MEMORANDUM

DATE: March 17, 2006

TO: Montgomery County Planning Board
Robert Kronenberg, Acting Supervisor
Rose Krasnow, Chief *RK RAL*
Development Review Division

VIA:

FROM: Frederick Vernon Boyd *FV*
Community-Based Planning Division
(301) 495-4654

REVIEW TYPE: **Plan of Correction**

CASE #: **82002036B and 82004022A**

PROJECT NAME: 82002036B: Greenway Village at Clarksburg—Phases 1 and 2
82004022A: Greenway Village at Clarksburg—Phases 3, 4, 5

APPLYING FOR: Approval to add development standards for building heights and setbacks for all phases of Greenway Village

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: PD-4

LOCATION: In the vicinity of the intersection of Skylark and Newcut roads, west of Ridge Road

MASTER PLAN: Clarksburg Master Plan

APPLICANT: Clarksburg Skylark LLC

FILING DATE: July 15, 2005

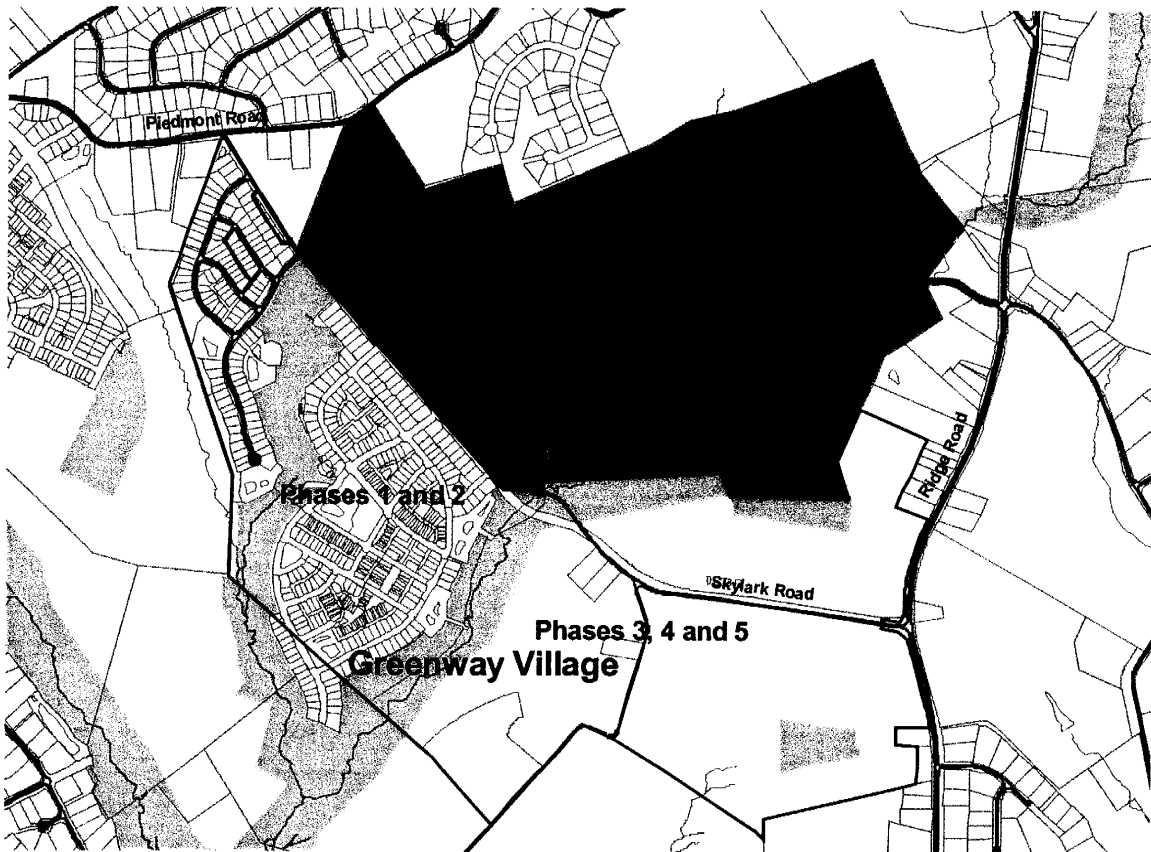
HEARING DATE: March 30, 2006



STAFF RECOMMENDATION: Approve a Plan of Correction to enable development standards for Greenway Village at Clarksburg by incorporating the Development Data Table for all phases of the site plan.

BACKGROUND

The original approvals for the two site plans regulating development for Greenway Village did not include extensive development standards. The General Notes accompanying each signature set show limited setback standards, but make no reference to building heights. The General Notes accompanying the Preliminary Plan refer to a maximum building height of four stories.



The Zoning Ordinance does not require the Planning Board to make specific determinations regarding building heights or setbacks as part of its review of a site plan. The Ordinance does require that submitted plans must include information on building heights. In this case, the applicant did not submit, and the Planning Board did not set, height and setback standards as part of a development data table in the original Site Plan approvals. The applicant has proposed the following set of development standards for all phases of Greenway Village at Clarksburg:

Development Data Table

Development Standard	Existing Standard	Signature Set General Notes	Proposed Standard
Zone	PD-4	PD-4	PD-4
Minimum Area of Development	none	374 acres	374 acres
Dwelling Units at 4 units to the acre	1496	1330	1330
One Family Detached	44 percent (Development Plan)	605 (45 percent)	604 (45 percent)
One Family Attached	37 Percent (Development Plan)	529 including MPDUs (40 percent)	530 including MPDUs (40 percent)
MPDUs	12.5 percent	167 (12.5 percent)	167 (12.5 percent)
Multifamily	19 percent (Development Plan)	196 including MPDUs (15 percent)	196 including MPDUs (15 percent)
Minimum Lot Area (square feet)			
One Family Detached	none	varies	3500
One Family Attached	none	no reference	1000
Attached MPDU	none	no reference	1000
Minimum Lot Width at front building line	none	no reference	18 feet
Setback from Public Street			
One Family Detached	none	no reference	15 feet
One Family Detached on corner lot when adjacent lot does not front on street	none	no reference	5 feet
One Family Attached	none	no reference	5 feet
One Family Detached with front garage	none	as shown on site plan	20 feet

Development Standard	Existing Standard	Signature Set General Notes	Proposed Standard
One Family Detached with rear garage	none	as shown on site plan	0 feet
One Family Attached with rear garage	none	no reference	0 feet
Side Yard			
One Family Detached with front garage	none	4 feet	4 feet
One Family Detached with rear garage	none	3 feet	3 feet
One Family Attached	none	no reference	0 feet
Lot Coverage			
One Family Detached	none	no reference	60 percent (2100 sf)
One Family Attached	none	no reference	75 percent (750 sf)
Building height			
One Family Detached	none	no reference ¹	40 feet ²
One Family Attached	none	no reference ¹	45 feet
2-over 2-units ³	none	no reference ¹	55 feet ⁴
Setbacks for Accessory Buildings	none	no reference	0 feet
Green Space	40 percent	57 percent	55 percent (207 acres)

- 1 The General Notes to the Preliminary Plan show a maximum building height of four stories.
- 2 The applicant originally proposed a 45-foot limit, but has agreed to a 40-foot limit. A detailed analysis setting out staff's rationale for a 40-foot limit is below.
- 3 This unit type is proposed for Site Plan 82004022A.
- 4 The applicant has proposed this standard to accommodate 2-over-2 units in areas whose topography requires entrance elevations several or more feet higher than the street grade used for measuring purposes.

Analysis

The Planned Development Zone, unlike more narrowly drawn Euclidean Zones, contains no specific standards for building height or setbacks. Indeed, a primary purpose of the zone is to “provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories.” Standards for height and setbacks remain useful, even in the context of the flexible development encouraged and allowed in the PD Zone, because they can create a mutually agreed on set of “ground rules” for construction that does not compromise the overall design objective outlined in the zone’s purpose clause. These ground rules can be understood equally by builders and consumers of the resulting housing. In addition, the Zoning Ordinance states that the contents of a site plan must include structure heights.

Technical staff believes, however, that the height standards originally proposed by the applicant for single-family detached houses are overly generous. Only the county’s large lot zones allow building heights of 45 feet; the higher density single family detached zones, which allow densities in the range of the four units per acre set for Greenway Village, allow building heights of no more than 40 feet. In addition, because construction in phases 1 and 2 is largely complete, an idea of the range of building heights in the community is available. A review of permits recently approved as part of the ongoing review of building permit activity in Clarksburg indicates that single-family detached houses in Greenway Village are being built to heights of 30 feet to 35 feet. A maximum building height of 40 feet for single family detached houses should allow adequate leeway for grading and topographic variations. The applicant has indicated agreement with this standard.

Although the county’s existing residential townhouse zones require maximum building heights of 35 feet (40 feet when MPDUs are required) and although a similar review of recently approved building permits for Greenway Village indicates that attached houses are being built to 35-foot maximum heights, the applicant is requesting a 45-foot maximum, to meet its design standards and allow for grading and topographic variations. Technical staff is persuaded that evolving consumer demand for larger attached units on relatively small lots, along with the physical conditions onsite warrant a 45-foot maximum height for attached houses in this community. To accommodate construction of 2-over-2 units in areas whose topography requires building entrances several feet higher than the street grade, technical staff recommends a 55-foot multifamily height maximum.

The recommended development standards for building heights are as follows:

Development Standard	Existing Standard	Signature Set General Notes	Recommended Standard
Building height			
One Family Detached	None	no reference	40 feet
One Family Attached	None	no reference	45 feet
2-over 2-units	None	no reference	55 feet

Technical staff also believes that two additional development standards should be added to those proposed by the applicant. Technical staff recommends addition of a standard for separating end units of single-family attached houses. An 8-foot distance reflects the separation between existing “sticks” of attached units. Staff also proposes setbacks from the street for accessory buildings, so that homeowners are discouraged from building sheds and other structures in the front of their homes.

The recommended additional standards are as follows:

Development Standard	Existing Standard	Signature Set General Notes	Recommended Standard
Distance between adjacent end units of main buildings			
One Family Attached	none	no reference	8 feet
Setbacks for Accessory Buildings			
From the public street line			
One Family Detached	none	no reference	60 feet
One Family Detached on corner lot when adjacent lot does not front on street	none	no reference	5 feet
From rear and side lot lines			
Detached garage	none	no reference	0 feet
All other structures	none	no reference	5 feet

CONCLUSION

This memorandum recommends that the Board acknowledge the omission of development standards for Greenway Village and approve a detailed set of development standards for all phases. This memorandum also recommends that the development standards be considered a Plan of Correction, to formally recognize the need to remedy an omission in previously approved site plans for this project.