



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

MCPB 11/17/08
Item #1

November 14, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Vision Division

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

SUBJECT: Worksession #7 Germantown Draft Master Plan

STAFF RECOMMENDATION: Resolve outstanding issues and review staging plan for implementing land use and zoning recommendations for the Germantown Master Plan

I. INTRODUCTION

This staff report covers the continuation of worksession #6 on November 10, 2008. The Planning Board asked for more information concerning:

- Use of TDRs in this Plan and the Germantown Planning Area
- Potential relocation sites for the Cider Barrel
- Urban designation for all roadways with existing or future transit stations
- Target Speeds
- Density decisions for all transit stations
- Age-restricted Housing
- Feasibility of tree canopy goals (may be deleted)
- Fox Chapel District
- Seneca Meadows District
- North End District
- Staging Plan

Issue #1: *Pam Lindstrom and the League of Women Voters have inquired about the status of TDRs in the Germantown Master Plan and whether existing TDR receiving areas in the study area are being extinguished by Draft Plan recommendations.*

The Transferable Development Rights Receiving Area Capacity Report was presented to the Planning Board on March 21, 2008. In that report, the Germantown planning area (larger area that this master plan study area) was cited as having capacity for 988 TDRs. Staff determined that none of the receiving areas cited were within the master plan study area.

Since March 2008, development of the TMX Zone has addressed the building lot termination (BLT) program. The TMX Zone is used extensively at transit station areas which is the focus of this Draft Plan. Staff estimates between 40-50 BLTs may be extinguished by commercial and residential development in Germantown using the TMX Zone optional method of development.

The focus of the Draft Plan is to produce mixed-use communities served by transit; therefore, there are limited opportunities to add density that might be appropriate as a TDR receiving area. One location under consideration is redevelopment of the Fox Chapel shopping center and the Middlebrook Mobile Home Park.

Staff recommendation: Classify the Middlebrook Mobile Home Park in the RMX-2C/TDR zone which allows a base density of 15 du/acre. This would result in 63 TDRs.

Issue #2: *What conditions are attached to the Cider Barrel in its current location? What locations are appropriate for the Cider Barrel if it is relocated?*

The Cider Barrel (1922) is a historic landmark that is highly visible on MD 355. The Germantown Public Hearing Draft Plan encourages an adaptive use for the Cider Barrel structure. If an adaptive use is not feasible, historic preservation staff recommend relocation of the Cider Barrel to another visible location in Germantown. Attachment A provides more detail on possible relocation sites that can be explored.

Staff recommendation: Modify Draft Master Plan text (page 39) to include possible relocation of the Cider Barrel and include the suggested relocation criteria.

Issue #3: *Should all roadways in the vicinity of existing or future transit stations be classified as urban roadways?*

Chapter 49, the Road Code, currently identifies roadways within all Metro Station Policy Areas and the Germantown Town Center Policy Area as urban. The legislation can be amended by Council resolution to designate additional areas, such as CCT station areas, as urban. Designating CCT station areas as urban would generally result in lower target speeds and narrower roadways. With these elements, the concern about street trees in regard to vehicular safety is reduced and a higher degree of pedestrian and bicyclist safety is achieved.

The drawbacks to the urban designation would be a) slowed travel time through the area and b) an increased focus on addressing the tension between creating more widespread urban streetscapes (which tend to spread density evenly along street frontage) and clustering taller buildings at transit stations and along I-270 (which tends to pull density away from streets into taller buildings).

Staff Recommendation: Request County Council to designate the areas proposed for TMX and T-S zoning in the Cloverleaf, North End, and Seneca Meadows districts as urban areas.

Issue #4: *How will target speeds be implemented?*

The target, design, and posted speeds for a roadway are ideally the same. The adoption of the Master Plan would establish the target speed, although in most areas of Germantown, changes to both the land use (the context) and roadway improvements (the context-sensitive design) will be needed to achieve operating speeds at the target speed. The key is to make any improvements to both the private and public realms consistent with the designated target speed. When new roadways are constructed in advance of development, the roads would be designed to reflect the target speed at build-out. In the case of new or substantially rebuilt roads, street trees would be included and intersection spacing and operational characteristics would be addressed. For example, provisions for on-street parking would be made. Similarly, development that occurs in advance of new roadway improvements would be designed with zero or minimal setbacks and primary entrances fronting public streets.

Speed limit signs will likely not be posted at the target speed initially since all of the end-state conditions may not be in place. But as development continues, with buildings higher and closer to the road and with more intervening intersections, for example, the speed limit would be lowered until it reaches the target speed. The Maryland Manual on Uniform Traffic Control Devices states that the operating agencies should re-evaluate roads with non-statutory speed limits every five years where the roadway characteristics and/or surrounding land use have changed significantly. Since the posted speeds in excess of the ultimate target speeds are usually also in excess of the statutory speed limits described in Maryland Vehicle Law, the evaluation of the speed limits on most roads would be covered by the normal guidance.

Staff Recommendation: Implement the target speeds contained in the November 7, 2008 memorandum from Transportation Planning staff during discussion of the Road Code. Some of the target speeds may be adjusted to reflect proposed changes to urban area designation. When the Master Plan is approved by Council, seek ways to publicize this change. This aspect is also likely to be discussed publicly as the Council considers the Road Code revisions.

Issue #5: *If additional properties at the Town Center Transit Station are recommended for higher density, should properties at other CCT stations also be recommended for increased density?*

The three principle goals of this Draft Plan are entwined: 1) increasing employment; (2) providing mixed land uses at transit locations; and (3) strengthening the Germantown Town Center. The staging plan places a priority on increasing employment and establishing mixed-use at transit stations. It will be difficult within the staging plan to hold back development which has valid Adequate Public Facility (APF) approval constituting approximately 3.241 million square feet of non-residential development and approximately 13,000 jobs. These valid APF approvals occur at the Manekin CCT station (Lerner property); Dorsey Mill CCT station (Milestone Business Park); and Seneca Meadows Phase II CCT station (Seneca Meadows).

The Town Center station should be treated differently than other CCT transit stations because it will play a different role in community life. Maintaining a focus of higher density, taller buildings, civic uses, and diversity of experiences in the Town Center will create a thriving activity center at the Town Center that is not imitated elsewhere.

Staff Recommendation: Affirm maximum densities at transit stations as follows: Town Center (2.0 FAR); Cloverleaf and Seneca Meadows (1.0 FAR); and North End (0.75 FAR).

Issue #6: *Is age-restricted housing desirable for Germantown?*

Appendix 14 of the Technical Appendix addresses housing for seniors as follows: The Planning Department recently completed two age-related housing studies in preparation for housing policy and master plan updates. First, the 55+ Housing Preference Survey (2005) revealed that a majority of Montgomery County residents age 55 and over plan to remain in their current residence for the rest of their lives. Another important finding was that most of the residents age 55 years of age or older who are working do not plan to retire. The second study was the Senior Housing Update (2006). The Senior Housing Update inventoried the existing supply of senior housing and compared the supply by type.

When taken together, these studies indicate that seniors do not plan to leave their own homes so independent senior housing projects may not be of much use to this group. To allow Germantown's aging residents to stay as active as they wish for as long as they wish, they will need assisted living options such as the following:

- Ensure that all new residential construction offers first-floor, at-grade ingress and egress, together with other accessibility features when built or renovated to age in place.
- Encourage decentralized support services that include visiting nurses, grocery and pharmacy home deliveries, meal deliveries, etc.
- Provide assisted living and nursing homes.
- In considering new construction for the workforce, build efficiencies and one-and two-bedroom rental units with elevators. Such units would be best sited so that they are part of a walkable, mixed-use community with services to ensure that workers of varying abilities can live independently as long as possible—young workers, older workers, and retirees alike.

Staff Recommendation: Affirm existing housing policy that favors mixed income, mixed age and varied housing types for transit served neighborhoods. Do not amend the T-S Zone to encourage age-restricted housing.

Issue #7: *Is the Plan's tree canopy goal of 30-40% achievable? What is the legal basis for requiring forest protection on the Lerner property?*

Staff analyzed the potential to achieve 30-40 percent tree canopy coverage in the Germantown Master Plan study area. The 30 percent tree canopy coverage equates to 790 acres of tree canopy. Assumptions include (1) stream buffers will be forested; (2) existing forest conservation easements will remain forested; (3) road sections (other than freeways such as Father Hurley Boulevard and Great Seneca Highway) can have street trees planted in currently unplanted segments; and (4) substantial areas of existing forest and neighborhood trees will be preserved. This calculation explicitly includes the forest preservation acreages on the Lerner and Montgomery College properties recommended by staff.

Using ArcGIS, staff calculated the following acreages to generate a minimum of 30 percent tree canopy:

- 242 acres of stream buffers
- 54 acres of existing forest conservation easements (outside of stream buffers)
- 450 acres of existing forest and neighborhood trees
- 78 acres of canopy coverage from street trees
- 824 acres total (31.3% canopy coverage)

It is likely that some of the existing forest will be lost to development. We also have not accounted for the likelihood of additional urban trees in civic greens and open spaces proposed near transit stations.

Staff concludes that attaining a 30 percent tree canopy coverage is feasible. To achieve this, however, depends on preserving substantial areas of the remaining existing forest in Germantown.

Staff Recommendation: Retain the Plan recommendation for 30-40 percent tree canopy coverage. Affirm forest conservation recommendations for the Lerner and Montgomery College properties.

II. REMAINING PROPERTIES

At the conclusion of worksession #6 on November 10, 2008, decisions of four properties were carried over to worksession #7. The remaining properties include:

- Fox Chapel District
- Seneca Meadows District
- North End District, especially the Symmetry/Total property and the Lerner property

Fox Chapel District

The Planning Board directed to staff to come back with information to address

1. Land use recommendations if the Fox Chapel shopping center, Middlebrook Mobile Home Park, and HOC properties were assembled
2. Land use recommendations if these properties were not assembled
3. Designating the Fox Chapel shopping center for a bus transit center

Staff prepared a concept study to illustrate (1) assembled properties (except for HOC); and (2) properties not assembled. These concepts are shown as Attachment B.

Revised Staff Proposal

	Staff Proposal (Assembled properties)	Staff Proposal (Not Assembled properties)
Acreage	42	42
Zoning	RMX-2C	RMX-2C/TDR
Residential Units	702 (856 with bonus)	660 (805 with bonus)
Residential density/ac	20 du/acre	18 du/acre
Amount Commercial	250,000 s.f. ¹	230,770 s.f. ¹
# TDRs	Not required	63
#MPDUs ²	88 (12.5 %)	82 (12.5)
# Live-Work Units	18	18

¹Commercial density capped at 0.3 FAR based on 19 acres of existing commercial property (no net loss of commercial capacity)

²If MPDU bonus is used and TDRs not used, assembled properties would result in 128 MPDUs and unassembled properties would result in 120 MPDUs

Middlebrook Mobile Home Park

	Property Owner	Staff
Acreage	24.75	24.75
Zoning	PD-22	RMX-2C
Residential Units	580	445 18du/ac
Residential density/ac	23 du/acre	18 du/ac
Amount Commercial	35,000	24,000 s.f. (.3 FAR on C-1 prop.)
# TDRs	Not required	Req.
#MPDUs ²	87	55
# Live-Work Units	Not specified	18 units

Staff Recommendation: Accept staff recommendation for land use, density, and zoning for assembled Fox Chapel properties. The staff recommendation provides incentives for assemblage by providing more units, and a 70 percent increase in the amount of existing commercial development overall. Modify staging recommendations to limit development until transit center is operational.

Bus Transit Center at Fox Chapel Shopping Center

Staff consulted with MC Department of Transportation staff concerning the bus transit center idea and also how a circulator bus might be funded and operated. The Montgomery County Transit Strategic Plan sets the following conditions for construction of a transit center:

1. Three or more routes must combine
2. Ridership must be a minimum of 150 people per day

If a site met those criteria, MCDOT potentially would work with the developer to proffer the site and then work to get the project into the CIP. Currently, Fox Chapel shopping center does not meet those criteria.

Ridership at the Fox Chapel Shopping is currently 13 boardings and 32 alightings per day. The stop is served only by Route 55, the heaviest –traveled route in the Ride-On system. Currently the sign says that Route 62 is served. That is no longer correct, and Transit Services is in the process of replacing all the signs to reflect the latest route adjustments.

The current standard for bus shelters is 40 boardings per day. Transit Services has identified the need for a bus shelter on the opposite side of MD 355 from Fox Chapel shopping center. The Bus Shelter list/effort is currently backlogged.

Staff Recommendation: Include a designated location for a developer-funded bus transit center at the Fox Chapel shopping center. Modify staging recommendations to reflect a limit on commercial and residential development until the transit center is operational.

Circulator Bus

MC DOT notes that the concept of a circulator bus, apart from Ride-On routes, has been popular since the very first Master Plan meeting. When it first came up, DOT responded that there is already significant Ride-On service in Germantown, and that a couple years ago this service was subject to a highly successful comprehensive review and restructuring. DOT looks at changing patterns and adjusts ridership patterns as communities grow and change, and this is expected to take place as development in Germantown builds out.

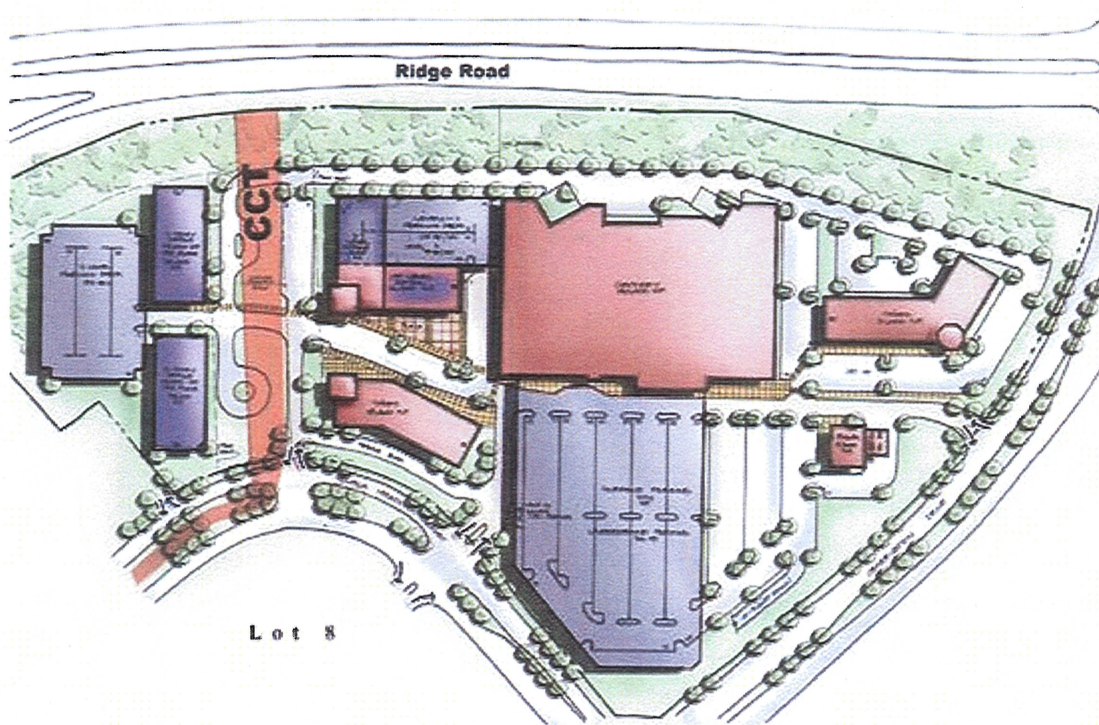
Any signature shuttle service akin to the Bethesda #8, which correlates to what the developers are envisioning, would have to be funded and implemented privately. Bethesda #8 is funded and operated privately. Master Plans should identify the need for a circulator, but not go into detail as to what the route should be. The shuttle's route should be planned so as not to duplicate the existing and extensive Ride-On Service in Germantown. DOT would be happy to work with the private provider should the concept go forward in order to identify a route to avoid service overlaps.

Staff recommendation: Include a transportation recommendation to explore the feasibility, funding, and proposed route for a circulator bus with MC DOT, property owners, and residents.

Seneca Meadows District

Worksession #6 on November 10, 2008 introduced the owner's new land use concept for Seneca Meadows that included a 150,000 s.f. Wegman's grocery store with structured parking plus later stages of development including office and additional retail. In addition to the Wegman's development occurring on Lots 10, 11, 12, and 13 as shown in Attachment C, the adjoining Lot 8 will include some amount of residential plus a potential recreation center and appropriate amount of urban open space on 11.77 acres. The property owner states that the "800 dwelling units in mixed height, multi-story buildings [are] subject to availability of transit and market demand."

The owner's proposal is shown below:



minkoff
DEVELOPMENT CORPORATION

minkoff
DEVELOPMENT CORPORATION

EXHIBIT 8

**SENECA MEADOWS
CORPORATE CENTER**

Exhibit 8 – Details

- 1) Lot 10 – 2 office buildings and 1 parking structure (to west of CCT easement)
 - a. 3 stories each with 18,000 sf floor plate = 108,000 sf total
 - b. 3 story parking deck = 471 spaces total
- 2) Lot 11 – Stand alone Retail
 - a. 1 story 18,400 sf with 12 street spaces in front
- 3) Lot 11 – 3 story building (2 stories of office with first floor retail) and 3 story parking deck
 - a. 16,800 sf of first floor retail with 39 street spaces adjacent to building
 - b. 38,400 sf of office space
 - c. 294 spaces in 3 story parking structure; partially built into the office building
- 4) Lot 12 – Grocery store and partial parking structure
 - a. 140,000 sf floor plate grocery store
 - b. 316 Underground parking spaces
 - c. 552 surface parking spaces in front of store
- 5) Lot 13 – Bank pad and stand alone 1-story retail
 - a. 4,300 sf bank pad with drive-thru and adjacent parking
 - b. 21,000 sf stand alone retail with 180 surface parking spaces

Building Totals:

Grocery:	140,000
Retail:	56,200
Bank:	4,300
Office:	146,400
Total:	346,900 square feet

Parking Totals:

Structured:	1,081 spaces
Surface:	783 spaces
Total:	1,864 spaces

The property owner states how the proposal meets the Master Plan goals and principles:

- Makes Germantown a destination and enhances its identity
- Brings a variety of jobs to Germantown
- Reinforces the Town Center and compliments the Milestone Shopping Center by bringing people to Germantown
- Provides an integrated mixed use center that may include office, residential, destination, and street-front retail
- Supports a hierarchy of places in Germantown by providing an amenity that extends the regional Milestone shopping center
- Utilizes existing, excellent roadways and street connections
- Adds open space and plazas to a development that will ultimately be 50% green/open

Staff agrees with the property owner's conclusion that this "extends the regional Milestone shopping center." This highlights the principle difference between the staff recommendation for keeping predominantly employment uses for properties to be zoned TMX. Staff believes that including residential, local-serving retail, and recreation elements will create a more lively, 7-days a week environment than the previous I-3 zoning would allow.

In the early stages of the master plan, the types of jobs desired by Germantown residents were in technology, research, laboratories, and communications. The Top 100 Germantown Businesses (Appendix 3 in the Technical Appendix to the Germantown Master Plan Public Hearing Draft) lists the Top 100 Businesses by number of employees and type of business. The top retail employer listed, Montrose Motors with 62 employees, is #24 out of 100.

Jobs in the retail sector generally pay less and offer fewer benefits. Using the example of 150,000 s.f. of space, retail uses would generate approximately 375 jobs (@ 400 s.f. per employee) and office would generate approximately 600 jobs (@250 s.f. per employee).

Staff contests the owner's assertion that a retail destination such as Wegman's conforms to the master plan goals of (1) increasing employment; (2) providing mixed land uses at transit locations; (3) strengthening the Germantown Town Center; (4) enhancing community identity; and (5) creating sustainable development opportunities.

The owner's proposal does not meet the master plan goals for employment, strengthening the Town Center, and creating community identity related to historic, cultural or natural features. This proposal would be auto-oriented for the foreseeable future since the Seneca Meadows CCT station will occur at a later time than the CCT stations on the west side of I-270. This proposal would also detract from the Town Center since participation in both locations would require a series of auto trips until there is transit service.

Staff Recommendation: Endorse staff recommendation for a cohesive mix of uses with employment, residential, recreation, hotel, and limited retail to implement the vision contained in the Public Hearing Draft Master Plan.
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North End District

Total/Symmetry Property

The outstanding issue for the Total/Symmetry property is the ultimate density at the Manekin CCT station. The property owner has stated her intent to construct an interim level of development at 0.5 FAR for the next 10-15 years. This will enable the property to generate cash flow to be applied to the road participation agreement costs for constructing century Blvd.

Staff discussed final densities for transit station areas in Issue #5. The staff recommendation is:

Staff Recommendation: Affirm maximum densities at transit stations as follows: Town Center (2.0 FAR); Cloverleaf and Seneca Meadows (1.0 FAR); North End (0.75 FAR)

Lerner Property

The Far North Village property was included in the town sector application in 1968, with 75 acres recommended for industrial uses. A 1973 development plan amendment, reflected in the 1974 master plan, changed the uses in this area to residential (179 single-family detached units and 225 townhouses) with a school and a park. Subsequently, DPA 83-3 again changed the 75 acres to a 2.7 million square foot Research and Development Park, but traffic was limited to the prior residential approval. With DPA 89-3, the proposal was modified to permit only 1.3 million square feet of R&D development on 75 acres; this appears on the current development plan. In 1994, about 63 acres of stream valley was dedicated, to become part of Black Hill Regional Park, leaving about 110 acres of property.

Since 1968, the property has not been developed; it currently contains a driving range. Staff continues to recommend that up to 75 acres of the property be developed, and as it is adjacent to both a future transit stop and I-270, considers this an important site for employment in Germantown. This recommendation includes 1.5 million square feet of R&D and major employment, with the potential for that to include a hotel and a limited amount of retail. To allow a broader mix of uses at transit and for compatibility with the adjacent residential community, an allowance for 570 market-rate multi-family units has been added to the site; half should be high-rise and half should be low-rise units.

Lerner Property Forest

The remaining approximately 35 acres of this property contains forest identified by Environmental Planning staff for preservation. As the zone states: "it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees" (Purpose, 59-C-7.21). In the event the retention of this forest is in conflict with the additional housing recommendation, high-rise units may be substituted for the recommended low-rise units.

Adding new uses to the R & D uses contained in DPA 89-3 will require an amendment to the development plan, then to the preliminary and site plans.

- DPA – the plan "must satisfy the stated purpose of the applicable zone" (59-D-1.2).

- In part, the purpose clause for the town sector zone says: “it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees; and in order to do so, minimize the amount of grading necessary for construction of a development” (59-C-7.21).
- An NRI must be included with the DPA (59-D-1.3)
- A supplementary plan that includes a preliminary forest conservation plan (59-D-1.3 (g)(7)) is required
- The District Council must make findings including substantial conformance with the master plan (59-D-1.6 (a)), that it complies with the purposes and standards of the zone (59-D-1.6 (b)), and that it preserves natural vegetation and other natural features of the site (59-D-1.6 (d)).
- The site plan required for the T-S Zone would have to conform to the development plan that includes a NRI and a preliminary Forest Conservation Plan.

Staff Recommendation: When the property owner files the required NRI/FSD as part of the Development Plan Amendment, high quality forest should be preserved on-site.

Lerner Property Housing

The Lerner property is one of the last remaining “greenfield” developments available for employment and should be predominantly for non-residential uses. DPA 89-3 approves 75 acres for R & D use without mention of housing, retail or other uses. This DPA must be amended to achieve the mix of uses envisioned for this property.

The Planning Board and owner’s representatives debated how to allocate the remaining 1,325 population credits of the Churchill Town Sector. Staff notes that more than 1,200 acres of the Churchill town sector zone is outside of the master plan study area, and an allowance should remain for changes in that outer area. Although that area is mostly developed, staff is concerned about extinguishing all rights to develop in an area that is not included in the current planning effort. Staff considers this circumstance alone to be sufficient persuasion that the full density should not be assigned to the study area.

Staff recommended 570 units for the Lerner property consisting of:

- 285 low-rise units (x 3 persons/unit) = 855 population
- 285 high-rise units (x 2 person/unit) = 570 population
- TOTAL = 1,425 population

The total number of housing units allowed under the T-S zone is actually 652 when 12.5 percent MPDUs (82 units) are factored in. This amount can be increased to 695 units (125 MPDUs) if bonus provisions are used. The T-S zone does not allow market-rate bonus units.

The 652 units, evenly split in low-rise and high-rise configurations would occupy approximately 24.5 acres of the 75 acres designated for development at a density of 26 du/acre. This configuration uses approximately one-third of the land for development.

Using an alternative configuration of high rise buildings by taking the 1,425 population divided by 2 persons per high rise unit allows 712 market rate units (814 to 864 total units) on 20.35 acres at a density up to 42 units/acre.

By assigning the balance of the Churchill TS population to this property, the property ceases to have an employment focus and becomes more residential. This shift isn't in keeping with the purpose clause of the zone (requiring self-sufficiency) or with the General Plan. Staff recommends confirming that this property be primarily for major employment, and other uses, including residential, be secondary to employment.

Staff's recommendation results in housing on up to a third of the acreage to be developed. Because this site is one of the few remaining greenfields in the employment corridor and it contains a valuable woodland, development of this site with 814 high-rise units better serves multiple goals--retaining land for employment, providing housing, and retaining the forest, and thereby protecting the watershed. Staging for this property should reflect those goals.

Staff recommends: Assign 1,425 population credits to the Lerner property resulting in 814 to 864 dwelling units (42 units/acre) to retain the predominant employment focus of this property.
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III. STAGING PLAN

A. Staff Recommendation

Text related to staging in the Public Hearing Draft Plan stated:

“the future envisioned in this Plan requires decisions and actions by government, property owners, and residents in order to transform the type and character of development in Germantown. Direct actions such as comprehensive rezoning through a Sectional Map Amendment and indirect actions such as retaining priority forested areas must take place in a coordinated manner. The recommended type, amount, and location of development must take place at the appropriate time and in the proper sequence.”

The general purpose of staging in master plans is to ensure that infrastructure keeps pace with development. Other goals of staging include (1) encouraging development to occur in certain districts, such as the Germantown Town Center; (2) promoting certain types of use such as employment in Germantown; and (3) determining the extent of interim uses that may provide economic return on a property but may also take on a permanence that impedes implementing the master plan vision.

In response to public hearing comments that uniformly opposed the geographic-based staging plan contained in the Public Hearing Draft Plan, staff used a new approach in determining the sequence for implementing the Plan recommendations for facilities and the amount of development. Property owners submitted a staging plan proposal on November 7, 2008 shown in Attachment D.

The staff's staging plan prioritizes development based on the following principles:

- Staging should implement the basic elements of the Master Plan: (1) increasing employment; (2) providing mixed land uses at transit locations; (3) strengthening the Germantown Town Center; (4) enhancing community identity; and (5) creating sustainable development opportunities.
- A limited amount of economic use (interim uses) will be allowed when it is linked to public objectives such as creating transit-serviceable densities, workforce housing, or providing new housing units that contribute to the Town Center vitality.
- Community form is as important as the amount of development. Minimum building heights of 36 feet with three occupiable floors will be applied for interim development in order to retain land for future higher densities and ensure interim uses do not become permanent. No single purpose retail buildings; single purpose office buildings are acceptable.
- Phased implementation of an urban service district (or development district) is anticipated.
- Projects that are 100 percent workforce or employer sponsored housing are not subject to staging.
- Academic facilities at Montgomery College are not subject to staging because these projects are reviewed as mandatory referrals.

Much of the needed infrastructure in Germantown (roads, schools, public parks, civic facilities) is in place. What is needed is infrastructure to implement the Plan recommendations such as an urban service district, increased non-driver mode share including the CCT and local bus service, and improved connectivity through a grid of streets, trails, and linkages.

The urban service district is perhaps the most critical aspect of implementation. The need for such a service district has been in public discussion since 1992. As recently as 2004-2005, County Executive staff proposed a service district with limited responsibilities.

This Plan recommends that an urban service district be established in two segments: Phase I encompasses the expanded Town Center and the West End from the Town Center transit station to the MARC station. Phase II is the remainder of the Master Plan area including the Cloverleaf, Manekin, Dorsey Mill, and Seneca Meadows transit stations.

Attachment E displays the geographic areas covered by the proposed urban service districts. Responsibilities of the urban service district may include:

- Increased levels of maintenance for civic properties such as the Germantown Library, Town Commons, the MARC station pedestrian bridge/gathering space, and new facilities on Montgomery County-owned land
- Enhanced streetscape materials, installation and maintenance
- Pedestrian lighting fixtures and maintenance
- Comprehensive treatment for wayfinding, signs, banners, promotions
- Defining the area served by a circulator bus (Phase I and Phase II)
- Enhanced public safety patrols
- Expanded landscape, flower and shrub maintenance

Staging Plan

The following tables reflect how the recommended development envisioned in the Draft Master Plan will be sequenced, including development with APF approvals (i.e. pipeline), interim development, and Stages 1 and 2.

Pipeline and Interim uses		4.9 million (19,600 jobs) and 1,550 du	
	Approved Dev.	Proposed Dev.	
District	APF amount (s.f.)	Amount Commercial (s.f.)	Amount Residential (du)
Town Center		653,357	392
West End		57,017	142
Gateway		118,204	113
Cloverleaf		302,883	428
North End	2,294,438	101,806	244
Seneca Meadows	947,291	236,242	161
Montgomery College		194,247	0
Fox Chapel		31,100	78
TOTAL NEW DEVELOPMENT	3,241,729	1,694,856	1,558
TOTAL w APF	3,241,729	4,936,585	0

Before Stage 1, all of the following must occur:

- Council adopts Sectional Map Amendment
- Establish Phase 1 of the urban service district covering the Town Center extended and West End
- Develop annual monitoring program for non-driver mode share, vehicle miles travelled
- Determine baseline for non-driver mode share (estimated as 15-16%)
- Funding for urban parks is contained in the 6-year CIP
- Funding for MARC parking garage contained in the 6-year CIP
- Select alternative park and ride location not in Town Center
- Construct Bowman Mill Drive connection to MD 118 that is open to traffic

Stage 1		3.9 million s.f. (15,600 jobs) 2,200 du	
District	Amount Commercial (s.f)	Amount Residential (du)	
Town Center	784,028	471	
West End	171,052	213	
Gateway	354,611	169	
Cloverleaf	908,649	642	
North End	305,417	366	
Seneca Meadows	708,725	241	
Montgomery College	582,741	0	
Fox Chapel	93,299	117	
TOTAL	3,908,522	2,219	

Before Stage 2 all of the following must occur:

- Funding for the CCT segment between Metropolitan Grove and Germantown Transit Station is contained in the 6-year CIP
- Funding agreement in place for CCT alignment and stations between Town Center and Dorsey Mill stations (public or private funding sources)
- Determine need for Master Plan amendment when decision on M-83 is reached
- Revise Town Sector zone in cooperation with Montgomery Village
- Increase non-driver mode share to 25 percent
- Construct Observation Drive from MD 118 to Middlebrook Road that is open to traffic
- Construct Goldenrod connection to Observation Drive that is open to traffic
- Construct Cider Press Drive to MD 355 that is open to traffic
- Construct Century Blvd. to Dorsey Mill Drive that is open to traffic
- Funding for Dorsey Mill bridge across I-270 is contained in the 6-year CIP

Stage 2		7.4 million s.f. (29,600) 3,600 du	
District	Amount Commercial	Amount Residential	
Town Center	1,176,043	708	
West End	342,104	355	
Gateway	709,922	284	
Cloverleaf	1,817,298	1,073	
North End	610,834	612	
Seneca Meadows	1,417,450	403	
Montgomery College	1,165,483	0	
Fox Chapel	186,598	196	
TOTAL	7,425,732	3,631	

B. Chamber of Commerce Proposal

Public Hearing testimony by the Gaithersburg-Germantown Chamber of Commerce stated concerns about a staging plan that (1) requires an urban service district be formed before Stage 1; (2) determines road projects outside the Town Center area as triggers for the various stages; and (3) considers the Fox Chapel area for development in Stage 3.

The Chamber of Commerce submitted an alternative staging proposal summarized below. The development amounts in the Chamber proposal include only major properties at increments of development measured at 0.5 FAR, 0.75 FAR, 1.0 FAR, etc. The full proposal and supporting documents are included as Attachment D.

The Chamber staging proposal consists of the following elements:

- Allows development throughout the study area at increments of 0.5 FAR, 0.75 FAR, 1.0 FAR, and 2.0 FAR;
- Uses existing development approval tools and the Growth Policy (PAMR, LATR) to assess traffic and other mitigation requirements;
- Considers an urban service district as a pre-requisite to Stage 2A for development at 0.75 FAR;
- Considers the design and funding for the CCT to be in place for Stage 3 for development at 2.0 FAR.

**SUMMARY OF Chamber of Commerce
PROPOSAL TO THE PLANNING BOARD
ALTERNATIVE STAGING- GERMANTOWN MASTER PLAN**

GERMANTOWN COMMERCIAL PROPERTY OWNERS CONSORTIUM

STAGE I

Conditions Precedent:

- County Council ADOPTS Germantown Master Plan
- County Council ADOPTS necessary text amendments
- County Council ADOPTS Sectional Map amendment to implement Germantown Master Plan

Fox Chapel District proceeds

Development in Districts can proceed to .5 FAR:

Town Center District
West End District
Gateway District
Cloverleaf District

Montgomery College-Business Park
Far North District
Seneca Meadows
North End District

Utilize existing tools, Growth Policy (PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

STAGE 2A

Conditions Precedent:

- Establishment of Urban Service District
- Development/Utilization of local bus circulator system

Development in Districts can proceed to .75 FAR

Utilize existing tools, (Growth Policy/PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

STAGE 2B

- Design of CCT transit stops
- Design and construction funding of Dorsey's Mill interchange at 1-270
- Design of Observation Drive from Middlebrook Road to Route 118; minimum of 2 lanes

Development in Districts can proceed to 1.0 FAR

Utilize existing tools, (Growth Policy/PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

Development in Districts can proceed to 2.0 FAR

Use existing tools, Growth Policy (PAMR, LATR) and APFO to assess traffic and other mitigation requirements

STAGE 3

Conditions Precedent:

- M-83 (or comparable capacity) designed and funded for construction
- CCT /Germantown Phase designed and funded for construction
- Utilize existing tools PAMR and LATR to assess mitigating requirements

Staff Analysis

	Staff Proposal Total: 16,270,139 s.f.			Chamber Proposal ² Total: 11,069,000 s.f.			
	Interim ¹	Stage 1	Stage 2	Stage 1	Stage 2A	Stage 2B	Stage 3
Town Center	653,357 392 du	784,028 471 du	1,176,043 780 du	1,356,690	472,325	425,146	261,938
West End	57,017 142 du	171,052 213 du	342,104 355 du	982,732	148,746	37,026	4,896
Gateway	118,204 113 du	354,611 169 du	709,922 284 du	20,000	0	0	0
Cloverleaf	302,883 428 du	908,649 642 du	1,817,298 1,073 du	1,132,560	317,440	0	0
North End	101,806 244 du	305,417 366 du	610,834 612 du	3,016,736	226,764	0	0
Seneca Meadows	236,242 161 du	708,725 241 du	1,417,450 403 du	892,980	307,020	0	0
Montgomery College	194,247 0 du	582,741 0 du	1,165,483 0 du	1,290,000	0	0	0
Fox Chapel	31,100 78 du	93,299 117 du	186,598 196 du	186,000	0	0	0
TOTAL	1,694,856 1,558 du	3,908,522 2,219 du	7,425,732 3,703 du	8,877,698³	1,472,295	462,172	266,834
With APF approved dev	4,936,584 1,558 du						

¹ Includes properties with valid APF approvals (3.241 million s.f.)

² Chamber proposal does not distinguish between commercial and residential FAR

³ Chamber proposal was based on sample of larger properties and does not constitute the total amount of development in each stage

The staff proposal and the Chamber of Commerce proposal differ by:

- How APF approved development is staged
- Whether residential development is subject to staging
- How much development is allowed in early stages (Chamber allows up to 80 percent between approved and unapproved development in Stage 1 and staff proposal allows 30 percent)
- At what point an urban service district is required. The staff proposal establishes the urban service district after the interim level of development but before Stage 1. The Chamber proposal allows 80 percent of total development before the service district is established;

- Establishing minimum building heights (3 stories) for interim development and by prohibiting single purpose retail buildings during any stage.

Staff Recommendation: Endorse staff recommendations for the amount, type and sequence of development regulated by the Staging Plan.

Staff recommendation: Endorse staff recommendation for minimum building heights (36 feet with three floors of occupiable space) and prohibition of single purpose retail buildings during any stage of development in the Master Plan study area.

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Attachment A	Memorandum from Historic Preservation Staff
Attachment B	Fox Chapel Concept Study (Assembled Properties)
Attachment C	Seneca Meadows Proposal
Attachment D	Gaithersburg-Germantown Chamber of Commerce/Consortium Staging Proposal
Attachment E	Proposed Urban Service District Map

ATTACHMENT A



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

November 13, 2008

TO: Glenn Kreger, Acting Chief
Community-Based Planning Division

Sue Edwards, Team Leader
Community Based Planning Division

VIA: Scott Whipple, Historic Preservation Supervisor *SW*
Urban Design and Preservation Division

FROM: Clare Lise Kelly, Research and Designation Coordinator *CLK*
Urban Design and Historic Preservation Division

SUBJECT: Cider Barrel, Historic Site #19/33, Frederick Road and Oxbridge Drive

Staff Recommendations:

Move the Cider Barrel to an appropriate location that is visible, accessible and respectful of this historic resource

Reopen a business in the structure with a financially viable use

Draft Plan Recommendations for Cider Barrel

The Germantown Sector Plan encourages an adaptive use for the Cider Barrel structure, page 39. Historic feature recommendations are provided in the area-wide section, page 16, and in Appendices 9 and 11.

Planning Board Comments, Worksession #6, November 10, 2008

- What are the conditions for preservation of the Cider Barrel today?
- Identify potential relocation sites for the resource

Staff Response:

Historical Significance

The Cider Barrel (1922) is a historic landmark highly visible on Rt 355. The structure is significant as an outstanding piece of roadside architecture, with the outsized barrel being a functional advertisement for a cider and apple stand. Built during Prohibition, the Cider Barrel provided refreshment to daytripping motorists venturing out on the newly paved Rt 355. The Cider Barrel was built by Andrew Baker, founder of the Germantown Bank (1922, a resource within the historic district) and owner of a local apple orchard (now Liberty Heights townhouses on Liberty Mill Road). The market stand was in active use for 80 years, until it closed in 2002.

Urban Design and Historic Preservation Division
8787 Georgia Avenue, Silver Spring, Maryland 20910
Phone: 301.563.3400 www.MontgomeryPlanning.org

Designation

In the Germantown Master Plan of 1989, the Cider Barrel was designated on the Master Plan for Historic Preservation. It was noted at the time that the widening of Rt 355 might have a detrimental effect on this historic structure. The designation recognized four contributing components: front barrel façade, attached gable roof structure, fruit stand, and pole sign. The environmental setting was comprised solely of the structure's footprint. Not designated were a related parking area, cider press, mature trees or other landscaping, neighboring sandwich shop, and guest houses.

In 1992, Route 355 was widened and a sidewalk installed. While the sidewalk was an effort to make walking to the Cider Barrel's take-out window safer, it had the effect of eliminating pull-off parking, replacing it with parking behind the building through driveway access in the neighboring trailer park.

In 2002, Bill Cross, longtime owner and operator, closed the Cider Barrel and sold the property.

In 2003, the Planning Board approved a subdivision of the property. The Elms at Germantown is zoned R-60 TDR and C-5 and contains 316 residential units located on 17.69 acres.

Current Requirements of Preservation

Designation of the Cider Barrel on Master Plan requires the owner to do basic maintenance of the building. Through the site plan review, the owner was required to dedicate at least 5 spaces for Cider Barrel patrons. The parking is located some distance from the building and is separated by a retaining wall.

In December 2005, when approving a replacement sign, the Historic Preservation Commission encouraged Elm Street Development to find a tenant for the building. The structure continues to be abandoned.

Relocation of the Cider Barrel

Historic preservation best practices call for retaining historic buildings on their original site. In limited cases, circumstances may dictate an alternative preservation treatment. Through the series of events described above, the Cider Barrel is now in an environment that is not conducive to the building's use. Relocation may be advantageous for the resource's ongoing preservation. Following are the elements required for successful relocation site:

- Visible location

The Cider Barrel was built on a well-traveled road and designed to attract attention. It was roadside architecture, a building that, through its design, is also an advertisement. A compatible new location would be visible from public thoroughfare.

- Germantown site

The Cider Barrel is a Germantown landmark and is integrally tied with Germantown history. It should remain in the planning area to retain the local character and history.

- Moderate speed limit: 30 mph or under

When the Cider Barrel was erected, cars were traveling at a moderate speed. The building could be seen from a distance and with enough time for a driver to slow down and decide to stop. Site considerations include smaller roads with lower speed, bike- or horseways. A location on a rustic

road might be appropriate, however this would take the building outside the Germantown planning area.

- Accessible to passersby

Parking must be available for motorists if located near a road. Space must be provided for pedestrians to stand and gather nearby.

- Related commercial and/or cultural support

Part of a complex which may include one or more of the following: farm market, outdoor seating, indoor shelter, wifi, complementary business—sandwich shop to go with cider, series of vendors to go with local artisans

- Natural setting: green landscape, trees

While the orchard that provided the apples for the cider was located across town (near the historic district), the Cider Barrel site was located in a green setting with a grove of trees behind the roadside stand.

- Gathering area onsite or nearby

A community space would allow contemplation and appreciation of this historic site, as well as afford an opportunity for patronage of the anticipated business. The space could include meetingplace, sheltered eating area, and be wifi accessible.

- Respectful site

A carefully chosen and well-designed site will respect the history of this site. To be avoided are sites that will make it a museum piece, one of many fastfood places, or a cutesy piece of kitsch.

Potential Locations

1. District 5 Police Station/Station 29 Fire and Rescue site

Could have farmers market located on same site, a compatible use.

Pros: Visible location, accessible to passersby and transit center. Related compatible uses including entertainment and transit station

Cons: Site could be challenging to retain space and environment needed to respect the resource. Transit center area destined for high-rises, though this site could be an exception, as is Bethesda Farm Women's Market.

2. Historic District Area

A potential site would be 19430 Walter Johnson Road. The property extends from Germantown Rd (Rt 118) to Walter Johnson Road, and was the site of a historic house.

Pros: greater concentration of historic sites in this part of Germantown, adjacent to public park with picnic tables on Madeline Waters House site, close to historic location of orchard, accessible to MARC riders and local residents, potential related commercial support

Cons: currently not well-traveled by cars or pedestrians

3. Churchill Village Center, Father Hurley Blvd at Waters Landing Rd

The 1989 plan called for a village center on this site. The vacant site was approved for a church in 1997.

Pros: structure could be sited on the property so it is visible from Father Hurley yet has adjacent parking, open space. Potential for related commercial, cultural support

Cons: A more remote location, no extant adjacent related uses, a neighborhood site rather than whole community site

Sites Not Recommended

- Montgomery College-Limited access to the public.
- Fairgrounds-Not respectful of the building's history. Location at the fairgrounds has the potential to appear too much like an attraction, too kitschy. According to recent press, the fairgrounds future may be uncertain in its current location.

Preferred Sites

Staff recommends Options 1 and 2 as preferred choices for Cider Barrel relocation. One site is owned by the County and the other is privately owned. Staff has not had the opportunity given time limits to discuss moving options with property owners or public agencies.

Uses

The Cider Barrel's original use meets sustainable goals of today. It is anticipated that buying and eating locally is a trend that will continue in upcoming years. Uses for the building include:

- Cider stand for local orchard
- Other farm stand use including local wine retailer's consortium or specialty cheese shop
- Outlet for local artisans, handicrafts
- Including lunch offerings on site or nearby: Food for mid-day workers, weekend residents and visitors
- Wifi capacity

Models

Eastern Market

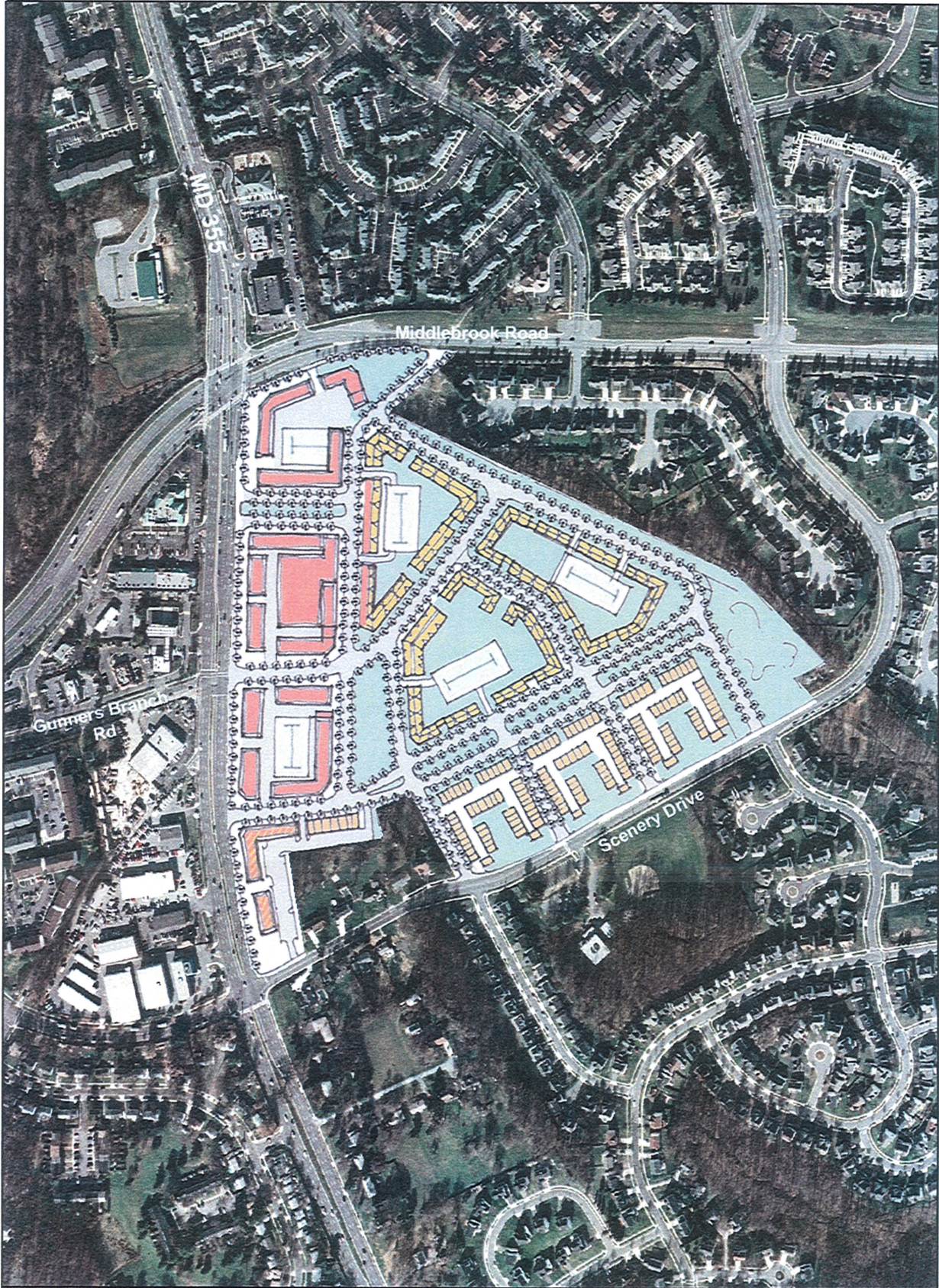
Red Wiggler

Farm Women's Market

Amish Markets in Germantown and Burtonsville

ATTACHMENT B

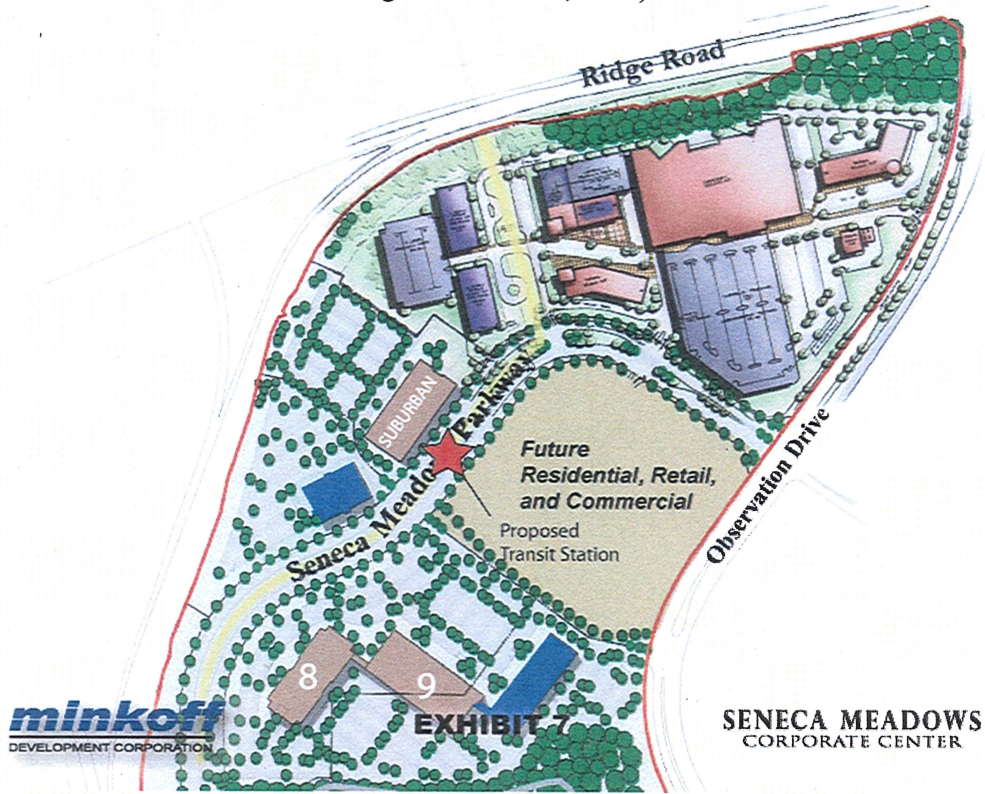
Fox Chapel
Assembled Senario



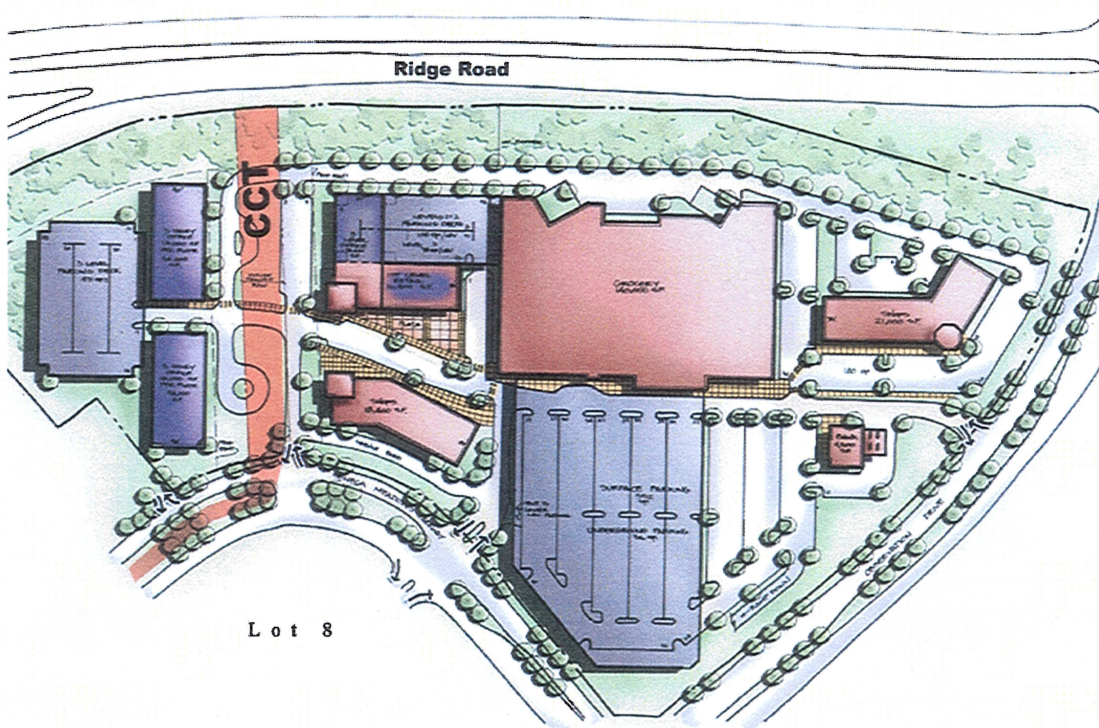
ATTACHMENT C

Seneca Meadows Proposal

(Germantown Master Plan Hearing November 10, 2008)



Seneca Meadows Development Plan



minkoff
DEVELOPMENT CORPORATION

EXHIBIT 8

SENECA MEADOWS
CORPORATE CENTER

Exhibit 8 – Details

- 1) Lot 10 – 2 office buildings and 1 parking structure (to west of CCT easement)
 - a. 3 stories each with 18,000 sf floor plate = 108,000 sf total
 - b. 3 story parking deck = 471 spaces total
- 2) Lot 11 – Stand alone Retail
 - a. 1 story 18,400 sf with 12 street spaces in front
- 3) Lot 11 – 3 story building (2 stories of office with first floor retail) and 3 story parking deck
 - a. 16,800 sf of first floor retail with 39 street spaces adjacent to building
 - b. 38,400 sf of office space
 - c. 294 spaces in 3 story parking structure; partially built into the office building
- 4) Lot 12 – Grocery store and partial parking structure
 - a. 140,000 sf floor plate grocery store
 - b. 316 Underground parking spaces
 - c. 552 surface parking spaces in front of store
- 5) Lot 13 – Bank pad and stand alone 1-story retail
 - a. 4,300 sf bank pad with drive-thru and adjacent parking
 - b. 21,000 sf stand alone retail with 180 surface parking spaces

Building Totals:

Grocery:	140,000
Retail:	56,200
Bank:	4,300
Office:	146,400
Total:	346,900 square feet

Parking Totals:

Structured:	1,081 spaces
Surface:	783 spaces
Total:	1,864 spaces



Gaithersburg-Germantown Chamber of Commerce, Inc.

4 Professional Drive, Suite 132, Gaithersburg, Maryland 20879-3426, (301) 840-1400, Fax (301) 963-3918

Corporate Sponsors



The Gazette



November 7, 2008

M-NCPPC
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Commissioners:

Thank you for your continued work on the Germantown Master Plan and for your efforts in listening and responding to the needs of the community. As you know, the Gaithersburg-Germantown Chamber has been working with a consortium of commercial property owners in Germantown throughout the master plan update process. In the event that the Board takes up the discussion of staging at the Monday evening November 10th work session, we would like to propose the attached Staging Plan.

Our proposed Staging Plan assumes that property owners can move forward with the Standard Method development allowed by their respective zones and that the Planning Board would rely on existing tools, Growth Policy (PAMR, LATR) and APFO to assess traffic and other mitigation requirements. To move beyond the Standard Method, property owners must meet the required conditions proposed in the Staging Plan. The attached chart shows the potential square footage that could be developed within each district at each stage.

We do not think it is necessary to include restrictions on the type of development within each stage. We agree that the primary focus for Germantown in the next ten to fifteen years should be the creation of jobs with the priority being commercial development. We also believe that the most effective way to attain a vibrant employment corridor is to create the tools that will initiate mixed use development with a variety of commercial development, residential and retail. We feel that the creation of the TMX zone and the existing Town Sector zone both address the primacy of employment and the need for mixed use. However, having minimum and maximum requirements on commercial / non-commercial development included in the code, guarantees the desired outcome. It is not necessary to also include these restrictions in the Staging Plan. The market will guide.

Thank you for your consideration.

Regards,

Marilyn Balcombe, Ph.D.
President / CEO
mbalcombe@ggchamber.org

PROPOSAL TO THE PLANNING BOARD
ALTERNATIVE STAGING- GERMANTOWN MASTER PLAN

GERMANTOWN COMMERCIAL PROPERTY OWNERS CONSORTIUM

STAGE I

Conditions Precedent:

- County Council ADOPTS Germantown Master Plan
- County Council ADOPTS necessary text amendments
- County Council ADOPTS Sectional Map amendment to implement Germantown Master Plan

Fox Chapel District proceeds

Development in Districts can proceed to .5 FAR:

Town Center District
West End District
Gateway District
Cloverleaf District

Montgomery College-Business Park
Far North District
Seneca Meadows
North End District

Utilize existing tools, Growth Policy (PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

STAGE 2A

Conditions Precedent:

- Establishment of Urban Service District
- Development/Utilization of local bus circulator system

Development in Districts can proceed to .75 FAR

Utilize existing tools, {Growth Policy/PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

STAGE 2B

- Design of CCT transit stops
- Design and construction funding of Dorsey's Mill interchange at 1-270
- Design of Observation Drive from Middlebrook Road to Route 118; minimum of 2 lanes

Development in Districts can proceed to 1.0 FAR

Utilize existing tools, (Growth Policy{PAMR, LATR) and APFO, to assess traffic and other mitigation requirements

STAGE 3

Conditions Precedent:

- M-83 (or comparable capacity) designed and funded for construction
- CCT /Germantown Phase designed and funded for construction
- Utilize existing tools PAMR and LATR to assess mitigating requirements

Development in Districts can proceed to 2.0 FAR

Use existing tools, Growth Policy (PAMR, LATR) and APFO to assess traffic and other mitigation requirements

DISTRICT	STAGE 1 @ 0.5 FAR (sq. ft.)	STAGE 2A @ 0.75 FAR (sq. ft.)	STAGE 2B @ 1.0 FAR (sq. ft.)	STAGE 3 @ 2.0 FAR (sq. ft.)
TOWN CENTER	1,346,690	472,325	425,146	261,938
WEST END	982,732	148,746	37,026	4,896
GATEWAY	20,000	0	0	0
CLOVERLEAF	1,132,560	317,440	0	0
NORTH END (W)	2,010,500	0	0	0
NORTH END (E)	1,006,236	226,764	0	0
SENECA MEADOWS	892,980	307,020	0	0
MONT COLLEGE	1,290,000	0	0	0
FOX CHAPEL	186,000	0	0	0
TOTALS	8,867,698	1,472,295	462,172	266,834

TOTAL STAGE 1 THRU 3 = 11,069,000

ATTACHMENT E

Proposed Urban Service District

