PHED Committee #2
April 9, 2012

MEMORANDUM

April 5, 2012

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene Michaelson, Senior Legislative Analyst

SUBJECT: Minor Master Plan Amendment Process

At the fall 2011 Semi-Annual Report meeting with the Planning Board, the Council discussed creating a formal Minor Master Plan Amendment process and asked the Planning Department to do additional work on this, including developing criteria for selecting among different applications. Attached on © 1 - 6 are materials prepared by the Planning Department, including background and rationale for the process and an outline of the Application. Attached on © 7 to 8 is a memorandum from Council President Berliner expressing his request that the Committee consider this before the next Semi-Annual Report (April 10).

The Planning Department has prepared several minor master plan amendments over the years, most recently to change the commercial staging in the Clarksburg Master Plan and zoning in the Wheaton CBD. Typically the Planning Department or Councilmembers have recommended minor master plan amendments when they identified a need. The attached recommendation would establish a more formal application process to enable anyone to submit a request for a minor master plan amendment. The goals of this effort as outlined in the memorandum are as follows:

- enable the Department to advise the Planning Board and Council more rapidly on new issues;
- facilitate focused public engagement on matters of a defined scope;
- overcome circumstances where a regulatory environment precludes advancing public objectives and benefits by allowing a proposal that is consistent with evolving planning goals to proceed; and
- limit the proliferation of Zoning Text Amendments.

Staff notes that the goals of this effort are to advance public objectives and benefits, not simply to allow a rezoning that would benefit a specific property owner. As outlined, the new process would allow anyone to submit an application to the Planning Department at any time, but the Department would make recommendations to the Council twice a year at the Semi-Annual Report meeting.

The Planning Department proposes using the following criteria for selecting which applications to recommend for a minor master plan amendment:

- requests must define the geographical area and sector or master plan(s) to be amended;
- issues should not require major transportation analysis (modeling is time consuming and costly);
- there should be a defined public interest or benefit;
- there should be limited impact on a community; and
- applicants should convey how their proposal advances the enhancement of current land use objectives, including but not limited to providing needed and affordable housing, meeting changing economic or demographic trends, improving the jobs/housing ratio, providing public benefits, improving transit commuting, enhancing existing and small businesses, capitalizing on existing infrastructure for sustainable growth, and providing transitions to existing neighborhoods.

The Planning Department has indicated that the FY13 budget includes sufficient resources for one Neighborhood Outreach and Planning Effort (1.4 WY) and two minor/limited amendments (1.4 and 1.75 WYs respectively). The Committee may want to ask Planning Department representatives to explain the differences between these two types of plans.

Staff notes that the Council currently has the ability to add minor master plan amendments to the workprogram without a formal process, so some Councilmembers have asked whether a formal process is necessary. One concern is whether the applications will come primarily (or exclusively) from property owners/developers represented by counsel who will have the time and ability to fill out an application. Perhaps the best way to determine whether a new process will increase the pool of applications and enable the Planning Department to act more rapidly to advance public objectives is to pilot the new process and evaluate the outcomes.

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Master Plan Amendments 3.5.12

Background

At the 2011 October Planning Department Semi-Annual Work Program presentation to the County Council, the Planning Director was asked to develop a process for evaluating requests for minor master plan amendments. The possibility for these small amendments, limited in scope and time commitment, follows a history of various "minor" amendments stretching back into the 1970's.

When the idea was initially raised two years ago at the Council's fall Semi Annual discussion, it was to allow for a comprehensive, focused consideration of an amendment to address an issue that had become a challenge to current community building principles; that may not have been considered in a master planning process; or for which circumstances may have changed since the master plan was approved.

Twenty year master plans cannot fully anticipate the changing physical, economic and social dynamics of the County. With 42 master plans it is impossible to review the plans on a regular schedule. Creating mechanisms to deal with pressing issues, opportunities, or changing County policy goals allows us to respond in a timely manner. Waiting for several years to engage these issues or opportunities can frustrate potential solutions.

The 1969 Wedges and Corridors Plan refers to the changing dynamics of plans and the need to consider changes regularly. Given current resources and the large number of plans this is not possible. The process outlined here, would enable Montgomery County to begin to approach the flexibility that exists outside of Maryland, to adapt to changing conditions and markets.

Scope of an Amendment

Master plan amendments have historically come in all sizes, including the following.

- large scale area master plan amendments such as Germantown or Takoma Langley Crossroads
- small area master plans sometimes called "Neighborhood Outreach and Planning" like the Burtonsville and Chevy Chase Lake Plans currently underway
- limited master plan amendments for public projects such as the Montrose Parkway Amendment, the Upper Paint Branch Park Acquisition and the retail situation in Clarksburg

Common to all plan types is a look at land use policy and possible associated zoning changes. In older plans there have been some very detailed limits on development that today do not support current land use goals. The recent limited amendment in Clarksburg regarding commercial phasing is a good example. In all cases it is necessary to evaluate the intent of the prevailing master plan when arriving at a conclusion as to how a potential change meets current land use objectives.

The current Burtonsville Neighborhood Master Plan amendment is an example of the need to respond to community concerns over the impact of a County transportation project, the overpass at Route 29 and MD 198. Local businesses were negatively impacted during and post construction and there is a pressing need to map out a strategy for the future growth and stabilization of the community.

Data collection, traffic and school impact analysis, outreach, scenario modeling and drafting are necessary for any master plan amendment. The scale of an amendment dictates the extent of these steps. A good indicator of scope was outlined in the Departments FY10 Proposed Budget which described a limited plan amendment as addressing "discrete geographically limited planning issues that arise outside of the normal cycle of master plan revisions".

Master plans are long range policy documents updated every 15-20 years. The plans cannot anticipate all new market trends, building types, and economic issues. On occasion, an unanticipated issue or a unique project opportunity may arise that has a significant public benefit, but that was not contemplated in the master plan. A limited plan amendment should be undertaken only in situations that present real benefits to the public and are consistent with larger planning goals.

The goals of this effort are to:

- enable the Department to advise the Planning Board and Council more rapidly on new issues;
- facilitate focused public engagement on matters of a defined scope;
- overcome circumstances where a regulatory environment precludes advancing public objectives and benefits by allowing a proposal that is consistent with evolving planning goals to proceed; and
- to limit the proliferation of Zoning Text Amendments.

In the process recommended below, it does not matter whether an amendment is minor, limited, or a neighborhood outreach and planning effort. The specifics of the request and the associated time commitment will be important determinants.

Application Process and Selection Criteria for Amendment Candidates

Suggestions for amendments may be made by any interested party including individuals, communities, and property owners. In all cases, planning staff will report to the Planning Board who would then hold a public hearing prior to forwarding their recommendation to the Council for a decision on adding to the Planning Department work program.

Requests for Consideration of an Amendment

- any party can apply online at any time
- the application form would be posted on the Planning Department's web site with a link to the Council's web site

- there are no fees
- an application must state:
    - the master plan to be amended
    - the issue(s) to be addressed
    - how the amendment is in the public interest.

Evaluation Process

- Planning Staff reviews applications
- Planning Staff makes recommendation to the Planning Board
- Planning Board makes recommendation to Council
- Council considers the Planning Board recommendations and determines which amendments to add to the Department work program. This currently happens twice yearly at the semi-annual Council discussion on the Planning Department work program.

Evaluation Criteria

- requests must define the geographical area and sector or master plan(s) to be amended
- issues should not require major transportation analysis (modeling is time consuming and costly)
- there should be a defined public interest or benefit
- there should be limited impact on a community
- applicants should convey how their proposal advances the enhancement of current land use objectives, including but not limited to providing needed housing and affordable housing, meeting changing economic or demographic trends, improving the jobs / housing ratio, public benefits, improved transit commuting, enhancing existing and small businesses, capitalizing on existing infrastructure for sustainable growth, and providing transitions to existing neighborhoods.

Final Selection

- Planning staff will evaluate submissions periodically throughout the year and report to the Planning Board on which applications are priorities.
- Planning staff will recommend what plans should be undertaken and attach a work program indicating the allocation of work hours.
- The number of plan amendments will depend on the work allocation as some may require more effort than others which may reduce the number of amendments.
- The County Council will consider the Planning Board recommendations and in making their selection should indicate their reasons for recommending the amendment to help guide the delivery time frame.

Work Program Capacity

The proposed FY13 Planning Department budget has capacity for one Neighborhood Outreach and Planning Effort (1.40 WY) and two minor / limited amendments (1.40 and 1.75 WY

respectively). The ability to conduct three amendments per year depends on the complexity of the amendments.

Conclusion

The Planning Department welcomes the opportunity to implement the procedures outlined above. This approach provides a process, that while not as robust as in other States, begins to respond to a changing physical, social and economic landscape while providing high levels of participation.

Minor Master Plan Amendment Application 3.5.12

The Montgomery County Planning Department will undertake up to three minor master plan amendments, and associated zoning changes, in the current fiscal year. A third will begin in July 2012.

Individuals, communities, and property owners may submit applications for consideration by the Planning Board and County Council. Visit www.montgomeryplanning.org/xyz to learn more and apply.

Evaluation Process

Planning Staff will review applications periodically and make recommendations to the Planning Board. The Planning Board will hold a public hearing and send their recommendations to the County Council. Council then makes the final determination as to which amendments, if any, are placed in the Planning Department work program.

----Application-----

1. **Identify the nature of the amendment being requested and why an amendment is considered necessary in the context of the current master plan and zoning.**

2. **Identify the area for which an amendment is being requested**

You must specify the land area for which an amendment is requested, including any of the following.

- property addresses
- a master / sector plan boundary
- a zoning boundary
- a detailed map identifying property boundaries

3. **Describe how the requested amendment benefits the public and what impacts might be anticipated as a result of this application.**

4. **Please identify the master or sector plan for which the amendment is requested and how the requested amendment advances current land use objectives, including but not limited to:**

   - providing needed housing and affordable housing
   - improving the jobs - housing ratio
   - public benefits
   - improved transit commuting
   - enhancement of existing and small businesses
   - using existing infrastructure for sustainable growth

- transitions to existing neighborhoods
- meeting changing in demographics or economic trends

5. **What zoning changes are necessary to implement the amendment being requested ?**

6. **Identify interested parties relevant to your application.**

For small geographic areas, include the consent of property owners for the subject property. For larger areas, include any materials to indicate who has been contacted and any relevant correspondence.

7. **Do you consider traffic volumes or transit patterns to be a major consideration in your application and if so, how do you propose to address those concerns?**

8. **Has your request been the subject of a previous master plan amendment, rezoning, zoning text amendment, or similar application?**

MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

March 19, 2012

MEMORANDUM

TO: Nancy Floreen
Chair, Planning, Housing, and Economic Development Committee

FROM: Roger Berliner
Council President

SUBJECT: Semi-Annual Work Plan – Master Plan Amendments

Twice a year, the Council has the opportunity to review and approve the Planning Department's semi-annual work plan. Each time, it is clear the planning needs of the county are far greater than the capacity available in the work plan. We must make difficult choices from among the many competing priorities – new master plans and sector plans that provide invaluable opportunities to renew and revitalize transit oriented areas of the county, plans necessary to address emerging neighborhood specific needs, and opportunities to revisit and update our aging, existing master plans. Because of this dynamic, many master plans that were innovative in their day, are now stagnant, resulting in missed economic development opportunities for the county. And it is clear that we will not be able to catch up with our master plan review process any time in the near future.

Our planning process must become more nimble in order to address emergent, smart growth opportunities in our current master plans and business districts. One way to accomplish this is to create capacity in our work plans for small master plan amendments which would allow individual projects to move forward without having to wait for a comprehensive master plan review. As you will recall, the Council overwhelmingly approved of moving in this direction at the last semi-annual discussion.

At my request, Planning Staff has drafted the attached proposal outlining a process for our council's consideration. Although it is a busy time of the year, I

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respectfully request consideration of this proposal by the PHED Committee. If you could review it in time for the council's semi-annual work plan discussion in April I would be most grateful as I believe formalizing this process would be an important step forward for our overall planning efforts.

Please let me know if you have any questions or concerns about the attached proposal. I look forward to the input and feedback from the PHED Committee and the rest of my colleagues with respect to it.