



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #**  
**07/28/08**

July 17, 2008

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** Glenn Kreger, Acting Chief *GK*  
Community-Based Planning Division

**FROM:** Sue Edwards, Team Leader, I-270 Corridor *se*  
Community-Based Planning Division (301-495-4518)

Karen Kumm Morris, Master Planner  
Community-Based Planning Division

Leslie Saville, Planner *LS*  
Community-Based Planning Division

**SUBJECT:** Public Hearing - Germantown Master Plan Amendment

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**STAFF RECOMMENDATION:** Receive public testimony at the July 28, 2008 Public Hearing for the Germantown Master Plan

This staff report addresses the following:

- I. Public Hearing
- II. New Zoning Tool
- III. Corrections to The Public Hearing Draft

**I. PUBLIC HEARING**

The Planning Board will hold the public hearing for the draft Germantown Master Plan on July 28, 2008. Public hearing testimony will become part of a formal record and will be discussed at the first worksession on September 4, 2008, and subsequent Planning Board worksessions on the Germantown Master Plan. Attached to this packet are several letters received in advance of the public hearing that will also be entered into the record.

At the first worksession on September 4, 2008, staff will identify various corrections and clarifications to the Public Hearing Draft as well as summarize the July 28 public hearing testimony.

## II. NEW ZONING TOOL

The Public Hearing Draft of the Germantown Master Plan includes a discussion of the TOMX-1 Zone on page 42. Zoning maps followed on pages 43-49. This staff report includes new text describing the zoning options and new zoning maps which replace the TOMX-1 Zone with the TMX Zone per the Planning Board's discussion on June 17, 2008.

Staff recommends the TMX Zone replace the TOMX Zone as the primary zoning tool for development in the Twinbrook, Germantown, White Flint and other designated transit station development areas. The Planning Board transmitted the TMX Zone language on June 20, 2008 for introduction and conducted a worksession on July 17 in preparation for the Council's public hearing on July 29, 2008. Council worksessions will be held in the Fall.

The July 17, 2008 Planning Board packet item on the TMX zoning text and suggested amendments is found at:

[http://www.montgomeryplanningboard.org/agenda/2008/documents/20080717\\_zta\\_08-14\\_print.pdf](http://www.montgomeryplanningboard.org/agenda/2008/documents/20080717_zta_08-14_print.pdf)

An important element of the new TMX Zone is its use as a receiving area for building lot termination (BLT) development rights. Like the Central Business District (CBD) zones, the TMX Zone establishes the standard method and optional methods of development. Under the TMX Zone, 12.5 percent of any density above the maximum allowed under the standard method of development would require the purchase of BLTs or a proportional contribution to the Agricultural Land Preservation Fund. The BLT requirement applies to both residential and non-residential development with a mixed-use project.

The Montgomery County Zoning Ordinance allows two methods of development for many mixed use zones; the standard method requires compliance with a specified set of development standards and permits a range of uses and density based on these standards. By using the optional method of development, the property owner receives additional density, uses, and height in consideration of public benefits including public use space scaled to the additional density, increased attention to overall design and to the public realm.

Another public gain from the optional method of development would be the elimination of building lots in the Agricultural Reserve which is immediately adjacent to the overall Germantown planning area. Germantown, it could be argued, is the immediate beneficiary of the agricultural productivity of the Agricultural Reserve as well as the recreational and scenic value of this working landscape.

The origin of the proposed Building Lot Termination Easement Program (BLT) is found in earlier Planning Board discussions on (1) potential strategies for resolving TDR absorption issues (January 24, 2008) and (2) equating commercial density to TDRs. Links to these two items are:

[http://www.montgomeryplanningboard.org/agenda/2008/documents/20080327\\_twinbrook\\_zoning-transit\\_center\\_print.pdf](http://www.montgomeryplanningboard.org/agenda/2008/documents/20080327_twinbrook_zoning-transit_center_print.pdf)

[http://www.montgomeryplanningboard.org/agenda/2008/documents/tomx\\_print.pdf](http://www.montgomeryplanningboard.org/agenda/2008/documents/tomx_print.pdf)

One BLT will be the equivalent of 9,000 square feet of residential space and 7,500 square feet of non-residential space. Supporting legislation and an Executive regulation will be needed for the BLT program to be implemented.

The standard method density under the TMX Zone ranges from 0.25 to 0.5 FAR and will be set in each master or sector plan. The maximum optional method density is 3.0 FAR with no minimum. The TMX Zone provides the same amenity fund provisions applicable in the CBD and RMX zones. Site plans are required for all projects submitted for either the standard method or optional method of development. These site plans must address general design principles recommended in the applicable sector plan or master plan and also address any specific design guidelines adopted by the Planning Board.

### III. CORRECTIONS TO THE PUBLIC HEARING DRAFT

Staff recommends the following corrections to the Public Hearing Draft of the Germantown Master Plan:

Page 14 Correction: Substitute the following table:

<b>Existing and Proposed Development</b>			
	Existing Development	1989 Master Plan	TOTAL Proposed in the 2008 Plan
Dwellings	7,080	5,845	13,995
Commercial (sf)	8,262,000	20,345,500	21,034,000
Jobs	22,632	59,850	65,160

Page 26 Correction Insert the Town Center District Land Use Map

Page 40 Correction Substitute the following table:

<b>Net New Development by Districts<sup>1</sup></b>		
	Commercial Square Feet (x 1000)	Residential Units
Town Center Core Area	2,600	1,760
West End Neighborhood	570	710
Gateway	1,142	570
Cloverleaf	3,029	2,145
North End	3,313	1,060
Seneca Meadows/Milestone	3,310	805
Montgomery College	1,942	70
Fox Chapel	324	340
<b>TOTAL</b>	<b>16,230</b>	<b>7,460</b>

<sup>(1)</sup> Net new development includes areas where redevelopment and new construction replaces portions of existing development

The TMX Zone will replace the TOMX Zone as the primary zoning tool for development in designated transit station development areas. An important element of the TMX Zone is its use as a receiving area for building lot termination (BLT) development rights. Like the Central Business District (CBD) zones, the TMX Zone establishes the standard method and optional methods of development. Under the TMX Zone, 12.5 percent of any density above the maximum allowed under the standard method of development would require the purchase of BLTs or a proportional contribution to the Agricultural Land Preservation Fund. The BLT requirement applies to both residential and non-residential development with a mixed-use project. The TMX Zone provides the same amenity fund provisions as in the CBD and RMX zones. Site plans submitted for the TMX Zone must address general design principles recommended in the sector or master plan and also meet the design guidelines adopted by the Montgomery County Planning Board.

The TMX Zone provides more flexibility than the previous TOMX-1 Zone in setting standard and optional method densities in each sector or master plan and applies to both residential and non-residential components of a mixed-use project. The TMX Zone also sets design principles applicable to both standard method and optional method projects.

This staff report includes new zoning maps.

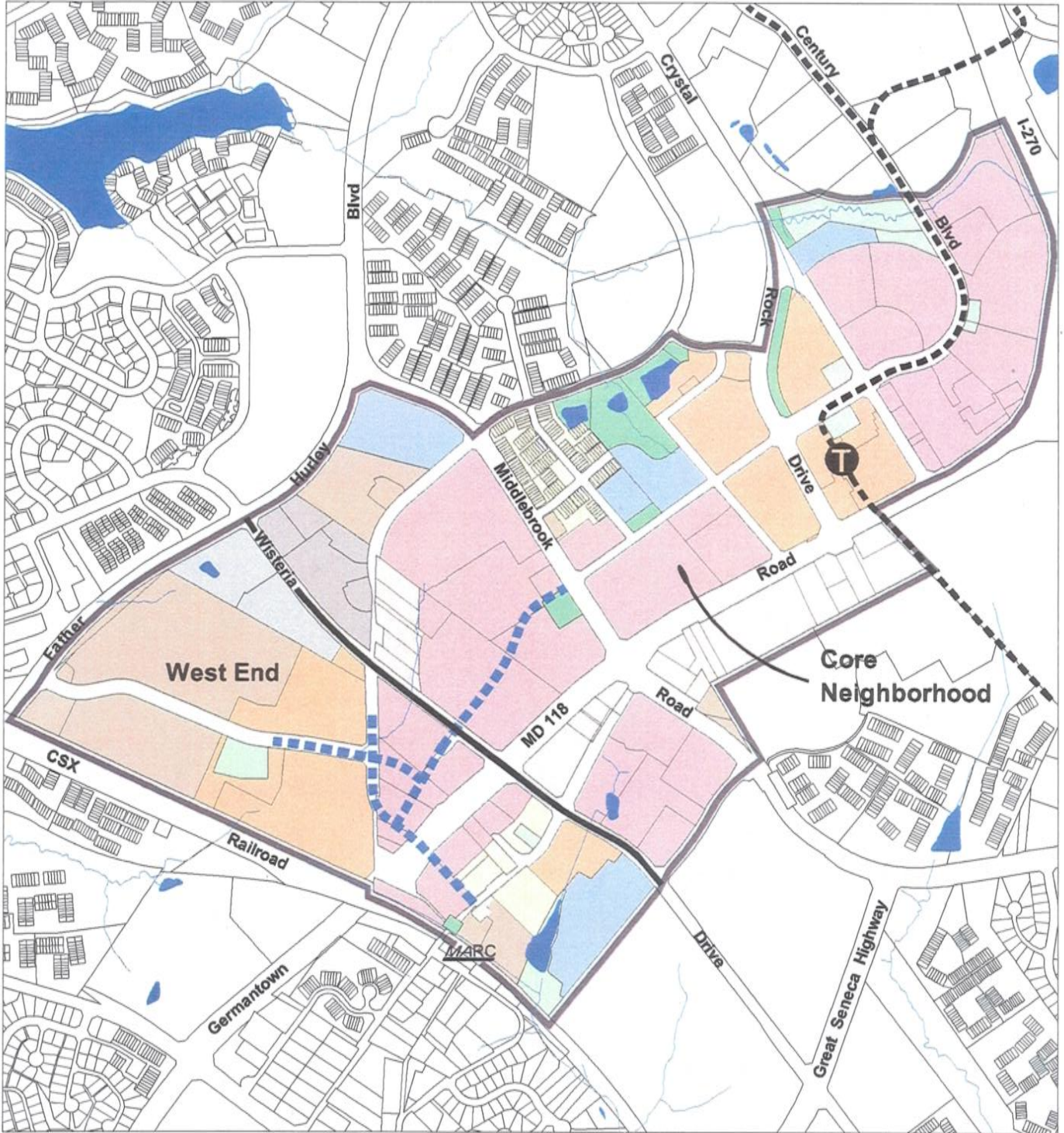
SE:ha M:/Germantown/staff report.short July 28

#### Attachments

1. Town Center Proposed Land Use
2. Town Center Corrected Zoning
3. Cloverleaf District Corrected Zoning
4. North End District Corrected Zoning
5. Seneca Meadows/Milestone District Corrected Zoning
6. Correspondence

# ATTACHMENT 1

## Town Center Proposed Land Use



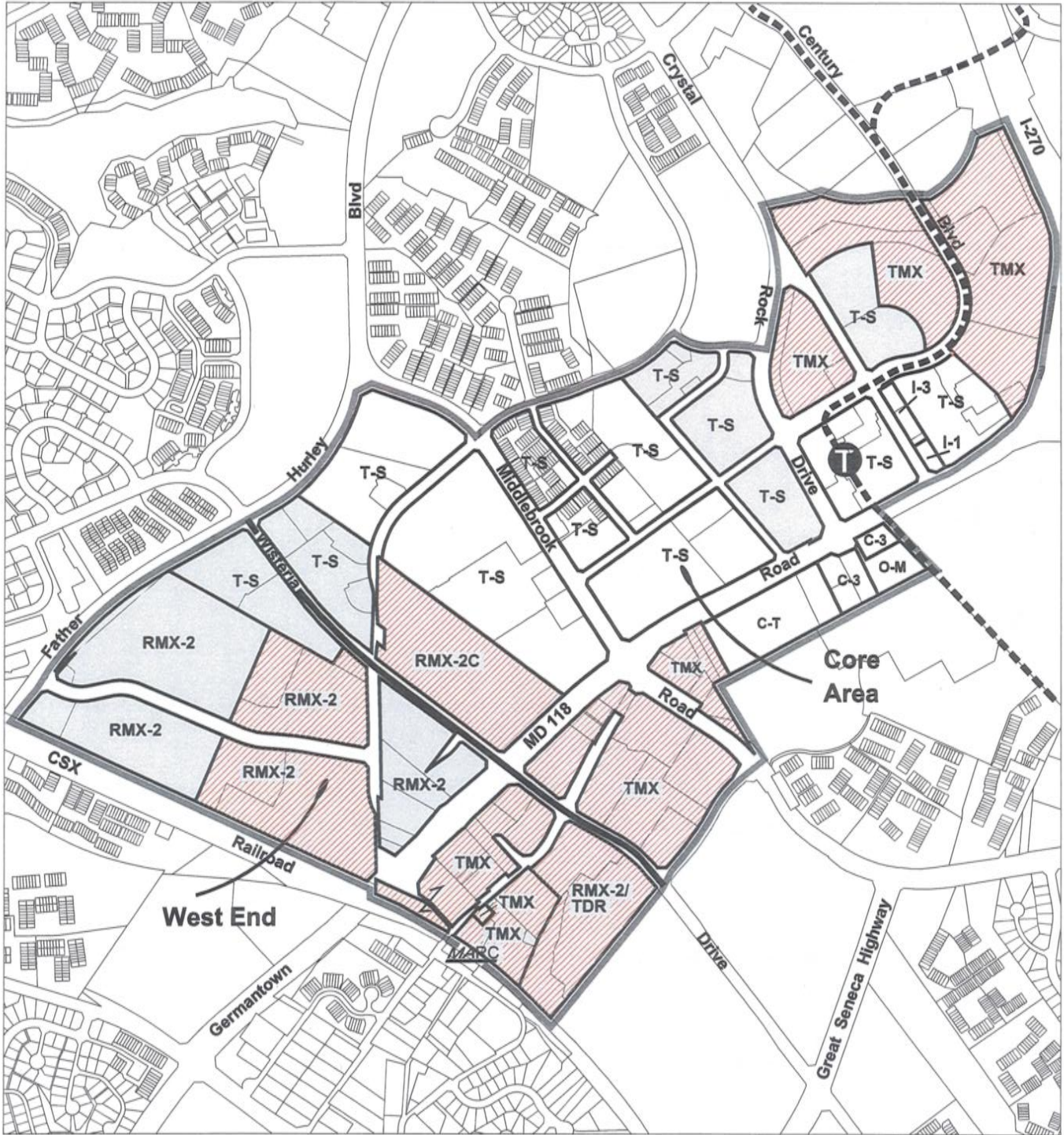
X:\A3\GTD\WV\towncenter\corewestend.dwg (towncenter.ctb)

Residential Single-Family	Commercial	Private Open Space	Proposed Corridor Cities Transitway and Station
Residential Townhouse	Office	Town Center District Boundary	MARC
Residential Multi-Family	Industrial	Transportation Improvements	Streams & Ponds
Residential, Mixed-Use (Primarily Residential)	Institutions (Public and Private) Schools, Churches, Post Office		
Commercial, Mixed-Use (Office, Retail, Service, Housing)	Public Open Space		



# ATTACHMENT 2

## Town Center Corrected Zoning



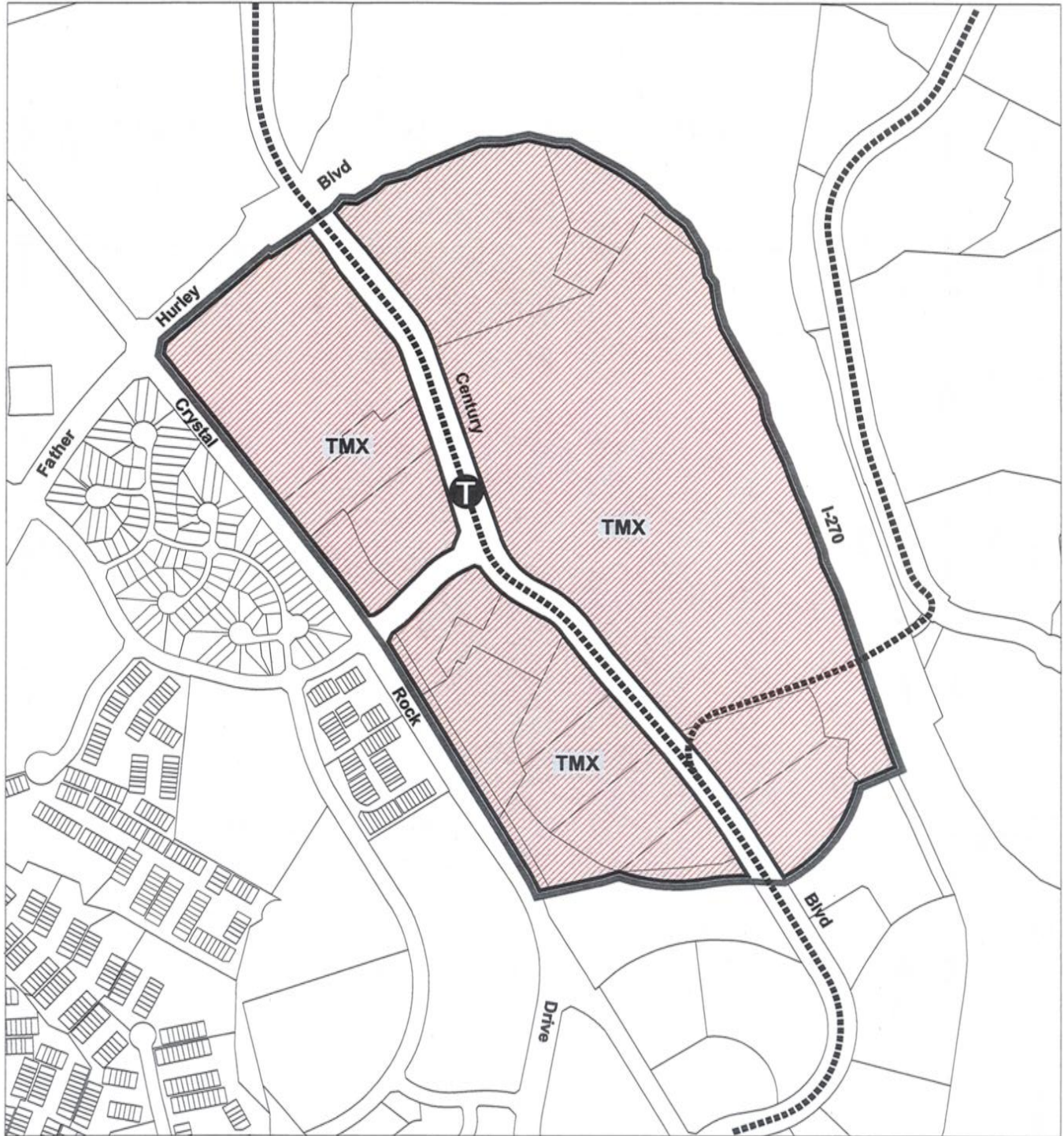
X:\A3\GTD\N\correctedtowncentercorewestzoning.dwg (towncenter.ctb)

<b>R-30</b> Multi-Family, Low Density	<b>FOMX-1</b> Transit-Oriented Mixed-Use	<b>C-3</b> Highway Commercial	Proposed Corridor Cities Transitway and Station
<b>RMX-2</b> Residential, Mixed-Use (Primarily Residential)	<b>TMX</b> Transit Mixed-Use	<b>I-1</b> Light Industrial	Commuter Train
<b>RMX-2/TDR</b> Residential, Mixed-Use, Transferable Development Rights	<b>PD-18</b> Planned Development	<b>I-3</b> Technology and Business Park	Town Center District Boundary
<b>RMX-2C</b> Residential, Mixed-Use Specialty Center	<b>C-T</b> Commercial, Transitional	Proposed Zoning Changes	Corrected Zoning Changes
<b>T-S</b> Town Sector	<b>O-M</b> Office Building, Moderate-Intensity		



# ATTACHMENT 3

## Cloverleaf District Corrected Zoning



X:\A3\GTD\N\cloverleafzoning.dwg (cloverleaf.ctb)

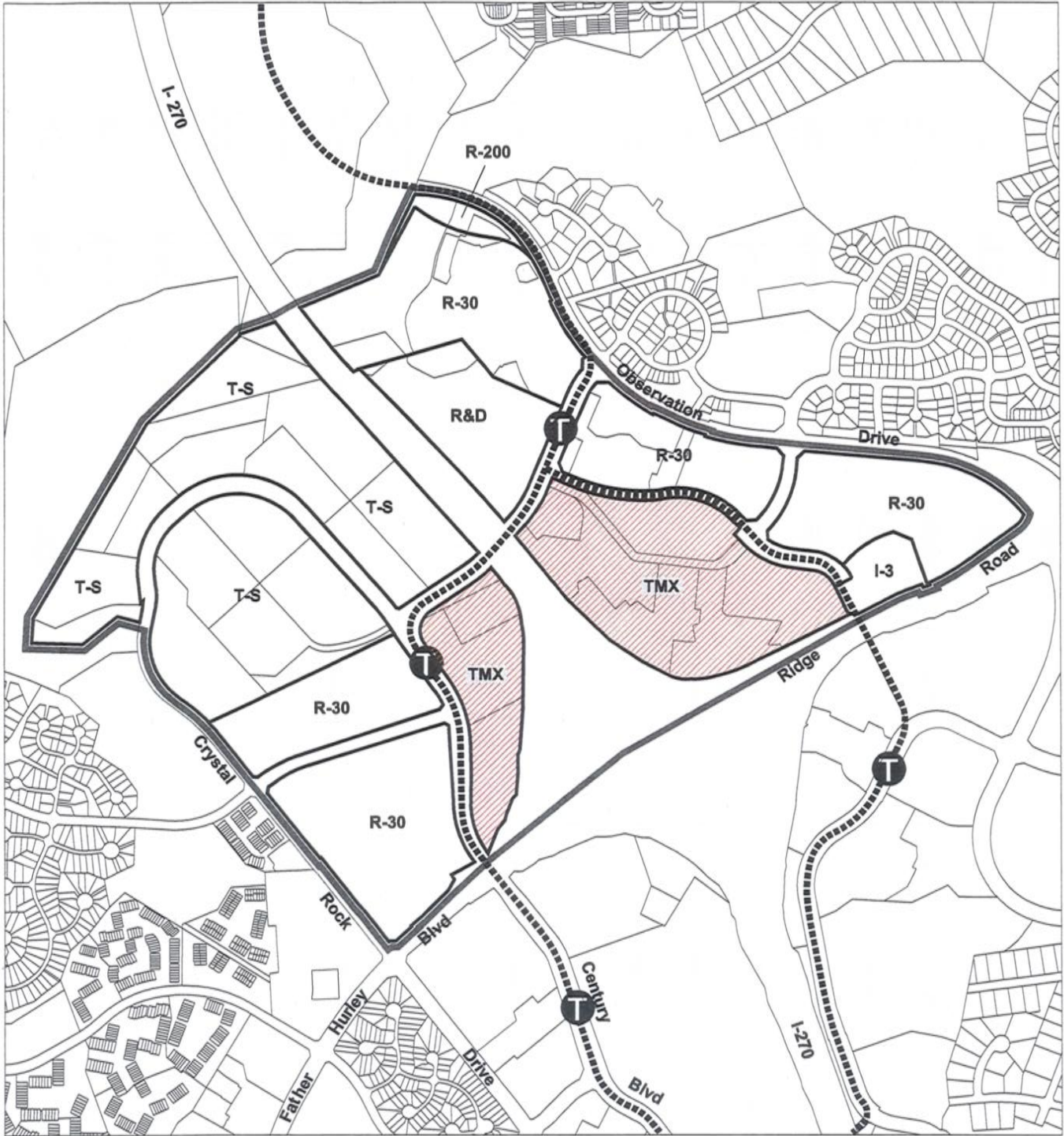
- TOMX-1** Transit Oriented, Mixed-Use
- TMX** Transit Mixed-Use
- Proposed Zoning Changes
- Corrected Zoning Changes

- Proposed Corridor Cities Transitway and Station
- Town Center District Boundary





# ATTACHMENT 4

## North End District Corrected Zoning

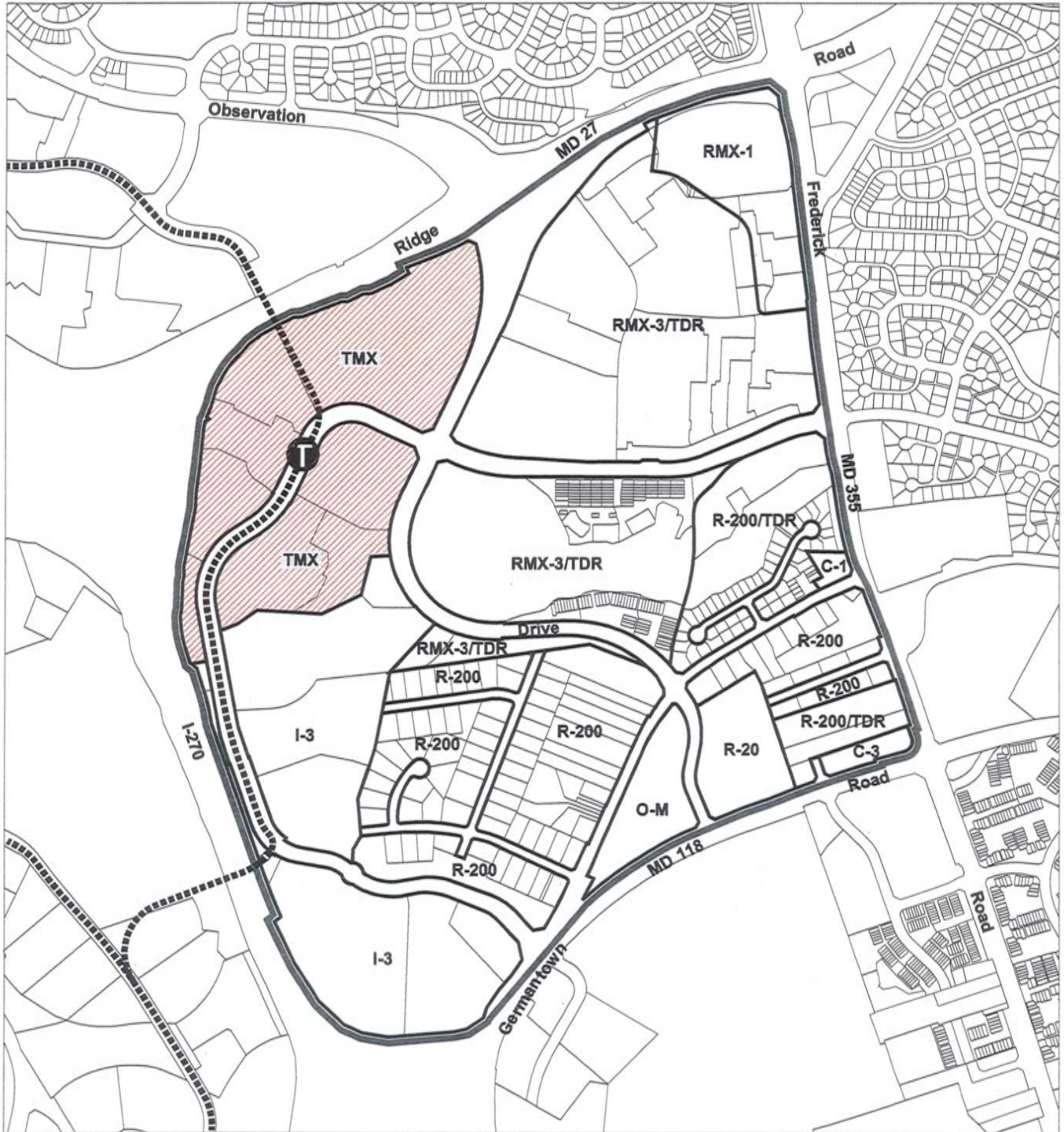


<b>R-30</b> Multi-Family, Low Density	<b>R&amp;D</b> Research and Development	Proposed Corridor Cities Transitway and Stations
<b>T-S</b> Town Sector	Proposed Zoning Changes	Town Center District Boundary
<b>TMX-1</b> Transit-Oriented, Mixed-Use	Corrected Zoning Changes	
<b>TMX</b> Transit Mixed-Use		
<b>I-3</b> Technology and Business Park		



## Seneca Meadows/Milestone District Corrected Zoning



<b>R-200</b>	Residential, One-Family	<b>FOMX-1</b>	Transit-Oriented, Mixed-Use	<b>I-3</b>	Technology and Business Park		Proposed Corridor Cities Transitway and Station
<b>R-200/TDR</b>	Residential, Transferable Development Rights	<b>TMX</b>	Transit Mixed-Use		Proposed Zoning Changes		Town Center District Boundary
<b>R-20</b>	Multi-Family, Medium Density	<b>O-M</b>	Office Building, Moderate Intensity		Corrected Zoning Changes		
<b>RMX-1</b>	Residential, Mixed-Use Community Center	<b>C-1</b>	Convenience, Commercial				
<b>RMX-3/TDR</b>	Residential, Mixed-Use Regional Center, Transferable Development Rights	<b>C-3</b>	Highway Commercial				0 500 1000

X:\A3\GTD\N\senecameadowszoning.dwg (senecameadows.ctb)

# ATTACHMENT 6

Edwards, Sue

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**From:** Kronenberg, Robert  
**Sent:** Thursday, July 03, 2008 8:33 AM  
**To:** 'staquet'  
**Cc:** Edwards, Sue  
**Subject:** RE: Germantown 9-2002002A

Unfortunately, I have not been involved with any studies related to the Costco site. You may want to contact Sue Edwards. She is cc'd on this return.

Robert

-----Original Message-----

**From:** staquet [mailto:staquet@ulb.ac.be]  
**Sent:** Saturday, June 21, 2008 3:04 AM  
**To:** Kronenberg, Robert  
**Subject:** Re: Germantown 9-2002002A

----- Original Message -----

**From:** "staquet" <staquet@ulb.ac.be>  
**To:** "Kronenberg, Robert" <Robert.Kronenberg@mncppc-mc.org>  
**Sent:** Friday, May 30, 2008 11:56 AM  
**Subject:** Re: Germantown 9-2002002A

> Mr Kronenberg,  
>  
> I wonder if you could give me some info about the new project which is  
> being  
> studied in Germantown in place of Costco.

> Thank you in advance

> M. Staquet

> ----- Original Message -----

> **From:** "Kronenberg, Robert" <Robert.Kronenberg@mncppc-mc.org>  
> **To:** "ms" <staquet@ulb.ac.be>  
> **Sent:** Monday, October 15, 2007 4:48 AM  
> **Subject:** RE: Germantown 9-2002002A

> No. The project plan was withdrawn quite a while ago.

> Robert

> -----Original Message-----

> **From:** ms [mailto:staquet@skynet.be]  
> **Sent:** Sunday, October 14, 2007 8:10 PM

> To: Kronenberg, Robert  
> Subject: Re: Germantown 9-2002002A  
>  
>  
> Is the Costco projet still alive ?  
> Thank you

> M. Staquet

> ----- Original Message -----

> From: "Kronenberg, Robert" <Robert.Kronenberg@mncppc-mc.org>  
> To: "Edwards, Sue" <Sue.Edwards@mncppc-mc.org>; "ms" <staquet@ulb.ac.be>  
> Cc: <sam.farhadi@monygomerycountymd.gov>; "Kim, Ki" <Ki.Kim@mncppc-mc.org>  
> Sent: Tuesday, January 02, 2007 4:49 PM  
> Subject: RE: Germantown 9-2002002A

>> The project plan was put on hold until the preliminary plan of  
>> subdivision  
>> is submitted for review. The preliminary plan has not been submitted;  
>> therefore, no planning board date has been scheduled. I will include  
>> your  
>> information in our files for noticing.

>> Thank you,  
>> Robert

>> -----Original Message-----

>> From: Edwards, Sue  
>> Sent: Tuesday, January 02, 2007 8:40 AM  
>> To: 'ms'  
>> Cc: Kronenberg, Robert; sam.farhadi@monygomerycountymd.gov; Kim, Ki  
>> Subject: RE: Germantown 9-2002002A

>> Thank you for the update on your property. To-date, I am not aware of  
>> any  
>> further activity on the Costco project; it is my understanding that NO  
>> Planning Board date has been set.

>> I will make sure your comments are entered into the file for this project  
>> and will communicate anything further as I hear of it.

>> Sue Edwards  
>> I-270 Corridor Team Leader

>> -----Original Message-----

>> From: ms [mailto:staquet@skynet.be]  
>> Sent: Tuesday, January 02, 2007 6:06 AM  
>> To: Edwards, Sue  
>> Cc: Kronenberg, Robert; sam.farhadi@monygomerycountymd.gov; Kim, Ki  
>> Subject: Germantown 9-2002002A

>> Dear Mrs Edwards,

>>  
>> Meaby you remember that we met in November about the 0.72459 acres that  
>> we  
>> own in Germantown (EU42-P920-I and EU42-P971-I.) for wich a connection to  
>> the 118 is considered.  
>> At the time, we were discussing with Costco the sale of this land.  
>> Unfortunately, we were unable to reach an agreement with the firm because  
>> their conditions were not acceptable.  
>> This is to say that we are still willing to sell the land, a point wich  
>> might be of interest when the Costco application is reviewed or if the  
>> county is interested.  
>> Please be so kind to send any mail by air or by email  
>> Sincerely,  
>>  
>> M. Staquet  
>> Avenue Hamoir, 60b.  
>> B-1180 Bruxelles  
>> Belgique  
>>  
>> Tel: +32 2 374 2161  
>> e-mail: [staquet@ulb.ac.be](mailto:staquet@ulb.ac.be)  
>>  
>>  
>>  
>

CLIFFORD, DEBELIUS, BONIFANT,  
FITZPATRICK & HYATT, CHTD.

ATTORNEYS AT LAW  
Olde Towne Professional Building  
316 East Diamond Avenue  
Gaithersburg, Maryland 20877-3016

James R. Clifford, Sr. (MD, VA)  
James J. Debelius (MD)  
James A. Bonifant (MD)  
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Jerry W. Hyatt (MD, DC, WV)

(301) 840-2232  
fax (301) 975-9829

John W. Debelius (1926-1984)

July 1, 2008

Sue Edwards  
Germantown Community Planner  
Team Leader  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Germantown Community Master Plan  
Parcels P724 and P779, Map EU 42  
Middlebrook Road, Germantown, Maryland

Dear Sue:

As a follow up to our conversation last week, I am enclosing a letter to you dated December 4, 2007 relating to my client, Cornelius "Bud" Wildman, the owner of 12811 Middlebrook Road, Germantown, Maryland, Parcel N723 (shown on the Tax Map as P273) Map EU42.

Mr. Wildman is a longtime Germantown business owner who has operated his car repair service center on Parcel N723 (mistakenly referenced on the tax map at N273) for more than twenty six (26) years. His service center is considered one of the finest in the country as evidenced by his continual annual awards from the Service Station Automotive Repair Association.

Two parcels lie next to Mr. Wildman's parcel on Middlebrook Road. The first parcel is P724, which is improved by a residence that has been used as a dental office for decades. Next to P724 is parcel P779, a residue parcel created by the construction of Middlebrook Road. Parcel P779 consists of 13,068 square feet and was purchased by Mr. Wildman a few years ago in anticipation of connecting Parcels P723, P724 and P779, when he is able to complete the intended acquisition of P724. It is important for the Planning team to recognize that P724 and P779 front on Middlebrook Road and the rear

property lines adjoin the recreational area which buffers the apartment residences. Since these parcels are relatively small and narrow and are basically located in a commercial district and are, for the most part, surrounded by hard surface roads with the exception of the buffer line along the common boundary with Parcel N728, none of the three parcels could be used for residential and are perfect accessory parcels to Mr. Wildman's existing business.

We would ask that the Staff Draft Master Plan recommend the C-3 Zone on all three Parcels (N723, N724 and P779) to allow for continuity in planning and use. It is unlikely that any use other than commercial is practical and I will provide photographs of the site via e-mail to further clarify our position. We will be attending the public hearing to further express our point.

Sincerely,

CLIFFORD, DEBELIUS, BONIFANT  
FITZPATRICK & HYATT, CHTD

A handwritten signature in black ink, appearing to read 'J.R. Clifford, Sr.', written over the typed name below.

JAMES R. CLIFFORD, SR., ESQ.

JRC/dlh

Enclosure

cc: Bud Wildman

# MILES & STOCKBRIDGE P.C.

**Stephen J. Orens**  
301-517-4828  
sorens@milesstockbridge.com

June 18, 2008

Sue Edwards, Community Based Planning  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Germantown Forward Public Hearing Draft

Dear Sue:

As you may know, Miles & Stockbridge P.C. and the undersigned represent YBM, Construction, Inc. the owner of the vacant O-M Zoned property located at 19815 Blunt Road in Germantown ("Subject Property"). We have been following the Germantown Master Plan Amendment on behalf of our client and appreciate the Staff's recommendation of the existing O-M Zone for the property. However, we want to direct your attention to an apparent inconsistency in the Germantown Forward Public Hearing Draft (May 2008) with regard to Blunt Road.

The Transportation Element of the 1989 Approved and Adopted Germantown Master Plan recommends the closure of Blunt Road at Maryland Route 355 (Frederick Road) and the installation of a cul-de-sac to replace the previous intersection of Blunt Road and reconstructed Middlebrook Road. See Pages 108 and 119 of the 1989 Germantown Master Plan attached hereto as **Exhibits A and B**. The 1989 Germantown Master Plan recommendation for Blunt Road was never implemented and Blunt Road today, remains connected to Maryland Route 355 with its previous connection to Middlebrook Road at its eastern end closed.

The existing characteristics of Blunt Road, as well as safety concerns, support the specific recommendation proposed in the Germantown Forward Public Hearing Draft. See page 24 attached hereto as **Exhibit C**, the language of which is provided below:

"Remove Blunt Road's proposed cul-de-sac and connect it to MD 355."

This specific recommendation for Blunt Road is inconsistent with the language in the Implementation element of the Germantown Forward Public Hearing Draft. See page 52, attached hereto as **Exhibit D**. The portion of the Implementation Element, entitled "Road Networks" summarizes "new and existing roads" and "road extensions". The facility and segment of Blunt Road is incorrectly described as follows:

Page 2

“From Frederick Road to cul-de-sac 300ft south” and “From cul-de-sac to Middlebrook Road”

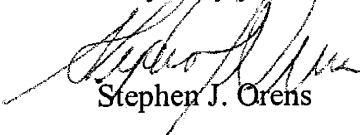
This language does not reflect the specific Blunt Road recommendation. Instead, it affirms the out dated recommendation of the 1989 Germantown Master Plan that is specifically rejected by the proposed Master Plan Amendment.

We have attended many meetings, on behalf of our client, with M-NCPPC Transportation Staff, Department of Permitting Services and the Department of Public Works and Transportation regarding the Blunt Road cul-de-sac recommendation. In conjunction with the development of the Subject Property, we were recently directed to study the re-opening of the connection of Blunt Road (at its eastern end) with Middlebrook Road, without the installation of a cul-de-sac. In light of this recommendation, we propose that the language in that the portion of the Implementation element of the Germantown Forward Public Hearing Draft entitled “Road Networks” relating to Blunt Road be revised as follows:

“From Maryland Route 355 to Middlebrook Road”

We appreciate your attention to this matter. If you have any questions regarding the concerns raised in this letter, we will be more than happy to meet with you to discuss them.

Very truly yours,



Stephen J. Orens

cc: Shahriar Etemadi, Supervisor, Transportation Planning  
Ki Kim, Transportation Planning  
Ben Bashiri, YBM Construction, Inc.  
Carl Starky, Street Traffic Studies, Ltd.  
Casey L. Moore, Esquire