

PHED COMMITTEE #1  
July 7, 2009

MEMORANDUM

July 2, 2009

TO: Planning, Housing, and Economic Development (PHED) Committee  
FROM: Marlene L. Michaelson,  Senior Legislative Analyst  
SUBJECT: Germantown Sector Plan

This is the Planning, Housing, and Economic Development (PHED) Committee's fourth and final worksession on the Germantown Sector Plan. This meeting will cover all remaining issues and follow-up issues that require Committee review. **Committee Members should bring a copy of the Sector Plan to the worksession.**

**Montgomery College Zoning**

**College Property (Areas 1, 2, and 9)**

**Location Map:** page 62

**Existing Zoning:** R-60 and R&D/I-3

**Sector Plan Proposed Zoning:** I-3

The Committee discussed the zoning for this property, the College's request for the Life Sciences Center (LSC) zone, and Staff's questions as to whether the I-3 zone would provide greater flexibility to meet Montgomery College's long term development needs. The I-3 zone may be preferable if a new hospital does not locate there and the College decides it does not want to limit future development to bio-technology. Staff is also concerned that revisions to the LSC zone have not been finalized, and the zone could be amended in a manner that no longer serves the College's needs. Staff recommended that the Sector Plan recommend I-3 zoning, but provide the opportunity for a change to the LSC zone when/if the College confirms that it is the best zoning option. The Committee asked Staff to draft potential Sector Plan language for its review.

The existing combination of I-3 and R-60 zoning on the College property will probably not serve the College's goals to partner with private biotechnology, medical, and/or technology businesses that may help support the College's mission. This Sector Plan recommends rezoning the entire property to the I-3 zone (for development under the standard or optional method), which appears to provide the greatest flexibility to meet the College's needs. Current revisions being considered for the Life Science Center (LSC) zone could also make this zone appropriate for the College property. Once the zone is amended, additional analysis should determine whether the I-3 or LSC zone would better serve the College's needs. If this determination is made after the Sectional Map Amendment, and rezoning is advised, a government-sponsored Local Map Amendment may be appropriate.

### **Residential Requirements**

The Committee also questioned whether the College would be required to provide residential development under the I-3 zone. If the College or its partners do not want to provide housing, they can develop under the I-3 standard method, which neither requires nor permits housing. If the College or its partners determine they want to have a housing component, they can develop under the optional method. The I-3 optional method permits a maximum of 60% employment and 20% retail/services. **It does not specify a minimum residential component**, but indicates that "development under the optional method must include employment, residential, and retail uses". It is unclear whether a college is an employment use. (The Committee may want to ask Planning Department staff how a college would be classified for purposes of this zone.) If it is not considered employment, it appears that the College could meet the requirements of the I-3 optional method with a very limited number of dwelling units.

### **Fox Chapel Shopping Center (FC-1) and Middlebrook Mobile Home Park (FC-5)**

**Size of property:** 13 acres for FC-1 and 24 acres for FC-5

**Location Map:** Page 63

**Existing Zoning:** C-1 (FC-1) and R-200, R-90, R-30 and C-1 (FC-5)

**Proposed Zoning:** RMX-2C/TDR

At the June 15<sup>th</sup> worksession, Planning Department Staff indicated that some materials prepared by the Department had shown the incorrect zoning for these properties. Council staff is still working with the Department to clarify the development potential under different zoning options and will address the zoning and density at the worksession.

The property owner has asked that the Sector Plan's recommendation for assemblage be changed to require a joint plan of development, since they are concerned that assemblage cannot occur unless the land owners are willing to sell/buy land from each other. A joint development plan would accomplish the Sector Plan's goals to provide connections between the shopping center and adjacent residential neighborhood. Staff supports their request, but recommends that the Sector Plan indicate the goals of the joint development plan.

## **Unnumbered TS Properties**

There are several properties in the Town Center that are zoned Town Sector (TS) but were not numbered or reviewed for this Sector Plan. Generally these properties are developed, and Planning Department Staff did not believe there would be the likelihood for redevelopment during the life of the Sector Plan. Since the Committee has recommended rezoning much of the property in Town Center from TS to TMX, Staff recommended that the remaining TS parcels be considered for TMX zoning. Staff has reviewed these properties with Planning Department Staff and makes the following recommendations:

- Those properties on the northern edge of Town Center that are adjacent to TS zoned properties outside the Sector Plan boundaries should retain their TS zoning.
- Those properties located between 2 areas recommended for TMX zoning should also be rezoned TMX. This includes the area between area 1 and area 15, which should have a floor area ratio (FAR) limit of 1.5, and the area between area 2 and area 11, which should be rezoned TMX with an FAR limit of 1.0.
- TC-11 (the Library), TC-12 (Black Rock Performing Arts Center) and TC-13 (Up County Government Services Center) should also be changed to TMX to create a consistent zoning pattern.

Prior to the Council worksession, Staff will contact all property owners who may be unaware of the recommended rezoning to TMX.

## **Seneca Meadows Property (SM-1)**

**Location Map:** Page 61

**Existing Zoning:** I-3

**Proposed Zoning:** TMX-2

The Committee previously discussed this property and agreed with the zoning recommendation, but was sympathetic to the property owner's concerns regarding the recommendation to locate a recreation center here and recommendation for an urban park. At the June 15 worksession, Planning Department staff indicated that they now believe that Ridge Road Recreational Park may provide a better location for a Recreation Center, but that this property would still be a possible alternative location. They also clarified that the urban park could be ½ acre. The Committee asked to see new language, which they will provide at the worksession.

## **Zoning for Medical Office Park (TC-28) and Post Office property (TC-29)**

The Committee discussed these properties at the last Committee meeting but did not reach a conclusion on the zoning. They are currently zoned R-200 and C-T, and the Sector Plan recommends RMX2-TDR. Staff questioned why the Plan did not recommend TMX zoning, consistent with the surrounding properties. Although these properties are not likely to redevelop

in the short term, consistent zoning could facilitate longer term joint development with adjacent properties and could still achieve the Sector Plan recommended density and mix of uses. The complexities of the RMX zones also lead Staff to prefer alternative zones where appropriate. The Committee did support keeping the residential density capped at 18 units per acre (approximately 0.5 FAR).

### **Heights and FARs**

The Transit Station Mixed Use zone does not have any upper limit on floor area ratio (FAR) or height and, therefore, it is important for the Sector Plan to identify height and FAR limits for each property. The Sector Plan did not include these recommendations for each property and, in some cases, there were inconsistencies or mistakes. Planning Department staff are working to clarify all heights and FARs, and should have something to share with the Committee at the worksession.

### **Cider Barrel**

The Council received testimony objecting to the Plan's recommendation to relocate the historic Cider Barrel to public property such as the police and fire site, the Upcounty Regional Services Center, or along the Century Boulevard promenade (see page 34 and pages 76 and 96 in the appendices). Kathie Hulley testified that the location of the structure is important historically. Since the Cider Barrel is now surrounded by new residential development with no public access, Staff believes that relocation to a more appropriate setting could lead to an interpretive use and would best protect this resource. Staff supports the Plan recommendation.

### **Environmental Issues**

The environmental section of the Sector Plan appears on pages 32 to 33. Staff believes this section appropriately describes the unique environmental resources of the Germantown Planning Area and the need for various strategies to protect or improve the natural environment, including protecting wetlands and forested areas, increasing tree canopy, improving stormwater management measures, and stream restoration projects. The potential redevelopment of properties built without stormwater management measures may provide a unique opportunity to improve the natural environment in Germantown. The Council received testimony recommending an impervious cap for Germantown, but Staff does not believe this is appropriate for this corridor city where transit and higher densities are recommended. Additionally, impervious caps have only been used in areas with the most fragile watersheds in the County.

### **Amenities**

The proposed amenities for the Sector Plan that would be required under the TMX zone are described in Appendix 20 (page 129 in the technical appendices). Staff believes that any

recommendations that are critical to the development review process should be included in the body of the Plan rather than in the appendices and, therefore, recommends moving the list of amenities into the Plan.

### **Technical Corrections**

There are numerous technical errors in the Plan that need to be corrected. While those that could have a substantive impact have been identified in previous Staff memoranda, there are others (including comments received in testimony) that have not yet been addressed. Staff will work with Planning Department staff over the summer to identify all the changes as part of the resolution drafting process.

### **Appendices**

Staff had previously recommended that certain sections of the appendices be moved into the body of the Sector Plan (a summary of community facility recommendations and description of amenities). Staff also believes that some sections can be removed from the appendices before the final printing of the adopted Sector Plan. Examples include the text of the Urban Service District Legislation or the text of the Transit Mixed-Use zone. Staff will work with Planning Department Staff to finalize these changes before final adoption.

### **Additional Changes**

The following is a summary of the changes to the land use portions of the Sector Plan recommended by the PHED Committee as a result of previous worksessions. Since the Council will begin work on the Sector Plan on July 14, it will not be possible for Staff to prepare specific language changes prior to the Council worksession, but they will be reflected in the resolution adopting the Sector Plan. A draft of the resolution will be circulated significantly in advance of Council adoption.

- Prepare a more detailed section on Community Facilities that identifies whether the needs for each type of facility will be met with existing or planned locations for new facilities where needed.
- Develop maps or charts which indicate existing zoning.
- Land Use and Zoning maps should be together in the plan to facilitate easier reading and understanding of the connection between land use goals and zoning strategy.
- Draft text that explains the rationale for any proposed change in zoning.
- Remove Staging from the Plan.
- Change Sector Plan language on minimum 3-story heights to add the words “where feasible”.
- Change the Sector Plan language prohibiting single use building to encourage multi-use buildings.

- Change the Sector Plan recommendations for structured parking to indicate that parking should be located and built to allow for the future structured parking.
- Rewrite sections on Urban District and Parking District to indicate a longer term goal of an Urban District and a short term goal of creating a Parking District.
- Create a map to delineate the Transit Station Development Area boundaries, to ensure that all properties zoned TMX are able to develop under the zone.
- Add language that addresses the meaning of the land use map and whether strict adherence is required to locations shown for specific uses. Clarify that some symbols are floating symbols.

### **Town Center District**

- Century Technology Park, 270 Corporate Center, Cloverleaf South, First Federal Property Provide clarifying language that explains that the mix of uses proposed in this section are meant to be applied to each property, remove the reference to the grocery store as the anchor, and clarify the language on p. 46 to identify that the Urban Open Space symbol is a floating symbol and not specific to the spot on the land use map.
- Bellemeade TC-1 and TC-9 Change the zoning from TS to TMX-2 zone and provide language in the plan that would allow the property owner to proceed under their existing site plan approvals. Staff is determining whether a text amendment is needed for this purpose.
- Police and Fire Station (TC-2) Add language to the Plan that would ensure that the operations of the police and fire are not hindered by the mix of uses.
- Cinema (TC-3) and Century XXI properties (TC-4) Change the zoning for TC-3 and TC-4 from TS to the TMX-2 zone and add additional language to clarify that a mix of uses is desired, not just entertainment and housing.
- Properties along MD118/I-270 (TC-5 to TC-10) Change zoning from TS to TMX-2 and provide language in the plan that would allow the property owner to proceed under their existing site plan approvals.
- Add language to the plan that defines landmark sites.
- Safeway (TC-14) and EuroMotors (TC-15) Change the zoning from TS to TMX-2 and change the density from 1.0 to 1.5 FAR. Add language that clarifies that residential development may be part of the mix of uses on this site, modify the language that prohibits single use structures, remove language that requires a grocery store and add language indicating that redevelopment should include an anchor or destination retail store such as a grocery store, and add language that recognizes the public open space donation already provided by this property owner. (Staff will determine whether a change to the Zoning Ordinance or procedures are needed related to public open space requirements in multi-phase projects.)
- Germantown Commons Shopping Center (TC-17) Change the zoning from TS to TMX-2.
- Trevion Property (TC-18) Retain Plan recommended TMX-2 zoning and provide rationale for rezoning.
- Sugarloaf Shopping Center (TC-20) Add language to provide a rationale for the rezoning.
- Properties along the southeast side of Locbury Drive Extended (TC-21) Add language to provide a rationale for the rezoning.

- Martens property (TC-22) and Waters Road Triangle property (TC-23) Change the zoning on the Wildman property to RMX-2C. Modify the land use map on the Martens property to accurately reflect the stream buffers, and change the Plan's language to indicate that the private open space will be determined during the development review process.
- MarcStation- (TC-24) Add language to explain the rationale for the zoning change.
- County owned property east of the Pumphrey-Mateney House (TC-25) Add language to explain the rationale for the zoning change.
- Shaw/Haddad property (TC-26) and Walter Johnson property (TC-27) Add language to explain the rationale for the zoning change.

#### **Gateway District:**

- Rolling Hills property (GA-5) Clarify the change of zoning in the plan. Mr. Knapp and Ms. Floreen support increasing the density from the 25 unites per acre recommended in the Plan to 30 units per acre. Mr. Elrich supports density at 25 units per acre. Add language to indicate a maximum height for this property of 90 feet, with the higher heights located at the center of the property to accommodate the historic district.

#### **Cloverleaf District:**

- The Plan-recommended mix of uses should apply to each property.
- Remove recommendation for a grocery store.
- Clarify that final location of open space will be determined the development review process.
- Fix height inconsistencies.

#### **North End District:**

- Milestone North (NE-6) Delete the language in the Plan that links development to the Town Center transit station properties achieving an average density of 1.5 FAR and allow the full Sector Plan recommended density of 1.0. Modify the Plan's language to clarify the significance of the land use map. The height limits along I-270 are recommended to be 125 feet and 143 feet at the transit stations. The height will be reduced as it gets closer to residential.
- Symmetry/Totah property (NE-1) Delete the language in the Plan that links development to the Town Center transit station properties achieving an average density of 1.5 FAR and allow the full Sector Plan recommended density of 1.0. Examine the language in the zoning text that addresses the substitution of one relevant use for another as a result of a different user.
- Lerner Property (NE-2) Change zoning to the TMX-2 zone from the TS zone and provide language that addresses the appropriate mix of uses for this property. Amend the land use map to reflect an urban road instead of a suburban office park road.

#### **Seneca Meadows/Milestone District:**

- Add additional language that clarifies the intent of the limitation for retail uses along the streets in the TMX zone.
- Revise language regarding the recreation center and urban park.

**Montgomery College District:**

- Revise language to indicate that either I-3 or LSC zoning may be appropriate for the site. Limit academic development to 1.1 million square feet (technical correction).

**Fox Chapel District:**

- R-200 Properties (FC-8) Delete the language in the Plan recommending accessory apartment uses by right.
- Credit Union Property (FC-9) Rezone a portion of the outlot from R-90 to C-1.

**Committee Recommendation that does not impact Sector Plan text:**

- The cost of the BLT program should be linked to the price of land or property rental rates in the area where the BLT is being purchased.

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