans and their subsequent project plans are not changed without due process. I would like to know what the process is and who approved the current process. I would like to know how we, as homeowners, can be assured that our county government is not under undue influence from builders to disregard published, public plans through back office dealing and other unsavory activity. I am not making any accusations or inferences that illegal activity has taken place, but I would like to know what was supposed to happen and why the system broke. I would like to know if an internal investigation has been launched to uncover what happened with the building restrictions.

To this point I have not specifically mentioned the retail center. The builder in this area did not act in good faith until a heavily attended community meeting demanded change. To their credit they agreed to work with the CTCAC to come to a more amenable solution. Although, there has not been anyone at a community meeting that has voiced an opinion in favor of having a very large Giant Grocery store included in the retail area. We apparently have one coming in. The residents and homeowners would prefer an option for our shopping needs. The addition of another Giant in this area does not seem to



make much sense for residents, given the proximity of the Neelsville Shopping Center – about three miles to the south. Again, I understand Giant's desire to keep competitors out, but I would like to know what the process is for selecting an anchor store in a retail area like the Clarksburg Town Center. I would like to know if there are written policies, processes, reporting requirements, and control systems in place to ensure that the business being conducted in the development of my hometown is being done appropriately and effectively.

As of this point in time, there does not appear to adequate controls in place within the planning commission to prevent plan deviation. If this is an employee workload issue, then there are a few solutions. First, slow down building until the proper processes are followed. Secondly, increase staff with qualified individuals. Thirdly, improve control systems, including separation of duties and responsibilities so that no one person can make inappropriate changes, to ensure that ANY changes to the master and project plans are done openly, publicly, and with input from those residents that are affected. Any of these measures would increase the process.

However, if the problem lies neither with the planning process nor the planning commission there must be a penalty levied upon the builders for changing the project plan of my hometown in the pursuit of additional profits. That penalty should be to the full extent of what the law allows. I am not advocating the removal of the buildings, however, I am advocating triple damages based upon the additional profits secured by the builder for his inappropriate or negligent activity. The levied amount should be returned to community for additional improvements and upgrades.

Every month that I send a check to my mortgage company, I am paying a premium to live here. All I am asking for is to receive what I am paying for and the assurance that responsible parties are acting responsibly, or that they are accountable for their actions.

You may feel free to direct any responses to this letter to the CTCAC or to me at the address below.

Sincerely,

/s/ Brian J. Keen

Brian Jeffrey Keen
23701 Clarksmeade Drive
Clarksburg, MD 20871

Homeowner

CC:

rose.krasnow@mncppc-mc.org
michael.ma@mncppc-mc.org
wynn.witthans@mncppc-mc.org
john.carter@mncppc-mc.org
nellie.maskal@mncppc-mc.org

A handwritten signature or set of initials, possibly 'I', enclosed within a hand-drawn circle.

Witthans, Wynn

From: Maria DeArros [mariadearros@comast.net]
Sent: Saturday, April 02, 2005 12:49 PM
To: MCP-Chairman
Cc: Krasnow, Rose; Ma, Michael; Witthans, Wynn; Carter, John; Maskal, Nellie
Subject: April 14th, 2005 Hearing for Clarksburg

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

Dear Mr. Berlage,

I'm writing to you with regard to my town, the Clarksburg Town Center. Specifically I wish for you to know and understand the need for proper oversight of the developers and builders here. If they (builders) do not conform to the Master and Project Plans as approved by MN-CPPC, I fear the Town Center will not realize its full potential.

My family purchased a home in Clarksburg Town Center in 2001, right at the beginning of the development. Our sales director at NV Homes, Ken, introduced us to the concept of Clarksburg's Master Plan. We visited the Terrabrooke Sales Trailer (before the visitor's center opened) and were thrilled with the vision of what could become the New Town Center on display. It was at the Terrabrooke Wine & Cheese Social where I first met Kathy Matthews and Nancy Hislop from the UpCounty Regional Services Office. We all visited with each builder and discussed the exciting possibilities of our new development with other families at that event.

So we fell in love with the Neo-Traditional Town Center style, bought a home almost a year before it would materialize out of the ground, and proceeded to move in and grow roots with the neighborhood. We watched as the bare fields were cultivated into this new town. Everyone is impressed with the explosion in the market that is driving such fast expansion in Montgomery County. We've met and established relationships with dozens and dozens of neighbors.

On August 4, 2004 a group of over 100 concerned Clarksburg Town Center residents met together after an earlier presentation in July made by Newland Communities regarding their retail section proposal. Newland's proposal seriously altered the original design of the Town Center retail section reflected in the Master Plan and Project Plan and marketed by the Builders and Developers of the Clarksburg Town Center. A number of residents at the August 4 meeting volunteered to serve on an advisory committee, and were voted by the meeting attendees to form the CTCAC to speak with one voice for the community to the developer(s). Newland and the residents thought this is a great idea, because when 200 or more neighbors attend the meetings with the developers, chaos ensues, and not all persons can be heard.

CTCAC has advised residents that there will be a hearing in front of the Board to review the facts regarding the issues about the building heights, and the setbacks from the streets, and possibly other problems where the developers have deviated from the Master and Project Plans.

I wish to go on record for your upcoming hearing of April 14th, 2005:

- ♦ I fully support the efforts of the CTCAC on behalf of the residents to uphold the Master Plan and Project Plan. Our Town Center is the central focus for the entire Town of Clarksburg. I'm very impressed with the quality of community involvement on the part of our residents, and how much they support the neighbors who are the CTCAC. The committee members have spent countless personal hours in a volunteer capacity. They've researched and studied all available

4/2/2005



documentation from Park & Planning, in order to accurately understand the concept and details of the Master and Project Plans, and the County development approval processes. The CTCAC does an outstanding job of meeting with and communicating this information to the residents of the neighborhood.

- ◆ The initial Master Plan was written with sensitivity to the historic district of Clarksburg and this perspective must be observed in all aspects of the construction and development of our New Town Center. This is the one and only chance for Montgomery County to build our town properly. Accountability and adherence to the Project Plan is the only way to accomplish our goals.
- ◆ The need for buildings in "scale and compatibility" with the historic district was a key driver for the Master Plan. As a means of ensuring building in scale and compatibility, Community Based Planning included that language as a requirement and further stipulated the height cap for buildings proposed (45' residential and 50' commercial). The Board approved this in the Project Plan. As a resident of CTC, I expect total compliance with the approved Project Plan, conditions and findings.
- ◆ Not only was the existing condominium built on the highest point within CTC, it exceeds the 45' height limit. The building is clearly not in "scale and compatibility" with the historic district or surrounding buildings. Granted, it's a beautiful and well crafted building, but you would not put a Sears Tower in CTC either. If it's not in conformance with the Project Plan, the board must make a ruling as such and then determine what to do in the "go-forward plan". I do not want to penalize residents already living in this building, but it is imperative that the developer/builder be held accountable for the violation... **be prevented from further violations**...and in some way compensate the community for the existing violation.
- ◆ Additionally, I fear that the proposed design for the retail section will be too dense. The developer seems determined to include 75 to 100 more residential condominiums inside the retail area. This is not part of the Project Plan, and should be rejected. If they propose a density that has a parking ratio of less than 2 spaces per residential unit there will not be enough parking for the working families. The reason for the resident's extreme upset over the plan in 2004 was partly due to the inclusion of so much residential in the retail area, and apparently this has not changed.
- ◆ When you look at the developer's plan for the anchor grocery store, is that in keeping with "scale and compatibility" of the Town Center? No. The board should not approve a grocery with a footprint so large and out of character with the Town Center Concept. Why are the residents of the Town Center not being heard regarding the size and selection of the anchor store?
- ◆ I fully expect M-NCPPC to act as guardians on behalf of the people of this county, and CTC specifically, to restrict the builder to build the community according to the Master and Project Plans.

Respectfully, I would like to know what I can do to help insure that the Project Plan is carried out as already determined. This way my Town Center will be everything that I expected when my family purchased our home. Your response would be greatly appreciated, via email or my address below.

Thank you very much for your time and consideration to these matters,

Maria DeArros
12721 Piedmont Trail Road
Clarksburg, MD 20871
301-515-4756

4/2/2005

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Cc: Rose Krasnow
Michael Ma
Wynn Witthans
John Carter
Nellie Maskal

4/2/2005

J

Witthans, Wynn

From: Arvin Shroff [arvinshroff@comcast.net]
Sent: Tuesday, April 05, 2005 4:25 PM
To: Witthans, Wynn
Subject: Fw: Clarksburg Town Center

Resent per request from Dorothy Krass
----- Original Message -----

From: Arvin Shroff
To: Wynn.witthans@mncppc-mc.org
Sent: Friday, April 01, 2005 9:36 PM
Subject: Clarksburg Town Center

We moved to Clarksburg Town Center (CTC) about a year ago from Kentlands in Gaithersburg. We saw an exciting new plan that proposed a variety of housing, shopping and recreational areas for CTC. The plan was exactly what we were looking for and Clarksburg area was a perfect fit for our family. We thought the County Planning Board and the Clarksburg Citizens Group had done an excellent job and CTC was the perfect place for us.

When we first moved in, we had difficulty with obtaining telephone service, internet connection and mail delivery. To our surprise we found out from one of the County inspectors that the County does not consider telephone and internet services as essential for providing occupancy permit. In this day and age both of these are essential requirements. We lived with these hardship for a couple of months.

The purpose of my communication is to request you, as our elected representatives, to look after the best interest of the county citizens. We have noticed to our surprise that no one has been holding the developers and the builders accountable as the CTC moves forward. They are taking liberty with the plan that was approved by the board. They have made unauthorized changes that are detrimental to future well being of this community. In fact they have built structures that go way beyond what was allowed in the plan.

We expect you to hold the developer and the builders accountable at the forth coming hearing. We expect you to honor your commitment to the citizens of this County. We expect you to assure that the original plan stays intact and we expect you to hold firm. We moved to this community based on the plan that you had approved and that the builder and the developer had accepted. They came to CTC knowing what was expected of them. You should not be a party to what amounts to "bait and switch" tactic at this time.

We look forward to the hearing and will take copious notes at the proceedings to see who stands up for the ordinary citizens and who sides with the developer and the builders.

Thank you.

Arvin P. Shroff

Theresa Shroff

4/6/2005

A handwritten letter 'K' inside a hand-drawn circle, located in the bottom right corner of the page.

Witthans, Wynn

From: Waveleteer@aol.com
Sent: Friday, April 01, 2005 9:01 AM
To: MCP-Chairman
Cc: Krasnow, Rose; Ma, Michael; Witthans, Wynn; Carter, John; Maskal, Nellie
Subject: Clarksburg Town Center

23613 General Store Drive
Clarksburg, MD 20871
301-916-2412

April 1, 2005

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

RE: Clarksburg Town Center

Dear Mr. Berlage:

I am a resident of Clarksburg Town Center. When deciding to purchase my home, I reviewed the Clarksburg Master Plan and visited MNCPPC to learn about the project and was very impressed with the care with which protection of the environment and density of development was considered. I was also impressed by the development concept of a small town look and feel with respect for the historic district and open green space. After speaking with MNCPPC, developers and builders, I got the impression that I could be confident that MNCPPC would make sure that the parameters and spirit of the Master Plan and approved Project Plans would be followed.

That is why I was surprised to hear that there may be existing and planned buildings that exceed height parameters in the Project Plan by as much as 20% or even more. To me, this is a big difference in scale, and makes a noticeable change to the rooflines, views and the look and feel of the community.

While change is inevitable, the bottom line to me is that the development in the area has only begun and that the MNCPPC should take a strong position with builders and developers that the Master Plan and Project Plans will be followed.

I support the efforts of the Clarksburg Town Center Advisory Committee in bringing this issue to the attention of the MNCPPC for appropriate action.

Sincerely,

Barbara Geshwind

Cc: Rose Krasnow
Michael Ma
Wynn Witthans
John Carter
Nellie Maskal

4/1/2005

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cCa
Clarksburg Civic Association
Clarksburg, Maryland 20871-0325

March 30, 2005

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

Chairman Berlage

On Monday March 28, 2005, the Clarksburg Civic Association unanimously resolved to support the conditions and findings of the Project Plan (9-94004 as approved by the Planning Board May 11, 1995) as it pertains to setbacks (10 feet from any street for residential properties) and building heights (4 stories/45 feet for residential and 4 stories/50 feet for commercial).

During the 1992-1994 timeframe, the CCA has communicated its intent to maintain height restrictions, especially in the Town Center.

Among the CCA's consensus positions in 3/23/92 were:

"The Town Center District should not be planned around a predetermined population. Height limits necessary to establish a small town character should be the dominant consideration. **No residential development east or west of I-270 should exceed three stories in height.**"

As the Master Plan process continued, in a 8/10/93 consensus position:

"The Town Center and Transit Corridor Districts should not be planned around a predetermined population. Height limits necessary to establish a small town character should be the dominant consideration. Six to eight story apartment buildings are inappropriate. **Residential development should not exceed three to four stories.**" And considering that this paragraph included the Transit Corridor District, it would not be condoning a tall four stories in the Town Center.

In the matter at hand, it seems clear that a project plan restriction that is not explicitly over-ruled in a subsequent site plan (with adequate explanation and process), remains a construction restriction.

Sincerely yours,

Paul E. Majewski
President
Clarksburg Civic Association

(M)