



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION

**Staff Report: Project Plan Amendment 91994004B, Preliminary Plan 11995042A,  
Final Water Quality Plan and Site Plan 820070220 Clarksburg Town Center**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING**

**DATE:** December 11, 2008

**REPORT DATE:** December 8, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RdK*  
Development Review Division

**FROM:** Robert Kronenberg, Supervisor *RAK*  
Development Review Division

Catherine Conlon, Supervisor  
Development Review Division



**REVIEW OF:** Continuation of the November 6, 2008 hearing for the Compliance Program: Clarksburg Town Center Project Plan #919940040, Preliminary Plan #119950420 and Comprehensive Site Plan #820070220 which incorporates Site Plan #819980010 and #820020140. The application has been submitted to fulfill Stage III of the Compliance Plan which calls for all of the elements agreed to by the parties to the mediation to be incorporated into an amended overall Project Plan, Preliminary Plan, and a new site plan that covers the entire development. Requests approval for 194,720 gross square feet of commercial development, (including up to 48,000 sf of specialty retail within live/work units); and 1,213 residential dwelling units, including 152 MPDUs, and a waiver to permit a reduction of parking spaces for the west side; on approximately 270 acres. Located at the southeast quadrant of the intersection with Clarksburg Road and Snowden Farm Parkway in the Clarksburg Master Plan

**APPLICANT:** NNPII Clarksburg, LLC

**RECOMMENDATION:** Approval with conditions

## **EXECUTIVE SUMMARY**

A public hearing for the combined Clarksburg Town Center plans that were submitted in response to the previously approved Plan of Compliance was conducted on November 6, 2008. The hearing resulted in a lengthy discussion of issues related to parking, design, landscaping, the location of the library site, paths and road connections, sidewalk materials, timing of construction and conformity to the Compliance Program.

The Planning Board reviewed the proposed conditions of approval and deliberated on the majority of them. The revised conditions of approval are provided in Appendix A. The Board narrowed the outstanding issues that were to be resolved at a follow-up hearing to the following: Parking – specifically how much parking is required to adequately serve the retail core, including the grocery, street level retail, live work units, liner townhomes, multi-family units and the library and whether a waiver is acceptable; Retail – specifically; the minimum depth of stores required by retailers and whether sufficient retail space is being provided; the Resident’s Club – specifically how the site can best accommodate the sports and fitness facilities proposed while still providing adequate deck space around the pools; the design of the Grand Staircase; enhancements to the landscaping plan and whether, with the revised conditions, the submittal can be found to be in conformance with the mediated plan.. The Board directed the Applicant and interested parties to provide Staff additional analysis on any of these specific issues by November 20, 2008. Staff was also directed to do additional analysis of the parking and other remaining issues in order to provide a recommendation to the Board in December.

## **Project Analysis**

### **Evaluation of Parking**

Parking for the Town Center, specifically the retail component, was the primary topic of concern during the November 6, 2008 hearing. Many of those present, including the Board, were concerned that the number of parking spaces proposed by the applicant was based, not on the actual requirements of the mix of uses, but on an economic assessment of the current retail market. Moreover, changes to the parking structures proposed in the original compliance plan would also have a direct impact on the overall design of the retail core, specifically with respect to viability of the retail space, depth of the retail stores, widths of sidewalks and design of outdoor public space.

Staff's analysis incorporates parking for the library, on-street parking, dedicated spaces for the residential units in the core area, viable depth of stores and specific requirements for the parking ratios to be used for residential and commercial uses.

*Community's Concerns:* Community members are not in agreement with one another regarding the parking issue. Several residents voiced the opinion that they do not like to use structured parking, that there is an urgent need to provide a grocery and other retail uses in Clarksburg, and that the applicant's proposal should be supported. Others strongly feel that the parking structures are integral to the pedestrian oriented, urban design of the retail center and are an essential component of the Compliance Plan.

CTCAC ("The Clarksburg Town Center Advisory Committee") focused on what the group believed to be the three inter-related issues pertaining to the plans and hearing: 1) conformance with the Plan of Compliance; 2) retail store depth; and 3) adequate parking. CTCAC proposes a parking ratio of 5/1000 in accordance with the zoning ordinance as well as additional 12.5/1000 parking space for restaurant space for a total of 1,307 spaces, inclusive of parking for the library.

Changing the parking structure in front of the grocery store from three levels to two and replacing the other parking structure with a surface lot also significantly impacts the design of the retail core by reducing the depth of the retail stores from 60 to 50 feet, increasing the need for retaining walls and creating a different feel for the main street by narrowing the sidewalks and using angled, rather than parallel, parking. The community is also concerned that retail tenants will not be attracted to the town center or will not be able to succeed if there is a shortage of parking in the retail area.

Correspondence was received from Mr. John Cook, Ms. Kathie Hulley and Mr. Patrick Darby (Clarksburg Chamber of Commerce), all of whom were present at the November 6, 2008 hearing. All three discuss the value of additional parking that will be needed for the town center retail, similar to the ratios recommended by CTCAC.

### *Applicant's Position*

The Applicant provides documentation and materials from various sources that attest to the adequacy and efficiency of the parking proposed for the retail core. Their supporting analysis indicates that a second parking garage is not needed to support the proposed retail development. The applicant states that, with the modified plans prepared by John Torti and submitted on November 20, 2008, 914 parking spaces are required and 914 spaces are being provided. Furthermore, their expert, Robert Gibbs, cites numerous studies that suggest that 3.0 to 4.0 spaces per 1000 square feet of retail development are more than adequate for a mixed use, town center development. The applicant argues that the original Compliance Plan only required 904 spaces and states that with their latest submission "virtually all of the Urban Design and Architectural Guidelines remain intact and are the same as the Compliance Plan".

The Applicant's modified plan includes 420 parking spaces in the lower level of Block LL (Grocery), an increase of 44 spaces from the previous submittal, and 156 parking spaces in Block KK, a reduction of 7 spaces. The surface parking located in Block MM includes 105 spaces, an increase of 5 spaces from the previous submittal. The parking analysis indicates a requirement of 4.3 spaces per thousand square feet for the retail, 4 spaces per unit for the live/work units and no requirement for the flex space. This methodology eliminates the 3 additional spaces currently required by code for the live/work units and the 39 spaces required by code for the flex space. Their exhibit also arbitrarily assigns 1.7 spaces per dwelling unit in the retail core, which is greater than the 1.5 spaces previously allocated for the multi-family units but less than the 2 required by the single-family detached units. Further complicating matters, the mix of retail and residential being provided continued to change. The applicant's latest submission shows only 183,150 square feet of retail, with 46 live/work units (compared to the 51 originally proposed) no mezzanine space, and only 90 multi-family units, vs. the 98 shown on their earlier submission. Of course, as the residential and retail numbers go down, so does the amount of parking that is required.

### *Staff Position*

Staff analyzed the scenarios presented by the various parties, conducted their own research with respect to acceptable parking ratios, and discussed expectations with experts in the retail field to determine how best to compute parking requirements for the mixed use center. Based upon the analysis, Staff has concluded that 3 – 4 spaces per 1000 square feet of retail is too low and that, in order for this center to be viable, adequate parking needs to be provided both on and off-street, the retail store depths need to be increased to a minimum of 60 feet in leasable area, and the amount of retail space should not be decreased just to maintain a balanced parking demand ratio as presented by the Applicant.

Staff also researched other jurisdictions in the nation, such as Portland, Oregon, Seattle, Washington, San Jose, California, and Sarasota, Florida with the intent of providing a

comparative analysis for mixed-use centers and as a basis for required parking for retail, restaurant space, live/work units and the various residential components. Staff reviewed variances or waivers associated with a reduction in the number of required spaces, most of which applied only in areas where transit was available.

Staff analyzed the parking ratios using the non-residential and residential numbers provided by the Applicant for the November 6, 2008 hearing even though new numbers have been generated by the most recent submittal. The previous numbers included a total non-residential component of 194,720 square feet.

Staff has calculated the overall number of parking spaces that needs to be provided in retail core as follows:

- 180 spaces for 10,000 square feet of restaurant space which equates to 18 spaces per thousand square feet.
- 188 spaces for the 47 live/work units, which equates to 2 spaces for the residential portion and 2 spaces for the commercial portion
- 592 spaces for the remaining 137,720 square feet of retail space, which equates to 4.3 per 1000 square feet
- 100 spaces for the library
- 147 spaces for the 98 multi-family, which equates to 1.5 spaces per unit
- 34 spaces for the 17 liner townhomes, which equates to 2 spaces per unit

As tabulated above, the total amount of parking spaces needed for a vibrant retail core equals 1,241 spaces. This figure already includes a reduction in the required amount of parking for the live/work units from 7 spaces to 4, and a reduction for the remaining retail from 5 spaces per thousand to 4.3. It also makes an assumption that there will be increased parking needs for 10,000 square feet of restaurant, although one might reasonably anticipate that restaurants would occupy up to 20% of the retail square footage, a common number according to Jon Eisen, a consultant with StreetSense. Earlier analyses of the parking requirements in the Town Center failed to take into account the higher parking requirements demanded by restaurant tenants.

Since the applicant is providing only 959 spaces (including 45 spaces in the library surface lot) there is a shortage of 282 spaces. This will require the Applicant to construct a second garage in Block KK and/or design additional spaces in Block LL (Grocery) or Block MM to account for the difference. In addition to providing the number of parking spaces Staff believes is necessary, the design must also reflect a minimum 60-foot store depth, not including the service area. In other words, the 60-foot depth should be the rentable or leasable space.

**Staff Recommendation: Staff recommends providing a minimum of 1,241 parking spaces in the retail core by providing a multi-level parking structure in Parcel KK (which presently calls for 156 surface parking spaces); adding an additional floor below ground in Parcel LL (grocery), and by making other changes, if possible, to the surface parking lots**

**and on-street parking within the retail core area (and including 45 spaces in the library surface lot, which is outside of the retail core). Staff further recommends providing one dedicated and reserved space for each live/work, multi-family and in-line unit within the retail core to be signed and marked for use solely by the resident of that space.**

**The change to the parking and retail space will require the Applicant to submit revised drawings, as part of a certified site plan that can be approved by Staff, unless the changes proposed alter the intent of the Board, which would require Staff to take the revisions back to the Board for approval.**

### **Residents Club (Community Center Sports Court)**

During the November 6, 2008 hearing, Staff recommended deleting the previously proposed lap pool and one small community building in favor of an all-sport court and an addition to the pool house to provide room for other community activities (movies, fitness classes). Staff called for the Applicant to fit-out the new buildings with appropriate furnishings and recommended that all other improvements to the pool and wading pool move forward as anticipated.

The Applicant provided Staff with two design concepts for the “sports court.” The Sport Court in Plan “A”, which is supported by the Applicant, is approximately 32’ x 66,’ whereas Plan “B” shows interior dimensions of approximately 25’ x 47.’ According to the Applicant, the larger facility (Plan “A”) provides a full-size basketball court, can be built with less disruption to the use of the existing pool facility, and improves accessibility. The problem arises because the larger Sport Court takes up a considerable amount of the deck space around the pool.

Both plans were provided by the Applicant to the Pool and Recreation Committee in Clarksburg Town Center, which voiced concern about the view that would be presented by the larger building and the loss of deck space both for residents and for swim meets.

**Staff recommendation: Staff recommend that the Board support Plan B, which calls for the smaller sports facility. Although the Applicant will remain responsible for fitting out the half-size sport-court and the community building (furniture, av system), the specifics of the fit-out must be determined by certified site plan. All other improvements to the pool and wading pool should move forward as anticipated in the Plan of Compliance.**

### **Environment**

Following the November 6<sup>th</sup> hearing, the Applicant met with Environmental Planning Staff to resolve issues associated with afforestation/reforestation, grading in the forest conservation easement, street tree credit and surface material and width of pathways. M-NCPPC agreed to the

clarifications outlined by the Applicant and their consultants to address modifications to the final forest conservation plan.

The modifications have been incorporated into the revised conditions of approval.

### **Grand Staircase**

Staff voiced concerns at the earlier hearing that a conceptual rendering showing seating and landscaping at the base of the Grand Staircase leading to the church had not been provided by the Applicant. Since that time, the Applicant has provided a concept plan that is acceptable to Staff and will be incorporated into the certified site plan.

### **Landscaping**

The issues surrounding the landscaping evolved into two distinct categories: 1) landscaping that was not installed as originally approved; and 2) the \$1 million dollars allotted to CTCAC for enhancement planting and streetscape throughout the town center. During the November 6, 2008 hearing, Staff stated that the missing landscaping in category 1 was separate from the additional enhancement planting required by the Plan of Compliance. The Applicant did not contest any of the conditions related to missing landscaping. With respect to the additional enhancement planting related to the \$1 million dollars, CTCAC identified areas within the Town Center that would satisfy this requirement with a dollar amount agreed to by the Applicant, but did not agree with the list that was contained in the November 6<sup>th</sup> staff report. The Board directed CTCAC to provide Staff a list of the areas for enhancement and streetscape with the purpose of providing the additional site plan elements on the plans.

Staff recommends that the additional enhancements be agreed upon by the Applicant and CTCAC by December 31, 2008, so as not to slow down the submission of the certified site plan. Staff wants the elements shown graphically on the certified site plan and described in a narrative format on a separate supplemental sheet to make it clear where the enhancements are to be provided, which ones are part of the \$1 million enhancement funding that was part of the Plan of Compliance, and which ones are being provided in-lieu-of landscaping that was not provided per the approved site plans in portions of the community already built.

### **Findings and Recommendations**

The findings from the previous hearing held on November 6, 2008 (Staff report memorandum dated October 22, 2008) that related to the Plan of Compliance, Project Plan Amendment, Preliminary Plan Amendment, Final Water Quality Plan and Site Plan are further supported by the additional requirements recommended in this report. The changes to the plans, including but not limited to the additional parking, improvements to the Resident's Club, environmental protection, and landscaping are reasonable and substantially in compliance with the Plan of Compliance. Furthermore, the recommendations in this report do not alter the objectives, intent or requirements expressed or imposed by the Planning Board.

The revised conditions of approval (Appendix "A") reflect the discussion of changes to the conditions from the November 6, 2008 hearing as well as the recommendations proposed in this report to the Board for the December 18, 2008 public hearing.

### **Conclusion**

Based upon the information provided by the various parties, Staff supports a recommendation that would provide additional parking in multi-level garage facilities to accommodate the retail, restaurant and residential uses in the core area. Staff remains concerned about the viability of the retail core area, given the costs associated with the structured parking garages, but finds that the layout proposed through the mediation process achieved a number of objectives essential to a pedestrian-oriented, retail core. Furthermore, the layout creates an adequate, safe and efficient environment for residents, patrons and retailers. Staff reemphasizes that the timing placed on the Applicant to follow through with these changes and recommendations is important to ensure that progress continues in the town center.