

**MEMORANDUM**

April 25, 2019

TO: County Council

FROM: Pamela Dunn, Senior Legislative Analyst 

SUBJECT: **MARC Rail Communities Sector Plan<sup>1</sup> - Part I**

PURPOSE: Discussion of Committee recommendations and action to approve the MARC Rail Communities Sector Plan resolution

**Participants:**

Casey Anderson, Chair, Montgomery County Planning Board  
Gwen Wright, Director, Montgomery Planning Department  
Richard Weaver, Area 3 Chief, Montgomery Planning Department  
Fred Boyd, Master Plan Supervisor, Montgomery Planning Department  
Roberto Duke, Planner Coordinator, Montgomery Planning Department

This report presents the recommendations of the Planning, Housing, and Economic Development (PHED) Committee regarding the MARC Rail Communities Sector Plan. A separate memorandum from Glenn Orlin addresses the transportation issues in the Plan.

**Councilmembers may wish to bring their copy of the Plan to the meeting.**

**BACKGROUND**

Located in the upper portion of Montgomery County, Boyds and Germantown are historic rail communities that grew with the arrival of the Metropolitan Branch of the Baltimore and Ohio (B&O) Railroad. Boyds is a small, rural, unincorporated town with a population of approximately 2,000 people. Much of the community falls within the Boyds Historic District, which encompasses the area on both sides of White Ground Road and the area north and south of the railroad tracks.

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<sup>1</sup> Key words: #MARC Rail Plan 2019, MARC, Boyds, Germantown, Rail.

Germantown is a large unincorporated town with a population of approximately 89,000 residents, representing nearly nine percent of the population in Montgomery County. The Germantown MARC Station is located near the geographic center of the community. The area just north of the Station contains most of the Germantown MARC Station parking and three vacant sites with development potential. The area south of the railroad tracks is more homogeneous, consisting primarily of single-family homes. Adjacent to the MARC Station is the Germantown Historical Society headquarters located in the 1922 Germantown Bank.

Although different in size and character, these two communities are connected by the Maryland Area Regional Commuter (MARC) Brunswick Line. The purpose of the MARC Rail Communities Sector Plan is to promote a range of safe transportation alternatives, recommend improvements to the existing transportation systems, and support better connections to the MARC Station areas that respect the residential neighborhoods and historic resources of Boyds and Germantown.

## **PLAN RECOMMENDATIONS**

The MARC Rail Communities Plan recommendations are organized around four overarching planning principles that comprise the vision for the Boyds and Germantown communities: *Connect*, *Renew*, *Preserve*, and *Sustain*. For each principle, the Plan provides a series of goals and associated recommendations for fulfilling the Plan vision. Some recommendations are areawide, while others are specific to a particular property or location.

### *Connect*

The Plan sets two goals for improved transportation connections. The recommendations to meet these goals are covered under a separate staff report by Glenn Orlin.

### *Renew*

The first goal is to “Promote compatible infill development around the Boyds and Germantown MARC Stations, while protecting existing residential uses, historically significant structures, and natural areas.” (page 67)

**Committee Recommendation: Support the areawide recommendations to implement the first goal.**

#### Boyds

The Plan recommends preserving Boyds’ historic fabric and rural village character to preserve the community’s historic function as a gateway to the Agricultural Reserve. This broad recommendation is followed by six bullets providing detailed guidance for implementation. The first bullet recommends retaining existing uses throughout the Boyds Plan area to preserve the character of the community. As plans are 20-year visions for a community, expecting the same uses to be retained for 20 years can result in unexpected inflexibility.

**Committee Recommendation: Replace “Retain existing uses” in the first bullet with “Support existing and similar uses” and support the other recommendations to implement the first goal under *Renew*.**

Germantown

**Committee Recommendation: Support the recommendations to implement the first goal.**

The second goal is to “Promote compact, walkable and context-sensitive development that supports the Boyds and Germantown MARC stations, while protecting and reinforcing each community’s scale, historic character and sense of place.” (page 77)

**Committee Recommendation: Support the areawide recommendations to implement the second goal.**

Boyds

**Committee Recommendation: Support the recommendations to implement the second goal.**

Germantown

The first recommendation under the second goal is to ensure that new building heights and transitions between building heights are context-sensitive and compatible with the Germantown Historic District. This recommendation is followed by seven bullets, each one providing text related to the height of an identified area.

In all but one recommendation, the text related to height matches the height recommended under rezoning; however, the fourth bullet recommends limiting height to 60 feet on a portion of the Rolling Hills apartment complex.

**Committee Recommendation: Delete the bullets referring to specific height recommendations covered under zoning, and revise recommendation “a” to include the intent of the fourth bullet, as follows:**

- a. Ensure that new building heights and transitions between building heights are context-sensitive and compatible with the Germantown Historic District and other existing structures that shape the character of the community. Transition the buildings along Waters Road, Germantown Road, Walter Johnson Road, and Wisteria Drive from higher to lower heights to ensure compatibility with the Germantown Historic District[.]. On Site GJ, the Rolling Hills apartment complex, allow maximum building heights on the eastern portion of the property, nearer Great Seneca Highway. On the western portion of the property, lower building heights, similar to those recommended for Site GF, should be maintained for compatibility with the nearby Historic District.

**Support the other recommendations to implement the second goal.**

The third goal under *Renew* is to “Establish a network of attractive parks, public spaces, trails and community gathering places in the Boyds and Germantown communities to provide space for recreation and social interaction, while enhancing the beauty and environmental quality of both communities.” (page 79)

**Committee Recommendation: Support the areawide, Boyds, and Germantown recommendations to implement the third goal.**

The fourth goal is to “Provide high quality schools and community facilities throughout the Boyds and Germantown areas.” (page 81)

**Committee Recommendation: Support the areawide, Boyds, and Germantown recommendations to implement the fourth goal.**

The fifth and last goal under *Renew* is to “Apply zoning to support the land use recommendations.”

Boyds (pages 82-83, maps on pages 84-85)

The Plan recommends the following zoning to support the historic and rural community character of Boyds, consistent with densities in locations outside the water and sewer envelopes:

- Retain the existing residential and agricultural zones, Residential-200 (R-200), Residential Estate-1 (RE-1), Residential Estate-2 (RE-2) and Rural (R);
- Replace the Town Sector (T-S) zone on parkland surrounding Little Seneca Lake with the RE-2 and Rural zones;
- Replace the Neighborhood Retail zone (NR 0.75, H-45) with Commercial Residential Neighborhood zone (CRN 0.25, C-0.25, R-0.25, H-45) to allow flexibility of uses in historic structures and reflect densities that can be reached using well and septic facilities; and
- Replace the Moderate Industrial zone (IM 2.5, H-50) with the Moderate Industrial zone (IM 0.25, H-50) to reflect densities that can be achieved using well and septic facilities.

The Plan also recommends that reduced setbacks and additional septic capacity across property lines be allowed where the patterns are compatible and replicate existing development, consistent with the Historic Area Work Permit and County permitting processes.

**Committee Recommendation: Support these recommendations.**

Germantown (page 83, maps on pages 86-87)

The Plan recommends the following zoning to support the historic and residential areas of Germantown and allow compatible redevelopment:

South of the Railroad Tracks

- Retain the residential zones, Residential-200 (R-200) and Residential-60 (R-60);
- Replace the Residential Townhouse zones, Residential Townhouse 6.0 (RT-6.0) and Residential Townhouse 12.5 (RT-12.5) zones with the Townhouse Low Density (TLD) and Townhouse Medium Density (TMD) zones, respectively; and
- Retain the Commercial Residential Neighborhood zone (CRN 0.5, C-0.5, R-0.25, H-35).

**Committee Recommendation: Support these recommendations.**

North of the Railroad Tracks

- Retain the Residential-200 zone (R-200) on the Seneca Valley High School area;
- Replace the Commercial Residential Town zone (CRT 1.0, C-0.5, R-0.75, H-65T) with (CRT 0.75, C-0.75, R-0.75, H-60) to allow for existing land uses and provide a future mix of uses;
- Replace the Commercial Residential zone (CR 0.5, C-0.25, R-0.25, H-60T) with the Commercial Residential zone (CR 1.0, C-0.75, R-0.75, H-70) to allow a mix of uses along Walter Johnson Road in proximity to the MARC Station;
- Replace the Commercial Residential zones (CR 1.0, C-0.5, R-0.75, H-60T; CR 0.75, C-0.25, R-0.5, H-60T; and CR 1.0, C-0.25, R-1.0, H-60T) with a single, consistent

Commercial Residential zone (C 0.75, C-0.5, R-0.75, H-60) to reflect the Plan's recommendations;

- Replace the Commercial Residential Town zone (CRT 1.5, R-0.5, R-1.0, H-90T) with the Commercial Residential zone (CR 1.0, C-0.25, R-0.75, H-90) to support the Plan's recommendations;
- Replace the Commercial Residential zone (CR 2.0, C-1.75, R-0.75, H-100T) with the Commercial Residential zone (CR 1.25, C-0.75, R-0.75, H-75) to support the Plan recommendations; and
- Replace the Commercial Residential zones (CR 2.0, C-1.0, R-1.5, H-100T and CR 2.0, C-1.75, R-0.75, H-100T) with the Commercial Residential zone (CR 1.25, C-0.75, R-0.75, H-100) to support the Plan recommendations and the concept of building heights increasing toward the Germantown Town Center.

Testimony: The Council received testimony from three property owners in the Germantown area, all in support of the recommended rezoning. The Council also received testimony from a property owner outside of the Plan boundary requesting a rezoning. As this was not considered by the Planning Board or staff, the appropriate evaluation of this property for a rezoning would be through the floating zone process.

**Committee Recommendation: Support these recommendations.**

There is one zoning recommendation for the Germantown MARC Station area that warrants further discussion. It involves the historic Pumphrey-Mateny House and the MARC Station parking lots, located in the area labeled GF on the map on page 87. The Plan recommendation for these properties is to replace the Commercial Residential zone (CR 2.0, C-1.5, R-1.5, H-40T) with the Commercial Residential Neighborhood zone (CRN 0.75, C-0.25, R-0.75, H-60) to reflect the recommended land uses, heights and densities in the Plan.

First, with respect to the Pumphrey-Mateny House, this zoning change would make the Pumphrey-Mateny House non-conforming. The house is currently being used as an office. According to State of Maryland Tax Assessment records, the property is improved with 3,000 square feet of office use on an 11,335 square foot site. This translates into a current FAR (Floor Area Ratio) of .27, which is greater than the recommended commercial FAR of .25. A Multiple Listing Service document from a few years ago notes that there is an additional 2,000 square feet of storage space which, if ever desired to be converted into non-residential use, would raise the FAR to .44.

**Committee Recommendation: Rezone the Pumphrey-Mateny House from the Commercial Residential zone (CR 2.0, C-1.5, R-1.5, H-40T) to the Commercial Residential Neighborhood zone (CRN 0.75, C-0.50, R-0.75, H-60) to ensure that existing and potential use of the historic property conforms to zoning.**

Second, with respect to the MARC Station parking lots, changing from CR to CRN could prohibit the construction of parking structures on these sites. A parking structure is prohibited in the CRN zone. While any public parking structure could be viewed as a public use (allowed in all zones), the Mandatory Referral process requires the Planning Board to consider whether the proposal is consistent with the intent and the requirements of the zone in which it is located. To request to locate a parking structure in a zone in which it is prohibited may be problematic.

Testimony: The Council received testimony from Mr. Albiol, the owner of the Pumphrey-Mateny House. As it relates to land use, Mr. Albiol expressed concern with the construction of a parking garage and any other possible redevelopment abutting his property, citing concerns with the structural integrity of the foundation of the historic house.

**Committee Recommendation: Rezone the MARC Station parking areas (the area labeled GF minus the Pumphrey-Mateny House) from the Commercial Residential zone (CR 2.0, C-1.5, R-1.5, H-40T) to the Commercial Residential Town zone (CRT 0.75, C-0.50, R-0.75, H-60) to ensure that existing and potential use of the property conforms to zoning.**

The Plan also recommends confirming the Germantown Transit Mixed-Use Overlay zone to prioritize the use of building lot terminations (BLTs) in optional method developments.

**Committee Recommendation: Support this recommendation.**

### *Preserve*

The first goal is to “Retain, restore, and rehabilitate historic resources that contribute to the historic fabric of both communities.” (page 88)

Testimony: The Council received testimony from the Boyds Historical Society supporting the preservation recommendations with respect to the Boyds community, including the preservation of the 1927 underpass.

**Committee Recommendation: Support the areawide recommendations to implement this goal.**

### *Boyds*

To implement this goal, the second recommendation for the Boyds community is to retain the 1927 pedestrian underpass under the railroad where White Ground Road once crossed the tracks. This recommendation is followed by three bullets providing greater detail for implementation: one is to provide improved lighting and flood prevention; another is to incorporate ramps and wheelchair lifts to make the underpass ADA compliant; and a third is to provide sufficient agency funding for maintenance.

**Committee Recommendation: Add “to the extent feasible” to the bullet regarding ramps and a wheelchair lift.** In the redevelopment of the Station area, it may be found that an alternative ADA compliant crossing is preferable. **Support the other recommendations under this section.**

### *Germantown*

**Committee Recommendation: Support the recommendations to implement this goal.**

There are three more goals under Preserve:

2. “Encourage compatible reuse of structures that lend historic character to the Boyds and Germantown communities, and maintain the rail communities’ historic integrity while revitalizing and enhancing MARC station areas;” (page 90)
3. “Ensure future development and supporting elements are compatible with existing historic districts and resources;” (page 90), and

4. “Celebrate, interpret and highlight Boyds and Germantown historic resources through programming, interpretive elements and improvements to wayfinding.” (page 91)

**Committee Recommendation: Support the areawide, Boyds, and Gerrmantown recommendations to implement these goals.**

### *Sustain*

The first three goals are:

1. “Preserve and enhance the area’s natural assets and tree canopy, including designated Best Natural Areas;” (page 92)
2. “Protect and restore the area’s water resources;” (page 94), and
3. “Acknowledge the area’s unusual geology, its influence on the area’s natural character and the constraints it imposes on development and infrastructure.” (page 95)

**Committee Recommendation: Support the areawide, Boyds, and Germantown recommendations to implement these goals.**

The fourth goal is to “Manage infrastructure and utilities to ensure responsible growth, preserve community character, and safeguard public health.” (page 95)

**Committee Recommendation: Support the areawide recommendations for the fourth goal.**

#### Boyds

The first recommendation to implement this goal is to continue to serve Boyds with individual well and septic treatment systems. The Plan also notes, however, that the Department of Environmental Protection, in its 10-year Comprehensive Water Supply and Sewerage Systems Plan, categorizes Boyds as a septic system problem area due to ongoing system failures and recommends that Boyds be added to the public water and sewer service area.

The second recommendation suggests that if community sewer service is needed to safeguard the public’s health, it should be limited to residential and institutional uses along Hoyles Mill Road and White Ground Road. Council Staff recommended adding the Hoyles Mill/Anderson property (MARC Rail Station) to this list. The Planning Department concurred.

**Committee Recommendation: Add the Anderson property (MARC Rail Station) to the limited area that can be *considered* for community sewer should it be needed to safeguard the public’s health.**

#### Germantown

**Committee Recommendation: Support the recommendations to implement these goals.**