


**M E M O R A N D U M**

February 11, 2014

TO: Planning, Housing, and Economic Development and Transportation, Infrastructure,  
Energy and Environment Committees

FROM: Marlene Michaelson,  Senior Legislative Analyst

SUBJECT: Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown  
Special Study Area

This is the Planning, Housing, and Economic Development (PHED) and Transportation, Infrastructure, Energy and Environment (T&E) Committees' seventh joint worksession on the Planning Board Draft of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. Most of the background for this the Committees' discussion is contained in the memorandum for the January 29 worksession. This memorandum summarizes the issues on the votes before the committees.

**Councilmembers should bring their copy of the Plan and the packet for the  
January 29 worksession to the meeting.**

**DENSITY AND UNIT TYPE**

Councilmembers have indicated to Staff that impervious surface area limitations are more important than the number or type of units and therefore Staff has worked with Planning Department to determine the maximum number of units that could be built on each site without overwhelming the site. In many cases, the market may not lead to the maximum, but having a higher density will allow property owners the flexibility to add more development if it is marketable.

Based on the Committees' direction, Staff has added some new zoning options and suggested some alternatives that could increase unit yield. The impervious surface area of each option is presented in calculations prepared by Planning Department Staff displayed on © 1-3.

In addition, Staff recommends that the impervious surface overlay zone be used to amend the Rural Neighborhood Cluster (RNC) zone to allow the following:

- Further consideration of whether it would be appropriate to allow multi-family units.
- A height in excess of 35 feet (up to 50 feet for townhomes and duplex units and up to 65 feet if the Council decides to allow multi-family units).
- A greater number of units per acre than where specified in the Master Plan. (Staff has recommended RNC 2 in some of the options that appear below.)

## **RURAL PROPERTIES AND AGRICULTURAL RESERVE**

The properties designated for Rural (1 unit per 5 acres) and Rural Density Transfer (RDT – 1 unit per 25 acres) in the 1994 Master Plan are addressed on page 39 of the Master Plan Amendment and shown in orange and green on the map on page 29 of the Master Plan.

**The Master Plan recommends confirming the existing zoning, and Staff concurs.**

## **COUNTY PROPERTIES WEST OF 1-270**

Montgomery County owns more than 380 acres in the upper reaches of the Ten Mile Creek watershed (see page 37 of the Master Plan). The Master Plan discusses this property on pages 38 to 39. The County Executive has recommended not allowing any further impervious surface area on the County properties.

**Staff Recommendation:** Since the County has plans to expand the Correctional Facility for training and potentially for additional residential facilities, Staff recommends that the Master Plan Amendment either allow a 0.25 percent increase in impervious surface area on the Corrections site, or indicate that there may be a future amendment to the impervious surface overlay zone to allow up to a 0.75 acre expansion – which would be a .002 increase in total watershed impervious surface area.

## PULTE/KING PROPERTIES

The background on the Pulte/King Properties is in the January 29 memorandum. Options are presented below:

<b>Pulte</b>	<b>Zone</b>	<b>Yield</b>	<b>TDRs</b>	<b>Site Imperviousness</b>	<b>Subwatershed Imperviousness</b>	<b>Comments</b>
Option 1 (Property Owner/1994 Plan)	RE-1/ TDR2	807 <sup>1</sup>	169	12.5%	15.1% (LSTM110) 14.1% (LSTM111)	
Option 2 (Planning Board)	RNC 1	538 units	0	10%	10.1% (LSTM110) 13.8% (LSTM111)	65% Open Space
Option 3 (Planning Staff)	RNC 0.4	215	85	8.0%	8.4% (LSTM110) 11.1% (LSTM111)	80% Open Space
Option 4	RNC 1.0	215 - 538 units <sup>2</sup>	0	8.0%	8.4% (LSTM110) 11.1% (LSTM111)	80% Open Space and no limit on mix of units
Option 5	RNC 1.0	215 - 538 units	0	7.0%	7.5% (LSTM110) 9.7% (LSTM111)	Scenario 5 in consultant study
Option 6	RNC 1.0	215 - 538 units	0	6.0%	6.6% (LSTM110) 8.3% (LSTM111)	80% Open Space and no limit on mix of units

<sup>1</sup> The 1994 Plan allowed up to 1.5 units per acre or 900 units over the entire site – which would equate to 807 units on the portion owned by Pulte and King.

<sup>2</sup> Typical RNC development with single-family detached units and an 8% cap would yield approximately 215 units. Staff recommends setting the zoning at RNC 1 as recommended by the Planning Board and giving the property owner the flexibility to develop with all smaller and/or attached units to increase yield.

## MILES-COPPOLA PROPERTIES

The background on the Miles-Coppola Property is in the January 29 memorandum. Options are presented below:

	Zone	Yield	Site Imperviousness	Subwatershed Imperviousness	Comments
<b>Miles-Coppola 1994 Plan</b>	R-200 MXPD	288 units 470,000 square feet commercial	Not limited	Estimate (since not limited) 28.7% (LSTM 206) <sup>3</sup>	
Option 1 (Property Owner)	CR	300 units 450,000 square feet + 250 hotel rooms	35%	30.8% (LSTM 206)	A 35% impervious surface area rate would not only increase the negative impact on the stream, but could not be accommodated within the areas designated by DEP as sensitive in Scenario 3.
Option 2 (Planning Board)	CR	850 units 2.13 million square feet	25%	28.2% (LSTM 206)	Would allow significant development, but with potential impacts on Ten Mile Creek.
Option 3	RNC 2 <sup>4</sup> and CRT 2.0, C 2, R 2, H 120	Up to 190 units on 95 acres; and up to 435,600 on 5 acres	20%	25.9% (LSTM 206)	Scenario 5 in consultant analysis
Option 4	RNC 2 and CRT 2.0, C 2, R 2, H 120	Approx. 161-190 units on 95 acres; and up to 435,600 on 5 acres <sup>5</sup>	15%	23.7% (LSTM 206)	Places higher density CRT zoning on southern developable area near most degraded streams. Reduces overall impervious surface area while allowing development near Town Center.
Option 5	RNC 1 and CRT 2.0, C 2, R 2, H 120	48 units <sup>6</sup> on 95 acres; and up to 435,600 on 5 acres	8%	21.1% (LSTM 206)	Places higher density CRT zoning on southern developable area near most degraded streams. Greater reduction in overall impervious surface area places greater limit on unit potential.
Option 4	RNC 0.4	35 units	8.0%	21.1% (LSTM 206)	Allows greatest protection of resources, but significantly limits development that could be beneficial for Town Center.

<sup>3</sup> All estimates of impervious surface area on LSTM 206 assume the same percentage of impervious surface area in for the Miles-Coppola and Egan properties.

<sup>4</sup> Would require that, under the impervious surface overlay zone, densities in the RNC zone could go up to 2.0 (plus an MPDU bonus) when specified in a master plan.

<sup>5</sup> Planning Department Staff have estimated that a 20% imperviousness cap could allow approximately 161 attached units, assuming an average of 2,700 square feet of impervious area per townhouse unit. If average impervious rates are less, the property could be developed at the full potential allowed in the zone.

<sup>6</sup> Assumes average impervious surface area of 2700 square feet per unit.

**EGAN/MATTLYN ENTERPRISES LLC PROPERTY**

The background on the Egan/Mattlyn Property is in the January 29 memorandum. It is important to note that this property straddles LSTM 201 and LSTM 206. Options are presented below:

	<b>Zone</b>	<b>Yield</b>	<b>Site Imperviousness</b>	<b>Subwatershed Imperviousness</b>
<b>Egan 1994 Plan</b>	R-200/ PD 2-4	297 units <sup>7</sup>	Estimate 28.5%	7.6% (LSTM 201) 30.8% (LSTM 206)
Option 1 (Planning Board)	R 200	198 units	25%	7.5% (LSTM 201) 28.2% (LSTM 206)
Option 2	RNC 2	198 units	20%	6.8% (LSTM 201) 25.9% (LSTM 206)
Option 3	RNC 2	198 units	15%	6.5% (LSTM 201) 23.7% (LSTM 206)
Option 4	RNC 1.0	99 units	8%	6.5% (LSTM 201) 23.7% (LSTM 206)
Option 5	RNC 0.4	39 units	8.0%	5.8% (LSTM 201) 21.1% (LSTM 206)

**HISTORIC DISTRICT**

The background on this area is provided in the Staff packet for the January 29 worksession. The existing zoning is a combination of R-200, C-1 and C-2 (see © 4). The Master Plan Amendment recommendations for the Historic District are described on pages 34-35 of the Master Plan. This Amendment recommends the Commercial/Residential Neighborhood (CRN) zone with an overall floor area ratio (FAR) of 0.25, a Commercial (C) FAR of 0.25, a Residential (R) FAR of 0.25 and height (H) of 35 feet (CRN 0.25, C 0.25, R 0.25, H 35).

The Council received testimony from property owners objecting to the recommended rezoning and indicating that it would be a downzoning for some properties.

**Staff recommends CRT 0.5, C 0.5, R 0.5, H 45.**

**FIRE STATION**

**Staff recommends that the Master Plan encourage the County to once again consider other options for the Fire Station that are either outside the Ten Mile Creek Watershed or on land that already has an impervious surface on it.**

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<sup>7</sup> Assumes mid-point of range in the 1994 Plan recommendations.

## **PARKS RECOMMENDATIONS**

**Staff supports the change in language recommended in the January 29 memorandum:**

On page 41 in the last bullet on the page, change the word “convey” to “dedicate” and also add the following language at the end of the last bullet:

However, land not available through dedication during the development review process may be acquired by the Department of Parks.

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# Summary of Assumptions

	2013 Public Hearing Draft	2013 Planning Board Draft	Council Staff Draft	15/15/6%	8% Reduced	Scenario 5
Egan	R200 (25%)	R200 (25%)	RNC 1.0 (15%)	RNC ? (15%)	RNC 1.0 (8%)	R200 (20%)
Miles/Coppola	CR (25%)	CR (25%)	CR, RNC 1.0 (15%)	CR, RNC ? (15%)	CR, RNC ? (8%)	CR (20%)
Fire Station	Build	Build	Build	No Build	No Build	Build
Historic Dist.	Build	Build	Build	Build	Build	Build
Bypass	Build 4 lanes	Build 4 lanes	Build 2 lanes	Build 2 lanes	Build 2 lanes	Build 4 lanes
County Depot	8%	RNC	No Dev	No Dev	No Dev	No Dev
County Detention*	4.5%	4.5%	4.2%	4.2%	4.2%	4.5%
Pulte	RNC (8%)	RNC (10%)	RNC (8%)	RNC (6%)	RNC (8%)	RNC (7%)
Impervious in LSTM110 , 111	8.4%, 11.1%	10.1, 13.8%	8.4%, 11.1%	6.6%, 8.3%	8.4%, 11.1%	7.5%, 9.7%
Watershed Imp.	7.5%	8.0%	6.6%	6.3%	6.2%	6.8%

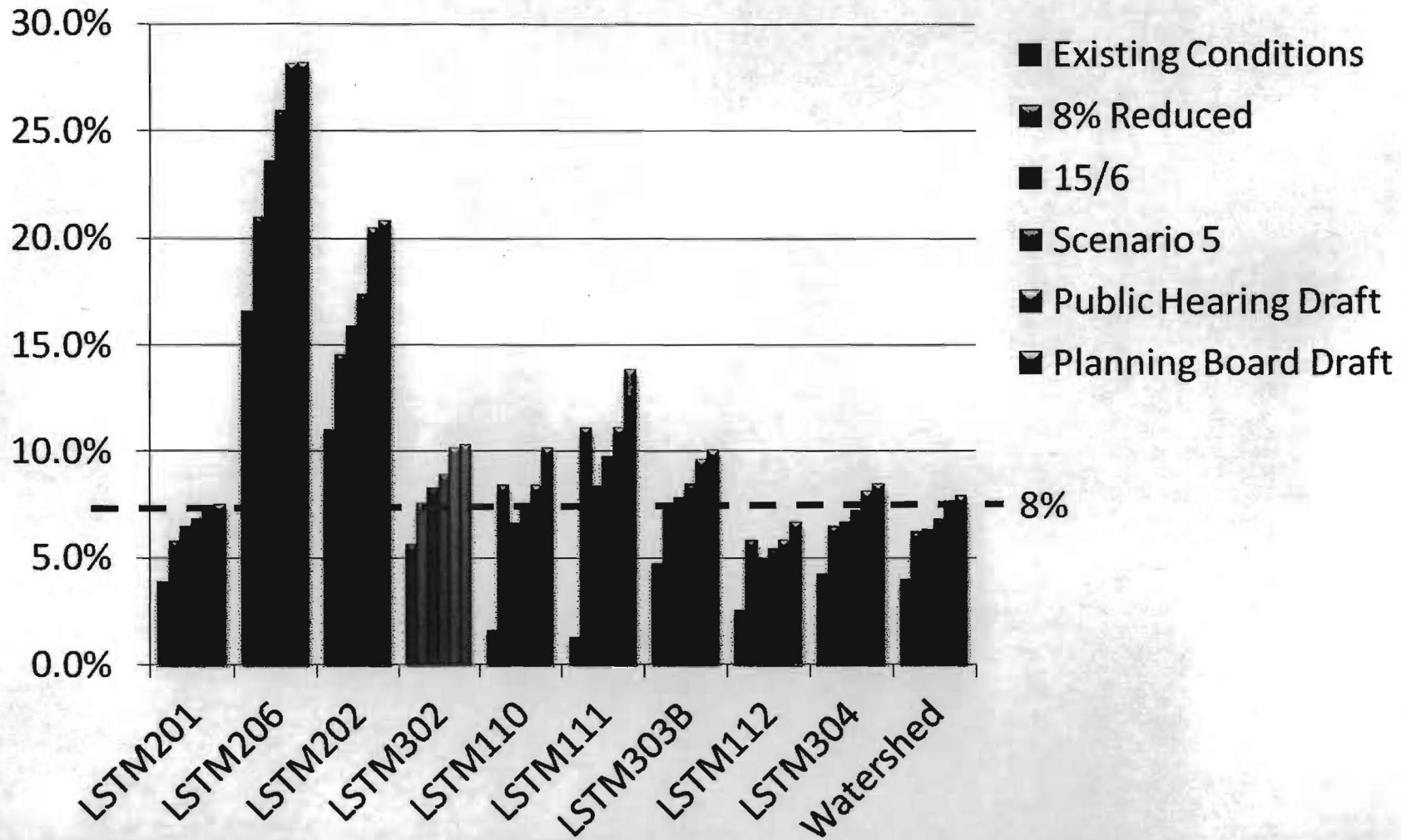
\* The existing imperviousness of the Detention Center is 4.2%. Some scenarios assumed expansion.

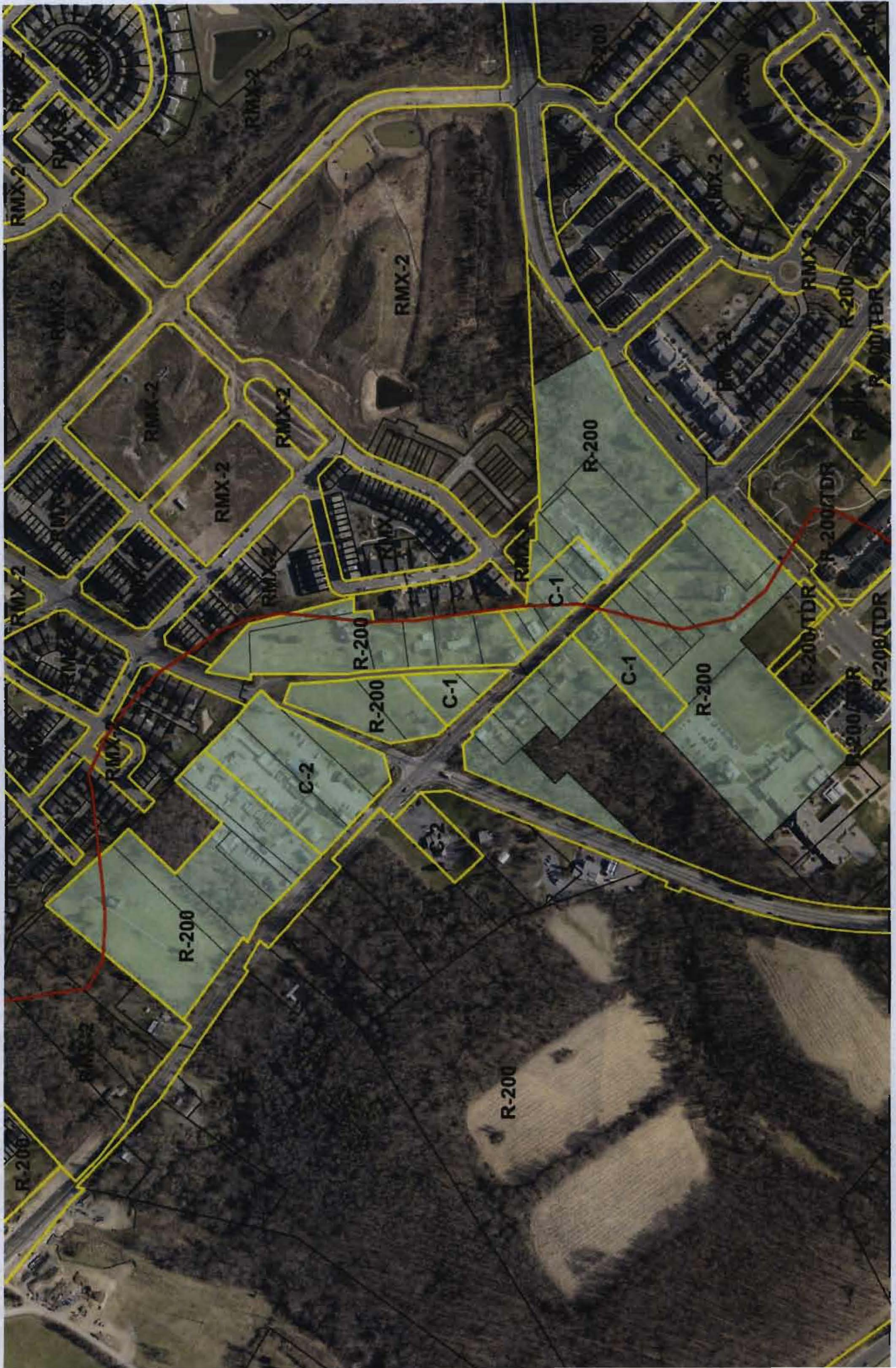
## Cumulative Imperviousness Estimates by Subwatershed

Subwatershed	Existing Conditions	15/6 Option	8% Reduced	Scenario 5	Council Staff	Public Hearing Draft	Planning Board Draft
<b>LSTM201</b>	3.9%	6.5%	5.8%	6.8%	6.5%	7.5%	7.5%
<b>LSTM206</b>	16.6%	23.6%	20.9%	25.9%	23.6%	28.2%	28.2%
<b>LSTM202</b>	11.0%	15.9%	14.5%	17.4%	16.1%	20.5%	20.8%
<b>LSTM302</b>	5.6%	8.3%	7.6%	8.9%	8.4%	10.2%	10.3%
<b>LSTM110</b>	1.6%	6.6%	8.4%	7.5%	8.4%	8.4%	10.1%
<b>LSTM111</b>	1.2%	8.3%	11.1%	9.7%	11.1%	11.1%	13.8%
<b>LSTM303B</b>	4.7%	7.8%	7.5%	8.5%	8.2%	9.6%	10.0%
<b>LSTM112</b>	2.5%	5.0%	5.8%	5.4%	5.8%	5.8%	6.6%
<b>LSTM304</b>	4.2%	6.7%	6.5%	7.2%	7.0%	8.1%	8.4%
<b>Watershed</b>	4.0%	6.3%	6.2%	6.8%	6.6%	7.6%	7.9%



## Cumulative Imperviousness Estimates by Subwatershed





4