




Montgomery Village Master Plan – Worksession No. 1

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Completed: 09-24-15

Staff Recommendation:

Discuss and provide guidance to staff. Planning Board members should bring their copies of the Public Hearing Draft.

Summary

The Planning Board held a public hearing on the Public Hearing Draft of the Montgomery Village Master Plan on September 10, 2015. The public hearing record was held open until September 18, 2015. The Board has received correspondence from local homeowners and civic organizations, property owners, the Montgomery Village Foundation, County agencies, and other interested community members.

This packet is intended to serve as the staff report for the worksessions listed below. Attachment 1 is the issues matrix, which summarizes the public testimony and provides staff responses to the issues raised. The issues matrix is designed to get the Board’s input and recommendations on issues raised at the public hearing, as well as the testimony received during the open comment period. Attachment 2 is a proposed zoning text amendment for the Montgomery Village overlay zone. In addition to the substantive issues included in the matrix, staff received editorial comments from several County agencies, which will be addressed in the Planning Board Draft, as appropriate.

The Planning Board is scheduled to hold worksessions on October 1, 15, and 29. The worksessions on October 1 and 15 are each scheduled for three hours. On October 1, we will begin to go through the issues in the matrix, making as much progress as possible. Remaining issues will be addressed at the second worksession on October 15. The proposed overlay zone will also be reviewed and discussed during the worksessions. After the first two worksessions, staff will revise the Draft Master Plan and the proposed overlay zone, as directed by the Board. On October 29, the Board is scheduled to review the Planning Board Draft Master Plan and approve it for transmittal to the County Executive and County Council, along with the draft zoning text amendment for the proposed Montgomery Village overlay zone.

Planning Board worksessions are scheduled as follows:

October 1, 2015	Worksession 1
October 15, 2015	Worksession 2
October 29, 2015	Worksession 3

Attachments:

1. Public Hearing Issues Matrix
2. Draft Zoning Text Amendment for the Montgomery Village Overlay Zone

ATTACHMENT 1

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
General Land Use/Master Plan Issues					
1.	Housing	n/a	Need more housing for seniors and families and more luxurious single family housing and upscale retail to compete with other areas. (M. Miller)	In many of the zones recommended in the Montgomery Village Master Plan (MVMP), senior housing is a permitted use in the zone, either by right or by conditional use. Single family and multi-family housing are also permitted in most of the proposed zones.	
2.	Redevelopment	n/a	Why does the MVMP allow 2,500 new residences in the Village Center area? (D. Lechner)	The potential number of new dwelling units is a theoretical maximum for the entire Master Plan area, not just Village Center. Consistent with MVF's Vision 2030 Plan, the Master Plan identifies properties with redevelopment potential: 1) the Village Center, 2) the Professional Center, 3) the former Golf Course; and, the Plan expands the Gateway site to include 4) the properties along Lost Knife Road between Montgomery Village Avenue and Odendhal Avenue. The proposed zoning for each of these four areas includes residential uses. The actual number of new units will depend on market needs/demands, site constraints, the mix sought by the property owner at the time of redevelopment, and what the Planning Board approves in the regulatory process.	
3.	Redevelopment	n/a	Why not include the Clubside community (north of the Village Center) with redevelopment scenarios? (D. Lechner)	Clubside, which lies north of Clubhouse Road, is comprised of 288 existing, individually-owned single-family attached units, owned by multiple owners. The Plan recommends limited redevelopment in the locations mentioned above (and discussed in Chapter 5). To preserve the Village's character, existing neighborhoods, such as Clubside, should be maintained.	
4.	Redevelopment	n/a	The appropriate amount of density for Montgomery Village in the future has not been studied on a county or state level. The entire area (including Lakeforest Mall) with all parties participating needs to be looked at as a whole. A piecemeal approach will be a detriment to our town. (Senator King)	<p>The Planning Board reviews and approves boundaries for each master plan at the start of the planning process. The plan proposes redevelopment at several specific sites, including those identified as priority areas by MVF's Vision 2030. Zoning for the majority of the Village reflects what has been built.</p> <p>For the proposed redevelopment sites, staff analyzed potential redevelopment scenarios and proposed new zones that 1) permit the current uses to continue (e.g. gas station, assisted living, daycares, etc.) after the Sectional Map Amendment; 2) reflects what is built or approved; and 3) encourage redevelopment at select centers with a modest density increase. In addition, there were several anomalies</p>	

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				<p>with existing building types and setbacks and an overlay zone is proposed to address these situations.</p> <p>Staff reached out to all property owners during this process through an extensive outreach effort that included direct mailing, social media, Montgomery Village HOAs, civic organizations, schools, newsletters, media releases, door-to-door business surveys, and more. Staff spoke to many residents and property owners about what they liked, loved and wanted to change in the Village. In addition, the City of Gaithersburg, MCPS, and other agencies were engaged throughout the process to identify the needs and other potential redevelopment in the area. There are no specific redevelopment plans for Lakeforest Mall at this time.</p>	
5.	Impervious Map	n/a	Request to place a percent impervious “cap” in the overlay zone. In addition, put an impervious/pervious coverage map in the MVMP. (A. Smith)	<p>Of the three Great Seneca Creek subwatersheds that include a portion of Montgomery Village, only Cabin Branch has the potential to see “greenfield” development on the former golf course, so this is the only area where imperviousness could change significantly. In Cabin Branch, the proposed golf course development would add about 21.48 new impervious acres in the watershed, which would change the percent impervious cover from about 24.96% to 25.67%.</p> <p>Impervious caps are currently implemented in the County to protect exceptional aquatic resources. Upper Rock Creek and Paint Branch both have naturally reproducing populations of brown trout; Ten Mile Creek is one of the most biologically diverse stream systems in the County. Special Protection Areas (SPAs) that include impervious limits have been established by the County Council to protect these resources. Biological monitoring of the Great Seneca stream tributaries in Montgomery Village indicate fair to good water quality. In the past, streams of this quality have not received SPA designations, and it is unlikely that an impervious cap in this area would cause Cabin Branch to become an exceptional aquatic resource.</p>	
6.	Private Recreation/Open Space		Why doesn't the new zoning code include a similar “private recreation/conservation” Euclidean zone to allow our parks and open spaces to maintain their perpetual protection?	Private recreation/conservation is a permitted use in many of the zones in the 2014 Zoning Ordinance. The proposed overlay zone protects existing common open spaces by limiting the permitted uses	

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			Can you provide language in the overlay zone that protects our open spaces as well as the old Master Plan did? (D. Lechner)	to only active and passive recreation uses and by not permitting floating zone applications.	
Property Specific Issues (Use, Zoning, Site Design)					
1.	Professional Center	54 – 56 Plan Recommended Zoning: CRT-1.25 C-0.25 R-1.0 H-65	a) Professional Center needs greater flexibility, density, use and height to foster redevelopment and support future economic success. (T. Dugan) <ul style="list-style-type: none"> i. 65 foot height is not high enough to accommodate proposed density. ii. The overall density on the property is not enough to promote economic development. iii. The mix between commercial and residential density does not provide the greatest flexibility. 	<ul style="list-style-type: none"> i. Height deficits described in this testimony are based on a footprint limit of 25,000 square feet, which is not imposed by the Plan. The Planning Board routinely approves development plans with larger footprints than this for projects similar to the type of development staff has assumed might be appropriate at this location. Given this, staff assumed larger footprints, and assumed building assemblies similar to the wood-frame on concrete podium mixed-use structures common in various parts of the county, consisting of up to four floors of wood framed residential uses, each approximately 12 feet high, above a single story concrete structure of commercial uses, approximately 17 feet high, for a total of 65 feet. ii. Density proposed represents an increase of ±362% over existing density (an additional .98 FAR over existing built FAR). Staff considered this sufficient to promote some form of redevelopment. iii. Given the amount of existing, underutilized commercial space across the street at Village Center, and the adjacent single-family neighborhood, staff emphasized residential uses and limited the amount of commercial density at this location. 	
2.	MVF Office Property	56, Figure 12 Plan Recommended Zoning: R-90	MVF offices currently contain a mix of uses-office, recreation, and maintenance yard. Request EOF or CRN rezoning to allow for possible expansion and retain use. Owner does not want to go through a conditional use process to expand the uses (MVF, F. Mondell)	<p>The R-90 Zone was chosen for several reasons:</p> <ul style="list-style-type: none"> 1. This site does not meet the intent and purpose of the CRN Zone, specifically, it does not target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses; nor serve as a transitional edge. The MVF site is surrounded by residential uses that are being proposed for single-family zones. 2. While staff did consider EOF for this property, we ultimately did not choose this option because the zone is intended for office and 	

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				<p>employment activity combined with limited residential and neighborhood commercial uses. In our best professional judgment, if this site were to redevelop (sold to another party for tear down/rebuild), its best use is single-family detached with limited townhouses based on its location. Additionally, staff did not want to split-zone this property as there is no street, alley, or other internal lot line to follow to appropriately delineate between uses. The minimum floor area ratio (FAR) for the EOF zone is 0.5 and rezoning the entire site would allow up to 0.5 FAR, the square feet of allowed uses would increase the density to 92% over what is presently built. Since the maintenance yard is considered a storage facility, under Section 3.6.8.E of the Zoning Ordinance, it is not permitted in the CRN zone, but is a limited use in the EOF zone (as recommended by MVF). The proposed MV Overlay zone will allow for the maintenance/storage use to continue, but the use would not be allowed to expand (because of its proposed R-90 zone classification). The Planning Board could consider additional language for the overlay zone that would allow minimal expansion of this use, should the need arise in the future, similar to the EOF zone limited use provisions for this use under Section 3.6.8. Under EOF provisions, if this use legally existed on October 29, 2014, a facility of greater than 10,000 square feet gross floor is allowed.</p> <p>3. The existing recreational uses are permitted by right in any zone, including the proposed R-90 Zone.</p> <p>4. If the property were rezoned to R-90, the current office use would be allowed to continue through the overlay zone. If the current owners wish to expand the existing use, they would be required to seek a conditional use. The Planning Board could consider language exempting the MVF from such procedures; however, if in the future the current property owners were to vacate the facility and lease the building, the Planning Board would then need to consider whether the exemption to MVF would apply to a future tenant.</p>	

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3.	Golf Course Redevelopment	56 – 58 Plan Recommended Zoning: TLD – Townhouse Low Density CRN-0.5 C-0.0 R-0.5 H-65	<p>a. How are you protecting open spaces in Montgomery Village in perpetuity? (D. Lechner, H. Pettegrew, M. Defino)</p> <p>b. How is converting over half of the former golf course into residential housing in compliance with the tenets of 104-19A and upholding perpetual open space? (D. Lechner)</p> <p>c. Could the Master Plan allow 180 residential units on the “area 1” portion of the property with the stipulation that the fairways remain “open spaces” in perpetuity as required by County Code 104-19A? (Lechner)</p> <p>d. The original TS Zone document stated that “proposed plans shall be accompanied by restrictions, agreements, or other documents indicating in detail the manner in which any land intended for common or quasi-public use but not proposed to be in public ownership will be held, owned, and maintained in perpetuity for intended purpose.” (S. Defino, D. Lechner, R. Huebner)</p>	<p>a. The MVMP has proposed a very low density zone (RE-1) for all MVF open spaces and places them in an overlay zone that limits the uses to active and passive recreation (as well as allowing common open space features found in Section 6.3.3). In addition, these sites are not eligible for a floating zone map amendment, which eliminates the ability to increase the density or circumvent the uses designated for MFV open spaces in the proposed overlay zone.</p> <p>b. Language quoted is no longer applicable or valid with regard to the Zoning Ordinance. Language discussing “in perpetuity” was removed sometime after the adoption of the ZTA introducing the TS Zone into the Zoning Ordinance, and the adoption of ZTA 76001. ZTA 76001 was a comprehensive revision, reorganization and recodification of the 1960s Zoning Ordinance. Current Zoning Ordinance standards with regard to recording of plats refers only to common open space and that these areas “<i>may</i> be held in perpetuity.”</p> <p>c. The County Code referenced is no longer valid. With adoption of the 2014 Zoning Ordinance, the Town Sector Zone must be replaced. Further, when the Sectional Map Amendment is approved, the development plan associated with Montgomery Village will expire, and any and all stipulations placed on that plan through that review are no longer valid.</p> <p>Given the environmental constraints on the former golf course property, staff evaluated all zoning options for Area 1 (the clubhouse area) and determined that CRN-0.5 provided the most flexibility in building types, design, and compatibility, which is appropriate given its proximity to the Village Center (where redevelopment is encouraged).</p> <p>d. This testimony references Code Section 104-19A of the 1960 zoning ordinance, was later modified and removed the quoted language. Staff notes, this language in a previous zoning</p>	

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				<p>ordinance was referring to the review procedures of land undergoing preliminary plan review. Staff researched the golf course; it is not a recorded plat, and remains an un-subdivided parcel. Language regarding “common or quasi-public open use” is not a term used in the zoning ordinance, as it was removed. In 1985, via Council Ordinance 10-45, Council added language at the Planning Board’s request under §59-C-7.23 (Land Uses) stating the following “Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved homes association...” (Emphasis added). There is no longer reference in the Zoning Ordinance regarding quasi-public lands, nor is this use defined in the code since 1960.</p>	
4.	Golf Course Redevelopment	56 - 58	<ul style="list-style-type: none"> a. The draft plan makes no compensating offsets in equivalent conservation space, despite the fact that over 750 acres of parkland were approved in the original development plan. (H. Pettegrew) b. Staff took no steps to ensure that the plan would represent the desires of the majority of Village residents and disregarded the largest number of residents’ comments. (H. Pettegrew) c. The draft MVMP is not consistent with the MVF Vision 2030, which would limit any development of the golf course property to “Area 1” (a.k.a. club house area) (H. Pettegrew) d. Large volumes of water flow over the golf course property during heavy rain, but no new flooding study that would support developing with more houses; further development is sure to exacerbate the existing problem. (H. Pettegrew) 	<ul style="list-style-type: none"> a. The original development plan contains zero acres of land designated as parkland. The land designated on the plan is common open space or acres designated to the intended homeowners association. The golf course was not designated on the development plan as an open space land use, rather a golf course use. The draft Master Plan retains all of the existing open spaces (e.g., HOA parcels, MVF properties, etc.) and much of this land will be restricted in use through an overlay zone. In addition, this Master Plan recommends that over 40 acres of previous golf course be dedicated for the purposes of parkland, providing opportunities for reforestation in the stream valley, improvement of stormwater management, additional trails, and new public access. b. Staff had several different outreach programs throughout this project. The draft Plan’s recommendations represent staff’s professional judgment about appropriate land uses and zoning. Staff recognizes that there is community support as well as opposition to residential redevelopment of the former golf course. c. MVF’s Vision 2030 Plan (completed in 2011) did not limit development of the golf course to the clubhouse section (Area 1 on Monument’s Illustrative). Vision 2030 recognized resident’s preferences to maintain the former golf course property as 	

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			<ul style="list-style-type: none"> e. How would the draft Master Plan protect privately held land [open space] in Montgomery Village? (H. Pettegrew) f. How can permitting a developer to build houses on over 80 acres of land designated as "Private Recreation/Conservation" be justified? (H. Pettegrew) 	<p>fairways, limiting potential development to the buildable areas around the clubhouse (at the time, the golf course had not been sold and it was assumed that it would remain in operation), but also contemplating the concept of a mixed-use community (as a last resort) should the golf course use not be sustainable. Schemes for both scenarios are included in the Vision 2030 document (pages 59 and 60, respectively).</p> <ul style="list-style-type: none"> d. Stormwater management issues are addressed during the development review process. In order to obtain a building permit, the applicant would have to go through the review process at the Department of Permitting Services, Water Resources Division to determine if the proposed development would exacerbate any stormwater management issues and what mitigation would have to occur to build. e. Currently, the Master Plan is recommending that MVF lands be restricted to uses that are either agricultural (e.g., farmer's market), or recreational (e.g., pools, trails, etc.). This protection lies within the proposed overlay zone. f. The Master Plan recommendation for the former golf consists of both residential and conservation use. For the areas that are not developable, the Plan recommends preservation and/or conservation through a variety of mechanisms, like forest conservation, parkland dedication and open space amenities (e.g., trails). These areas would be specifically designated during natural resource inventory/forest stand delineation, subdivision and site plan reviews. Limited development should occur in order to achieve proper reforestation, restoration of the stream valley, proper stormwater management, and dedication of parkland. This site is not eligible for legacy open space, nor does the Parks Department or MVF have funds to purchase, restore and maintain the entire golf course. 	
5.	Golf Course Redevelopment	56 - 58	a. The golf course is a natural buffer and if removed will eliminate hundreds of years of	a. The golf course was not designated parkland on the Montgomery Village Development Plan. Prior to becoming Montgomery	

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			<p>evolution of the habitat. Please do not change already deemed parkland as anything but. (R. Portanova)</p> <p>b. Golf course provides a balance between extremely dense housing and is a natural noise buffer and filter for cleaning toxins from the air. Filling this course with more townhomes is disrupting the existing balance; it is the only remaining natural buffer that keeps the densities at acceptable limits. (R. Portanova)</p> <p>c. Golf course development will exacerbate existing traffic conditions with the addition of 1,500 more cars (R. Portanova, S. Defino)</p> <p>d. The owner never reached out to the general public (door to door) to advise of their plans. (R. Portanova, M. Whitlock)</p>	<p>Village, the original 1,700-plus acres of land were farm land, designated in the R-R zone. The majority of the lands were cleared many years ago for agricultural use and very few areas contained second growth woodlands.</p> <p>b. The density surrounding the golf course is about 5.8 dwelling units per acre. The density anticipated with the golf course redevelopment is between 2.6 and 4.1 units per acre, which will be less than the existing residential densities surrounding the golf course. Redevelopment of this land will require the reforestation of the golf course, soil clean-up, and correction of any stormwater deficiencies. Allowing the entire site to return to a forested condition may be best for water quality and habitat, but this cannot be achieved without an entity purchasing the entire site and then not developing it. Discontinuing intensive turf management practices at the former golf course, including pesticide and fertilizer applications, will allow the stream buffer to revert to a more natural vegetated condition and will improve water quality on the portion of the site closest to the stream. Redevelopment should improve infiltration and filtering of runoff from surrounding development. The developed area itself must include stormwater management treatments that follow Environmental Site Design (ESD) principles intended to mimic a runoff condition comparable to “woods in good condition.” This would result in reduced runoff volumes when compared to the previous golf course use.</p> <p>c. Staff is not aware of the assumptions used regarding 1,500 additional cars on the roadway. Current estimation of traffic during the peak hour is 1 car per unit. If developed at the minimum number of dwelling units (current illustrative concept provided in plan), there would be an estimated 300 new peak hour trips. With the addition of new infrastructure, it is likely these new trips would be distributed throughout the transportation network.</p>	

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				d. Monument Realty has been active in the community for the last 18 months and, according to the package submitted to staff during the Master Plan process, they held a number of community meetings, charrettes, and provided a website that contains all the information relevant to the proposed golf course development.	
6.	Golf Course Redevelopment	56 - 58	Golf course should stay zoned as recreation and green space used for leisure, trails for walking, biking and picnicking. (A. Burnham)	The golf course was never zoned as public recreation and green space. The former golf course is private property and public access was limited to those who had memberships. This Master Plan is recommending dedication of parkland through the redevelopment process, in addition to any requirements of the proposed zone for common open space.	
7.	Golf Course Redevelopment	56 – 58	<p>a. Planning staff is recommending an inappropriate arterial road with two wide lanes, bike lanes, on street parking, and sidewalks. (Senator King)</p> <p>b. Number of units proposed range between 300- 600 units and a rushed and rubber-stamped approach is not in the best interest of our community. (Senator King)</p>	<p>a. The draft Master Plan recommends that the extension of Stewartown Road be designed for speeds at or near 25 mph, which is the optimal environment for pedestrians and cyclists to feel safe. With regards to the roadway lanes, the 2 lanes will be no more than 11-feet wide. Additionally, with parking an issue in the Village, providing on-street parking will slow traffic down and provide visitors a place to park. For some portions of the roadway, the Draft Plan recommends a shared-use path to reduce the amount of pavement.</p> <p>b. The range in the number of units proposed on the golf course is dependent on the development on the clubhouse parcel. The Master Plan is the first step in providing recommendations for the golf course redevelopment. The property must then go through the development review process, which includes a natural resource inventory/forest stand delineation, preliminary plan, site plan and forest conservation. The development review process would further refine the location, type and design of the redevelopment prior to the first building permit being issued.</p>	
8.	Golf Course Redevelopment		Why doesn't the Plan address the covenants on the golf course? Why is it not being enforced? (S. Whitehead, M. Defino, V. Georgie, G. Leach-Lewis, R. Huebner)	The Planning Board does not enforce third party agreements.	

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9.	Golf Course Redevelopment		<ul style="list-style-type: none"> a. School statistics will not draw buyers in the \$500K – \$600K housing market (M. Whitlock, E. Miller) b. Prefer senior housing on golf course (no school generation) (M. Whitlock) 	<ul style="list-style-type: none"> a. There are many factors in determining a home’s “value” and price-point; one factor is the perceived school quality. Location, scenery/views, and amenities, are some of the other factors that affect price and it is up to the developer of the property to determine the best value at the time of sale. b. In many of the zones recommended in the Montgomery Village Master Plan (MVMP), senior housing is a permitted use in the zone, either by right or by conditional use. Single family and multi-family housing are also permitted in most of the proposed zones. 	
10.	Golf Course Redevelopment		<ul style="list-style-type: none"> a. Do not want urban sprawl and overload of infrastructure and density. (V. Giorgi, S. Defino, E. Miller, G. Leach-Lewis) b. Current owners are proposing to put 600 units on 49 acres. This dense concept is totally out of character with the current layout, character, and original concept of the Village. (S. Defino) c. Will create “boarding house” creating 3,000 – 4,800 individuals in the Village. This will cause issues with parking.” (S. Defino) d. Where would the new roads go to take the added population to and from Centerway Road? Through the school zone? (S. Lake) 	<ul style="list-style-type: none"> a. Montgomery Village is already built. The density proposed by the master plan theoretically increases the overall number of dwelling units by approximately 20% more than the existing number of dwelling units within the Village, concentrated at locations that were identified by the community as part of their Vision 2030 process. Recommended density was studied to ensure land use/transportation balance is maintained. Per staff’s analysis, the area is in balance and has adequate capacity to absorb the densities recommended by the Plan. b. The illustrative concept proposes between approximately 370 to 600 dwelling units on about 146 acres of land, providing for approximately 2.56 dwelling units to 4.1 dwelling units per acre. Density is not calculated on “developable lands.” The proposed density of the Plan is compatible with surrounding densities in that the lower density ranges can be found adjacent to the existing residential neighborhoods, concentrating the highest density near the Village Center (CRN Zone). The original intent of the Village was to design with nature and, given the many environmental constraints of this property, the Plan recommends careful consideration of the environment when redevelopment occurs (see page 58 in the Master Plan). 	

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				<p>c. Boarding houses are not permitted in any single-family zone. If residents feel that there are violations to the Zoning Ordinance, they must contact the Department of Permitting Services to register a complaint, prompting an investigation.</p> <p>d. Due to the grade differences between Maryland Place Homes Corporation and the golf course, in addition to the existing residential units, the likely roadway connection to any development adjacent to Maryland Place would be to Montgomery Village Avenue; however, the actual location would be determined through preliminary and site plan at which time the safety, efficiency and adequacy would be evaluated.</p>	
11.	Golf Course Redevelopment		<p>a. Ecological repercussions if golf course redevelops; concerned with stormwater management worsening if houses are built. (D. Tamura)</p> <p>b. The natural features proposed would be disturbed by the incursion of the additional roads and driveways which 500 townhomes would present. (S. Lake)</p>	See #5 above.	
12.	Golf Course		Supports the Monument plan to redevelop the former golf course. (G. Wallace)		
13.	Golf Course		Support the former golf course redevelopment to provide for new housing and park amenity spaces for Village residents. (MVF, F. Modell)		
14.	Golf Course		Support for the following: focus on making the community more pedestrian and bicycle friendly; recommendation that the Parks Department seek future dedication of 40 acres of the former golf course; encouraging reinvestments with the incremental development of properties, including encouraging coordination with adjacent properties (e.g., Lakeforest Mall) ripe for development; redevelopment of the golf course (R. Scheibel, J. Marsh)		

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15.	Golf Course Redevelopment		MVMP addresses the redevelopment needs of our community while keeping the established character and aesthetic of Montgomery Village intact. It will provide quality housing options that will attract new families and new developers to the Village and Professional Centers, revitalizing our aging community. Monument has presented a plan that will benefit the community as a whole by providing shared amenities, such as hiking paths, parks and gardens. (W. Fisher, J. Marsh, P. Hogan)		
16.	Golf Course Redevelopment		Monument has worked openly with residents and (MVF) elected Board to create an innovative, positive, and revitalizing plan for the former golf course site.		
17.	Golf Course Redevelopment		Supportive of “smart building” on the golf course to revitalize Village (J. Leonard); development proposed by Monument is perfectly in-keeping with Kettlers’ vision. (T. Marsh)		
18.	Golf Course Redevelopment		Supportive of MVMP; it’s consistent with Montgomery Village vision (R. Hines, E. Leatham)		

Mobility Issues (Transit, Street Network, Pedestrians and Cyclists, and Parking)

1.	Wightman Road R/W designation	Pg. 65 Table 1 Figure 17	<ul style="list-style-type: none"> a) Widening of Wightman Road would cause more traffic to flow through Montgomery Village (C. Sharp) b) Widening of Wightman Road would allow for more speeding and there are too many vehicles crashing; possibility of vehicles crashing into resident’s back yards. (M. Miller) c) Widening of Wightman Road would have total disruption of established communities, 	Wightman Road was designated in the 1985 Gaithersburg Vicinity Master Plan as an Arterial with a planned maximum right-of-way of 80 feet with four (two in each direction) through traffic lanes. The MVMP does not propose to change those recommendations nor does it indicate that Wightman Road must be widened at this time. The Master Plan is a 25-year vision for the community and for Wightman Road to ever be widened, the funding would need to be allocated by the County Council in the CIP, which is a process that involves public input. A four-lane Wightman Road was included in the CIP implementation table so that the Executive Branch could determine a construction estimate for build-out of all public facilities in the Master Plan area. Roadways such as Snouffer School Road and Goshen Road were not included in the CIP implementation table because they are	
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	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
			<p>noise concerns, dangerous crossing. (M. Dolan)</p> <p>d) Widening of Wightman Road will help alleviate the rush-hour backups at Goshen/MV intersections. (B. Wilson)</p> <p>e) Wightman Road will cause significant community losses in realms of neighborhood ambiance, cohesion and lowered property value. (GGCA, Northgate BoD, North Village BoD, East Village Homes Corp, Park Ridge HOA, A. Butler, A. Benjamin, C. Tilford)</p> <p>f) Do not widen Wightman Road, nor include in the CIP for construction. Widening will cause serious disruption and the right-of-way cannot be obtained without major disturbance or taking of residential properties. (J. Steckel, J. & N. Hochevar, D. Barnes, M Blanc, C Brown, B. Sklar, C. Kennaday, B. Blanc, H. Canapary, M. Forcinito, J. Atay, M. Dolan, A. Benjamin, J. Jordy, R. Nelson, C. Tilford, S. Albert, R. Arkoian, K. Sentkowski)</p> <p>g) Widening of Wightman Road would destroy the three houses on the Montgomery County Historical Registry and bring the road up to the doorsteps of Prathertown houses. (J. Atay, Sgt & Mrs. Johnston)</p> <p>h) There are significant public safety concerns with widening Wightman Road. (N. Lerner, S. Albert, D. Butler)</p>	<p>already funded in the CIP. The County would decide if and when the improvement needs to be programmed.</p> <p>Right-of-way is available south of Brink Road, with the exception of the area between Warfield Road and Aspenwood Lane and a small portion just west of Goshen Road.</p>	

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
2.	M-83	62	<p>a) Why omit M-83 extended highway’s status, while listing other roadways? Add note to state the following: <i>“Midcounty Highway Extended (M-83) construction did not receive funding in the Montgomery County CIP (2015 to 2020). It is assumed that M-83 is not part of the future roadway network, because the full Council in 1992 voted against M-83 Extended when deciding to construct the Watkins Mill Road bridge (completed in 1997) and in 2015 Council voted to accept County Executive’s CIP budget for 2015-2020, which did not include an allocation for M-83 Highway Extended.”</i>(E. Miller)</p>	<p>This Master Plan is not omitting M-83’s status or making decisions about this road, rather, it speaks of what is and is not built. M-83 was assumed in the transportation model run conducted for this Master Plan because the road is on the Master Plan of Highways.</p>	
3.	Stewartown Road (extension)	63	<p>a) Concern over of the “sudden appearance” of Stewartown Road Extension, which did not receive Village input or the environmental impacts on Cabin Branch floodplains (statement made on buffers, not floodplains). Consider adding the following note: <i>“Stewartown Road Ext. design and construction is not funded in the 2015-2020 MC CIP, Traffic & Environmental Studies are not funded in the 2015-2020 MC Budget & CIP. Resident’s pro & con input on its development might sway MC Council during their public hearing scheduled in fall of 2015.”</i> (E. Miller)</p> <p>b) Strongly encourage the Planning Board to study the extension of Stewartown Road and focus on the pedestrian; should be a slow, neighborhood street. (MVF, F. Mondell)</p> <p>c) Stewartown Road never previously appeared in any planning document.</p>	<p>a) The specific design of the roadway would occur during the development review process. The draft Plan can include language supporting a reduction of the right-of-way at the time of preliminary plan if needed to provide protections to the flood plain and environmental buffers. A road across the former golf course that provides access to the proposed homes has been discussed for years going back to the Vision 2030 community charrettes and early development renderings by Monument Realty. The alignment of the road is not set, just the easternmost and westernmost points as shown in the Plan. The alignment will be determined at the time of development review and will avoid environmental features on the site.</p> <p>b) Stewartown Road is proposed as a two-lane road (one lane in each direction) with a 25 MPH design speed, on-street parking (to help slow traffic and serve the nearby homes), a sidewalk, and a shared-use path for cyclists.</p> <p>c) Stewartown Road was proposed in the 1971 Gaithersburg Vicinity Plan; however, it had a different alignment connecting to Watkins Mill Road further to the south. It is being reconsidered because of</p>	

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
			<p>d) Reduce Stewartown Road (extension) right-of-way, as it will eliminate several amenities proposed in the area. (R. Hines, P. Hogan, E. Leatham)</p>	<p>proposed development on the golf course and the need to provide access through the area.</p> <p>d) In the Public Hearing Draft, staff proposed a 70-foot ROW for Stewartown Road, consistent with the required space in the Road Code for ‘minor arterials’ (as well as ‘primary residential’) in order to accommodate two travel lanes, on-street parking, a sidewalk, and a shared-use path. Monument Realty testified and submitted a letter discussing the environmental and economic challenges faced with providing 70 feet of ROW and instead proposed reducing the ROW to 61 feet by eliminating on-street parking. In response, staff recommends adding a footnote to the bottom of the Roadway Classifications Table (Table 1) stating that a 70-foot ROW should be pursued, but where there are environmental challenges with the road alignment, the ROW could be reduced to 60 feet (one foot lower than they were asking for) by eliminating on-street parking where houses will not be constructed.</p>	
4.	Transit Network	67	Provide a trolley service to “shore up” economic development for Village shopping centers. Recommended goals for master plan (E. Miller)		
5.	Montgomery Village	65	Need to make Montgomery Village Avenue into three lanes, each direction. (M. Miller)	The Master Plan recommends that Montgomery Village Avenue remain 3 lanes, south of Midcounty Highway. For points north, the Master Plan recommends its current configuration of 2 lanes, as there is no projected need for this roadway to expand to accommodate the Plan’s proposed development capacity.	
6.	Goshen Road	Pg. 64, Table 1	Remove Goshen Road roadway classification because the M-83 alignment proposed along Goshen Road was rejected. (D. Barnes)	Further study of alternatives for M-83 is currently being conducted by MCDOT. The results of this study and preferred alignment will be released outside of the timeframe of this Master Plan. The County Council directed staff not to consider M-83 alignments in the MVMP.	
7.	Transit	n/a	Why is the MVMP proposing to widen Wightman, Goshen, and other roads into arterial highway status? Why can’t those community areas use mass transit or allow office parking in their community to contain local jobs? (D. Lechner)	The Master Plan is not proposing to widen any of these roads. The recommendations in the Plan are consistent with the 1985 Gaithersburg Vicinity Master Plan. Taking mass transit is a choice, and is accounted for in the “modal split” when determining the estimated number of trips on the roadways. The Master Plan cannot dictate choice, rather enable alternatives to enhance commuter’s options.	

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
8.	M-83	n/a	Resurrection of Alternative 4 as part of the MVMP, thought the discussion was put on the back burner until 2015/2016 (G. Ryeffel)	Further study of alternatives for M-83 is currently being conducted by MCDOT. The results of this study and preferred alignment will be released outside of the timeframe of this Master Plan. The County Council directed staff not to consider M-83 alignments in the MVMP.	
9.	General	n/a	<p>a. Do not go forward with MVMP until Gaithersburg East Mast Plan is updated and addressed. (R. Nelson)</p> <p>b. Make the completion of the Midcounty Highway (from Montgomery Village Avenue to Ridge Road the top transportation priority for the CIP in both plans. (R. Nelson)</p>	Further study of alternatives for M-83 is currently being conducted by MCDOT. The results of this study and preferred alignment will be released outside of the timeframe of this Master Plan. The County Council directed staff not to consider M-83 alignments in the MVMP.	
10.	Brink Road	Pg. 64, Table 1	Do not widen Brink Road. (J. Dobre, C. Bivens)	The Master Plan is not proposing to widen Brink Road, and recommendations contained in the draft MVMP are consistent with the regional recommendations for the policy areas in which this Plan lies.	
11.	General		Concerns that the Village is going to become a pass-through to areas north with discussions about widening Goshen Road, Wightman Road, adding M-83, taking the median off Montgomery Village Avenue, which will ruin the community feel of the Village. (Senator King)		
12.	Warfield Road	Pg. 64, Table 1 (p. 65) & Figure 17 (p. 66)	Consider whether country arterial is the best classification for this roadway because of existing and master planned shared use path and proximity to school. (MCDOT)	Staff recommends changing the proposed Warfield Road classification from 'country arterial' to a 'country road' (it is currently classified 'primary residential'). The country road classification has a lower design speed (25-40 MPH) and narrower travel lanes (10 feet) than a country arterial (35-50 MPH and 11 foot lanes). Warfield Road will be given the MPOHT # CR-1.	
13.	Christopher Avenue	Table 1	There are no cross-sections for 4-lane divided arterials less than 100 feet, but this segment calls for 95 foot ROW. Needs clarification as to how to achieve this as well as include separated bike lanes. (MCDOT)	Cross-sections for both Christopher Avenue and Lost Knife Road (similar to the cross-section included on page 73 for Stewartown Road Extension) were accidentally left out of the Public Hearing Draft. Staff recommends adding the cross-sections for Christopher Avenue and Lost Knife Road that demonstrate how separated bicycle lanes can be accommodated within 95 feet and 100 feet of ROW, respectively. Christopher Avenue currently has a wide median and staff believes	

	Issue to Be Resolved	Draft Plan (page)	Testimony (Commenter)	Staff Response	Board Decision
				separated bike lanes can be accommodated without needing additional ROW.	
14.	Club House Road	Pg. 63, Table 1 (p. 65) & Figure 17 (p. 66)	Confirm that the span of Club House Rd between Montgomery Village Ave & Centerway Rd is to be a Secondary Residential street, noting that it appears likely to carry cut-through traffic serving a variety of uses. Confirm whether this class is indeed intended. (MCDOT)	Staff recommends continuing the 'business street' classification for Club House Road (B-2) eastward across Montgomery Village Avenue to Centerway Road.	
Overlay Zone					
1.			<p>a. Request that the MV overlay zone identify more active and passive park and facility uses, such as athletic fields, courts (e.g., basketball, bocce, etc.), dog parks, skate parks, ice skating rinks, recreational camps, child care programs in community centers; pathways, tree plantings and community gardens. (MVF)</p> <p>b. Request that the MV overlay zone include the following language, under development standards: <i>"In addition, the application for development of any property subject to the MVMP must reference the owner's plans to annex the property(ies) into the Montgomery Village Foundation."</i> (MVF, F. Mondell)</p> <p>c. Request that the MV overlay zone include language stating that a property owner must "receive approval from the MVF Architectural Review Board or Commercial Architectural Review Committee." (MVF, F. Modell)</p>	<p>a. The proposed overlay zone allows all the listed uses by MVF, with the exception of "child care programs;" they are permitted active and passive uses. For example, under Section 6.3.3, athletic fields or courts and ice skating rinks are <i>facility-based recreation</i>; dog parks, pathways, tree planting and community gardens are considered <i>open space features</i>; and the recreation camps are accessory to the <i>community recreation centers</i>.</p> <p>A child care program (such as daycare or before and aftercare) is not an accessory use to a community recreation center, and would be considered a daycare use under Section 3.4.4. Exemptions to the requirements under Section 3.4.4 are only granted if operated by a non-profit organization located in a structure owned or leased by a religious organization or private parochial education. Staff would consider extending the grant of the childcare program a permitted use, and extend the exemption in the RE-1, only if the program were run by MVF, a nonprofit organization. However, if the recreation centers are leased to a for-profit provider, a daycare use should be listed as a conditional use, and reviewed under the conditional use standards.</p> <p>b. The Zoning Ordinance cannot enforce third party agreements.</p> <p>c. The Zoning Ordinance cannot require approval of architectural review prior to receiving a building permit. Restrictive covenants are third party agreements, which the Planning Board cannot enforce.</p>	

ATTACHMENT 2

Section 4.9.XX. Montgomery Village (MV) Overlay Zone -- DRAFT

A. Purpose

The purpose of the MV Overlay zone is to:

1. Preserve the unique character of Montgomery Village.
2. Protect existing open space and conservation areas.
3. Ensure a compatible relationship between new and existing development.

B. Land Uses

1. In the RE-1 zone, all uses are prohibited except the following, which are permitted:
 - a. Agricultural Vending;
 - b. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons), such as an amphitheater or a swimming pool;
 - c. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 persons), such as an indoor swimming pool;
 - d. Distribution Line (Below Ground);
 - e. Pipeline (Below Ground);
 - f. Playground, Outdoor (Private);
 - g. Seasonal Outdoor Sales;
 - h. Solar Collection System; and
 - i. An Accessory Use associated with any of the above uses.
2. In the RE-1 zone, any of the allowed features in open space under Section 6.3.3.A are permitted, except for above-ground utility rights-of-way.
3. Applications for a Floating zone on land classified in the RE-1 zone are prohibited.

C. Development Standards

In addition to any other requirements of Division 6.3 and Chapter 50, common and public open space in Montgomery Village must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the Planning Board.

D. Site Plan and Record Plat

1. Site plan approval under Section 7.3.4 is required for all development in the MV Overlay zone, except for:
 - a. construction of an accessory structure;
 - b. construction of a structure less than 5,000 square feet in size in the RE-1 zone;

- c. the modification or expansion of an existing detached house, duplex, townhouse, or accessory structure; or
 - d. a conditional use.
2. Record plats must show all land designated for open space and have a statement on the plat granting public access to those lands.
 3. A certified site plan must show all land designated for open space.

E. Existing Buildings and Uses

1. A legal structure or site design existing on {day before date of adoption} that does not meet its current zoning is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure is not increased, except as provided below.
2. On a lot that has not changed in size or shape since {insert the date of adoption}, a detached house, duplex, or townhouse may be constructed, reconstructed, or expanded:
 - a. without regard to the minimum lot size or lot width at the front building line; and
 - b. in a manner that satisfies the maximum building height and lot coverage of its current zone and the side, front, and rear setback that was required when the lot was first created.
3. A legal use existing on {date before adoption} is conforming and may be continued. Expansion of any such use must satisfy the use standards of the current zone under Article 59-3.