

MEMORANDUM

September 4, 2014

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

FROM: Marlene Michaelson, ^{MM} Senior Legislative Analyst

SUBJECT: Worksession: Ten Mile Creek Sectional Map Amendment (G-965)

Attached on © 1 to 11 are the application and technical staff report for the Sectional Map Amendment (SMA) to implement the recommendations of the recently Approved and Adopted 10 Mile Creek Limited Amendment to the Clarksburg Master Plan. The SMA would put into effect zoning changes recommended in the Sector Plan. It would rezone approximately 1853 acres (including approximately 1,000 acres that will retain its existing base zoning, but be included in an environmental overlay zone) and reconfirm the zoning on 2098 acres. The SMA implements recommendations of the recently Approved and Adopted Mile Creek Limited Amendment to the Clarksburg Master Plan by putting into effect zoning changes recommended in the Plan.

The Planning Board submitted the application for the SMA for the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan on June 6, 2014 and the technical staff report on July 18. The Council held a public hearing on the SMA for the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan on July 22, 2014. The Council received testimony from the Chair of the Planning Board and also on behalf of two property owners (from Jody Kline on behalf of Victor Peeke, owner of the Hammer Hill Tract and from Robert Harris on behalf of Pulte Group, Inc.).

Councilmembers should remember that consideration of an SMA is subject to the ex parte rule and, therefore, the Council may only consider information that is part of the public record. Staff recommends against allowing any member of the audience, other than Staff, to participate in the worksession discussion, since their comments would not be a part of the official record.

Hammer Hill Tract

The Hammer Hill Tract includes two parcels: Parcel 311 is 2.83 acres within the Historic District (and therefore **not** included in the Environmental Overlay Zone) and adjacent Parcel N366 is 29,641 square feet and is not within the Historic District (it **was** included in the Environmental Overlay Zone). A map

showing the location of the properties is on © 12. Parcel 311 was recommended to be rezoned to CRT 0.5, C 0.5, R 0.5, H 45 along with other properties in the Historic District, while Parcel N366 would retain its existing R-200 zoning. At the time the Council considered the Master Plan, it did not realize that the Master Plan recommendations would split zone the Hammer Hill Tract. The testimony requests that the Council zone both parcels CRT 0.5 to allow for redevelopment of the entire property. The testimony noted that the Master Plan intent was to encourage redevelopment of with the Historic District and further noted that the properties to the northeast and northwest of Parcel 311 are recommended for CRT zoning. Clarksburg Road is directly south of the property and the right-of way for the bypass is to the west. The rezoning would allow the property owner to put parking on Parcel N366 and away from MD 355, which would help preserve the historic setting. Parcel N366 would remain in the Environmental Overlay Zone. The Planning Board unanimously supported the property owner request.

Staff agrees with the Planning Board support of the property owner request and believes it is consistent with the Master Plan goals for this area. The Council was not aware during the Master Plan review that the proposed zoning would split zone the property and limit the property owner's ability to redevelop a property within the Historic District. Had the Council been aware of this information, Staff believes that it would have supported the CRT zoning for the entire Hammer Hill Tract at that time. **Staff supports CRT 0.5 zoning for both parcels.**

Staff notes that the SMA incorrectly included a portion of the Historic District (the area northwest of Parcel N366) in the Environmental Overlay Zone. Although this is currently the location of the elementary school and not likely to redevelop in the short term, **Staff recommends that the boundaries of the Overlay Zone be redrawn to exclude the entire Historic District.**

Pulte Property

The testimony submitted on behalf of Pulte objected to the change in zoning from RE-1/TDR-2 to Rural Neighborhood Cluster (RNC) at a density of 1 unit per acre and the 6 percent impervious surface area limit applied via the Environmental Overlay Zone. The testimony also objected to master plan recommendations and changes in regulation that impact development, but the sole issue before the Council in the SMA is the recommended change in zoning. The 1994 Master Plan recommended RE-1/TDR-2 on a 600-acre area west of I-270 and north of Clarksburg Road, but limited development to 900 units (1.5 units per acre). Pulte owns approximately 538 acres, which would have enabled them to apply for **up to 807 units**. The RNC zoning allows up to 656 units with moderately priced dwelling units. The Council discussed at great length the reasons for the reduction in density on this property and the 6 percent limit on impervious surface area. The testimony did not provide any new information not previously considered by the Council and therefore Staff recommends the Council support the SMA recommended zoning, which implements the recommendations in the Approved and Adopted Master Plan.

TEN MILE CREEK SMA

G-965



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

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June 4, 2014

RECEIVED
MONTGOMERY COUNTY
OFFICE OF THE CHAIR

2014 JUN -6 AM 10:52

The Honorable Craig Rice
President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland, 20850

Dear Mr. Craig Rice:

I am pleased to transmit an application for a Sectional Map Amendment (SMA) for the *10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area*. The County Council approved the Limited Amendment on April 1, 2014 by Resolution No. 17-1048. The Maryland-National Capital Park and Planning Commission adopted the Limited Amendment on May 21, 2014 by M-NCPPC Resolution No. 14-13.

At its regular meeting on May 22, 2014, the Montgomery County Planning Board approved filing the Sectional Map Amendment for the 10 Mile Creek Limited Amendment. The SMA will implement the zoning recommendations of the approved and adopted plan.

With this application are three copies of the 10 Mile Creek Limited Amendment Sectional Map Amendment for filing in accordance with Article 59-H of the Montgomery County Zoning Ordinance.

We look forward to working with you to complete this project.

Sincerely,

Françoise M. Carrier
Chair

Enclosures

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Application to File

APPLICATION NUMBER: G 965

DATE FILED: June 6, 2014

HEARING DATE: _____

APPLICATION FOR A SECTIONAL MAP AMENDMENT TO AMEND THE "ZONING MAP FOR THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND" FILED IN ACCORDANCE WITH ARTICLE 59-H OF THE ZONING ORDINANCE FOR MONTGOMERY COUNTY, MARYLAND.

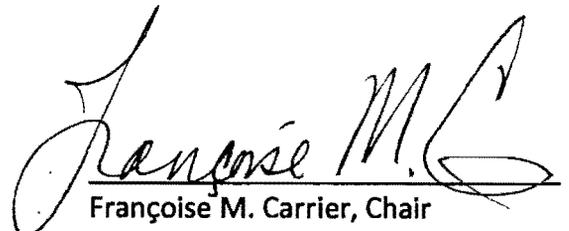
The Maryland-National Capital Park and Planning Commission makes application with the County Council, sitting as the District Council, for a portion of the Maryland-Washington Regional District within Montgomery County, for a Sectional Map Amendment to implement the *Approved and Adopted 10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*. The County Council, sitting as the District Council, approved the *10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*, on April 1, 2014 (Council Resolution No. 17-1048) and the Maryland-National Capital Park and Planning Commission adopted the Limited Amendment on May 21, 2014 (M-NCPPC Resolution No. 14-13). The *10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area* is in Planning Area 13 and Election District 2.

The proposed classifications are contained in one volume keyed to the Zoning Atlas. The *Limited Amendment* being implemented by this Sectional Map Amendment 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; the *Clarksburg Master Plan and Hyattstown Special Study Area*, as amended; the *Master Plan of Highways and Transitways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; and the *Legacy Open Space Functional Master Plan*, as amended.

The existing and proposed zoning classifications are shown on the accompanying maps. The classifications fall into these categories:

- About 2098 acres are proposed to be reconfirmed in their existing zoning classifications;
- About 958 acres are proposed to be included in the Clarksburg West Environmental Overlay Zone and reconfirmed in their existing underlying zones;
- About 572 acres are proposed to be included in the Clarksburg West Environmental Overlay Zone and reclassified to a new underlying zone;
- About 59 acres are proposed to be included in the Clarksburg East Environmental Overlay Zone and reconfirmed in their existing underlying zones;
- About 223 acres are proposed to be included in the Clarksburg East Environmental Overlay Zone and reclassified to a new underlying zone;
- About 41 acres are proposed only for reclassification to a new zone.

The total area within the boundaries of the Sectional Map amendment is approximately 4056 acres.



Françoise M. Carrier, Chair
Montgomery County Planning Board

SMA G-965
TEN MILE CREEK



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

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July 18, 2014

The Honorable Craig Rice
President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland, 20850

Subject: Sectional Map Amendment (SMA)
10 Mile Creek Limited Amendment

RECEIVED
MONTGOMERY COUNTY
2014 JUL 21 AM 8:45

Craig
Dear Mr. ~~Rice~~:

I am pleased to transmit this recommendation supporting G-965, the Sectional Map Amendment (SMA) for the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. The Planning Board discussed the SMA at its regular meeting on July 10, 2014.

The Board reviewed the attached technical staff report and heard a presentation on it from planning staff. On a motion by Commissioner Presley, seconded by Vice Chair Wells-Harley, the Board unanimously voted to **approve** the recommendations of the staff report with one change, as noted in the next paragraph. Chair Carrier, Vice Chair Wells-Harley and Commissioners Dreyfus and Presley voted to approve. Commissioner Anderson was absent.

The Planning Board heard testimony from a representative of Hammer Hill LLC, which owns property at 23100 Stringtown Road in the Limited Amendment area. The owner testified that this property, adjacent to Hammer Hill in the Clarksburg Historic District, should share Hammer Hill's recommended Commercial-Residential Town (CRT) zoning classification because it would allow redevelopment of Hammer Hill in a manner consistent with the Limited Amendment's land use, zoning and historic district design recommendations. The Board, recognizing this property's location at the entrance to both the Clarksburg Historic District and its Town Center, agrees, and strongly supports this proposed reclassification.

We look forward to working with Councilmembers to complete this project.

Sincerely,

Françoise M. Carrier
Françoise M. Carrier
Chair

Enclosures

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(4)

Sectional Map Amendment for the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area

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Frederick V. Boyd, Planner/Coordinator, Area 3 Planning Division fred.boyd@montgomeryplanning.org (301) 495-4654

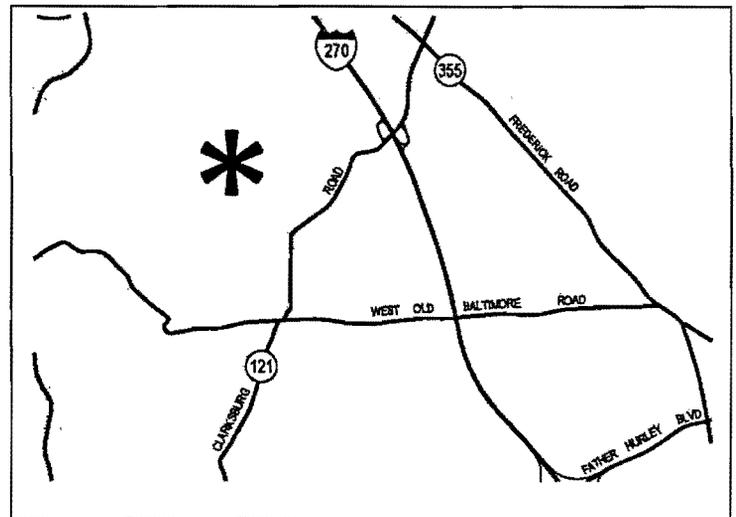
John Carter, Chief, Area 3 Planning Division

Staff Report Date: 7/03/14

Description

Sectional Map Amendment for the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area

Staff Recommendation: Approval of Sectional Map Amendment



Summary

This Sectional Map Amendment (G-965) follows the approval and adoption of the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area and will implement through the Sectional Map Amendment process the plan's recommendations. It was filed on June 6, 2014. The Zoning Ordinance requires the Planning Board to provide a written recommendation to the District Council on the SMA that will be part of the public record. The District Council is scheduled to hold a public hearing on the SMA on July 22, 2014.

STAFF RECOMMENDATION

Planning staff recommends approval of the Sectional Map Amendment by the District Council.

Background

On April 1, 2014, the District Council approved the 10 Mile Creek Limited Amendment, by Resolution 17-1048. The Maryland-National Capital Park and Planning Commission is scheduled to adopt the approved plan on May 21, 2014, by Resolution 14-13.

The Limited Amendment area encompasses about 4056 acres, including rights-of-way. This Sectional Map Amendment proposes approximately 836 acres for reclassification: about 6.6 acres for the CRT mixed-use zone, 205 acres for the R-90 Zone and about 546 acres for the RNC Zone.

The District Council intends to create two overlay zones—the Clarksburg East Environmental Overlay Zone and the Clarksburg West Environmental Overlay Zone—to implement recommendations of the Limited Amendment. The East overlay zone totals approximately 281 acres and the West overlay zone comprises about 1531 acres. The Council has held a public hearing on the new zones and is scheduled to approve them later this summer.

This SMA reconfirms existing zones for about 2098 acres. The SMA reconfirms existing underlying zoning for 958 acres west of I-270 that will be included in the Environmental West Overlay Zone and reconfirms existing underlying zoning for 42 acres that will be included in the Environmental East Overlay Zone. The remaining areas are rights-of-way for which zones are not shown on the official zoning sheets.

CONTENTS OF THE SECTIONAL MAP AMENDMENT

The index sheet that accompanies the SMA shows the Sector Plan boundaries and is attached to this memorandum. The application includes three sets of zoning maps, each at a scale of one inch equals 200 feet. One set consists of hand drawn zoning maps that show existing zones. This SMA provides an opportunity to create digitized zoning sheets, as part of the Planning Department’s ongoing adoption of a comprehensive geographic data methodology, Geographic Information Systems (GIS). The second set of zoning maps shows existing zones using digitized sheets in transparent mylar that can be laid over the hand drawn maps. The third set of maps, also in transparent mylar, shows the proposed zones, so viewers can see a property’s existing and proposed zones simultaneously.

The 10 Mile Creek SMA covers these sheets, moving vertically from north to south and horizontally from west to east:

233NW16	233NW15	233NW14	233NW13
232NW16	232NW15	232NW14	232NW13
231NW16	231NW15	231NW14	
230NW16	230NW15	2301NW14	
229NW16	229NW15	2291NW14	

ZONING ADJUSTMENTS

The Montgomery County Planning Department maintains the county's official zoning maps, and uses the State Tax Assessor's property maps as the base for drawing zoning lines. These lines generally are drawn to follow property lines, in accordance with the Zoning Ordinance. But property lines change more frequently, usually through the subdivision process, than changes to zoning maps, which occur only through District Council action. In addition, zoning maps were hand drawn for many years, and the amount of time needed for revisions meant that the State updated the property maps infrequently.

Several events have combined to create the need for technical corrections to the zoning maps. In the early 1990s, the Planning Department adopted digitized mapping technology to replace hand drawn maps. It subsequently moved to a comprehensive geographic data methodology, Geographic Information Systems (GIS). At the same time, the Planning Department took responsibility for updating property information data within its GIS databases. Using GIS allows property information layers to be updated whenever plats are recorded. This means that there are now more frequent differences between property maps and adopted zoning maps:

To address this issue, the District Council created a Corrective Map Amendment (CMA) procedure that can be combined with the Sectional Map Amendment. The comprehensive and technical analysis that is part of the SMA process should uncover mapping inconsistencies. The Zoning Ordinance defines CMA corrections as line adjustments or revisions based on technical analysis of a map's line work. They are not related to more substantive errors. A graphic showing areas where digital adjustments have been made is attached.

The following table lists the SMA's proposed reclassifications. The index map accompanying this memorandum shows the location of each area.

Area	Existing Zones	Proposed Zone	Acres
1	R-200	CRT 2.0 C 2.0 R 2.0 H 120	6.56
2	R-200 and C-1	CRT 0.5 C 0.5 R 0.5 H 45	14.76
3	R-200 and C-1	CRT 0.5, C 0.5, R 0.5 H 45	11.59
4	R-200 and C-1	CRT 0.5, C 0.5, R 0.5 H 45	2.52
5	R-200 and C-2	CRT 0.5, C 0.5, R 0.5 H 45	12.22
6	R-200 and C-2	CRN 0.25 C 0.25 R 0.25 H 35	11.47
7	R200	R-90	204.59
8	RE-1/TDR and Rural	RNC	546.24
9	RE-1/TDR	RE-1	1.93
10	RE-1/TDR	RE-1	4.21
11	RE-1/TDR	RE-1	9.34
12	RE-1/TDR	RE-1	1.13
13	RE-1/TDR	RE-1	5.58
14	RE-1/TDR	RE-1	4.07

There are no pending local map amendments in the area proposed for this Sectional Map Amendment.

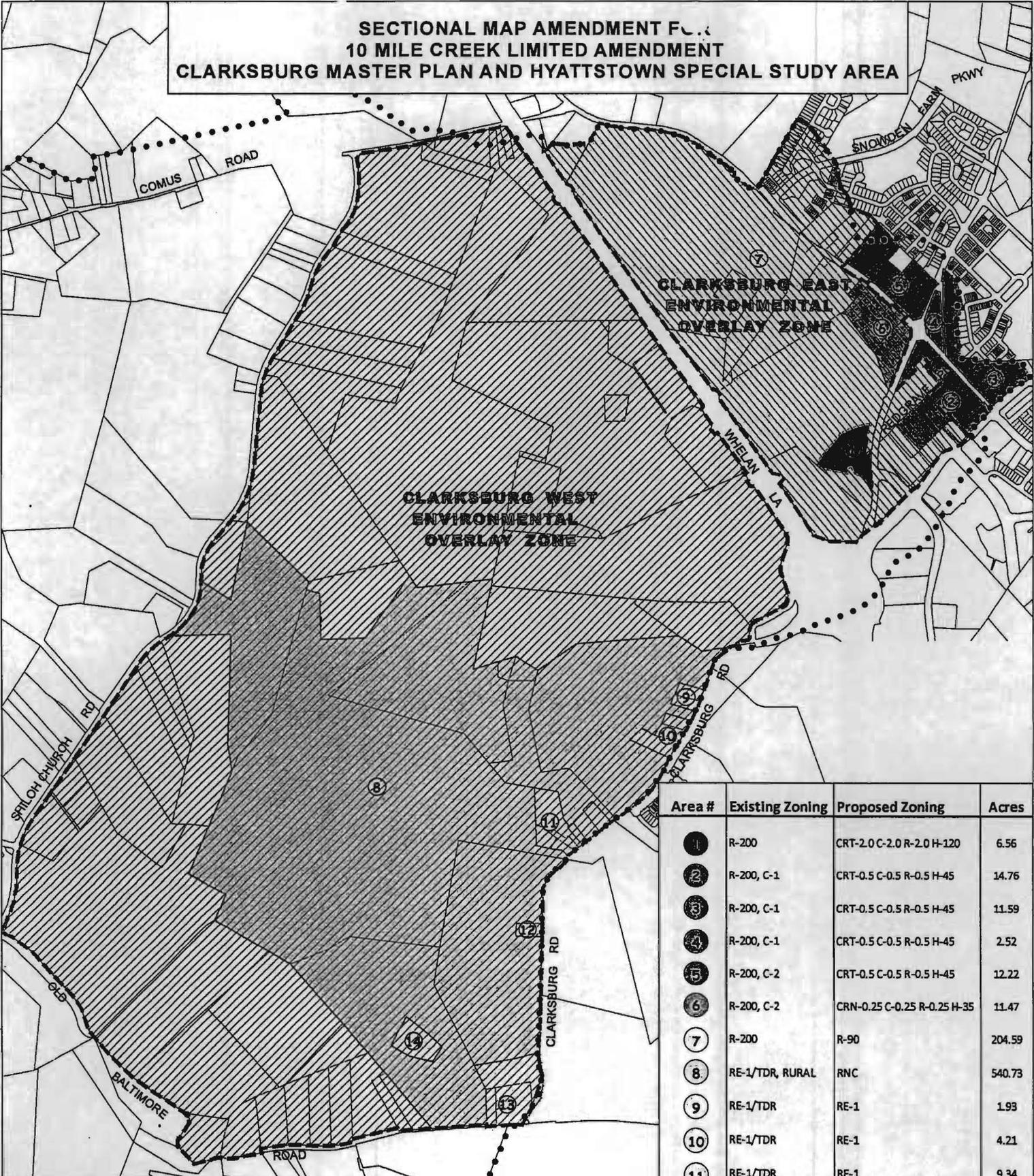
CONCLUSION

Staff recommends that the Planning Board approve the Sectional Map Amendment.

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Attachments

**SECTIONAL MAP AMENDMENT FOR
10 MILE CREEK LIMITED AMENDMENT
CLARKSBURG MASTER PLAN AND HYATTSTOWN SPECIAL STUDY AREA**



Area #	Existing Zoning	Proposed Zoning	Acres
1	R-200	CRT-2.0 C-2.0 R-2.0 H-120	6.56
2	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	14.76
3	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	11.59
4	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	2.52
5	R-200, C-2	CRT-0.5 C-0.5 R-0.5 H-45	12.22
6	R-200, C-2	CRN-0.25 C-0.25 R-0.25 H-35	11.47
7	R-200	R-90	204.59
8	RE-1/TDR, RURAL	RNC	540.73
9	RE-1/TDR	RE-1	1.93
10	RE-1/TDR	RE-1	4.21
11	RE-1/TDR	RE-1	9.34
12	RE-1/TDR	RE-1	1.13
13	RE-1/TDR	RE-1	11.09
14	RE-1/TDR	RE-1	4.07

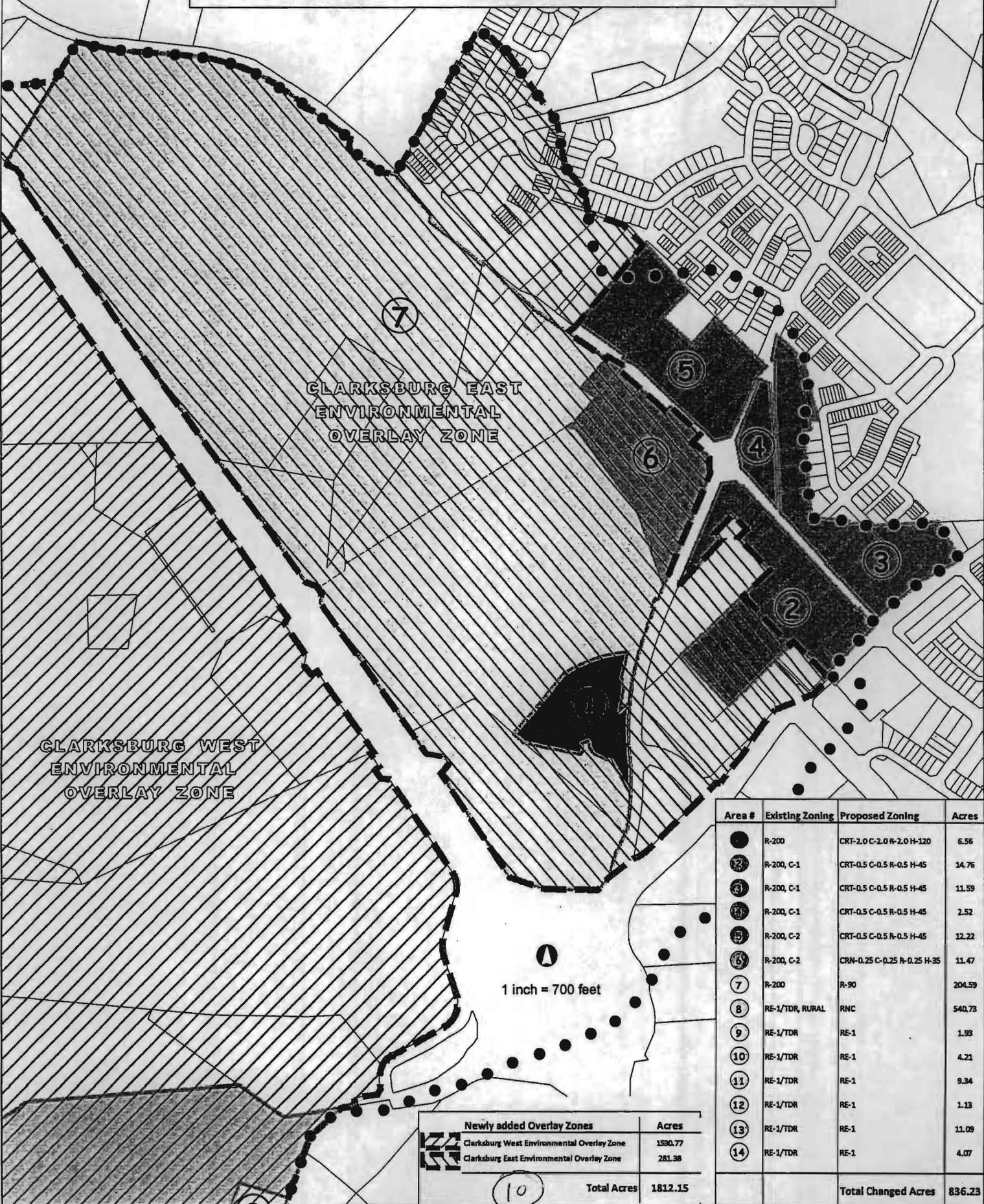
Newly added Overlay Zones	Acres
Clarksburg West Environmental Overlay Zone	1530.77
Clarksburg East Environmental Overlay Zone	281.38
Total Acres	1812.15

1 inch = 1,500 feet

9

Total Changed Acres 836.23

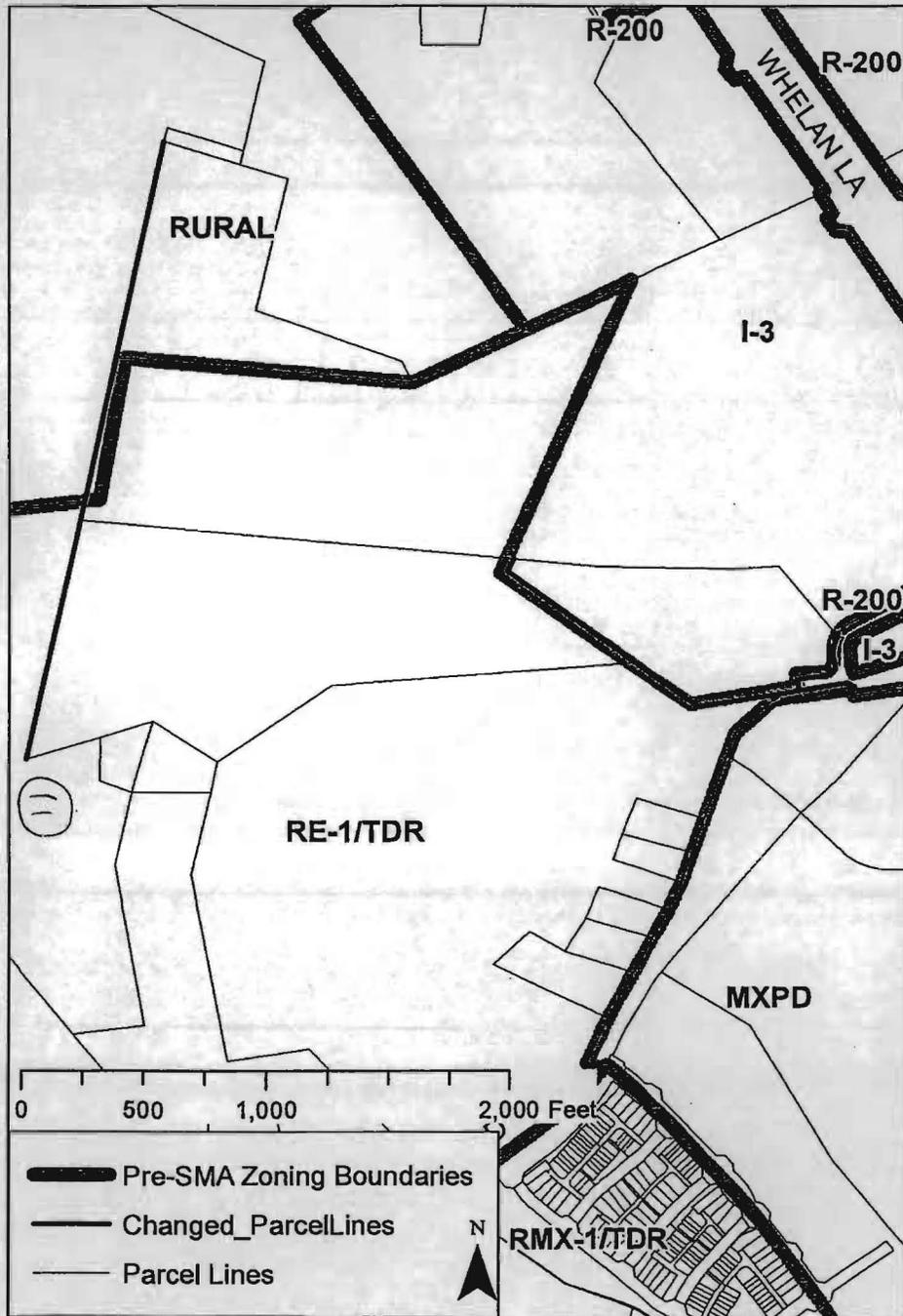
**SECTIONAL MAP AMENDMENT FC
10 MILE CREEK LIMITED AMENDMENT
CLARKSBURG MASTER PLAN AND HYATTSTOWN SPECIAL STUDY AREA**



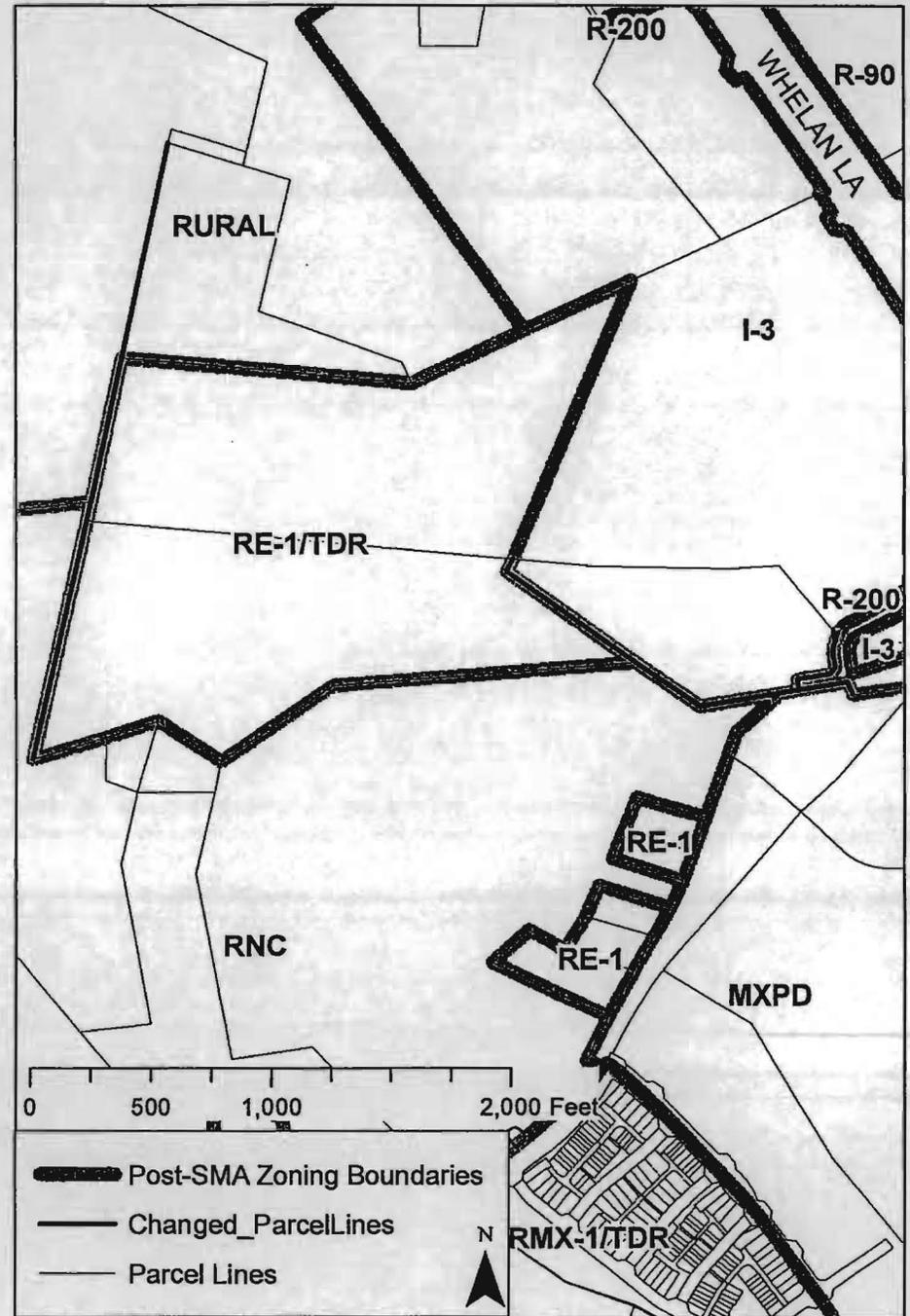
Area #	Existing Zoning	Proposed Zoning	Acres
1	R-200	CRT-2.0 C-2.0 R-2.0 H-120	6.56
2	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	14.76
3	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	11.59
4	R-200, C-1	CRT-0.5 C-0.5 R-0.5 H-45	2.52
5	R-200, C-2	CRT-0.5 C-0.5 R-0.5 H-45	12.22
6	R-200, C-2	CRN-0.25 C-0.25 R-0.25 H-35	11.47
7	R-200	R-90	204.59
8	RE-1/TDR, RURAL	RNC	540.73
9	RE-1/TDR	RE-1	1.93
10	RE-1/TDR	RE-1	4.21
11	RE-1/TDR	RE-1	9.34
12	RE-1/TDR	RE-1	1.13
13	RE-1/TDR	RE-1	11.09
14	RE-1/TDR	RE-1	4.07
Total Changed Acres			836.23

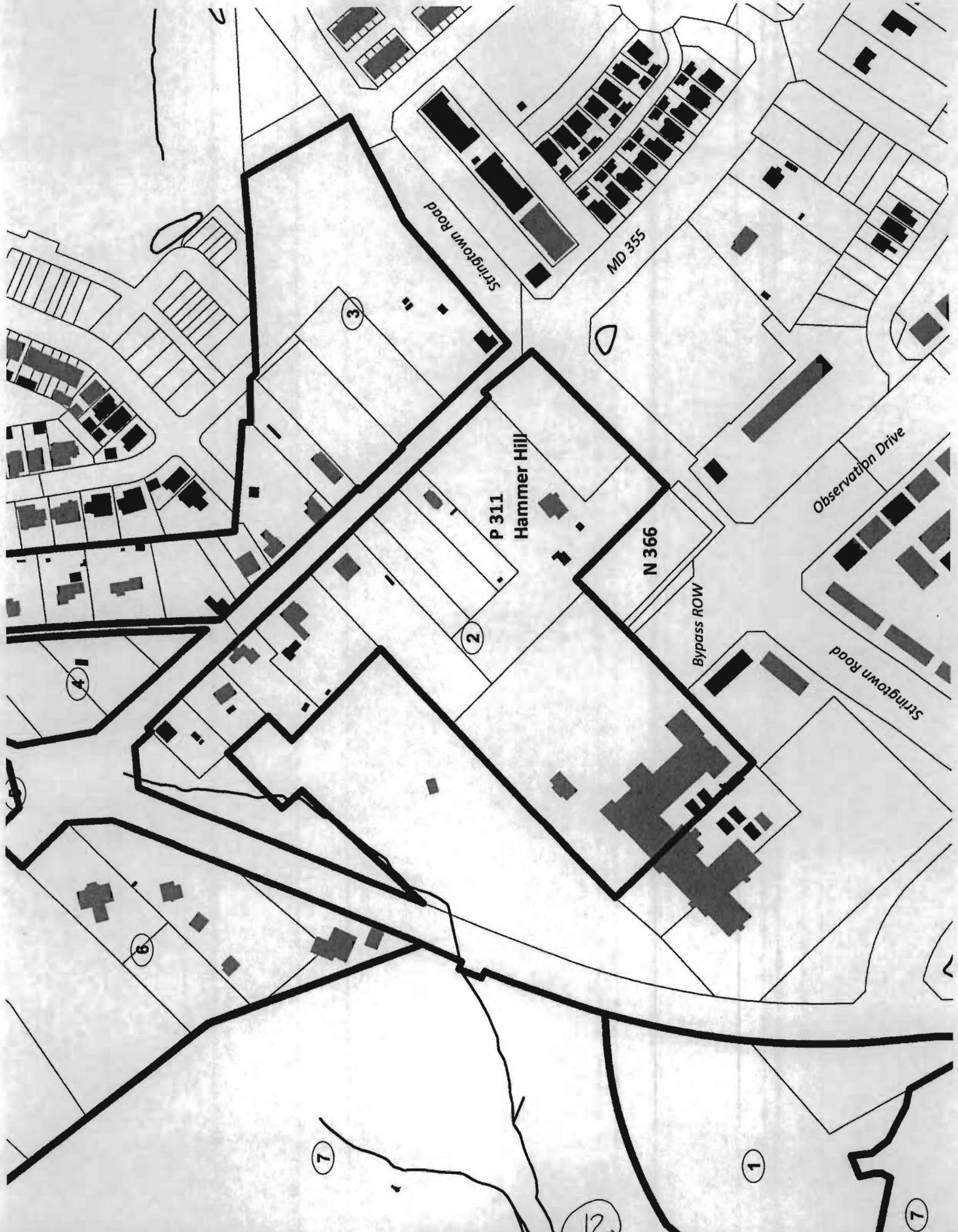
Newly added Overlay Zones		Acres
	Clarksborg West Environmental Overlay Zone	1530.77
	Clarksborg East Environmental Overlay Zone	281.38
10	Total Acres	1812.15

Zone boundaries prior to SMA for the Clarksburg 10 Mile Creek Area Limited Amendment



Zone boundaries changed by SMA to align with parcel boundary corrections





Stringtown Road

MD 355

Observation Drive

P 311
Hammer Hill

N 366

Bypass ROW

Stringtown Road

3

2

4

6

7

1

12

7