



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

September 25, 2005

MEMORANDUM

TO: Rose Krasnow, Chief
Development Review Division

VIA: John Carter, Chief
Community-Based Planning Division

FROM: Sue Edwards, I-270 Corridor Team Leader
Community Based Planning Division

Marybeth O'Quinn, Site Plan Reviewer *MBog*
Development Review Division

SUBJECT: Clarksburg Town Center (Phasing of Amenities)

Our portion of this analysis addresses phasing of amenities in the Clarksburg Town Center including open space, recreation, and community-wide facilities including formal greens and special place-making elements such as the Clark Family memorial. This analysis traces the evolution in location and scope for amenities as first mentioned in the applicant submittal of Project Plan #9-94001 and continuing through Site Plans #8-02014 and #8-98001E.

PROBLEM STATEMENT

Residents of the Clarksburg Town Center believe that the open space, recreation and community-wide facilities intended for the community have not been provided in accordance with the Project Phasing and are, in some instances, undersized or diminished from the illustrations contained in the CTC Project Plan #9-94004 and initial Site Plan #8-98001

The community also believes that staff level amendments to Site Plan #8-98001 have changed, reduced, or eliminated recreation facilities and community amenities.

SOURCES

Project Plan

- Project Plan #9-94004 signed by John Carter on April 22, 1996
- Staff Report for Project Plan #9-94004 dated April 20, 1995
- Planning Board Revised Opinion for Project Plan #9-94004 dated June 12, 1995
- Clarksburg Town Center: A Project Plan Proposal dated November 23, 1994
- Planning Board hearing transcript on April 6, 1995 for Project Plan #9-94004 Planning Board Opinion for Project Plan #9-94004E (Extension) dated January 16, 1997

Site Plans related to 8-98001 and Amendments

- Staff Report for Site Plan #8-98001 dated January 16, 1998
- Planning Board Opinion for Site Plan #8-98001 dated March 3, 1998
- Signature Set, Site Plan #8-98001 dated May 13, 1999
- Signature Set for Site Plan #8-98001A dated June 10, 2002
- Signature Set for Site Plan #8-98001B dated August 3, 2001
- Applicant Application for Site Plan #8-98001C dated December 12, 2000
- Signature Set for Site Plan #8-98001C dated May 30, 2003
- Signed approval for elevations for Site Plan #8-98001D dated March 7, 2002
- Applicant Submittal for Site Plan #8-98001E dated July 2, 2004
- Site Plan Enforcement Agreement 8-98001 dated May 13, 1999

Site Plans related to 8-02014 and Amendments

- Staff Report for Site Plan #8-02014 dated February 2, 2002
- Planning Board Opinion for Site Plan 8-02014 dated June 17, 2002
- Signature Set for Site Plan #8-02014 dated October 14, 2004
- Planning Board Opinion for Site Plan #8-02014B and #8-98001G dated March 21, 2005
- Site Plan Enforcement Agreement 8-02014, dated October 14, 2004

Other

- M-NCPPC Recreation Guidelines, 1992
- Letter from Todd Brown to Derick Berlage dated September 7, 2005
- Letter from David Brown to Derick Berlage dated September 26, 2005

ANALYSIS

The Montgomery County Zoning Ordinance, per Section 59-D-2, sets forth the requirement for projects seeking the optional method of development that a project plan is required. "In order to assure that the development will include the public facilities, amenities, and other design features that will create an environment capable of supporting greater densities and intensities permitted by the optional method of development, the developer is required to submit a project plan as part of the application for the use of the optional method;" (59-D-2.11).

Amenities Review for Project Plan

The project plan application must include, among other items, "a land use plan showing (5) the location of land to be dedicated to public use; (6) the location for land which is intended for common, quasi-public or amenity use but not proposed to be in public ownership, and proposed restrictions, agreements, or other documents indicating the manner in which it will be held, owned and maintained in perpetuity for the indicated purposes and g) a development program stating the sequence of all structures, open and amenity spaces, vehicular and pedestrian circulation systems and community recreational facilities are to be developed" (59-D-2.12).

The project plan is the first view of recreation facilities and amenities to be supplied to the community. Subsequent site plans provide more detail including size, footprint, and location of structures, vehicular and pedestrian circulation, parking, landscaping and lighting, open space, recreation facilities, and other design elements such as fencing, furnishings and fixtures.

The table below itemizes recreational facilities, amenities, and other features or facilities that are included in the Planning Board's approval of Project Plan 9-40004; the chart depicts iteration and development of the amenities through Site Plans 8-98001 and 8-02014 and their staff level amendments. Site Plan #8-98001E (residential) has been submitted and will be reviewed by the Planning Board together with Site Plan #8-04034 (retail) in late 2005.

Sequence of Recreation Amenities required by approved Project Plan and Site Plans

	Exhibit 19	#9-94004	#8-98001	#8-98001 Amend	#8-02014	#8-98001E (Future)
RECREATION FACILITIES						
Tot lots	X	(4)	(2)	(2)	(2)	
Multi-age Play Open Play Area	X	(6) (0)	(2) (1)	(2) (2)		
Picnic/Sitting areas	X	(6)	(12)	(7)	(6)	Future
Tennis Courts	X	(3)	(0)	(0)	(0)	(0)
Bike system	X		X	X		Future

Pedestrian system	X		X	X	X	Future
Nature Trail	X		X	X		Future
Nature Area	X	X	X	X		
Swimming Pool	X	(2)	(1)	(1)		(1) Future
Wading Pool	X	(2)	(1)	(1)		
Indoor Fitness center	X	(1)	(1)		(1)	
Soccer field			(1)		(1)	
Baseball field			(1)		(1)	
AMENITIES						
Town Square	X	X	X		X	
Main Street Design Improvements	X					Future
Land Dedication for Civic Building	X	X	X			Future
Greenway Roadways	X					Future
Land Dedication for Elementary school	X	X	X		X	
Greenway Amenities and Specialty planting	X		X			
Neighborhood Greens (4)	X	X	X			Future
Land Dedication for Greenway	X	X	X			
Land Dedication for Park Use	X	X	X			
Pond	X	None	None	None	None	None
Tennis Court (2)	X	(0)	(0)	(0)	(0)	(0)
Recreation Areas (2)		X				
MENTIONED						
Clark Family memorial		X	X	X		Future
Equestrian underpass					X	Future
Cemetery screening			X			
Visual connection to church		X				Future

Amenities Review for Site Plan

Site Plan review requires analysis of recreation amenities. The Planning Board is required per Section 59-D-3.4(a)(3) of the zoning ordinance to make a finding on the adequacy of proposed recreation. Each Site Plan review addresses the adequacy

of recreation facilities proposed for the subject project, utilizing the MNCPPC Recreation Guidelines (1992). Recreation elements are evaluated quantitatively in the context of proposed community need.

The Guidelines provide basic design criteria for each element, that considers safe capacity levels and use, recommended setbacks from buildings and curblines, ease of access, equipment fall zones, and age group supply levels. The tables included below delineate quantitative analysis of the recreation facilities approved per Site Plan 8-98001 and the recreation amenities approved by the Planning Board for Site Plans 8-02014, 8-98001G, and 8-02014B.

COMMUNITY POSITION

CTCAC asserts that the trigger for conveyance of community-wide recreational facilities and amenities occurs at the time of issuance of the 540th building permit as noted within the Site Plan Enforcement Agreement #8-98001. The CTCAC also asserts that plat records tie all plats within the subdivision to Site Plan Enforcement Agreement #8-98001, it could be deemed the trigger date for conveyance of Phase II amenities as well.

Additional comments were received on September 26, 2005 from attorney David Brown representing the Clarksburg Town Center Advisory Committee. The CTCAC asserts that Newland has not supplied "a significantly greater number of amenities of higher quality than reflected on the original approved plans" as claimed in the September 7, 2005 letter. The community also states that Newland is obligated to supply community-wide amenities for all phases of development at the time of the 540th building permit.

APPLICANT POSITION

By letter dated September 7, 2005, the applicant states that "it is important to dispel the suggestion that community amenities and recreation facilities have not been provided. Newland Communities has already constructed attractive recreation facilities and amenities within both Phases 1 and 2 that are available for the resident's use. These facilities include 3 tot lots, a multi-age play lot, 3 open play areas, 11 picnic/seating areas, 6 neighborhood squares and greens, one of two community pools and has graded and conveyed land to M-NCPPC and MCPS for a new elementary school site and 3 athletic fields within Phase 2. We also note pending amendments to the Project Plan and the Phase 1A-4 site plan identify additional community amenities and facilities Newland Communities is prepared to provide".

The applicant also disputes that the phasing triggers have been met for the 768 units approved by Site Plan #8-98001, specifically citing in the September 7, 2005 letter, separate consideration of Recreation Facilities for each site plan, that is, 8-98001 and 8-02014 with respect to the following triggers:

- Site Plan 8-98001: 540th unit for Community Wide Facilities
- Site Plan 8-02014 70% occupancy of units.

The applicant's representative further states that the above listed amenities (3 tot lots, a multi-age play lot, 3 open play areas, 11 picnic/seating areas, 6 neighborhood squares and greens, one of two community pools) provide attractive and sufficient recreation facilities for the 409 occupied residences in Phase 1 (8-98001) and the 262 occupied residences in Phase 2 (8-02014).

STAFF POSITION

The Town Center Project Plan depicts a comprehensive system of recreation, environmental, and open space amenities with careful consideration of the type and location of facilities to meet the needs of future residents. The Project Plan offers facilities at the neighborhood and community levels and off-site (park/school). There are three issues of review: fulfillment of amenities contained in the Project Plan; providing facilities in the timely manner required by the 1999 Site Plan Enforcement Agreement, and the adequacy of facilities constructed.

Project Plan Recreation Analysis

Staff began the analysis with the Project Plan and followed these facilities (shown on the table on page 3 of this memorandum) through the series of site plans where recreation adequacy was assessed. The Recreation Analysis for Currently Existing Amenities (See table, page 9) shows the number and adequacy of recreation facilities provided for housing occupied as of September 7, 2005. Staff concludes that recreation facilities, to date, do not fulfill recreation demand as computed from the *M-NCPPC Recreation Guidelines*. Staff finds a significant deficiency in almost every age group and particularly for teens and adults.

Comprehensive Recreation System

The holistic perspective of the Project Plan and the subsequent comprehensive site plan recreation analyses, argue that the current evaluation of Recreation Phasing must embrace the recreation as a whole, that is, this community's recreation as a system that reaches across site plans and phasing lines, as do the very site plans approved that delineate the amenities.

It should be noted that these are the site plans upon which the applicant has based the existing construction of Clarksburg Town Center that will contain over 1,200 residential units. Various amendments have addressed changes to specific areas of the plans. However, there are consistent references to the comprehensive system of amenities that serve both Phase I (8-98001 and amendments) and Phase II (8-02014 and amendments). For example, the Recreation/Amenities Plan (November 12, 2000) submitted under 8-98001C is based on 1,202 residential units. Likewise, Planning Board approval of Site Plan 8-02014 (May 9, 2002) and concurrent Site Plans 8-98001G and 8-02014B (February 10, 2005) incorporates recreation amenities for both phases, per staff report recreation analyses. (See attached, *Recreation Facilities Worksheet: Clarksburg Town Center*, dated March 21, 2002; see also, *Recreation Facilities Worksheet: Clarksburg Town Center*, dated February 3, 2005.)

Site Plan Evaluation

It is difficult, if not impossible to compare the completion of amenities associated with 8-98001, whose completion is tied to building permits, the earliest construction starting point, with those facilities associated with 8-02014, whose completion is tied to occupancy, the concluding point of construction.

Newland, by its own reference, incorporates community-wide facilities such as pedestrian systems, bikeways, nature trails, tennis courts, and ball fields in all phases of development, and for each site plan and amendments, that must, therefore, relate to the 540th building permit. Staff concludes that more than 540 building permits have been issued and that these facilities are not entirely in place.

Analysis by occupancy for both phases, (forsaking the earlier limit of building permits applicable in 8-98001), as an exercise, provides a useful understanding of how the supply of amenities has been implemented for the Town Center. Using the information supplied by the applicant regarding current residential occupancy and existing amenities, (See letter of September 7, 2005 attached), the Recreation Analysis shows the limited facilities currently available, with unmistakable deficits in recreation for almost every age group, but particularly for teens and adults.

[Text continues on page 8.]

Analysis Recreation Facilities in Existence, September 7, 2005

Clarksburg Town Center 8-98001		Based on applicant's occupancy numbers for Phase 1 & 2, per letter 9/7/05 and facilities cited as complete				
<u>Recreation Analysis</u>		Tots	Children	Teens	Adults	Seniors TOTALS
		D1	D2	D3	D4	D5
<i>Recreation Standard per 100 dwelling units</i>						
Townhouse attached		17.00	22.00	18.00	129.00	7.00
SFH III lot<7,000sf		14.00	19.00	23.00	127.00	13.00
Mutifamily/Garden		11.00	14.00	12.00	118.00	16.00
Demand Points	671 occupied units (using pro-rated unit type distribution)					
TH # units = 448		76.16	98.56	80.64	577.92	31.36
SFH I II# units = 223		31.22	42.37	51.29	283.21	28.99
Multifam/Garden =		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
PROJECT DEMAND		107.38	140.93	131.93	861.13	60.35
<u>Supply Points</u>						
<u>For Completed Recreation Facilities</u>						
On Site						
Picnic/Sitting (6)		6.00	6.00	9.00	30.00	12.00
Multiage Play (1)		9.00	11.00	3.00	7.00	1.00
Tot Lot (3)		27.00	6.00	0.00	12.00	3.00
Open Play Area II (3)		9.00	12.00	12.00	30.00	3.00
Swimming Pool		5.91	28.19	26.39	215.28	9.05
Wading pool		16.11	7.05	0.00	43.06	3.02
Community Room						
Indoor Fitness						
Tennis Courts (2)						
Soccer Field						
Baseball Field (Jr Softball)						
Bike System						
Natural Areas						
Pedestrian System						
Nature Trails						
PROJECT SUPPLY		73.01	70.23	50.39	337.34	31.07
SUPPLY/DEMAND RATIOS						
On Site Ratio (percent)		0.68	0.50	0.38	0.39	0.51
<i>Note: MNCPPC Recreation Guidelines require 65% minimum on-site facilities</i>						

CONCLUSION

The lack of recreation facilities, amenities that surely influenced resident' decisions to settle in Clarksburg, affects the quality of life in the town, with effect on the social and physical environment of its townspeople. Staff recommends that the completion of Recreation System should be tied to the 540th building permit. Only those elements subject to external approval processes, outside of the control of the applicant, such as the Montgomery County Public School, should be exempted from the target of the 540th permit.

The fact that the applicant has obtained building permits for 753 buildings (unverified), while the recreation provided for adults and teens is substantially inadequate, demonstrates the deficiencies or disregard for providing timely, much needed facilities. It will be a challenging task, given the progress of housing production compared to the amenities, to provide adequate recreation facilities with the quality, quantity, and timeliness expressed in the Project Plan.

RECREATION FACILITIES WORKSHEET

Clarksburg Town Center
Phases 1B1, 1B2, 1B3 & 2

DEMAND POINTS PER POPULATION CATEGORY

HOUSING TYPE		D1	D2	D3	D4	D4
S.F. III	200	28.0	38.0	46.0	254.0	26.0
Townhouses	418	71.1	92.0	75.2	539.2	37.6
Garden/Multi-Family	162	17.8	22.7	19.4	191.2	25.9
TOTAL DEMAND	780	116.9	152.7	140.6	984.4	89.5

SUPPLY POINTS PER FACILITY

FACILITY	D1	D2	D3	D4	D5	D4
Seating Areas (31)		31.0	31.0	46.5	155.0	62.0
Mult-Age Play (3)		27.0	33.0	9.0	21.0	3.0
Tot Lot (2)		18.0	4.0	0.0	8.0	2.0
Open Play II (2)		12.0	18.0	24.0	60.0	4.0
Swimming Pool (1)		7.4	35.9	30.8	287.5	12.7
Wading Pool (1)		20.1	8.8	0.0	57.5	4.2
Community Space (1)		13.4	26.3	45.1	345.0	33.8
Indoor Fitness (1)		0.0	17.5	15.0	230.0	12.7
Soccer Field (1)		2.0	15.0	20.0	40.0	2.0
Baseball Field (1)		2.0	15.0	20.0	40.0	2.0
Nature Trail		6.7	17.5	22.5	172.5	12.7
Nature Area		0.0	8.8	15.0	115.0	4.2
Bike System		6.7	17.5	22.5	172.5	8.4
Pedestrian		13.4	35.0	22.5	517.5	38.0
TOTALS		159.7	283.3	292.9	2,221.5	201.7