

Approved and Adopted  
Limited Amendment to the 1994

# Clarksburg Master Plan & Hyattstown Special Study Area

to Allow an Exception to the Retail Staging Provisions



*July 2011*



MONTGOMERY COUNTY PLANNING DEPARTMENT  
**M-NCPPC**

[MontgomeryPlanning.org](http://MontgomeryPlanning.org)

## ***Abstract***

This plan contains land use recommendations for retail uses in Clarksburg. It is a limited amendment to the approved and adopted *Clarksburg Master Plan & Hyattstown Special Study Area*, 1994. It also amends *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended.

### **Source of Copies**

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

### **Available online at**

[montgomeryplanning.org/community/plan\\_areas/I270\\_corridor/clarksburg/index.shtm](http://montgomeryplanning.org/community/plan_areas/I270_corridor/clarksburg/index.shtm)

Approved and Adopted  
Limited Amendment to the 1994

# Clarksburg Master Plan & Hyattstown Special Study Area

to Allow an Exception to the Retail Staging Provisions



**Prepared by the Maryland-National Capital Park and Planning Commission**  
March 2011

**Approved by the Montgomery County Council**  
June 2011

**Adopted by the Maryland-National Capital Park and Planning Commission**  
July 2011


## CERTIFICATION OF APPROVAL AND ADOPTION

This Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area to allow an Exception to the Retail Staging Provisions; The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties, as amended; and the Master Plan of Highways Within Montgomery County, as amended; has been approved by the Montgomery County Council, sitting as the District Council, by Resolution No. 17-188 on June 28, 2011, and has been adopted by The Maryland-National Capital Park and Planning Commission by Resolution No. 11-12 on July 20, 2011, after a duly advertised public hearing as required by Article 28 of the Annotated Code of Maryland.

### THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

  
Françoise M. Carrier  
Chair

  
Elizabeth M. Hewlett  
Vice Chair

  
Joseph Zimmerman  
Secretary-Treasurer



## MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB NO. 11-54  
M-NCPPC NO. 11-12

Item 6b

### RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on May 5, 2011 on the Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area to Allow an Exemption to the Retail Staging Provisions; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on May 5, 2011, approved the Planning Board Draft of the Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area to Allow an Exemption to the Retail Staging Provisions, recommended that it be approved by the District Council, and forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft Limited Amendment and forwarded those recommendations and analysis to the District Council on May 10, 2011; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on June 28, 2011, wherein testimony was received concerning the Planning Board Draft Limited Amendment; and

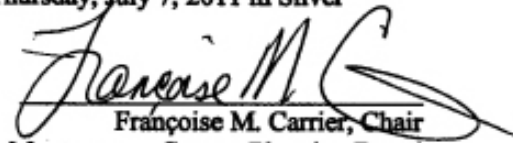
WHEREAS, the District Council, on June 28, 2011 approved the Planning Board Draft of the Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area as set forth in Resolution No. 17-188.

NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said Limited Amendment to the 1994 Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area together with the *General Plan for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*, as amended, and as approved by the District Council in the attached Resolution No. 17-188; and

BE IT FURTHER RESOLVED, that copies of said Amendment must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

\*\*\*\*\*

This is to certify that the foregoing is a true and correct copy of resolution No. 11-54 adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with Commissioners Carrier, Anderson, Wells-Harley voting in favor of the motion and with Commissioners Presley and Dreyfuss absent, at its regular meeting held on Thursday, July 7, 2011 in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

\*\*\*\*\*

This is to certify that the foregoing is a true and correct copy of Resolution #11-12, adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Carrier, Hewlett, Washington, Dreyfuss, Bailey, Wells-Harley, and Anderson voting in favor of the motion and with Commissioner Presley absent, at its regular meeting held on Wednesday, July 20, 2011, in Riverdale, Maryland.

  
Patricia Colihan Barney, Executive Director



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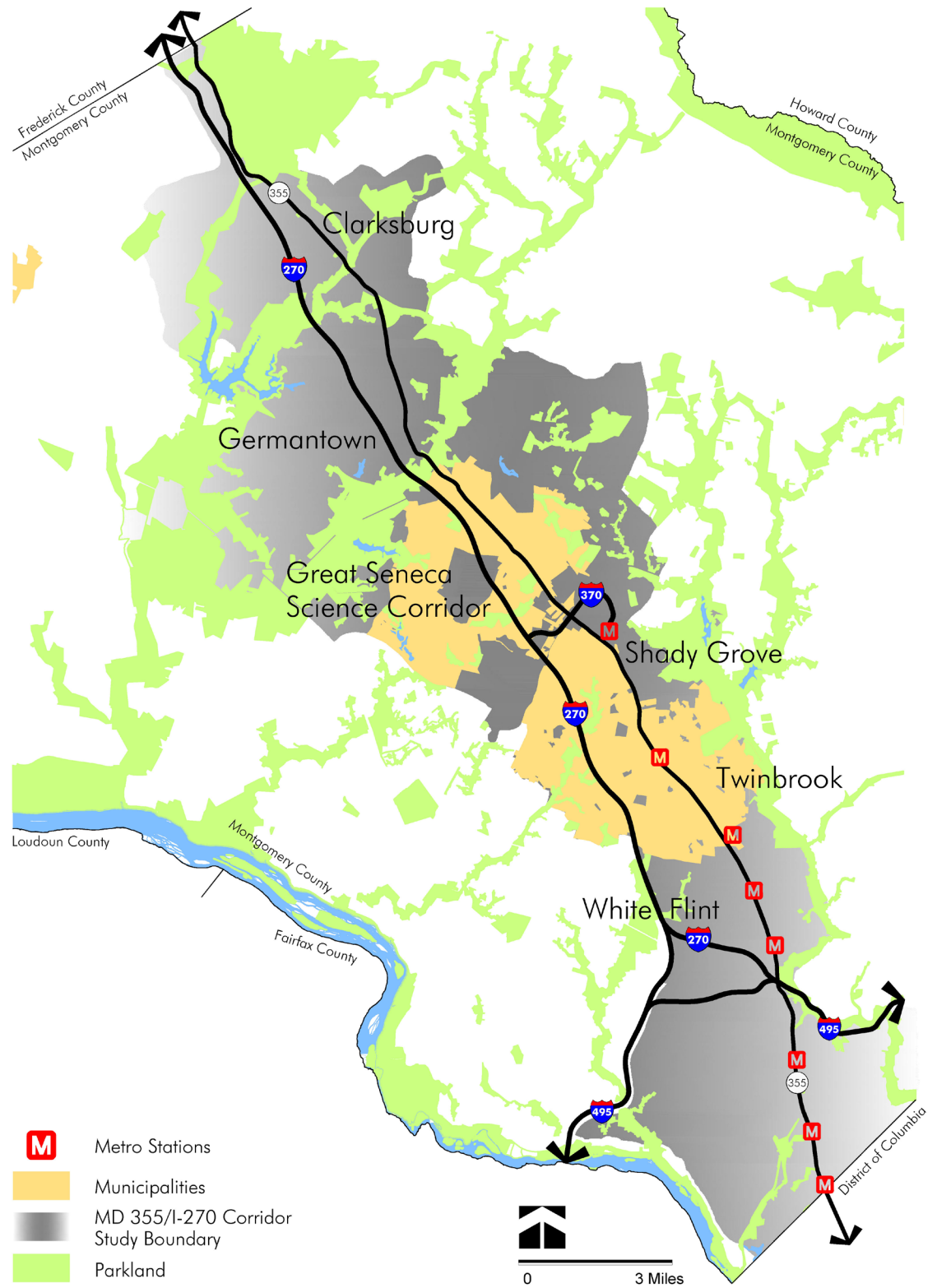
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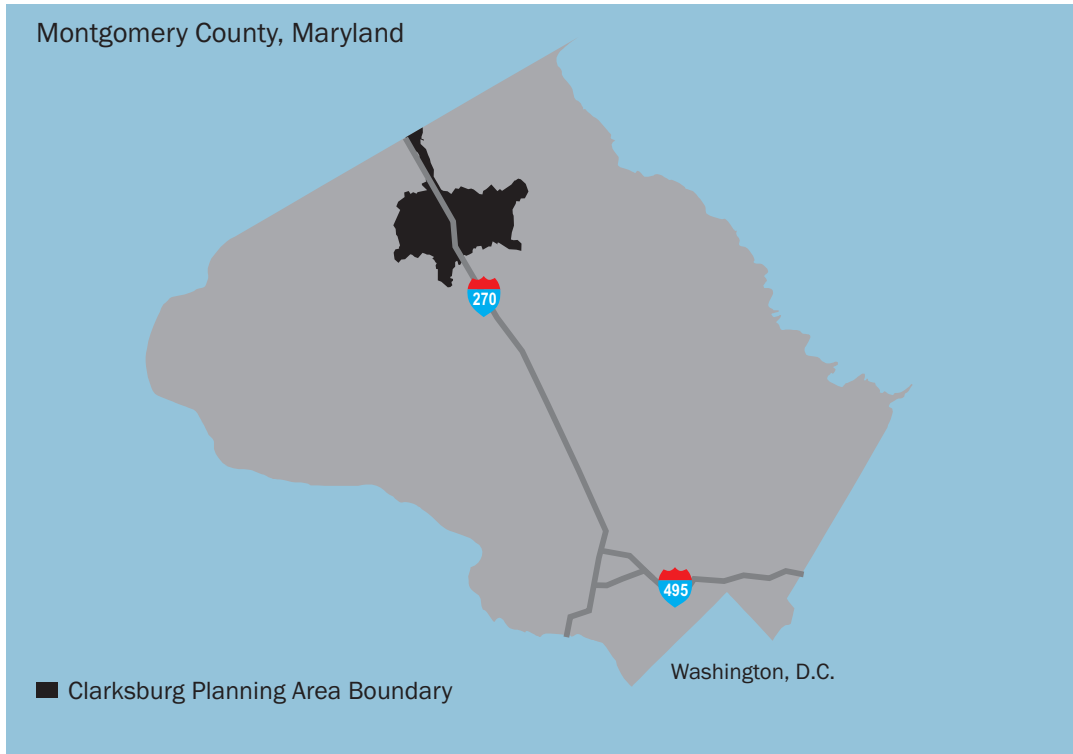
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## MD 355/I-270 Corridor





## *Regional Location*



## *Introduction*

The 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* specifies that retail development in the Town Center should precede retail development in the Newcut Road and Cabin Branch neighborhood village centers. This Limited Plan Amendment changes the Plan's retail staging provisions to allow retail development in the Village Centers to proceed, after approval of a Preliminary Plan in the Town Center.

### **Timing of Retail for the Town Center and Village Centers**

The 1994 Plan specifies that retail development should take place first in the mixed-use Town Center with retail in the two village centers to "follow the development of approximately 90,000 square feet of retail uses in the Town Center." (1994 Plan, page 190)

One of the Plan's development staging recommendations further specifies, "Retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods will be deferred, however, until 90,000 square feet of retail uses have been established in Clarksburg's Town Center." (1994 Plan, page 196)

These staging provisions must be modified if retail uses in the Clarksburg

community are to be constructed in the near future.

### **Council Directive**

On February 15, 2011, the Montgomery County Council directed the Planning Department to modify the master plan work program to allow preparation of a Limited Amendment to the 1994 Clarksburg Master Plan for the sole purpose of considering whether to amend its retail staging provisions. The following factors were considered in preparing the Amendment:

- reference to the 1994 Plan's staging recommendation for 90,000 square feet of retail in the Town Center to precede retail in the village centers (1994 Plan, pages 190 and 196)
- while the 1994 Plan's provisions for retail staging were to encourage a focus on the Town Center, it appears to have had the inadvertent effect of delaying the development of a grocery store in Clarksburg
- the Town Center developer has not moved forward with retail, including a grocery store
- other property owners have expressed an interest in building a grocery store
- whether to allow a grocery store and potentially ancillary uses outside the Town Center (in the village centers) to proceed
- there is currently no grocery store in Clarksburg and a strong demand exists.

## ***Analysis***

### **Current Development Conditions**

Although the Clarksburg Master Plan and its recommendations for retail uses in the Town Center has been approved for over 17 years, construction of the retail core, including a grocery store, has not taken place. The continued delay in implementing retail uses in the Town Center, together with market demand for a grocery store, and the approval and readiness for retail uses for the village centers, are all factors that warrant reconsidering the Plan's retail staging provisions.

### **Purpose of the Amendment**

This Amendment allows retail uses in the Newcut Road/Clarksburg Village Center and the Cabin Branch Village Center to proceed before 90,000 square feet of retail are built in the Town Center. The Amendment will:

- **support the Plan's overall vision**  
The Plan "Organizes future development into a series of neighborhoods," with mixed-use centers including the Town Center, and the Newcut Road and Cabin Branch village centers with designated retail core areas (1994 Plan, pages 16, 17, and 38). While the Plan envisioned development of the Town Center first, the mixed-use village centers are integral components of the Clarksburg community. The Amendment supports the Plan's provision that "Proposes retail and employment uses at a pedestrian scale and oriented to

the needs of residents.” (1994 Plan, page 28)

- **meet market demand for retail**

A market for retail uses has been created. The Plan references a threshold of 3,500 to 4,000 households necessary to support a grocery store (1994 Plan, page 190). This threshold has been achieved with approximately 5,200 dwelling units built in the Plan area, and with a total of approximately 9,900 dwelling units approved.

- **allow retail development to proceed without delay**

As an example, the Clarksburg Village Center’s developer can’t move forward under the Plan’s current staging requirements. The required infrastructure for the Clarksburg Village Phase III mixed-use center is approved and the developer is ready to move forward with a grocery store as the anchor for a total of 109,000 square feet of neighborhood-serving retail uses. For Clarksburg Village to proceed, a change to the Plan’s retail staging is necessary.

- **allow development of retail including a grocery store**

Without modification, the Plan’s staging provisions requiring that retail in the Village Centers proceed only after 90,000 square feet of retail in the Town Center, will delay construction of the approved Clarksburg Village Center and the future Cabin Branch Village Center.

- **enhance the overall potential for retail**

A common practice is for grocery stores to locate near each other. With approximately 5,200 residential units already built in the Plan area, and considering the lack of grocery stores in the immediate area, the threshold of 3,500 to 4,000 households identified in the master plan has been exceeded. Since approximately 9,900 residential units have been approved, construction of a grocery store with other retail should prove to be an incentive for additional retail to follow.

- **address the needs of residents**

The majority of residents strongly believe that neighborhood-serving retail uses in Clarksburg are long overdue.

The Amendment retains the Plan’s overall land use policies and objectives (1994 Plan, pages 16-34). It also retains the overall staging recommendations (1994 Plan, pages 186-193). The seven Staging Principles in the Plan provide a general framework and guidance for the future staging and timing of private development and public facilities. The Staging Principles address:

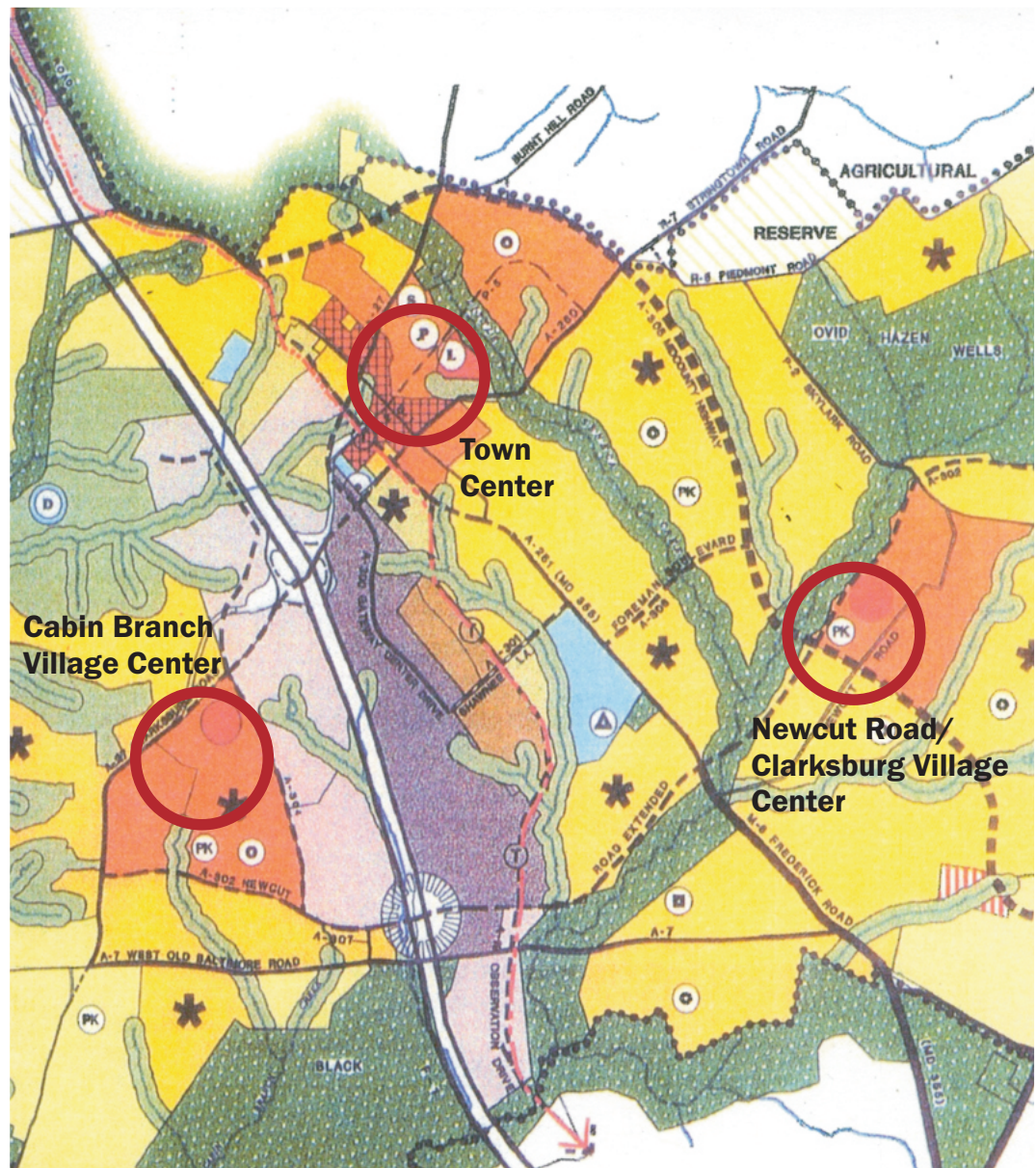
- Wastewater Treatment and Conveyance Limitations
- Fiscal Concerns
- Coordination of Land Development and Public Infrastructure
- Development of a Strong Community Identity
- Market Responsiveness
- Water Quality Protection
- Responsiveness to the Site Location of FDA.

The Amendment retains these staging principles with the sole exception of a change to the timing of retail development in the Newcut Road and Cabin Branch neighborhoods. It will also retain the Plan's transportation policies and objectives and all the recommended transportation infrastructure. The street and highway classification system remains, as does the emphasis on pedestrian access. As stated in the Plan, the timing of infrastructure to serve each village and mixed-use center will be determined at the time a Preliminary Plan is approved by the Planning Board. The Amendment therefore does not affect the Plan's balance between land use and transportation.

The Amendment will retain the Plan's environmental policies and objectives including:

- protection of Clarksburg's natural features and stream valleys
- efforts beyond current environmental guidelines to address development impacts on the high quality environment of Clarksburg.

### ***Town Center and Village Centers***





## *Amendment for Retail Staging*

The following three locations for text changes amend the staging in the Clarksburg Master Plan for the limited purpose of allowing retail in the two village centers to proceed after approval of a Preliminary Plan for retail in the Town Center.

### **Text Changes to the 1994 Clarksburg Master Plan**

Chapter 9 Implementation Strategies, Staging Recommendations, Staging Principles

Principle #4: Development of a Strong Community Identity

**Page 190: Add text in last sentence of Principle #4, as noted:**

- Coordinated Residential and Commercial Development: Provide for sufficient residential units to support Town Center retail and commercial activities.

This Plan recognizes that retail uses are critical to the vitality of a community and can play a significant role in reinforcing the Town Center as a central focus for the entire Clarksburg area. Once a sufficient critical mass of housing units are in place to support a retail center (retailers indicate that approximately 3,500 to 4,000 dwelling units are needed to support a retail development that includes a grocery store), this Plan recommends that early retail development priority be given to the Town Center. Retail development in the Newcut Road and Cabin Branch neighborhoods should follow the development approval with a Preliminary Plan of approximately 90,000 square feet of retail uses in the Town Center.

Chapter 9 Implementation Strategies, Staging Recommendations, The Staging Sequence for Private Development, Stage 3, Description

**Page 196: Delete and Add text after “Description” as noted:**

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### **Stage 3**

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#### **Description**

Stage 3 includes all portions of Clarksburg that do not drain into the Ten Mile Creek watershed, i. e., most development east of I-270 and the Cabin Branch Neighborhood (see Figure 54, page 215). Retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods will be deferred, however, until 90,000 square feet of retail uses have been approved with a Preliminary Plan in Clarksburg’s Town Center.

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Chapter 9 Implementation Strategies, Staging Recommendations, The Staging Sequence for Private Development, Stage 3, Implementing Mechanisms

**Page 196: Delete and Add text after “Implementing Mechanisms” as noted:**

- 2) Floating zone and project plan approvals are guided by Master Plan language that recommends that retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods be deferred until 90,000 square feet of retail uses have been approved with a

Preliminary Plan in Clarksburg's Town Center.

## *The Plan Process*

A plan provides comprehensive recommendations for the use of publicly and privately owned land. Each plan reflects a vision of the future that responds to the unique character of the local community within the context of a countywide perspective.

Together with relevant policies, plans should be referred to by public officials and private individuals when making land use decisions.

STAFF DRAFT PLAN is prepared by the Montgomery County Department of Park and Planning for presentation to the Montgomery County Planning Board. The Planning Board reviews the Staff Draft Plan, makes preliminary changes as appropriate, and approves the Plan for public hearing. After the Planning Board's changes are made, the document becomes the Public Hearing Draft Plan.

The PUBLIC HEARING DRAFT PLAN is the formal proposal to amend an adopted master plan or sector plan. Its recommendations are not necessarily those of the Planning Board; it is prepared for the purpose of receiving public testimony. The Planning Board holds a public hearing and receives testimony, after which it holds public worksessions to review the testimony and revise the Public Hearing Draft Plan as appropriate. When the Planning Board's changes are made, the document becomes the Planning Board Draft Plan.

The PLANNING BOARD DRAFT PLAN is the Board's recommended Plan and reflects their revisions to the Public Hearing Draft Plan. The Regional District Act requires the Planning Board to transmit a sector plan to the County Council with copies to the County Executive who must, within sixty days, prepare and transmit a fiscal impact analysis of the Planning Board Draft Plan to the County Council. The County Executive may also forward to the County Council other comments and recommendations.

After receiving the Executive's fiscal impact analysis and comments, the County Council holds a public hearing to receive public testimony. After the hearing record is closed, the relevant Council committee holds public worksessions to review the testimony and makes recommendations to the County Council. The Council holds its own worksessions, then adopts a resolution approving the Planning Board Draft Plan, as revised.

After Council approval the plan is forwarded to the Maryland-National Capital Park and Planning Commission for adoption. Once adopted by the Commission, the plan officially amends the master plans, functional plans, and sector plans cited in the Commission's adoption resolution.

Elected and Appointed Officials



Resolution No.: 17-188  
Introduced: June 28, 2011  
Adopted: June 28, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Approval of Planning Board Draft Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area

**Background**

1. On May 10, 2011, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area.
2. The Planning Board Draft Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area amends the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area; and The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties.
3. On May 31, 2011, the County Executive transmitted to the County Council his fiscal analysis of the Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area.
4. On June 28, 2011, the County Council held a public hearing and reviewed the Planning Board Draft Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Limited Amendment to the Clarksburg Master Plan & Hyattstown Special Study Area, dated May 2011, is approved **as submitted** by the Planning Board. Planning Board revisions to the 1994 Clarksburg Master Plan & Hyattstown Special

Study Area are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

General: All page references are to the 1994 Approved and Adopted Clarksburg Master Plan & Hyattstown Special Study Area.

Page 190: Revise the last paragraph as follows:

This plan recognizes that retail uses are critical to the vitality of a community and can play a significant role in reinforcing the Town Center as a central focus for the entire Clarksburg area. Once a sufficient critical mass of housing units are in place to support a retail center (retailers indicate that approximately 3,500 to 4,000 dwelling units are needed to support a retail development that includes a grocery store), this Plan recommends that early retail development priority be given to the Town Center. Retail development in the Newcut Road and Cabin Branch neighborhoods should follow the development approval with a Preliminary Plan of approximately 90,000 square feet of retail uses in the Town Center.

Page 196: Revise the first paragraph as follows:

Stage 3 includes all portions of Clarksburg that do not drain into the Ten Mile Creek watershed, i.e., most development east of I-270 and the Cabin Branch Neighborhood (see Figure 54, page 215). Retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods will be deferred, however, until 90,000 square feet of retail uses have been [established] approved with a Preliminary Plan in Clarksburg's Town Center.

Page 196: Under "**Implementing Mechanisms**", revise text of 2) as follows:

2) Floating zone and project plan approvals are guided by Master Plan language that recommends that retail/commercial development in the Newcut Road and Cabin Branch Neighborhoods be deferred until 90,000 square feet of retail uses have been [established] approved with a Preliminary Plan in Clarksburg's Town Center.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

## ***Elected and Appointed Officials***

### **County Council**

Valerie Ervin, President  
Roger Berliner, Vice-President  
Phil Andrews  
Marc Elrich  
Nancy Floreen  
George Leventhal  
Nancy Navarro  
Craig Rice  
Hans Riemer

### **County Executive**

Isiah Leggett

### **The Maryland-National Capital Park and Planning Commission**

Françoise Carrier, Chair  
Samuel J. Parker, Jr., Vice Chair

### **Commissioners**

#### **Montgomery County Planning Board**

Françoise M. Carrier, Chair  
Marye Wells-Harley, Vice Chair  
Joe Alfandre  
Norman Dreyfuss  
Amy Presley

#### **Prince George's County Planning Board**

Samuel J. Parker, Jr., Chairman  
Sylvester J. Vaughns, Vice Chair  
Sarah A. Cavitt  
Jesse Clark  
Colonel John H. Squire

**Approved and Adopted**

Limited Amendment to the 1994

# **Clarksburg Master Plan & Hyattstown Special Study Area**

to Allow an Exception to the Retail Staging Provisions

*July 2011*

\$4.75



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**M-NCPPC**

**MontgomeryPlanning.org**