

PHED Committee #2
June 15, 2009

MEMORANDUM

June 11, 2009

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

FROM: Marlene L. Michaelson, ^{MLM} Senior Legislative Analyst
Glenn Orlin, Deputy Staff Director

SUBJECT: Germantown Sector Plan

The Planning Board Draft of the Sector Plan for the Germantown Employment Area (the “Germantown Sector Plan”) was transmitted by the Planning Board in February 2009. The Council held a public hearing on May 12, 2009. The Plan focuses on the Town Center and employment areas along I-270, covering approximately 2,400 acres of the 11,000 acre Germantown Planning Area. (A map of the Planning Area appears on page 11 of the Sector Plan.) This first Committee worksession will cover major cross-cutting issues that impact multiple properties. A Planning Department staff memorandum addressing these issues is attached on © 1 to 8. On June 22, the Committee will consider transportation issues and begin its review of property specific issues. On June 29, the Committee will continue the review of property specific issues as well as any follow-up issues identified at the earlier meetings. **Committee Members should bring a copy of the Sector Plan to the meeting.**

CHANGES FROM THE 1989 PLAN

The Sector Plan recommends various changes to the land uses and zoning recommended in the 1989 Germantown Master Plan that will improve opportunities for mixed-use, transit-oriented development and enhance the Town Center and Employment Corridor. Several of the properties are recommended to change from single use residential or commercial zones to mixed-use zones. The focus on mixed-use development is consistent with trends in planning and the land uses recommended for other higher density centers in the County. Density is both increased and shifted to reflect the planned Corridor Cities Transitway (CCT) and concentrate density near transit stations. The Sector Plan triples the amount of housing units and recommends a more

modest increase in employment in the Sector Plan area as summarized on page 15. This reduces the jobs/housing ratio for the planning area, consistent with the recommendations in the 2002 Transportation Policy Report to reduce the jobs/housing ratio in the I-270 Corridor, while increasing it on the eastern side of the County. The Sector Plan also designates Germantown as the Upcounty Cultural Center and places an emphasis on design, described in more detail in the Draft Germantown Design Guidelines. Staff generally supports the vision and land use strategy articulated in the Plan and believes it creates a significantly improved vision for the future of Germantown.

MAJOR POLICY ISSUES IMPACTING MULTIPLE PROPERTIES

1. Overall Strategy Regarding Density/Height

The Plan significantly increases both residential and commercial densities in the planning area, tripling the residential density from 5,845 units allowed under the 1989 Plan to 15,100 units, and the commercial density from 20.3 million square feet (approximately 60,000 jobs) to 23 million square feet (or close to 70,000 jobs). The greatest increases in density occur in the areas closest to the CCT. The maximum floor area ratio (FAR) for the planning area is 2.0, similar to both Shady Grove and Twinbrook. The Council received testimony from several property owners requesting additional density, particularly in the Town Center and near the MARC station. Densities will be considered on a property by property basis, but the Committee may want to have a general understanding of the Planning Board's rationale at this time. This strategy is described in the attached memorandum from Planning Department staff on ©1-2. In summary, the Sector Plan recommends placing the highest density (2.0 FAR) at the Town Center transit station, with lower densities for other properties served by transit and the lowest densities for properties not served by transit.

The Plan provides guidance on height for most, but not all, properties. Given that neither the Transit-Station, Mixed Use (TMX-2) zone nor the Town Sector Zone has maximum heights, review of heights will be an important part of the property by property review. Structures are recommended to be a maximum of 180 feet (approximately 15 stories) at the area immediately adjacent to the transit station at Century Boulevard and 143 feet (approximately 12 stories) along MD 118 and near other transit stations, with lower heights (100 feet) along I-270. The Plan also requires a minimum of three stories for all new construction. This minimum height requirement is discussed further below. Staff believes the Council should continue its policy of using feet, not stories, as the measurement for height.

2. Zoning Strategy

The Sector Plan's zoning strategy appears to be to maintain the existing Town Sector (TS) Zoning where it currently exists, to retain the zoning for virtually all of the land zoned in residential, planned development, and residential mixed-use zones. It rezones other properties recommended for mixed-use development to the TMX-2 zone. The Plan neither presents an overall zoning strategy nor does it include a rationale for the recommended zones. Pages 36 to

55 of the Plan describe the land use recommendations for each major property, with no reference to the recommended zone. Maps on pages 57 to 63 display the zoning recommendations but do not provide the rationale for any recommended changes (or indicate what the existing zoning is). To improve the Plan's clarity, Staff recommends that a description of the zoning and rationale for changes be included in the land use section of the Plan. (Additionally it would be helpful to have maps identifying the locations of properties in the same sections as the discussion of those properties.) In the upcoming worksessions, the Committee will review the zoning recommendations on a property by property basis. The overriding question that Staff recommends be considered at this first worksession is what the best zone is for mixed-use development in Germantown.

Staff questions whether the TS zone is the best zone to achieve the Plan's visions. The TS zone was conceived as a suburban mixed-use zone for overall modest densities of development. It has served its purpose well in Montgomery Village over the years. It is an older zone which limits total population rather than floor area ratio, density, height, or setback. However, the population limits are so low that no further land use limits are necessary. The limit of 15 people per acre equates to approximately 5 units per acre or up to 7.5 for multi-family, less than is appropriate for a transit station area. Since these limits apply to the entire area zoned TS, the only way to understand what may be allowed on a specific property is to know the amount of population capacity already used up and what other TS property owners are considering. The zone has worked well where there is a single property owner, but there could be various problems with multiple property owners. In theory, one TS development could use population capacity to the detriment of another property owner. There is nothing in the zone to indicate that the Planning Board may allocate this capacity among property owners or is required to adhere to a master plan recommended allocation.

Other attributes of the TS zone that make it less than ideal for Germantown Town Sector include the following:

- It has no limits on density, height, or FAR.
- It does **not** require consistency with the master plan and, therefore, Staff questions whether the Planning Board would have the basis to implement many of the Sector Plan provisions that limit FAR, height, etc.
- It does not include requirements for transferable development rights or building lot termination rights.
- It does not require the provision of amenities, although several are identified in the Sector Plan.
- It limits total commercial development to 10% and industrial development to 6%; it is not truly a mixed-use zone appropriate for a higher density, mixed-use transit center.
- It does not allow bonus market units for those who exceed the minimum requirement for MPDUs, nor does it have a workforce housing provision.

Given all these factors, Staff concludes that the TS zone is no longer appropriate for application in the Employment Corridor and Town Center areas of Germantown, where transit-oriented development should be more intense and where public amenities and policies need more focus and application.

The Planning Department did not consider rezoning areas zoned TS, based on their understanding that land zoned TS could not be rezoned for 50 years. However, Council legal staff believes this provision applies to local map amendments, not comprehensive zoning actions following master plans.¹ The TS zone does have a requirement for a minimum of 1,500 acres, and the area zoned TS in Germantown is only slightly more than this minimum; however, this could be addressed by a text amendment indicating that the area zoned TS may be reduced to below 1,500 acres through a sectional map amendment (which follows a comprehensive master plan). This would not impact Montgomery Village, where the TS zone has been very successful.

In Germantown, there is considerable merit to rezoning all commercial mixed-use properties to the same zone. This promotes uniformity of administration and design implementation. It avoids inadvertent anomalies in the implementation of the master plan as well. It will also allow for an easier transition to any possible future zone developed and applied in the zoning ordinance rewrite program. The land uses, mix of uses, and recommended amenities in the Sector Plan would work very well with the TMX-2 zone, which is recommended for parts of Germantown. TMX-2 is intended for mixed-use development near transit stations; the densities are consistent with the recommendations in the Plan; and the zone requires conformance with the master plan, as well as the provision of amenities and the purchase of BLTs. When the Committee conducts the property by property review, Staff recommends that each property recommended for TS zoning be considered for the TMX-2 zone.

3. Public Facilities

One of functions of a master plan is to identify whether there is sufficient land available for all necessary public facilities and, if not, to identify potential locations for those facilities so that the Planning Board can require the dedication or reservation of land at the time of development. The limited discussion of community facilities in the Sector Plan on page 20 does not clearly address whether sufficient land is available for each of the major public facilities typically addressed in a master plan (schools, libraries, parks, recreation centers, police and fire stations) or make recommendations for potential new sites. Some of this information appears in the appendix, but in Staff's opinion, is important enough to be included in the Plan itself, at least in summary form. (Staff believes that any recommendations that development review staff need to consider when reviewing a development application should be in the body of the Plan. Background information not essential to a development application can go in the appendix.) In one case, the appendix identifies that at least one new site will be needed for recreation purposes, but the Sector Plan

¹ There is nothing in the text of the TS zone or in the Zoning Ordinance that prohibits amendment of the TS zone by the District Council, nor its replacement with another zone by the District Council during the course of a comprehensive master plan amendment and ensuing sectional map amendment. The only restriction in the TS zone is for subdivision plats on individual properties, where the owner of property is precluded from applying for a different zone. There is well established law granting the legislative body the power to rezone properties comprehensively during the course of adopting and revising master plans. A Council cannot bind the hands of succeeding Councils.

does not identify a potential site.² Without a recommendation in the Sector Plan, M-NCPPC would have no basis to reserve the land or use the Advance Land Acquisition Revolving Fund to purchase land. Moreover, there may be no undeveloped land available when those facilities are needed. Staff recommends that the Committee direct the Planning Department Staff to prepare a new section on community facilities for the Committee's consideration at the June 29 worksession. For each type of facility, the Plan should identify whether there is sufficient land available to meet the needs of the community at build out, and should identify additional sites when it is determined they are needed.

4. Staging

The Germantown Sector Plan includes a staging plan on pages 64 to 65. The staging plan allows approximately 13% of total new commercial development (excluding pipeline) and 21% of new residential development to proceed without staging, as well as any Montgomery College academic buildings. (This includes 25% of Town Center development and smaller percentages of other areas.) Thirty percent of new development can proceed in Stage 1, and the remainder in Stage 2. The "triggers" to proceed to Stage 1 include the following:

- Council adopts the Sectional Map Amendment.
- Phase 1 of the urban services district is established, covering the Town Center and West End.
- An annual monitoring program is developed for non-driver mode share, vehicle miles traveled.
- Funding for urban parks is included in the six-year Capital Improvements Program (CIP).
- Funding for a MARC parking garage is included in the six-year CIP or Comprehensive Transportation Priorities (CTP).
- An alternative park and ride location outside Town Center is selected.
- The Bowman Mill Drive connection to MD 118 is open to traffic.

The criteria for Stage 2 are as follows:

- Funding for the CCT segment between Metropolitan Grove and Germantown Transit Station is included in the six-year CIP or CTP.
- A funding agreement is in place for CCT alignment and stations between the Town Center and Dorsey Mill stations (using public or private funding sources).
- Determine the need for a sector plan amendment when the decision on M-83 is reached.
- Non-driver mode share is increased to 21 percent in the previous 12 months.
- Observation Drive from MD118 to Middlebrook Road is constructed and open to traffic.
- The Goldenrod Lane connection to Observation Drive and Cider Press Drive to MD 355 are constructed and open to traffic.
- Century Boulevard to Dorsey Mill Drive is constructed and open to traffic.

² The Appendix on page 119 recommends that "M-NCPPC should work closely with the Department of Recreation to incorporate community recreational facilities into a detailed land use plan for the further development of Germantown."

- Funding for Dorsey Mill Bridge across I-270 is included in the six-year CIP or CTP.

Staging Testimony

The Council received testimony from several property owners opposing the proposed staging. Among their comments were the following concerns:

- Staging would impede desirable development and redevelopment.
- There is little relationship between some of the staging triggers and development tied to those triggers (e.g., properties with commercial development should not be delayed pending the construction of a garage that will serve residents; properties required to provide open space and recreational amenities should not be delayed until there is funding for a park that will not serve the residents of that property).
- Splitting development into multiple phases on a single property will make it more difficult to get financing or pay for amenities. Moreover, single stage development of a property promotes integrated and complementary development.
- Most staging triggers are completely outside the property owners' control.
- Previous studies have shown there is insufficient funding for an Urban District, and the District can only succeed if there is additional development to fund it.
- The best way to provide funding for the Urban District and needed infrastructure is to allow development to proceed.

Staff Comments

Staging adds a level of complexity to master plans that is sometimes necessary when it is determined that the Growth Policy alone will not be sufficient to time development with the availability of public facilities or achieve other important objectives. Staging was used in the 1989 Germantown Master Plan to provide an incentive for Town Center to develop before other areas in Germantown. It has also been used when there is uncertainty as to whether development can meet certain environmental standards (Clarksburg).

In Staff's opinion, the Sector Plan does not provide a strong enough rationale for the complex staging that is proposed, and Staff shares the concerns raised by some regarding specific triggers. The first question the Committee should consider is whether the Growth Policy is sufficient to control growth or whether additional staging is necessary. The Growth Policy divides Germantown into 3 areas: Town Center, Germantown East, and Germantown West. The Growth Policy could be used to direct capacity to the Town Center or to favor commercial or residential development, achieving the goals articulated in the Plan.

The main reason for requiring staging would be if the plan has a goal that cannot be achieved via the Growth Policy. If such a goal exists, it is not clear in the Sector Plan. Should the Committee decide that staging is necessary, it should be a far more simplified staging plan with 2 instead of 3 stages and a limited number of targeted triggers.

Regardless, Staff recommends eliminating these staging triggers included in the Plan:

- Since the creation of the urban district will require funding from employers and/or residents, it can best be successful once development is in place, not as a prerequisite.
- While funding for the recommended new urban park will be important, Staff questions whether it is necessary to have this as part of a staging plan, particularly since the designated site has a commercial structure on it and it is unclear when/if the recommended land swap will occur.
- The purpose of the transportation adequacy tests in the Growth Policy — Policy Area Mobility Review (PAMR) and Local Area Transportation Review (LATR) — is to assure that master-planned development is staged in accordance with the provision of transit and highway improvements. Including further transportation staging requirements in the sector plan would add a further layer of restrictions that would retard development unnecessarily, since PAMR and LATR alone calculate how much development can be accommodated. Furthermore, any further staging requirement would be arbitrary and immutable, at least until the sector plan is next revised a decade or two from now; meanwhile, the Growth Policy is updated every two years.

A primary example of this problem is using the Corridor Cities Transitway as a staging requirement. The CCT is a mega-project that will only be constructed when Federal and State aid has been programmed to build it. The likelihood is that the first stage of the CCT will extend north only to Metropolitan Grove and, optimistically, this segment will open in the next 8-10 years. Extending the line north to Germantown and Clarksburg will likely take another decade at least, so while it is reasonable to include the CCT as part of the transportation system at buildout, it may not open to Germantown until 2030.

In the meantime, however, there are other means for significantly upgrading transit service. With a relatively modest investment, express bus service from Germantown to points south using the I-270 HOV lanes could run more frequently and to more destinations than the current service. Even the Life Science Center area could be served directly via the I-270 HOV lanes and Sam Eig Highway. Why, then, should development in Germantown be arbitrarily retarded if the CCT is not operating in the short- to mid-term? The County's objective is for the Federal government to fund the CCT as soon as possible, but should the County tie development in Germantown to a Federal funding decision, when other options improving transit mobility are more readily at hand?

Staff also shares the concern that dividing the allowable development for most properties into multiple stages may preclude the type of comprehensive development contemplated by the Sector Plan. Absent a more compelling justification of the Sector Plan's staging from the Planning Department or Board, Staff recommends deleting it from the Plan or, alternatively, asking the Planning Department to revise and simplify the staging plan.

5. Requirements for Minimum Height, Structured Parking, Mixed-Use

The Sector Plan includes recommendations to help create a more dense and urban character for Germantown, including a requirement that buildings be a minimum of 3 stories and language to discourage surface parking (see page 18). The Staging Plan on page 64 also reiterates the requirement for a minimum height of 36 feet and adds a further requirement that there be no single purpose buildings in several districts.

Several property owners have expressed concern about these recommendations, believing that there is not a market at the current time for taller buildings and that structured parking would not be economically feasible at this time. Staff believes that parking issues should be addressed via the creation of a parking district and that every effort should be made to either build structured parking or lots that can easily be converted to structured parking. This is addressed further below.

To Staff's knowledge the County has never required a minimum building height in a master plan, nor is Staff aware of other jurisdictions that have had this requirement. It is unclear whether the Planning Board would have the legal authority to turn down a project with a lower building height, particularly if a three-story building is not economically feasible. Staff would prefer to use incentives to encourage the additional height instead of a minimum requirement that could prevent any development from occurring. Staff also concurs with the sentiment expressed by one property owner that the minimum height could result in the uniform development of 3 story structures throughout the Sector Plan area.

Staff is also unclear regarding the rationale for not allowing single-use buildings. Although Staff supports the goal of mixed-use development, it may also be appropriate to have a limited number of single-use structures. The Committee may want to ask the Planning Department Staff to elaborate on the reasons for this provision.

6. Urban District and Parking Lot District

Urban District. As noted in the discussion on staging above, Staff does not believe that the creation of an Urban District should precede the availability of funding for the District. Even when the Town Center is fully developed, the Urban District Tax will only generate a small proportion of what will be needed to fund the desired services. For example, currently the Urban District taxes pay for only 24% of the Urban District services in Silver Spring, 14% in Bethesda, and 10% in Wheaton. A Germantown Town Center Urban District simply would not have sufficient resources without a significant cross-subsidy of parking revenue or general funds. The Committee may wish to ask the Department of Finance to identify the level of development or amount of parking revenues necessary to support an Urban District so that the growth in Germantown can be monitored and an Urban District established as soon as feasible.

Parking Lot District. While Staff believes it is premature to establish an Urban District, a Parking Lot District (PLD) for the Town Center should be established immediately to allow the opportunity for new development there to pay the County to build, maintain, and operate shared

parking lots (one or two of which may evolve into garages in the longer term) rather than having the individual developments provide their own separate lots to meet the parking requirements in the zoning ordinance.

Paid parking should be instituted in these new lots and on-street within the Town Center. As long as the charge is modest and easy to pay, Staff believes parking charges will not drive Town Center customers away to other retail locations.

New development of a certain size threshold should also be required to dedicate (or allocate) a portion of its property to the PLD at no cost. The initial construction of lots in Germantown would be paid from the General Fund, which in turn would be reimbursed by the PLD once sufficient parking revenue has been generated. Once the construction costs have been paid off, the PLD should be able to afford to cross-subsidize Urban District services in the Town Center.

7. BLT Program

The Council received testimony objecting to the requirement in the TMX zone to purchase building lot termination (BLT) development rights. These objections are similar to those the Council heard during its review of the Twinbrook Sector Plan and the approval of the TMX zone. While Staff does not believe the Council should reconsider the requirement to purchase BLTs in the TMX zone (or any other mixed-use zone), Staff continues to believe that the cost of a BLT should be linked to price of land or property rental rates in the area in which the BLT is being purchased. The cost of a BLT should not disadvantage one TMX zoned area over another for development purposes. Staff supports reduced costs for BLTs in areas where land costs and rental income are lower. The purchase price of a BLT will be established in Executive Regulations, which the Council will receive soon.

8. Transit Station Development Area

The TMX zone can only be used in a transit station development area, and that area must be defined in a master plan. Some master plans, such as Twinbrook, define the entire area as a transit station development area. Other plans define it on a map in the plan. Although there is a map entitled *Proposed Transit Station Development Area in the Sector Plan* on page 56, it does not define the boundaries of the Transit Station Development Area and instead displays circles around each transit station. It appears that some of the properties designated for TMX zoning fall outside the boundaries of the circles. Unless there is a decision not to use the TMX zone, Staff believes a better and more comprehensive map needs to be included in the Sector Plan. Staff sees little disadvantage to an area that is too broadly defined, but a significant disadvantage if TMX designated properties are unable to develop under the zone.

9. Design Guidelines

The Planning Department has prepared Draft Design Guidelines to accompany the Germantown Sector Plan. The Guidelines have not yet been considered by the Planning Board. These guidelines are not a part of the Sector Plan and **will not be approved by the Council**. The intent is to create a document that can be changed more frequently than a master plan and respond to changes in development or design standards and patterns. Nonetheless, the Council has received testimony about the Design Guidelines and there are some design guidelines that parallel recommendations in the Sector Plan. Staff recommends that the Committee direct Planning Department Staff to ensure that the guidelines are revised to reflect decisions made during the Council's review of the Sector Plan. Staff further supports continuing the Council's practice of not undertaking a detailed review of the design guidelines.

10. Holy Cross Hospital

The Council has received a significant amount of testimony on the hospital being proposed for the Montgomery College property. Most of the testimony focused on whether Germantown or Clarksburg would be a better site for a new County hospital. This determination will be made by the Maryland Health Care Commission through its Certificate of Need process; the County does not play a role in this process. Staff believes that the County would benefit from a new up-county hospital but that the Council should not take a position favoring one location or one hospital over another. Therefore, Staff does not believe the Germantown Sector Plan should take a position on this issue. However, the Council should do all in its power to facilitate development once a site is chosen. At the next worksession, the Staff memorandum will address issues associated with the Montgomery College site and will address the appropriate zoning for the site.



June 8, 2009

MEMORANDUM

TO: Marlene Michaelson, Senior Legislative Analyst
Montgomery County Council

VIA: Glenn Kreger, Acting Chief
Vision Division

FROM: Sue Edwards, Team Leader, North Central Transit Corridor
Vision Division (301-495-4518)

SUBJECT: PHED Worksession (June 15) on Germantown Employment Area Sector Plan

The M-NCPPC staff has been asked to prepare background on the following topics:

1. Overall strategy regarding density/height
2. Zoning strategy
3. Requirements for urban character – minimum three stories and structured parking
4. Public Facilities
5. Staging
6. Urban District and Parking District

1. Describe the Planning Board's overall strategy for determining appropriate density and height levels in the Sector Plan.

Density

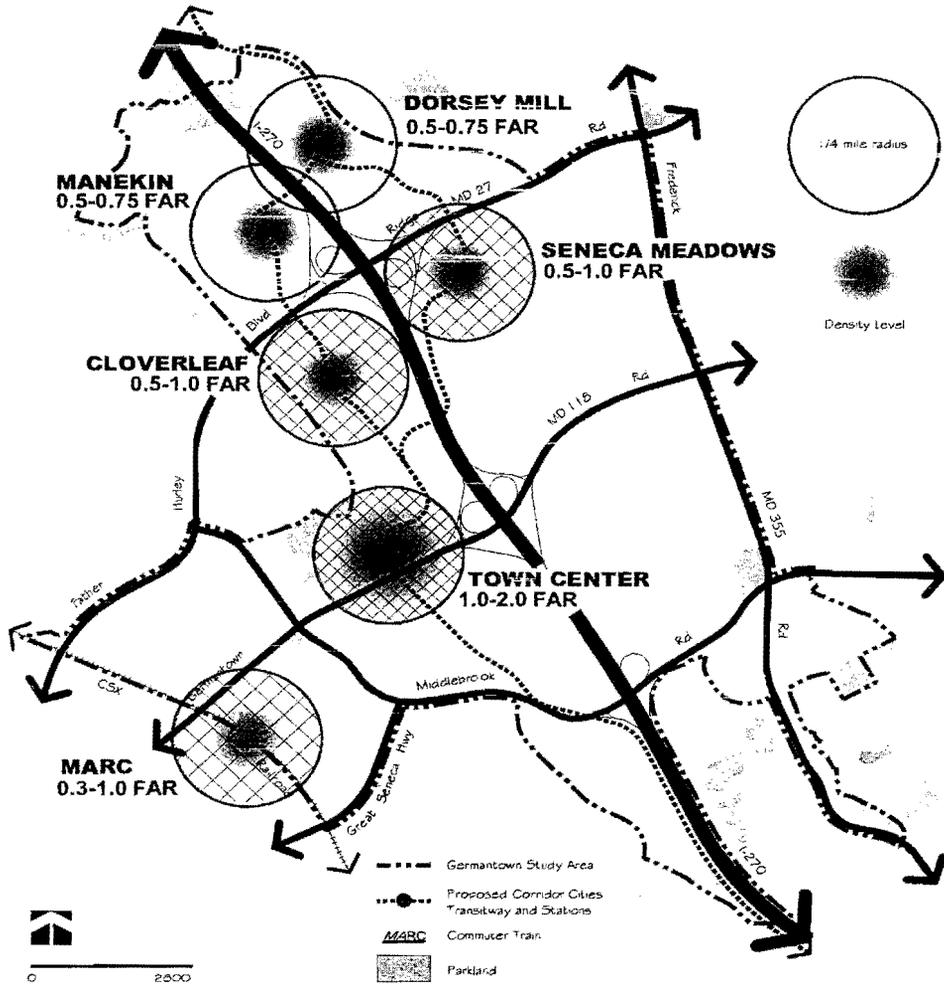
The *Planning Board Draft Sector Plan for the Germantown Employment Area: An Amendment to the Germantown Master Plan* provides for up to 23 million square feet of commercial development with approximately 69,700 jobs and 15,100 housing units at buildout.

The Plan builds a pattern of density focused at the Town Center transit station, stepping down to surrounding communities. The overall pattern will:

- *Concentrate the highest density, 2.0 FAR at the Town Center transit station and surrounding properties*
- *Develop most of the employment corridor properties with mixed-use at an average density of 1.0 FAR*
- *Limit the average density to between 0.5 FAR and 0.75 FAR for properties that will be served by transit located north of MD 27 adjoining existing residential communities*
- *Provide densities of 0.3 to 1.0 FAR for properties near the MARC station.*
- *Develop areas not served by CCT or MARC at average densities of 0.3 to 0.5 FAR (Sector Plan, page 15)*

This pattern of development is illustrated by the graphic Proposed Density at Transit Stations (Appendix 13, page 97)

Proposed Density at Transit Stations



Height

The Sector Plan calls for each of Germantown's seven districts to have an identifiable center, with the Town Center being preeminent. Coherent, identifiable centers are created when density and buildings are clustered in a core area and building heights step down toward the periphery adjacent to residential areas. The Draft Urban Design Guidelines for the Germantown Employment Area Sector Plan, as the guidelines are refined and publicly discussed, will generate more specific guidance as to height. In general, the design guidelines will direct development at transit-served locations to be clustered around the transit stations by placing the greatest density and tallest buildings close to the station. For districts without a transit station, development will create a center by closely arranging taller buildings in a core area (Draft Urban Design Guidelines, page 30).

The Planning Board considered building height when applying the TMX-2 (Transit Mixed-Use) zone for a number of properties that are currently served by MARC transit or will be served in the future by the Corridor Cities Transitway. The Board sought to focus development in areas that are (or will be) served by transit, with the greatest height and density located at the Town Center transit station. (The 1989 Germantown Sector Plan recommended that the Town Center be "the principal activity center for Germantown" and the 2009 Planning Board draft Sector Plan continues this philosophy.)

The TMX-2 zone (sec 59-C-14.24) allows for development standards for the standard method and optional method of development. Standard method projects have a maximum density of development of 0.5 FAR with a maximum building height of 42 feet (sec 59-C-14.244). Projects filed under the TMX-2 optional method of development may have a maximum density of up to 2.0 FAR with building height determined at project plan. The Sector Plan provides guidance for building height within the text of each analysis area (Sector Plan, pages 37-55).

2. Why were certain zones used in certain locations?

The Sector Plan recommends an array of mixed-use zoning categories to shape development. Existing zones used in the Sector Plan include:

- RMX-1
- RMX-1/TDR
- RMX-2/TDR
- RMX-2C
- I-3 with an option for mixed-use

The Sector Plan applied new zoning in instances where:

- Properties are served by existing or future transit (within ¼ mile)
- Potential employment in the future was maintained
- Existing zoning inconsistencies would inhibit future employment and mixed-use development or redevelopment

The Sector Plan reconfirms the Town Sector (T-S) zone for approximately 300 acres of the Churchill Town Sector included in the Sector Plan boundaries. Approximately 1,250 acres of Churchill T-S zoned properties are outside of the Sector Plan boundaries and did not participate in discussions of distributing the remaining Town Sector population credits. The T-S properties in Germantown are not eligible for rezoning until 2018 unless the zone itself is extensively modified.

The Sector Plan does not recommend zoning changes to single purpose residential, commercial, or industrial zones except for three properties on the southern end of MD 355 where C-1 zoning is recommended for a future credit union and for a current, non-conforming restaurant. Zoning for existing residential communities has not been altered by the proposed Sector Plan.

Analysis Area	Transit Station	Proposed Zoning
Town Center Core	Town Center	T-S TMX-2
West End of Town Center	MARC	TMX-2 RMX-2 RMX-2C
Gateway	Adjacent to MARC	RMX-1
Cloverleaf	Cloverleaf	TMX-2
North End	Manekin (west of I-270) Dorsey Mill (east of I-270)	T-S TMX-2
Seneca Meadows	Seneca Meadows	TMX-2
Montgomery College	None	I-3 optional
Fox Chapel	None	RMX-2/TDR RMX-2C

3. How do the Sector Plan requirements for urban character such as a three-story minimum building height and requirement for structured parking contribute to the Sector Plan objectives?

Development in Germantown consists, for the most part, of vast footprints of one and two story buildings with expansive surface parking areas. Throughout the Germantown planning area retail locations have included separate pad sites used by banks and restaurants with drive-through windows. Office parks have developed with independently sited, one and two-story flex buildings. The exception to this pattern has been the Milestone Business Park with two six-story buildings constructed since 2002.

Only the Town Center received attention for maximum building height, building envelope, parking, streetscape, gateway features, open space and pedestrian and vehicular circulation with guidance contained in the 1992 Germantown Design Study: Guidance for the Implementation of Future Development of the Town Center.

The Sector Plan references the importance of community form in discussing the timing and location of development:

“Community form is as important as the amount of development. Minimum building heights of 36 feet (three occupiable floors) will be required to encourage higher future densities. No single purpose retail buildings will be allowed in the Town Center, West End, Gateway, Cloverleaf, or North End Districts. Single purpose office buildings are acceptable. Selected single purpose retail buildings may be permitted in the Seneca Meadows District when site plan review is required” (Sector Plan, page 64).

The Plan’s urban framework (page 18) directs that parking take place *“...on the streets, in mid-block structures or in structures lined with street activating uses. Surface parking, where necessary, should be located behind or to the side of development and screened with building extensions, low walls, or evergreen hedges.”*

The Sector Plan also states that *“parking should not exceed the minimum required in the Zoning Ordinance. Encourage shared use parking and, if feasible, develop public/private parking facilities”* (page 18).

The Plan’s Environmental Framework also references protecting water quality, stormwater interception in lieu of regional stormwater facilities, minimizing impervious surface area, and *“developing Germantown in an urban pattern [that] will provide the opportunity for creative green design and building options that enhance environmental quality”* (page 33).

4. What public facilities are needed and in what locations to implement the land use recommendations of the Sector Plan?

The following community facilities are located within the Sector Plan boundaries:

- Germantown Fire Station No. 29
- District V Police Station
- Germantown Regional Library
- BlackRock Center for the Arts
- The Upcounty Regional Services Center
- Plumgar Neighborhood Recreation Center
- Seneca Valley High School
- Roberto Clemente Middle School
- Waring Station elementary school site (undeveloped)

Other facilities outside the Sector Plan area that support the land use within the Sector Plan boundaries are:

- Kingsview/West Germantown Fire Station No. 22
- East Germantown Fire Station (under construction)
- Neelsville Middle School
- Waters Landing Elementary School
- Lake Seneca Elementary School
- Germantown Elementary School
- Fox Chapel Elementary School

- Captain James E. Daly Elementary School
- Sally K. Ride Elementary School
- Clarksburg Cluster Elementary School (under construction)

Additional school capacity needs are analyzed in Appendix 3: School Capacity Analysis (page 14) shown here:

New Units by Type					Student Generation by Level		
Cluster	Single Detached	Townhouse	Mid-rise	Total units	K-5	6-8	9-12
Clarksburg	0	73	1,208	1,281	66	55	47
Northwest	0	0	1,413	1,413	59	55	47
Seneca Valley	0	80	5,995	6,075	269	243	206
Total of New Development	0	153	8,616	8,769	394	353	300
Redevelopment of Rolling Hills Apartments* (Northwest cluster)					-95	-35	-50
Redevelopment of Middlebrook Mobile Home park* (Clarksburg cluster)					-70	-25	-40
Deductions for redevelopment					-165	-60	-90
Total Master Plan student generation					229	293	210

*The Master Plan (MP) total subtracts students currently residing in Rolling Hills Apartments (468 garden-style apartments) and the Middlebrook Mobile Home Park (200 homes). These communities are replaced in the Master Plan by lower-yielding, mid-rise units included in the units shown for the Clarksburg and Northwest clusters.

The conclusion of Appendix 3 is that *“most of the additional residential development foreseen in the Germantown Employment Area Sector Plan falls within the Seneca Valley cluster. The presence of the Waring Station ES school site in this cluster provides the option of a new elementary school in the future, if needed by buildout of the master plan development”* (Technical Appendix, page 15).

The Planning Board will discuss the Growth Policy school test on June 8, 2009

<http://montgomeryplanningboard.org/agenda/2009/documents/boardmemoforschooltestFY10.pdf>

Development in the Clarksburg and Seneca Valley clusters will require payment of a schools facility fee in FY 10.

Recreation Needs

Appendix 18 contains the request by the Department of Recreation to locate an additional community-serving recreation center (similar in size and programming to the Germantown Community Recreation Center) within the Sector Plan boundaries to serve recreation needs east of I-270. Park, Planning and Recreation staff are discussing a potential location which will be presented at the June 15 PHED worksession.

5. What is the rationale for the staging increments and staging triggers contained in the Sector Plan?

Staging Rationale

The Staging Plan is discussed on pages 64 and 65 of the Sector Plan:

“The general purpose of staging in master plans is to ensure that infrastructure keeps pace with development. Other goals of staging include:

- *encouraging development to occur in certain districts, such as the Germantown Town Center*
- *promoting certain types of uses to occur first, such as employment in Germantown*
- *limiting the extent of interim uses that provide economic return on a property but may take on a permanence that impedes implementing the master plan vision”.*

The staging plan prioritizes development based on the following principles:

- *Staging should implement the Plan’s basic elements:*
 - *Increase employment*
 - *Provide mixed land uses at transit locations*
 - *Strengthen the Germantown Town Center*
 - *Enhance community identity*
 - *Create sustainable development opportunities*

A limited amount of interim uses are allowed when they are linked to public policy objectives such as creating transit-servicable densities, workforce housing, or providing new housing units that contribute to the Town Center’s vitality” (Sector Plan, page 64).

The staging plan reflects the philosophy in the 1989 Germantown Master Plan that the Town Center should be emphasized as the principal activity center for Germantown.

Staging Triggers

The Staging Plan consists of four elements:

	Commercial Development (s.f.)	Jobs (estimated)	Dwelling units
Pipeline of approved development (no staging triggers)	3,241,729	13,000	0
Interim uses (no staging triggers)	1,694,856	6,800	1,660
Stage 1 (with staging triggers)	3,908,522	15,600	2,220
Stage 2 (with staging triggers)	7,425,732	29,700	3,630
New development ¹	16,270,839	65,100	7,510

¹Net amount when redevelopment and demotions are considered.

The interim level of development consists of 25 percent of new development approvals; there are no staging triggers applied to interim development. Other development not subject to staging includes (1) Projects that are 60 percent workforce or employer-sponsored housing; and (2) academic facilities at Montgomery College; and (3) development reviewed as mandatory referral.

Stage 1 consists of 30 percent of new development. The staging triggers for Stage 1 include:

- Sectional Map Amendment
- Phase 1 of an urban service district
- Monitoring program for non-driver mode share
- Urban parks funding
- MARC parking garage funding
- Alternative park and ride location outside of Town Center
- Bowman Mill Drive connection to MD 118

Stage 2 consists of 45 percent of new development. The staging triggers for Stage 2 include:

- Funding for CCT segment between Metropolitan Grove and Germantown Town Center
- Determination of whether M-83 will be built
- Increase of non-driver mode share to 21 percent
- Construction of Observation Drive extended
- Goldenrod Lane and Cider Press Drive extension to MD 355
- Complete Century Boulevard
- Fund Dorsey Mill Road bridge crossing over I-270

6. How will an Urban Service District and Parking Lot District implement the Plan recommendations?

This information will be discussed orally at the June 15, 2009 PHED worksession.

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