ATTACHMENT C

DRAFT GERMANTOWN MASTER PLAN

PUBLIC HEARING TESIMONY
JULY 28, 2008

RECORD CLOSED AUGUST 11, 2008

MILES & STOCKBRIDGE P.C.

Germantown Master Plan
Item # 1

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

June 18, 2008

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

Re: Germantown Forward Public Hearing Draft

Dear Sue:

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

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

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

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

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

11 N. Washington Street, Suite 700, Rockville, MD 20850 • 301.762.1600 • Fax: 301.762.0363 • www.milesstockbridge.com

Baltimore, MD • Cambridge, MD • Columbia, MD • Easton, MD • Frederick, MD • McLean, VA • Towson, MD

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

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

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

"From Maryland Route 355 to Middlebrook Road"

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

Very truly yours,

Stephen J. Orens

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

GERMANTOWN MASTER PLAN
PUBLIC HEARING TESTIMONY

July 28, 2008

Germantown Master Plan
Item # 2

James R. Clifford, Sr., Esq.
316 East Diamond Avenue
Gaithersburg, MD 20877

301-840-2232

I am here to support the Planning Staff and Chairman in their efforts to create the TMX Zone. I believe it makes infinite sense to create a zone which allows for maximum utilization of property located in strategic areas that are easily accessible to transit. I believe that's a point that few of us can argue. More to the point, this testimony is to support the BLT component of the TMX Zone.

Land, much like oil, is not a renewable resource. All of us have a responsibility to plan our use of the resources so that they first meet the critical needs of today, but it is also equally important that we reserve theses resources for future generations whose needs will be even greater as scarcity becomes a larger issue. If we use all of our oil reserves today to meet the present crisis, what will we do in the future when those reserves will most assuredly be needed. This same is true with land, in particular the Ag Reserve. If we do not protect the 93,000 acres of land set aside we will have eliminated most of our options in the future when land supply is a greater crisis. Through the efforts of the Chairman and many others, the Ag Reserve was created in 1981 and for the most part, that land is still as it was in 1981 due to those efforts. Just as we are under tremendous amount of pressure to start to pull on our oil reserves, we see pressure amassing on the fringes of the Ag Reserve.

We need a sound and fair policy to eliminate roof tops and at the same time fairly compensate landowners who will once again be asked to limit the development on their up county land.

I would caution the Chairman and Planning Commission and the County Council that the use of the BLT must make economic sense to the end user or it will fail and with it one of the more innovative land preservation tools we have seen in this County since 1981. I believe this can be a model for Ag Land Preservation across the Country, most especially in areas on the fringe of urban growth. This will require us to prioritize our social agendas which are often pursued through the pockets of the builder and developer and a system needs to be created that fairly assesses new development projects so that the burden of funding these agendas is not totally and continuously pushed to their end of the table.

July 20,2008

re: meeting July 28

Germantown Master Plan
Item # 3

Mr Hanson,

The Draft Plan recommends a direct connection of Waters Road to MD 118 which goes through my property.
My property is made of 2 parcels (971 and 920) (9999 sq feet for 971 and 21505 sq. feet for 920). These 2 parcels are what was left by the county after he forced us to sell a large part of our property (exec order 99-94 and 100-94).
For 14 years, we have been left with these 2 parcels without any possibility to develop them.

If the final plan recommends to go through my property, it should include the 2 parcels together because any of them alone is too small to do anything. At any rate, in this case, the sole party interested to buy would be the developpers.
I think the 2 parcels should bought by the county.

Sincerely,

M. Staquet
Avenue Hamoir, 60b.
B-1180 Bruxelles
Belgique

Tel: +32 2 374 2161
e-mail:

Staquet

NB: Preferably a single number for the 2 parcels would be easier

Testimony before the MCPPC Planning Board

Concerning the amendments to the current Germantown Master Plan

July 28, 2008

Germantown Master Plan
Item # 4

Given by:
Margaret Schoap
for Dayspring Church, 11301 Neelsville Church Rd., Germantown, MD 20876

My name is Margaret Schoap. I've lived in Germantown for the past eight years, and have been a resident of Montgomery County for 25 years. It's been a privilege for me to be a member of the Citizens' Advisory Committee for the Germantown Master Plan. I'm speaking tonight to represent my faith community, Dayspring Church Farm with 206 acres of quiet meadows and woodlands near the eastern border of Germantown.

This is the story about Dayspring and the proposed extension of mid-county highway (M-83). For 55 years people from all over the world have come weekly to Dayspring Church Farm for respit and to reconnect with the natural world and its creator. In these decades, our faith community has kept this quiet sacred green space available for people we host: for nonprofit groups at our Wellspring Conference Center, including county and state government groups for education, business and social services, and; for those looking for silence to meditate. Our Silent Retreat Center is a resource of cultural and spiritual value for people of many world religions. Dayspring's ministry is to preserve these areas of deep forest, open grassland, and secluded stream valley with its springs, wetlands, and waterfalls as a sanctuary for wildlife and for people, knowing that following generations will also feel called and obliged to care for them.

The proposed M-83 road was first introduced as part of the Germantown Master Plan in 1968 before the Clean Water Act prohibited wetland destruction and required permits. In the 1974 Master Plan (p. 47) Dayspring was refered to as "the largest privately owned institutional facility in Germantown," a "major religious retreat center" of "unique value" which merits "special attention".

Since the 1968 Master Plan, the USCOE (US Corps of Engineers) and the EPA (Environmental Protection Agency) have denied wetland and environmental permit approval for building M-83 from Gaithersburg, through Germantown to Rt. 27. We have been encouraged throughout the years when this road was almost removed from the Germantown Master Plan. Just a few years ago the Transportation Task Force of the Planning Board recommended its removal. This is the fourth Revised Germantown Master Plan to contemplate the proposed building of this controversial road.

For over 40 years now, we at Dayspring have been opposed to M-83, written letters, testified at hearings like this one, participated in task forces, invited civic leaders to come to Dayspring and see for themselves. At times we have thought that the road should be built somewhere else, in somebody else's "back yard. But,

in these later years we've realized that we can't go on driving more miles, burning more fossil fuel, building more roads - anywhere. It's simply not sustainable and not life-giving for the planet or its peoples, or its many wonderful life forms.

And so now master plans speak about walkable cities and transit oriented development and bikeways – wonderful visions, all of them. But wonderful visions alone won't do. We need to start taking action to implement these visions now. This is the time for action that will make a difference in the world in which our grandchildren will live. This is not the time for more new roads or widening existing roads. That time is over. This is a new time. It is the time of walkable communities, of a robust, many layered public transit system. It is the time of beautiful green spaces and walkways and paths and bikeways, it is the time of communities that are embedded in and enriched by the larger community of life from which human communities, of necessity, derive. It is a time when soulful spaces and quiet beauty once again matter to us, they matter more than the busyness that has robbed us of so much of our true joy of living. This is a new time.

Recently councilmember Roger Berlinger introduced seven bills that relate to Global Warming. One of them, cosponsored by five other Councilmembers, would:

require the Montgomery County Planning Board, when preparing the General Plan or any master plan, sector plan, or functional plan, to assess the plan's potential impact on greenhouse gas emissions in the County and consider options that would minimize those emissions.

We think it makes good sense and should be implemented now. What would it be like to revise a Germantown Master Plan that begins with the premise that everything in the Plan is designed to minimize greenhouse gas emissions? That would include employment, housing, commercial development, transportation, environment.

Now that we know about global climate change, new highways like M-83 make less sense than ever. We at Dayspring request three recommendations to the Revised Germantown Master Plan: 1) that M-83 not be built and be replaced by a forward-looking public transit system that would include service to East Clarksburg, linking it to the Germantown transit system; 2) that North Germantown Greenway Park, which is the east boundary of the city, stay intact and without development, completing the greenbelt around Germantown, and; 3) that the statement about Dayspring Church, written in the 1974 Germantown Master Plan, be revised and re-submitted for approval for this revised Master Plan. At Dayspring we believe that all people are called to help preserve the balance of nature and human existence. Everywhere we hear the question, "What are you going to do?" We want to be part of the change for this county that Councilmember Berlinger speaks about in his bill.

Today's teenagers will be taking your positions the next generation, and it would be uplifting to hear them say, "Our Planning Board predecessors in Montgomery County in 2008 took a new direction that blunted the worst impacts of global climate change. It was a new direction that allowed life of all kinds to flourish in this county for the foreseeable future. They resolved to take a new direction in land use planning, in energy use, in transportation, a new direction that always chose the alternative that lessened the impact of global climate change."

It began for us over 40 years ago, our little story of Dayspring and M-83. Our generation has taken us into the much larger, much more important story of our moment of contributing to change on this planet; and it has left us with a question for you. "What are you going to do Planning Board? Will you turn away and force the next generation bear the burden of changing the course of transportation in this county, or will you make the faithful choices now, this year? You and we, as citizens of Maryland and Montgomery County need to turn around and walk into all planning meetings resolved to make the difference that our grandchildren will recognize and maybe even call, "the great turning." We ask you as people of integrity to make these changes now.

Sue

Adams, Holly

From: MCP-CTRACK
Sent: Tuesday, July 29, 2008 1:37 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0877 - Magda/Germantown Master Plan
Attachments: 2008-0877-Incoming.pdf

Germantown Master Plan
Item # 5

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0877	**Date Received:**	7/29/2008
Correspondence Type:	Email	**Date Of Letter:**	7/29/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Beverly Magda		
Description: Correspondence regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received after Planning Board hearing; include in file			

2008-0877

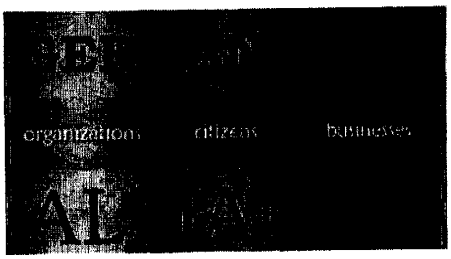
MCP-Chairman

From: Beverly Magda [beverlymagda@gmail.com]
Sent: Tuesday, July 29, 2008 9:50 AM
To: MCP-Chairman
Subject: Testimony for Germantown Master Plan from Germantown Alliance
Attachments: Testimony for Germantown Master Plan_Germantown Alliance_072808.pdf; Planning Board Testimony_Germantown Alliance 072808.pdf

Hi,

Attaached is the testimonyon the Germantown Master Plan from the Germantown Alliance. Thank you.

--
Beverly Magda
beverlymagda@gmail.com



P.O. Box 702 Germantown Maryland 20875

Testimony for Germantown Master Plan

Presented by: Beverly Magda PhD, Chair

July 28, 2008

Good evening. My name is Beverly Magda. I am the chair of the Germantown Alliance, which is an Alliance of organizations, businesses, and citizens of Germantown. I am also a citizen of Germantown.

We'd like to thank you all for your hard work, dedication, and commitment to the Germantown community. We appreciate the fact that you've been reaching out to the community and seeking input into the Germantown master plan.

We're pleased to see parks, green space, and pedestrian access in the master plan.

To start, there are two main items that can benefit Germantown that we'd like to address:

- Jobs! Jobs! Jobs!

  -Need to do whatever this plan can do to bring jobs to Germantown
  -Mixed-use development helps complete the community

- Transit! Transit! Transit!
  -Experience over last 20 years demonstrates that development should not be tied to transit

-Expectations were not realized
-Do not tie development to the CCT
-We need CCT now!

Fox Chapel: Although some minor improvements are already occurring at Fox Chapel Shopping Center, the bulk of the re-development is in Stage 3 of the plan. Please focus on Fox Chapel in Stage 1. Fox Chapel needs re-development sooner rather than later.

Observation Drive: The construction of Public Road through Montgomery College is shown in the Master Plan. This is a huge safety issue. A College Campus, Not a Place for Main Road

Department of Energy Site: We understand that there is a push for designating this site a historic site. Although, we can appreciate the history of the DOE site, we do question it. The ULI (Urban Land Institute) study considers it a critical piece of property. This location can be the gateway to Germantown. If the push for historic designation is because of the architectural style, there are many ways to incorporate the architectural style into development.

Urban Service District: We see this as a potential "Catch 22". The service district is tied to the staging of the master plan, but we're concerned the service district may never be resolved, or even possibly dragged out for years, thereby holding up the other master plan stages.

Montgomery County Planning Board

Germantown Master Plan

Germantown Alliance

Chairperson: Beverly Magda, PhD

July 28, 2008

Germantown Master Plan

Thank you for
your hard work,
commitment to Germantown,
seeking community input, and
being open to feedback.

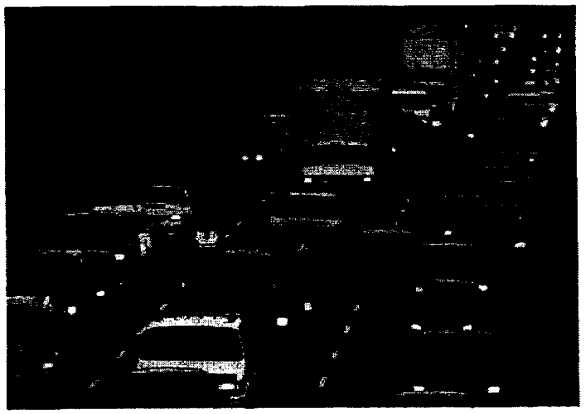
Jobs! Jobs! Jobs!

- Mixed-use development helps complete the community

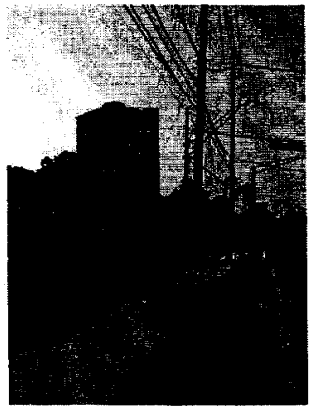
- Need to do whatever this plan can do to bring jobs to Germantown

Transit! Transit! Transit!

- History demonstrates that development should not be tied to transit
- Expectations were not realized
- Do not tie development to the CCT
- We need CCT now!



Fox Chapel



- Focus on Fox Chapel in Stage 1
- Currently in Stage 3 of the Plan
- Needs Re-Development Sooner Rather Than Later

Observation Drive

- Construction of Public Road through Montgomery College
- College Campus, Not a Place for Main Road
- Safety an issue

Department of Energy Site

- Gateway to Germantown
- Question the designation of historic site
- Incorporate architectural style into development

Germantown Service District

- Potential “Catch 22"
- Service District tied to staging in the master plan, but…
- Urban service district may never be resolved
- What then?

Germantown Master Plan

Thank You!

Action Committee for Transit
www.actfortransit.org
P.O. Box 7074, Silver Spring, MD 20907

Germantown Master Plan
Item # 6

TESTIMONY ON THE GERMANTOWN MASTER PLAN
July 28, 2008

The proposed Germantown Master Plan is not transit-oriented development.

The staging requirements, listed on page 51, require construction of five major highway projects. The staging requirements give lip service to one transit project by requiring approval of a site plan that leaves room around a future transit station, but no construction is required. Five highways, no transit.

Montgomery County has a long history of sprawl development that is advertised as transit-reliant. We keep building highways that create more traffic jams and more pollution, while we draw transit routes on maps without building anything. Where is the North Bethesda Transitway? The US 29 Transitway? The Glenmont-to-Olney Transitway?

The attached chart summarizes the record. The plan is approved, development and road-building charge ahead, and the transit remains just a line on a map in the Planning Board office.

The plan proposed here is more of the same. Not one, but two lines are drawn on the map for the Corridor Cities Transitway. One of them is not even under study by the state. Neither of them would attract many riders in Germantown. The overwhelming majority of Germantown residents who use transit ride the Red Line — Germantown transit commuters' average travel time to work is 58 minutes — and the Corridor Cities Transitway would take 15 minutes longer to get to Shady Grove than the buses on I-270.

The main transit connection to Germantown today is the Ride-On Route 100 shuttle to Shady Grove. This will remain true until we build a fast rail connection that goes directly to the Red Line without detouring to Great Seneca Highway. ACT's Corridor Cities flyer, with a map showing potential routes, is attached.

With the price of gasoline skyrocketing, the Germantown Master Plan must genuinely promote transit. Development should not be linked to highway building. We recommend:

- Create a moderate-density, walkable downtown Germantown within walking distance of the Germantown Transit Center. Mix housing and jobs in a ratio that provides employment for the proportion of Germantown residents who work near home and does not promote sprawl housing development in Frederick County.

- Connect the Germantown Transit Center to the I-270 HOV lanes with a bus-only roadway and slip ramps directly onto the HOV lanes. Require construction of this connection as a staging requirement for early phases of the Master Plan.

- Require construction of a direct rail line to Shady Grove with travel time less than 20 minutes as a staging requirement for later phases of the Master Plan. Preserve Corridor Cities Transitway right of way for use in this future rail line.

- Promote mixed-use development of housing and retail as infill on existing parking lots along major bus corridors.

China and India are using an increasing proportion of the world's oil resources. The amount of driving in this country will inevitably decline. By preparing now for the transition to greater transit use, we can take advantage of this trend to build more livable communities. We must stop giving lip service to transit and really plan for it. The Germantown Master Plan needs to go back to the drawing board.

Planned Transitways in Montgomery County

Transitway	Targeted Transportation Market	Relationship of Transit to Development	Preservation of Right of Way	Placement of Development near Transitway Stations	Current Status
US 29	From multi-family and townhouse residences to jobs in Silver Spring & on Red Line	Justified extensive townhouse and apartment development along U.S. 29, although no transit built.	Overpasses on US 29 will have room for light rail due to Action C'tee for Transit initiative. Planners made no effort to preserve right of way under bridges.	Highway overpasses later built at potential station locations, making future stations hard for pedestrians to access.	No activity
North Bethesda	Reverse commuting from Red Line to Rock Spring Park	Justified auto-oriented office buildings in Rock Spring Park, although no transit built.	Terminus later relocated to edge of mall property, eliminating requirement to preserve right of way.	Development in Rock Spring Park set back from roads; poor pedestrian access. Transit center relocated away from destination at mall.	Removed from county priorities list
Georgia Avenue	From single-family residential neighborhoods to Red Line at Glenmont	Justified sprawl development in Olney area, although no transit built.	No right of way dedicated for access into Glenmont Metro.	Designed only for through traffic; transitway corridor served by buses in regular traffic lanes.	On county wish list but low priority; no other activity
Corridor Cities	From housing in Germantown and Clarksburg to jobs in "R&D Village" near Quince Orchard Rd & Great Seneca Highway	Justified office buildings in "R&D Village" & housing in Germantown and Clarksburg, although no transit built.	Right of way designated for preservation, but office buildings were built on site of planned Quince Orchard Park station.	Clarksburg, Kentlands, and Lakelands built far from stations. Land next to Middlebrook station used for motorcycle dealership.	In active MTA study, but no construction funding and not competitive for Federal funding
Georgetown Branch (Purple Line)	Many	Project-dependent development banned until construction of rail line is funded.	Preserved	Walter Reed Annex expansion relocated to adjoin future station.	In active study; competitive for Federal funding but not yet funded.

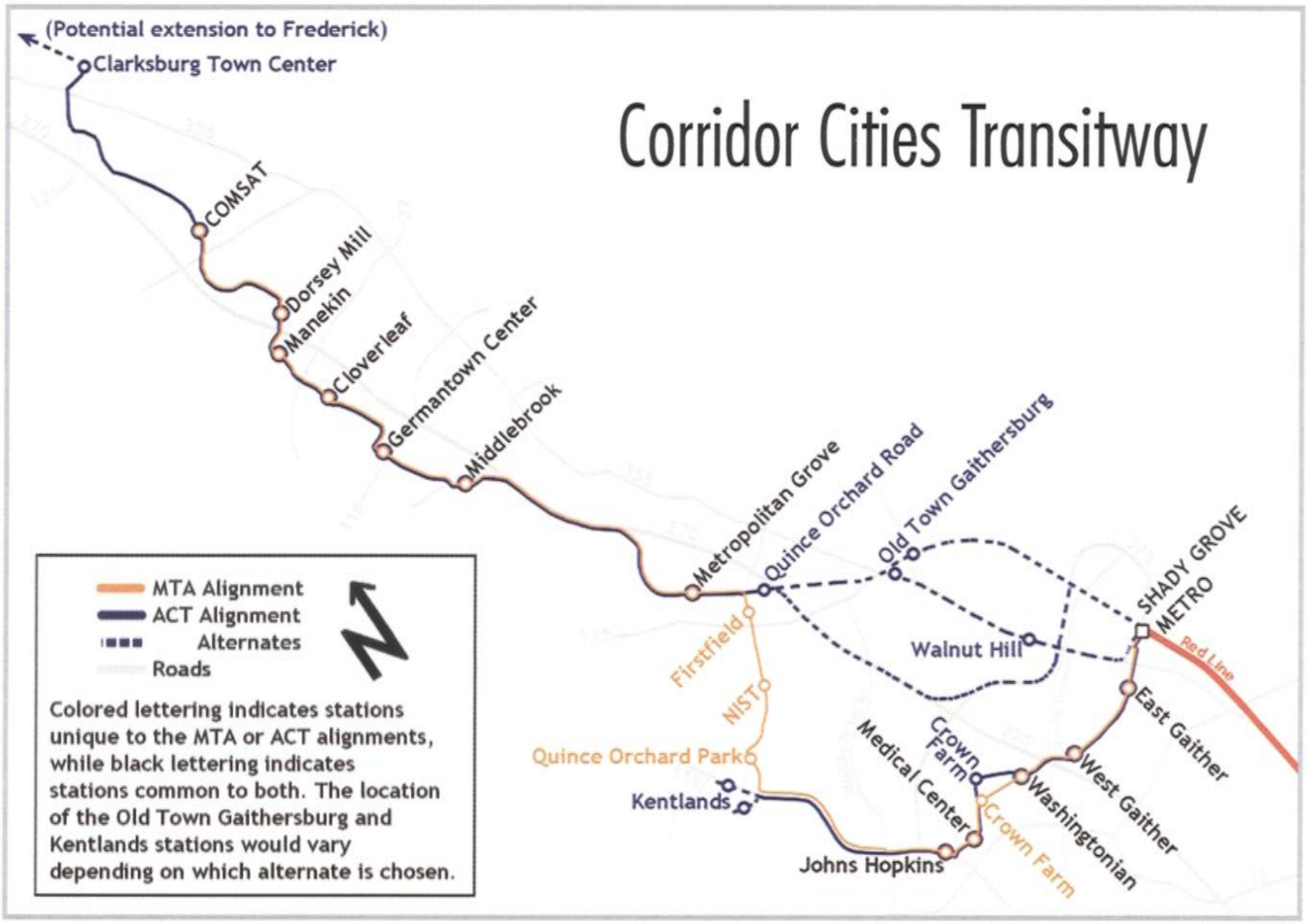
Upcounty Needs A **Shady Grove Connection**

Northern Montgomery County needs a rail connection to Shady Grove and the Red Line. A way to leave the car at home, roll past the backed-up traffic, and be free from the aggravation of auto travel.

Traffic jams keep getting worse. It's time to attack the root cause — too many cars on the road. Transit upgrades are needed to shift travel away from the automobile.

There are plans for a light rail line north of Shady Grove, called the "Corridor Cities Transitway," but the route currently planned by the Maryland Transit Administration (MTA) is too slow and doesn't go where it's needed. It bypasses Clarksburg, Kentlands, and Lakelands, stopping instead at isolated parking lots. A trip from Germantown to Shady Grove that now takes 15 minutes by express bus would take 29 minutes.

What's needed is a speedy rail connection from town centers to Shady Grove. With a few changes to the route, it can be done – if we have the will. It will give us all a much better quality of life.



A message from the Action Committee for Transit
www.actfortransit.org

Light Rail

Transportation for the 21st Century

Light rail will **complete the vision that inspired the New Urbanist communities** of Clarksburg, Kentlands, Lakelands, and King Farm. Transit access will enable vibrant town centers to flourish without being overwhelmed by cars and parking lots.

The **alternative to expanded rail transit is further widenings of I 270**, Great Seneca Highway, and other major roads of northern Montgomery County. Road widenings damage the natural environment and harm nearby homes and businesses, while only creating more traffic and more congestion.

Traveling at up to 55 miles an hour, **light rail is a fast, reliable, stress free alternative to sitting in traffic**. These modern day trolley cars can travel on roads or on separate rights of way, in tunnels or on bridges – whatever fits best into their surroundings. It is easy for a pedestrian to cross the tracks. Light rail trains are made up of one to four cars, with trains passing every four to eight minutes. This translates into a passenger capacity equivalent to more than three lanes of freeway traffic.

Downtown light rail, Portland, Oregon

We need your help!
Write to urge your elected representatives to support fast rail connections from our communities to Shady Grove.

Join the **Action Committee for Transit** to promote mass transit alternatives to traffic congestion and suburban sprawl.

For more information: www.actfortransit.org

I want to join the Action Committee for Transit. Enclosed is my $10 dues payment.
Mail coupon to: Action Committee for Transit, P.O. Box 7074, Silver Spring, MD 20907

Name _____

Address _____

City/State/Zip _____

Phone _____ E-mail _____

A message from the Action Committee for Transit
www.actfortransit.org

GERMANTOWN MASTER PLAN
PUBLIC HEARING TESTIMONY

Germantown Master Plan
Item # 7

July 28, 2008

James R. Clifford, Sr., Esq.
316 East Diamond Avenue
Gaithersburg, MD 20877

301-840-2232

I am here to support the Planning Staff and Chairman in their efforts to create the TMX Zone. I believe it makes infinite sense to create a zone which allows for maximum utilization of property located in strategic areas that are easily accessible to transit. I believe that's a point that few of us can argue. More to the point, this testimony is to support the BLT component of the TMX Zone.

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Gaithersburg-Germantown
Chamber of Commerce, Inc.
Marilyn Balcombe, President/CEO
4 Professional Drive, Suite 132, Gaithersburg, MD 20879
301-840-1400 x15 / mbalcombe@ggchamber.org

Germantown Master Plan
Item # 8

M-NCPPC – Montgomery County Planning Board
Public Hearing – July 28, 2008

Comments on the Germantown Master Plan – Staff Draft

Thank you for coming to Germantown this evening and thank you for the opportunity to provide feedback on the current draft of the Germantown Master Plan. My name is Marilyn Balcombe, I am the president of the Gaithersburg-Germantown Chamber of Commerce and a Germantown resident. I am also a member of the Community Advisory Committee for the Germantown Master Plan. Tonight, I will be speaking on behalf of the Gaithersburg-Germantown Chamber of Commerce.

The primary focus of the Chamber in regards to this Master Plan is bringing more jobs to Germantown. The development of Germantown has gone according to the prior Master Plans in terms of housing and retail, our emphasis right now is to complete the picture with the planned jobs. In general we are in favor of transitioning the remaining I-3 Commercial Property to a more compatible mixed-use zone. We have heard from property owners and developers that mixed-use property is more compatible with commercial development trends and will create a more vibrant urban core in Germantown. We feel that the mixed-use zoning will help Germantown reach its potential as one of the Corridor Cities in Montgomery County.

Our hope is that the proposed Master Plan will facilitate the commercial growth in Germantown. Unfortunately there are a few areas where the draft plan may actually impede commercial development.

1. **TDRs or BLTs** – While the proposal does allow for increased densities using the optional method, for some properties, the new plan actually takes away density that the owner currently has using the standard method. In the current plan the standard method is allowed up to .5 FAR, in the new plan the optional method is required after .3 FAR. It does not seem fair to take away density that owners already have. We also feel that adding the TDR requirement at .3 FAR is piling on given all the other levies such as impact fees, traffic mitigation requirements and developer amenities. Add to that the cost of structured parking, and it becomes impractical to develop to higher densities. The plan should be encouraging higher density development around transit stations. The change from .5 to .3 FAR will discourage higher density.

   We suggest that the Planning Board prioritize their needs in terms of what they want the developers to pay for. If the current requirements stand, the plan will discourage development in Germantown because properties in Germantown will lose their competitive advantage of lower cost and will not be able to compete with properties down county. Also, if the commercial properties in Germantown can't meet a certain price point, the County runs the risk of loosing jobs to Frederick County just a few more exits up the road.

   We respectfully suggest that the TDR/BLT requirement should not kick in until .5 FAR.

2. **Staging** - The Chamber also has some concerns about the proposed staging requirements. For instance:

   - Some of the criteria are not within the control of the property owners. This is particularly true with the requirement for an Urban Service District. There is general agreement that an Urban Service District is a great idea, in fact the community has been trying to get one established for years. However, unlike Silver Spring and Bethesda, Germantown has no parking district to fund an Urban Service District. With the lack of an easy revenue source, neither the County Executive nor the County Council has shown any interest in making this happen. The draft Master Plan requires that

the Council establish a Germantown Urban Service District before any further development takes place in Germantown. This places an undue burden on the property owners. Unless the Council specifically agrees to establish an Urban Service District prior to signing off on the Master Plan, this staging requirement effectively shuts down any further development in Germantown. We strongly recommend that this staging requirement be deleted or at the very least move down in the staging requirements to allow more development to occur before placing an additional tax burden on existing property owners.

- Another staging requirement outside the control of the developers is the construction of Observation Drive through Montgomery College. We understand that there are ongoing discussions taking place with the College concerning this road with no resolution in sight. Development along the employment corridor should not be held hostage to an agreement on the road through the College.

- In some cases the Staging Criteria are not tied to the development in that stage - for instance how does the completion of Observation Drive on one side of I270 affect the Town Center District commercial development on the other side of I-270? How does the partial interchange at Dorsey Mill Road impact completion of Fox Chapel. We would suggest that the required infrastructure in each stage be more closely matched to the allowed development in that stage.

- As for road construction in general, if the County does not have sufficient funding to build the proposed roads then development would be halted under the proposed staging plan. If these requirements remain in the plan, perhaps you could recommend to the County Council that they earmark impact taxes that are paid on Germantown properties to be used in Germantown for road construction. There should be a more direct relationship between the impact taxes levied in Germantown and the infrastructure needs of this community.

- In terms of staging, we also suggest that development of the Fox Chapel District be moved to Stage 1. This area is in rapid decline and something needs to be done with the area. When the Planning Board established the boundaries for this Master Plan, you recognized the need to reassess the development of this specific area. We are asking that you follow through with that original thought and allow this area to be redeveloped before it really becomes a problem.

3. **DOE** - The plan recommends listing the DOE site on the National Register of Historic Places. This is in direct opposition to the vision of Germantown as a transit oriented Corridor City. The DOE site sits right on I-270 and MD 118 – one of the prime signature sites in Germantown. Listing this property on the National Registry limits the possibility that this prime site will ever be integrated into the Town Center. While we understand that the Planning Board does not have control over whether the site is listed, we do not think you should be recommending the property for listing. It does not support the vision of Germantown. It is a bad idea.

4. Other issues:

    - We recommend that the Intersection Congestion Level for the Germantown Town Center Policy Area be increased to 1600 and that the boundaries of the Town Center Policy Area be enlarged to match the Town Center boundaries as outlined in the Master Plan. Germantown was developed to be a Corridor City with an urban core. The congestion levels should correspond to an urban, not a suburban setting.

    - Promoting a one-way street pattern in Town Center will hurt retail. We recommend keeping the two-way streets and removing one-way streets from the proposed plan.

Thank you again for the opportunity to provide feedback. We look forward to working with you as you complete the plan.

RODGERS
CONSULTING
Enhancing the value of land assets

Germantown Master Plan
Item # 9

August 11, 2008

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

I am writing to expand on my concerns about the recommendations contained in the Germantown Master Plan amendment. I believe the land use policies and development standards are rooted in a suburban mindset that will make it difficult to transform Germantown into a true urban business district.

More than 40 years ago, Montgomery County began changing from a suburban landscape of single-family neighborhoods, commercial centers, and farm land to a jurisdiction with urban areas, employment centers, and planned communities. During this time of transformation, the County implemented two big ideas that have distinguished its pattern of growth from other suburban jurisdictions.

The first big idea was The County's General Plan that produced a pattern of growth along corridors radiating out from Washington DC separated by large wedges of open space and natural areas. The second big idea was to designate an agricultural preserve with transferable development rights. These two land use initiatives have had a tremendous positive impact on the quality of life in the County.

It is now time for the next big idea; the creation of transit-oriented urban centers along the Route 355/I-270 corridors. The best opportunity for the County to do this is in Germantown. This potential was clearly articulated by the panel of land-use and development experts convened by the Urban Land Institute in June of 2006.

Germantown is the sixth- most populous census-designated place in Maryland, and if it were to incorporate, it would be the state's second-largest city. Plans for the Corridor Cities Transitway call for five stations to be built within the underdeveloped Germantown Business District and the existing MARC station offers another opportunity for transit-oriented development.

19847 Century Blvd., Suite 200, Germantown, MD 20874 ■ 301.948.4700 ■ 301.948.6256 (fax) ■ www.rodgers.com

The ULI Panel recommended transforming Germantown into an urban business district comprised of distinct neighborhoods or sub-areas focused around the transit facilities. The Panel envisioned multiple centers of activity that could be similar in density and mix of uses. This follows the pattern of other successful mixed-use urban centers that are composed of multiple neighborhoods, distinct in character, yet complimentary in function and use.

In 1970 Arlington County was faced with the opportunity of transforming itself from a bedroom community for downtown Washington to a transit-oriented mixed-use urban center. Within the Wilson Boulevard corridor from Rosslyn to Ballston, there were 5.5 million square feet of office space and 7,000 housing units. In anticipation of the extension of metro's Orange Line through the county, Arlington undertook a major land use planning effort that produced a number of important policy decisions.

Although Germantown is located 26 miles north of Washington D.C. and the Rosslyn-Ballston corridor is just across the Potomac River, there are similarities that are worth considering (compare the attached maps of the two areas). Arlington was faced with the opportunity to locate five new transit stations along a 3-mile corridor between Rosslyn and Ballston. Germantown has the opportunity to locate five new transit stations along a 3-mile corridor from Middlebrook Road to Black Hill Regional Park. The area in Arlington planned for high-density development made up 11 percent of the County's total land area. The Germantown Business District makes up about 11 percent of Germantown's total land area.

Arlington adopted a form of incentive zoning that permitted a developer to increase the density of a transit-oriented project from a 1.5 floor area ratio (FAR) to something in the range of 3.8 to 6.0 FAR if the project included the desired mix of uses and amenities. These polices implemented by Arlington County have proven to be very successful. As of 2005, there was 25.0 million square feet of office space and 25,110 housing units located in the Rosslyn – Ballston corridor. According to the COG Round 6.4 projections (copy attached) the corridor will add over 45,000 more jobs and 15,000 new housing units by 2030.

These policies have not only been successful in accommodating employment and housing growth, but also have resulted in a very high level of transit use. In 2005, 39 percent of residents in the Rosslyn – Ballston corridor used transit to commute to work. Another 10 percent walked to work. Studies showed that 64 percent of the people boarding the METRO at Ballston walked to the station. Another 14 percent arrived at the station be bus.

The older neighborhoods adjacent to the Arlington transit station areas have remained stable and secure. Property values have increased, reinvestment has taken place, and younger families have been moving into these mature neighborhoods. There is a strong sense of community identity and civic activism throughout the Rosslyn – Ballston corridor.

It is time for Montgomery County to implement a long-range vision for Germantown that is similar to Arlington County. Current policies and plans should be reworked to encourage the scale and type of development that would transform Germantown by creating a series of transit-oriented urban centers and high-density residential neighborhoods along existing and proposed transit facilities.

The Germantown Master Plan Amendment does not grasp the magnitude of the need to provide jobs and housing in transit oriented locations. The staff recommended Plan calls for adding 17 million square feet of commercial space and increasing the number of housing units by 9,420. While this increase may sound impressive, it pales in comparison to the Rosslyn – Ballston corridor.

The Master Plan Amendment does not adequately address the opportunity to create sub-areas or neighborhoods within the Germantown Business District. The proposed districts should be reorganized around what is real and recognizable such as the MARC station, the Blackrock Cultural Center and Public Library (Arts District?), Montgomery College, and so forth. By all means replace the Town Center designation, which is a notion from the 1980's suburban thinking, with a broader Urban Business District designation.

Embodied in the vision for the future Germantown Business District are the goals of creating sustainable, mixed-use, transit oriented neighborhoods with superior amenities and public spaces. The zoning incentives should be focused on achieving those goals. The increment of bonus density should be commensurate with the value of public benefits.

I look forward to working with you and the Planning Board during the upcoming work sessions. If you wish to discuss any of these items in more detail, please do not hesitate to contact me.

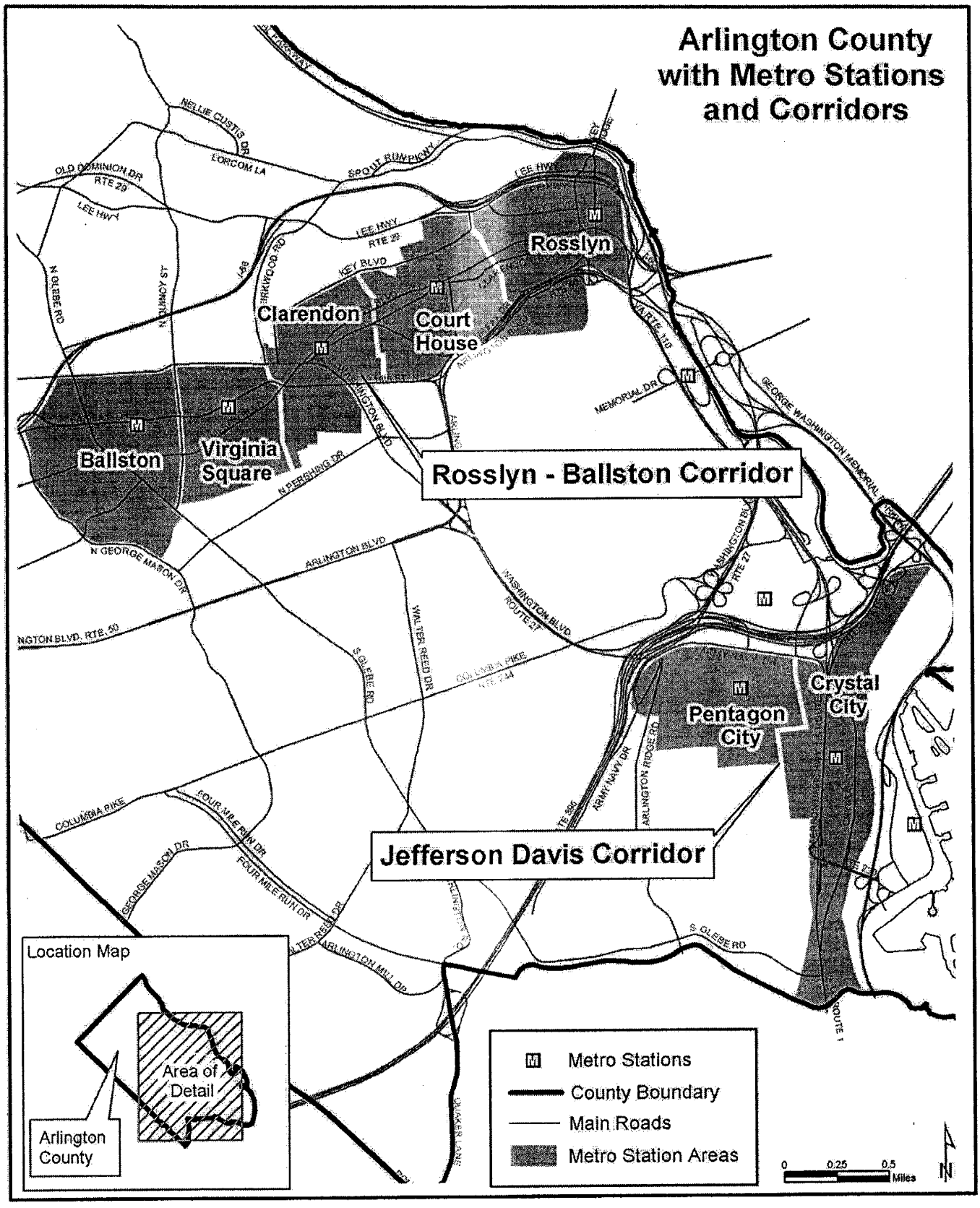
Sincerely,

Douglas M. Wrenn.

Douglas M. Wrenn, Principal
Rodgers Consulting Inc.

(Attach.)

Cc: Michael Knapp, President, Montgomery County Council
Sue Edwards, Team Leader, I-270 Corridor, M-NCPPC


Arlington County with Metro Stations and Corridors
Rosslyn
Clarendon
Court House
Ballston
Virginia Square
Crystal City
Pentagon City
Rosslyn - Ballston Corridor
Jefferson Davis Corridor
Location Map
Area of Detail
Arlington County
Metro Stations
County Boundary
Main Roads
Metro Station Areas
0 0.25 0.5 Miles

Round 6.4 Population Forecasts – Arlington County, Virginia Metro Station Areas

	2000	2005	2010	2015	2020	2025	2030	Change 2000-2030	% Chg. 2000-2030
Rosslyn	9,610	9,988	11,147	12,542	13,603	15,618	16,857	7,246	75.4%
Court House	9,765	10,279	11,387	13,079	13,836	14,062	14,221	4,456	45.6%
Clarendon	1,652	3,552	4,576	6,110	6,532	6,603	6,677	5,026	304.3%
Virginia Square	2,700	4,598	5,744	6,199	7,092	7,875	8,127	5,427	201.0%
Ballston	11,061	12,124	12,745	13,168	14,476	14,480	15,409	4,348	39.3%
R-B Corridor	**34,788**	**40,542**	**45,599**	**51,097**	**55,538**	**58,638**	**61,291**	**26,503**	**76.2%**
Pentagon City	4,568	6,334	7,233	8,779	10,851	10,900	10,900	6,331	138.6%
Crystal City	7,840	8,021	9,376	10,453	11,020	11,209	11,503	3,663	46.7%
J-D Corridor	**12,408**	**14,355**	**16,609**	**19,232**	**21,871**	**22,109**	**22,403**	**9,995**	**80.5%**

Round 6.4 Household Forecasts – Arlington County, Virginia Metro Station Areas

	2000	2005	2010	2015	2020	2025	2030	Change 2000-2030	% Chg. 2000-2030
Rosslyn	5,783	5,959	6,662	7,474	8,162	9,278	9,936	4,153	71.8%
Court House	5,686	5,981	6,643	7,697	8,110	8,200	8,313	2,627	46.2%
Clarendon	657	1,951	2,644	3,719	4,008	4,057	4,099	3,442	523.9%
Virginia Square	1,307	2,443	3,125	3,320	3,846	4,286	4,398	3,091	236.5%
Ballston	6,282	6,774	7,211	7,435	8,177	8,282	8,740	2,458	39.1%
R-B Corridor	**19,715**	**23,108**	**26,285**	**29,646**	**32,304**	**34,103**	**35,486**	**15,771**	**80.0%**
Pentagon City	3,118	4,182	4,806	5,880	7,320	7,354	7,354	4,236	135.8%
Crystal City	4,848	5,004	5,874	6,536	6,890	7,009	7,197	2,349	48.5%

Round 6.4 Housing Unit Forecasts – Arlington County, Virginia Metro Station Areas

	2000	2005	2010	2015	2020	2025	2030	Change 2000-2030	% Chg. 2000-2030
Rosslyn	6,212	6,407	7,270	8,040	8,558	9,606	10,287	4,075	65.6%
Court House	6,048	6,444	7,211	8,250	8,494	8,513	8,628	2,580	42.7%
Clarendon	680	2,137	2,957	4,074	4,248	4,248	4,291	3,611	531.0%
Virginia Square	1,435	2,790	3,675	3,768	4,169	4,572	4,692	3,257	227.0%
Ballston	6,744	7,332	7,852	7,959	8,539	8,575	9,032	2,288	33.9%
R-B Corridor	**21,119**	**25,110**	**28,965**	**32,091**	**34,008**	**35,514**	**36,930**	**15,811**	**74.9%**
Pentagon City	3,433	4,580	5,280	6,440	7,790	7,790	7,790	4,357	126.9%
Crystal City	5,427	5,854	6,939	7,442	7,442	7,442	7,642	2,215	40.8%
J-D Corridor	**8,860**	**10,434**	**12,219**	**13,882**	**15,232**	**15,232**	**15,432**	**6,572**	**74.2%**

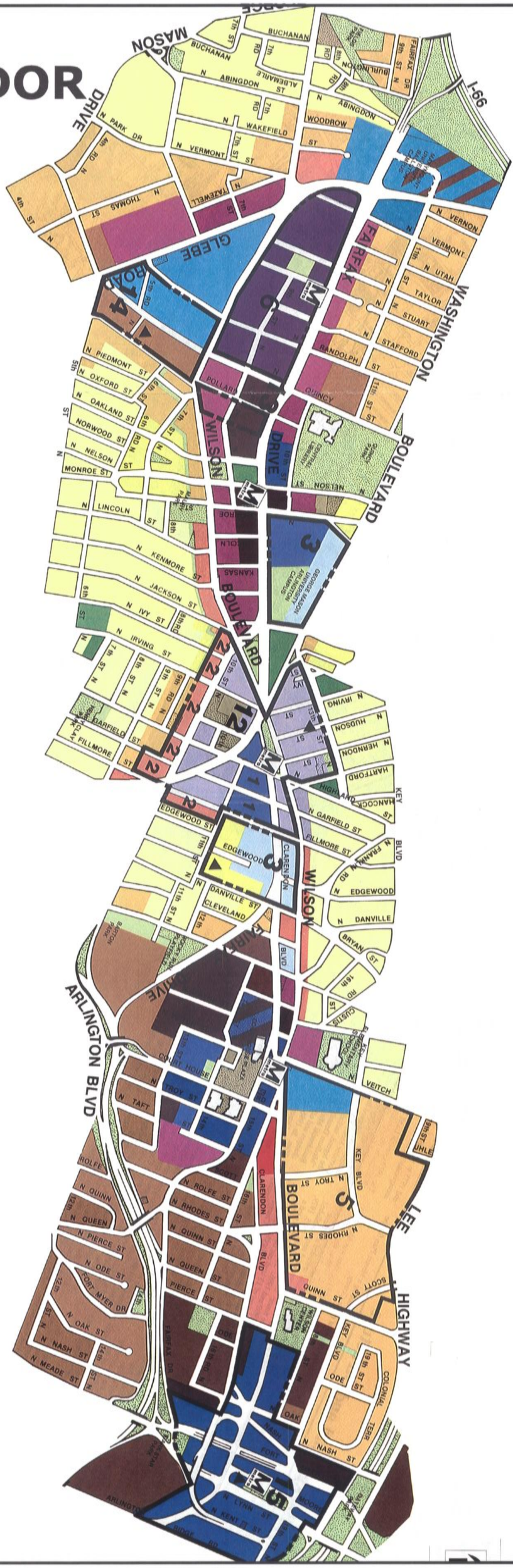
Round 6.4 Employment Forecasts – Arlington County, Virginia Metro Station Areas

	2000	2005	2010	2015	2020	2025	2030	Change 2000-2030	% Chg. 2000-2030
Rosslyn	27,664	28,595	31,740	32,978	36,404	38,598	43,313	15,649	56.6%
Court House	11,770	13,795	15,086	16,922	17,428	17,679	18,003	6,233	53.0%
Clarendon	5,362	6,724	7,639	8,650	9,219	9,556	9,556	4,194	78.2%
Virginia Square	3,851	7,123	8,188	9,003	9,387	9,987	10,522	6,670	173.2%
Ballston	24,207	26,820	30,659	30,659	34,916	35,276	37,029	12,821	53.0%
R-B Corridor	**72,854**	**83,057**	**93,313**	**98,212**	**107,354**	**111,096**	**118,422**	**45,568**	**62.5%**
Pentagon City	8,893	9,527	12,072	12,194	12,336	15,923	15,923	7,030	79.0%
Crystal City	39,747	33,398	41,057	51,553	52,700	52,700	53,930	14,184	35.7%
J-D Corridor	**48,640**	**42,924**	**53,129**	**63,747**	**65,036**	**68,623**	**69,854**	**21,213**	**43.6%**

ROSSLYN - BALLSTON CORRIDOR LAND USE PLAN

ARLINGTON COUNTY, VA

scale 1"=1000'



Legend

Land Use Category	Density/Typical Use	Zoning*
Residential		
Low	1-10 units per acre	R-20, R-10, R-10T, R-8, R-6, R-5
Low	11-15 units per acre	R2-7, R15-30T
Low-Medium	16-36 units per acre	R15-30T, RA14-26, RA8-18
Medium	37-72 units per acre	RA7-16, RA6-15, RA-H
High-Medium	3.24 F.A.R. *(Floor Area Ratio)* Residential	RA-4.8
High	4.8 F.A.R. Residential 3.8 F.A.R. Hotel	RA-H-3.2, C-O Rosslyn
Commercial and Industrial		
Service Commercial	Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R.	C-1-R, C-1, C-1-O, C-2, C-O-1.0
General Commercial	Shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories.	C-2, C-TH, C-3
Service Industry	Wholesale, storage, and light manufacturing uses, including those related to building construction activity.	C-M, M-1, M-2
Public and Semi-Public		
Public	Parks *(local, regional, and federal)*. Schools *(public)*. Parkways, major unpaved rights-of-way. Libraries and cultural facilities.	S-3A, S-D
Semi-Public	Country clubs and semi-public recreational facilities. Churches, private schools and private cemeteries *(predominant use on block)*.	S-3A, S-D
Government and Community Facilities	County, state and federal administration and service facilities *(police, fire, property yard, etc.)* Hospitals, nursing homes, and institutional housing. Utilities, military reservations, airports, etc.	P-S, S-D, S-3A

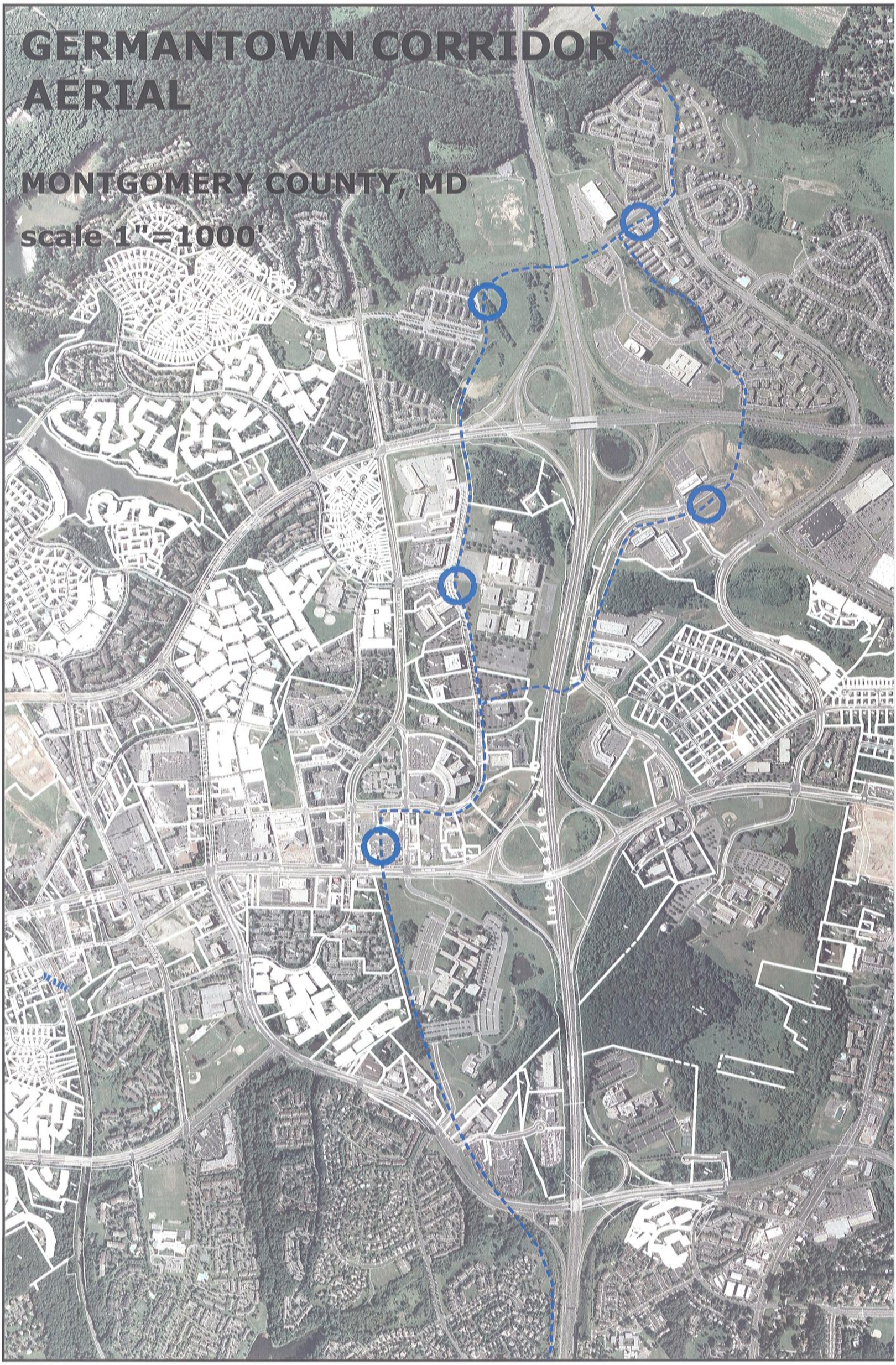
Office-Apartment-Hotel	Office Density	Apartment Density	Hotel Density	
Low	1.5 F.A.R. allow.	up to 72 units/acre	up to 110 units/acre	C-O-1.5, C-O-1.0
Medium	2.5 F.A.R. allow.	up to 115 units/acre	up to 180 units/acre	C-O-2.5
High	3.8 F.A.R. allow.	up to 4.8 F.A.R. allow.	up to 3.8 F.A.R. allow.	C-O, RA-H-3.2, C-O Rosslyn

Mixed Use		
Medium Density Mixed-Use	3.0 F.A.R. with special provision for up to an additional 1.0 F.A.R. for residential.	C-R, C-3
High-Medium Residential Mixed-Use	Allowable up to 3.24 F.A.R. including associated office and retail activities.	R-C
Coordinated Mixed-Use Development District	This is a high density mixed-use district with actual density determined by site size. Allowable up to 6.0 F.A.R. with office not more than 3.0 F.A.R.	C-O-A

GERMANTOWN CORRIDOR AERIAL

MONTGOMERY COUNTY, MD

scale 1"=1000'



GERMANTOWN MASTER PLAN TESTIMONY
July 28, 2008

Chairman Hanson and members of the Planning Board, my name is Doug Wrenn and I am a Principal with Rodgers Consulting. We are a 70-person land use consulting firm and our office in located in the Germantown Business District. I am a member of the GGCC board of directors and for the past 3 years have served as the Chair of the Germantown Task Force.

I believe that the best opportunity for the County to create a new transit-oriented, mixed-use urban center is in Germantown. This potential was clearly articulated by the panel of independent land-use and development experts convened by the Urban Land Institute in June of 2006. Germantown is the sixth most populous census-designated place in Maryland, and if it were to incorporate, it would be the state's second-largest city. Plans for the Corridor Cities Transit Way call for five stations to be built within the underdeveloped Germantown Business District and the existing MARC station offers another opportunity for transit-oriented development.

But I am concerned that the draft Master Plan will not achieve the vision we share for Germantown. The land use policies and development standards are rooted in a suburban mindset that will make it difficult to transform Germantown into a true urban business district. I suggest the following:

1. Reorganize the districts around what is real and recognizable -- the MARC station, the Blackrock center and library, the College, and so forth. By all means replace the Town Center designation, which is a notion from the 1980's, with a broader Urban Business District designation.
2. Make clear what the top priorities are and focus zoning incentives to achieve those goals--- transit oriented development, affordable housing, the use of TDRs/BLTs, job creation, and high quality mixed-use design have all been included as objectives of the Master Plan. Not everything should be a top priority.
3. Rethink the staging elements – the creation of an urban services district, in particular, should not be required to proceed with development.

Thank you for this opportunity to share my thoughts with you.

ORAL TESTIMONY

Susan Soderberg

Germantown Master Plan
Item # 10

Inez Vega

Germantown Master Plan
Item # 11

Michael Rubin

Germantown Master Plan
Item # 12

Adams, Holly

From: MCP-CTRACK
Sent: Monday, July 28, 2008 10:29 AM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0866 - Dooley/Germantown Master Plan
Attachments: 2008-0866-Incoming.pdf

Germantown Master Plan
Item # 13

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0866	**Date Received:**	7/28/2008
Correspondence Type:	Email	**Date Of Letter:**	7/27/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Sharon Dooley		
Description: Correspondence regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received during week of PB Hearing; distributed to Board, Legal, and Tech Writers. Include in file.			

MCP-CTRACK

From: sharondooley@comcast.net
Sent: Sunday, July 27, 2008 10:15 PM
To: MCP-Chairman@mncppc-mc.org
Subject: Testimony Germantown MP
Attachments: letter to chairman Hanson.doc

Dear Mr. Chairman
Please find attached my testimony for the hearing tomorrow evening on the Germantown Master Plan.
I am testifying as an individual. Although I am currently President of GOCA, Legislative Director for Upcounty Action and a member of the board of Greater Sandy Spring Greenspace, I will be speaking for myself Monday evening.
Thank you for your consideration of my remarks.
Sharon Dooley

Sharon Dooley 18649 Clovercrest Circle. Olney, MD 20832

Testimony on the Germantown Master Plan – July 28, 2008 sent by email

Today I am testifying as an individual.

Chairman
Maryland National Capital Parks and Planning Board
8787 Georgia Ave.
Silver Spring MD, 20910
Attn: Royce Hanson

Chairman Hanson and other commissioners

I urge you to reconsider some aspects of the draft plan that you have presented, as I am concerned with keeping a balance between urban and rural areas in the county. Germantown is a designated urban center, yet I do wonder about the grandiose plans that ask for 15 story tall mixed-use buildings in the town core. This is the final major plan for this area and this is the last chance to get this right.

The first point in the draft deals with Germantown and its value as a commercial center; but as we all know to create a cohesive community one must also address the needs of the people who are the basis for this town –that is a vital missing element here. There are still unbuilt units from the last Master Plan and The Washington Post just recently reported that many residents in multiple Germantown neighborhoods are facing foreclosures, which will devalue many nearby properties. The phrase "if you build it they will come" does not seem operant here. There is much underdeveloped

office space in the nearby commercial office center; this was planned in the last Master plan but has not in more than ten years been able to attract the expected tenants. Do we need to replicate the concrete canyons from the down county here? We do not have in place, the Metro stations and apartment towers to support this development. We have a suburban area that wants to see a sense of community. I applaud the streetscapes that are mentioned where lower rise buildings are planned. Should we try to bring 62,000 more jobs into this area when we have inadequate local roads, schools and affordable housing in place to welcome the employers and the workers they will attract? Once again it appears that we are getting the cart before the horse.

I suggest that centers of commerce and neighborhoods of people all are better served when we have green spaces to nurture their souls and fresh air to breathe. In Olney we are seeing large tracts deforested for the onslaught of the ICC; so I request that we as a county do not again set out to destroy natural beauty and habitat by yet another highway.

- Reconsider plans to build M-83/A9 through previously untouched forests, parks, streams and meadows.
- In this era of global warming we must move away from 50-year-old models and look to decisively conserve our green spaces, doing more than just reserve a ring of green here and there.

As for neighborhoods described as transit-dependant – the transit center cannot currently meet the needs of the people who are here now, why

should we look for more rider-ship until that capacity is increased? Use the power of your department to advocate with the state and federal governments to push the Corridor Cities Transit way forward. We need transit infrastructure in place prior to additional building. Let's get this right – let's not put this cart before the horse.

Protections are mentioned for the remnant of the historic core of the old town with development of a mixed-use increased density area at the MARC station parking lot site.

- ***It is recommended that the streetscapes here remain in keeping with the character of the 19th century buildings nearby.***
- ***Think about the people rather than the structures; work to create a real sense of community here; too often this is missing in the disparate communities dotting this landscape.***

Continued developments with impervious surfaces near stream valleys will serve to further degrade the many existing streams and watershed areas nearby. Care for the streams demands that base measurements be made now before any streams here are further degraded – a condition that is currently occurring in Clarksburg.

In conclusion, instead of embracing past ideas, look to the future to build with new eyes rather than sticking with outmoded models. Germantown **abuts the fragile Agricultural Reserve; look to protect the areas sitting**

timidly at the periphery of the town. You have just one chance to get this right.

21809 Diller Lane
Boyds, MD 20841

Germantown Master Plan
Item # 14

August 11, 2008

RE: Germantown Master Plan Revision

I am a member of the Citizens Advisory Committee for the Germantown Master Plan Revision, with interest in the historical aspects of the plan. I am a member of the Germantown Historical Society and am also the President of the Clarksburg Civic Association.

I gave oral testimony at the recent hearing, which has been endorsed by the Clarksburg Civic Association, and have a few further comments to be included in the public record, which relate to historic Germantown.

There are plans for a parking structure at the MARC station, removing the present surface parking and replacing that area with housing.

While it seems desirable for such a structure and for the housing, there are several downsides to the plan. A parking structure immediately adjacent to the Historic District and also adjacent to an individual historic site is definitely not in keeping with the area,

The Historic Preservation Commission has rules about the streetscapes for historic districts and any change to the streetscapes in a historic district must apply for and obtain a Historic Area Work Permit.

The surface area parking lot is bad enough but a large parking structure adds an unwanted dimension. Also the parking may be pointless if CSX and MARC can not accommodate the extra trains and riders such a structure would presumably produce. There is a finite limit to the ridership capacity on that line, as it is a busy freight line.

Also, we really need workers to come into Germantown, not more residents to park and leave.

Kathie Hulley

Coleman, Joyce

From: Pamela Lindstrom [pamela.lindstrom@gmail.com]
Sent: Thursday, July 31, 2008 11:35 AM
To: MCP-Chairman
Cc: Kumm, Karen
Subject: Germantown plan
Attachments: Germantown details.doc

Please add to the material from the public hearing. Karen, please distribute to the staff, I don't have Sue Edwards's e-mail. This is really a schizophrenic plan, with good transit-oriented land use recommendations but no transit and too many roads! Also, the document itself needs work. Especially the maps -help!

Pam

Pamela Lindstrom
30 July 2008

Detailed Comments on the draft Germantown Master Plan

The central area covered by this plan needs a name. It is too big to be treated as a single urban center. The general area should be given a name, which includes individual centers within the districts.
Page 8 The figure should show the transitway. The location of the tallest buildings doesn't quite match the text. Century Blvd should be labeled.
10 The lower bullets on creating the corridor city leave out a key statement from the 1964 Plan: "An efficient system of transportation must include rapid transit designed to meet a major part of the critical rush hour need. Without rapid transit, highways and parking facilities will consume the downtown areas; the advantages of central locations will decrease; the city will become fragmented and unworkable." Yet the key recommendations above on p. 10 offer roads as an inducement for job growth. The W&C plan is correct, however.
11 and following The maps are much too small! Please provide some full page maps that can be read.
12 The Town Center shown on the map is not where the current Town Center is located. Does the location change from the current location under the plan? The West End district is not shown on the map. The section on existing land use should include current jobs and housing units.
14 Areawide Recommendations are generally good. The discussion of jobs and housing and j/h balance is good. The only trouble is that the overall densities are premature without being accompanied by transit. "eventual" transit (p. 10) is not good enough. The pictures on p. 15 are not labeled. Surely they show a Metro station area, inappropriate as an illustration of Germantown.
15 The discussion of less dense interim development should go further, since this will probably be the result until transit is provided (see the recently approved housing development in the central area, which proposed a density of about 12 units per acre in the TSR zone!)
The plan must be realistic about what form development can take in the absence of transit. Perhaps guidelines for lower density development such that it can be intensified later without tearing everything down and starting over. Can the town sector -TS zone be used of modified to serve this purpose? Treat the parking lots as several shopping center developers did along Rockville Pike: in the place that infill buildings would go when the time came for more urban development.
The last sentence is incomplete.
17 The Connections paragraph is garbled.
20 The first paragraph and first bullet under Transportation Framework are not clear. The sentiments in this whole section are not stated in a clear simple way.
Second paragraph under Transportation is also garbled.
The Transit section should be more thoughtful and realistic. Express buses and MARC are the most viable transit services at present and for near future, yet dismissed in a single clause. The Corridor Cities Transitway is admitted to be an "eventual" service. It is compromised by its winding course through western Gaithersburg. Certainly the eastern branch should be dropped forthwith. It is utterly unlikely, and development should not be based on it.
That said, the plan must address transit comprehensively. Transit riders going anywhere but W. Gaithersburg will continue to take MARC or express buses on I-270 to Shady Grove Metro. More express bus routes should be mapped, especially on MD 355. This would coordinate with the Shady Grove Sector Plan recommendation. Such an express bus service could better serve Montgomery College.
22 The section titled Bus Rapid Transit does not actually discuss it! Expansion of MARC should be stressed, not just access to the station.
The bikeway discussion is confusing without a map. It seems that most bikeways discussed are peripheral, not serving the central area. Cycling for commuting and errands should be discussed.
The section on regional highways is shocking in a plan that is supposedly transit-oriented. Using all these road facilities in traffic modeling is misleading, since they are not all likely to be built.

23 The new arterial roads should be staged so they are not built until/unless transit-oriented densities can be achieved. This applies especially to roads intended to serve the transit stations in the northern part of the plan area. There is no reason to disrupt existing communities by widening their roads and turning them into major commuting routes, unless needed for the ultimate densities proposed in the plan. The densities should not and probably will not happen without transit.

This plan should NOT rely on interchanges on MD 355! MD 355 is treated as a main urban boulevard in the Vision for the I-270 Corridor and in plans for the rest of the corridor, beginning in Gaithersburg. Turning it into a freeway and speeding traffic through Germantown into Gaithersburg is unethical at any time, most especially now, when the policy should be discouraging driving. MD 355 is a prime corridor for rapid bus transit, and that proposal should be treated more concretely, and become the major recommendation.

This section needs a map showing all facilities including Midcounty Highway. It needs traffic modeling results under several scenarios, including various levels of transit and density of development. The results shown should include mode shares, number of trips by different modes, and peak period road congestion.

26 and following. The land use recommendations for the districts are quite good, or would be if a viable transit network were provided. It is not credible that the currently proposed transit, even if built, would meet the criterion for a Corridor City in the Wedges and Corridors plan, quoted above.

26& 27 The Town Center text refers to place names that are not shown on the map, which is unreadably small anyway. The police and fire station property recommended for redevelopment is the only mention in this plan of affordable housing. That should be addressed as a general principle with location ideas. This government owned property should be recommended for more affordable housing.

The Urban Form section is good. The transportation section is good on streets, but contains nothing about buses, or transit center.

29 West End is not mapped!

If county owned land is to be redeveloped, it should feature affordable housing!

The calculation of West End commercial sf in the table seems to be wrong.

32 What are the illustrations? The upper picture is awful!

33. and following. It's premature to allow transit station densities in this area and North End. 12 story buildings with only road access is crazy!

Rethink the desirability of placing the tallest buildings in a row along I-270. Do the planners and community really want the vision of Germantown to be a Tyson's Corner-like freeway-oriented high rise office monoculture?

There is no reason to focus roads or development on the Cloverleaf transit station until there is a real prospect for transit. This goes for the North End also.

37 It's absurd to plan transit-oriented development relying on the east side transit stations, if the CCT is the transit that's assumed. A 12-story building to mark an apocryphal transit station here would mark this as a dishonest plan.

Please include the acreage for this district as is shown for the others. Acreage for the overall plan area would also be useful.

39 The Montgomery College section should include discussion of transit. The existing buses should serve the buildings better.

42 The TMX zone is not justified! I see the TS town sector zone is applied to some properties. Its use should probably be expanded, though I am not familiar with the zone. If possible it should be flexible enough to allow the master plan to guide development in individual districts. Perhaps this is the way to apply a reasonable holding zone until transit is provided.

43 I see there is a property map here. It should be with the initial description of land use.

50-51 The staging plan should have transit triggers, not roads.

57 The implementation chapter contains a very long list of road improvements but no transit section. What did you say was the vision for Germantown?

Adams, Holly

Sue

From: MCP-CTRACK
Sent: Tuesday, August 05, 2008 1:53 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0909 - Siegfried/Germantown Master Plan
Attachments: 2008-0909-Incoming.pdf

Germantown Master Plan
Item # 16

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0909	**Date Received:**	8/5/2008
Correspondence Type:	Email	**Date Of Letter:**	8/4/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Mary Siegfried		
Description: Correspondence regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received after Planning Board hearing; include in file			

MCP-Chairman

From: Mary [marysopd@verizon.net]
Sent: Monday, August 04, 2008 9:53 PM
To: MCP-Chairman
Subject: germantown materplan

Follow-up to testimony from "the nobody" at July 28th's public hearing

Dear Commissioners,

I spoke at the hearing for the Germantown Master Plan this past Monday, July 28th. I was the nobody, the regular person, who spoke on the plan generally. I just wanted to tell you that after I spoke I certainly became a somebody ! Many people sought me out to thank me for expressing the same views they had. Apparently the idea of four small cities instead of one central town center does not sit well with quite a number of people.

Upon the advice of many of these well meaning spectators, I send this email. My name was spelled incorrectly on the sign up sheet, and I am not sure of the legibility of my handwriting on the sign in sheet. I just wanted to pass on my contact information (below) and to thank you for taking the time to hear the public's view on the future of Germantown.

I know you will be holding work sessions with various businesses and developers. I didn't submit any written testimony on July 28th, but because the public isn't invited to these sessions, I just wanted you to have the viewpoint of one member of John Q. Public:

1. The master-plan does not plan out a town center for Germantown
    a. it is four little cities
    b. not pedestrian friendly
    c. not one "center" (so visitors know where the heart of Germantown is)

2. The master plan with its four cities will cause chaos and congestion
    a. With 2 cities on one side and 2 on the other side of 270 it will cause a traffic mess.
3. The master plan calls for spending millions on a CCT to ease the chaos and congestion it will cause with its four cities
    a. here's an idea... don't cause the chaos and congestion in the first place, and we won't have to pay to clean it up:)
    b creating one large town center, that is pedestrian friendly, will alleviate the chaos, the congestion and need for such a elaborate CCT system within Germantown.

4. The master plan doesn't utilize the best eco-friendly asset we have in Germantown: the Marc Rail
    a. Rather than building a new transit system, let's use one that already exists and get metro there.
    b. add buses from the marc rail station
    c. or better yet a walkway to a central Town Center right there... at the Town Center sign

In short, devising a town center -- a large, single, pedestrian friendly town center at or near the Marc Rail and the big Town Center sign that currently exists -- makes the most sense for the environment, Germantown and our precious tax dollars.

Again, thank you for taking the time. Your task is not an easy one, and I don't envy your position. I trust you will make the best choices for the people of Germantown.

Thank you,

Mary Siegfried
199-P East Montgomery Ave
Rockville, Md 20850
O-240 773 9625

Montgomery County Planning Board
Germantown Master Plan Public Hearing
July 28, 2008

Thank you for allowing me to speak tonight. My name is Jackie Nelligan. I live near Laytonsville, but I spend a lot of time in Germantown. For the past three years I went to Roberto Clemente Middle School here in Germantown as part of the magnet Humanities program. I will be starting at Richard Montgomery High school next month. I also attend church here in Germantown, and take part in many programs at the BlackRock Center.

Tonight I want to talk about the plans to build the road called M-83. Please consider your best choice to be not to build a new road, but to focus on mass transit and other solutions. As a second option, you could expand existing roads in areas that have already been developed.

In 7th grade I was assigned a year long research project. For my topic I chose the effect of development on Montgomery County. I have given you a few of the slides from the power point presentation I put together for this project. Dr. Hanson, you may remember that you were kind enough to let me interview you on camera as part of my project.

Many of the proposed routes for M-83 are along a creekbed which is in the North Germantown Greenway Park. This creek feeds into Great Seneca Creek. This past year, for an assignment in science class, I monitored the health of this creek and compared it with monitoring that was done before the surrounding area was developed. A recognized criterion for measuring the health of a stream is the number of organisms living in it. It was so upsetting to see how much the health of the creek was affected by the development. In 1992, before a housing development was built, the organism counts were 100 or more. By 2008, this number had been reduced to only nine! Building a road along the streambed will only make this worse.

I am very lucky to live in a rural area. Thank you, Dr. Hanson, for your work to set up the Agricultural Reserve, and to introduce ideas like TDR's and wedges and corridors. These innovative ideas helped to establish areas of farm land and woods in the county that remain undeveloped, but close to and accessible for residents of the county to enjoy. As you might guess, preserving the environment in Montgomery County is important to me, but I am not alone in this. Our awareness of the environment has changed the way people feel about more roads, more cars and more development.

For many years, Montgomery County has set an example for other communities in the ways it has managed growth. I want the county to continue to lead by example. It is important that we keep as many of the existing undeveloped spaces as possible, and not build M-83. Communities of the future need to rely on mass transit and smart growth. We can, and must do that.

Thank you.

Disappearing Forests

- The forest is being broken up into small chunks, which are too small for animals to live on.

Solutions In Use

- Agricultural Reserve
- "Smart Growth"
- Traditional Neighborhood Developments
- Maryland's Forest Conservation Act

Agricultural Reserve

- Montgomery County has also gained parkland along many streams though the Agricultural Reserve, making the water quality much better than what it would be if the area was developed.

Smart Growth

- Goals of smart growth are to promote walking, biking, and public transit; improve existing cities and suburbs; preserve land; give affordable housing; start economic development; and develop jobs, housing, and shopping close to one another to encourage residents to walk or use mass transit.

FOULGER-PRATT

WE BUILD TO LAST

Germantown Master Plan
Item # 20

Germantown Master Plan
Item # 21

July 28, 2008

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910
Attention: Royce Hanson, Chairman

Re: Germantown Master Plan Revision:

Dear Chairman Hanson and Members of the Planning Board:

In late 2004, after responding to a Request for Proposals for At-Risk Developer for the Germantown Campus Technology Park and going through a competitive selection process with several other developers, Foulger-Pratt Development ("FPD") was selected by Montgomery College (the "College") to be the developer of the Montgomery College Science and Technology Park ("STP"). The STP is to be located on approximately forty (40) acres generally along the western boundary of the College's Germantown campus. An economic impact study completed by the County in 2002 estimated that the development of the STP would create approximately 3,700 new jobs in Germantown

FPD was, and is, excited about the prospect of developing the STP in a manner that will both follow the College's vision and enhance Germantown's presence in the County as a vibrant place to live, work, and play. Our joint vision is to develop the STP in a way that

- Replicates the successful Shady Grove Life Sciences Center as a business park model
- Supports the future growth of technology in Montgomery County by providing new facilities that are integrated with higher education
- Supports the primary goal of the County to provide good jobs in high quality, well designed, environmentally sensitive buildings located near where people.

Since being selected as the developer of the STP we, and our planning team headed by EYP Architects and VIKA civil engineers, have worked diligently with the College and County Staff to develop a master plan that will achieve those important goals. The purpose of our testimony tonight is to note those areas where the proposed Germantown Master Plan Revision helps, hinders, and, potentially, fully defeats our efforts.

9600 Blackwell Road, Suite 200 ▪ Rockville, MD 20850
240 499 9600 ▪ 240 499 9601 fax ▪ www.foulgerpratt.com

We applaud the efforts of Park and Planning Staff in providing for potentially higher development densities in the Germantown Master Plan Area but at the same time (1) we are concerned that the suggested TOMX-1 and TOMX-1/TDR approach, when aggregated with all of the current impact fees and increasing construction costs, will act as a brake on the development that Germantown needs - commercial facilities providing good jobs, (2) are concerned that the suggested phasing sequence contains elements that would prohibit developers who might otherwise be ready willing and able to proceed with the development that Germantown needs - commercial facilities providing good jobs - until certain activities totally outside the control or even influence of those developers are completed. We also applaud the efforts of Park and Planning Staff in fostering development close to transit; but, until such time as that transit is a reality a Master Plan that relies so heavily on mass transit does not well serve the community and the transit postulated by the proposed Master Plan Revision does not currently exist in the Germantown Master Plan Area.

Specifically with respect to the Montgomery College District we note the following:

1. We appreciate the idea that Staff supports an "up to one million square foot technology park that will link the business and academic communities"; however, in the very next paragraph that vision is taken away. During 2006, after the completion of our NRI-FSD, we held several meetings with Staff to discuss our schematic Master Plan for the STP. At no time during those meetings did Staff raise the issue that we must "preserve environmentally significant forest along I-270". In fact if we are required to preserve what we now understand Staff considers "environmentally significant forest" in the manner we understand they wish it to be preserved as green, open space then more than one-half of the area set aside by the College for the STP would be off-limits to development. It is difficult, if not impossible, to conceive of a time (even with structured parking and 8 story buildings) when development of a 1,000,000 square foot STP could be achieved on the developable land if the green space is inviolate.

2. The suggested urban form of development referred to on page 39 of the Public Hearing Draft - the incorporation of structured parking and the possibility of building heights of up to eight stories - does not work in today's market and does not work with the general employers that we hope to attract to the STP.

(a) The restrictions that the buildings in the STP must be at least three (3) stories and may not have a floorplate in excess of 25,000 square feet are too limiting. We, or any developer, need to make appropriate economic decisions based on market conditions - it may very well be that an employer we attract to the STP needs 80,000

square feet on 2 floors but under the proposed structure we would be forced to say "take those jobs elsewhere".

(b) Only bus transit that will serve the STP and for the foreseeable future than means that most of the persons employed in the STP will drive to work. If we must provide parking for the majority of those vehicles in structured parking facilities the rents that we will have to charge to receive a reasonable return on our costs will be prohibitive in the current market environment.

(c) We certainly hope that ultimately one or more of those companies attracted to the STP will grow to the size where they need an 8 story building but, in the initial phase of development, taller buildings (even 3 stories) do not work well with the smaller scale life science and high technology companies that we expect to attract to the STP.

3. The Staging Process set forth on page 51 of the Public Hearing Draft is also problematic for the development of the STP for several reasons:

(a) Initial development of the STP could not occur before the establishment of the Germantown Urban Service District - the establishment of the GUSD is an event totally beyond our control.

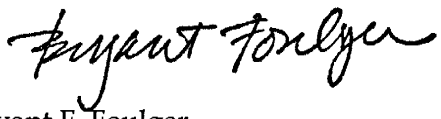
(b) Just for clarification, the statement "allow 435,000 sf of business park development on the Kay property at Montgomery College" is inaccurate because the development of the STP will occur on property ground leased from Montgomery College that will include areas other than just the Kay property.

(c) The final development of the STP is not included in the Phasing and is predicated on matters in Stage 2 and Stage 3 that totally beyond our control or influence.

4. As the Planning Board begins to evaluate the zoning classification to be applied to the STP we urge the Board to apply, or create, a classification that will provide the necessary flexibility in use, density, and coverage that will permit the STP to be developed as a mixed-use campus that completes the economic engine envisioned by the County in 2002.

Thank you for the opportunity to present this testimony.

Sincerely.
FOULGER-PRATT DEVELOPMENT, LLC



Bryant F. Foulger
Principal

Public Hearing Draft of the Germantown Master Plan An
May 2008
Testimony of Montgomery College Representatives on July 28, 2008

Introduction

Mr. Chairman and members of the Planning Board, welcome to Montgomery College. Thank you for the opportunity to comment on your draft of the Germantown community master plan amendment. Since the early 1970's, with the strong financial support of the State of Maryland and Montgomery County, and the assistance of the Montgomery County Planning Board, Montgomery College has pursued the development of the Germantown Campus to address the higher education needs of the 1-270 Corridor. For those of you who are not familiar with Montgomery College, we think it is important to give you a brief background on our long-range plans for expansion of the Germantown Campus of Montgomery College.

Background

Montgomery College is a State of Maryland instrumentality created by State law that follows the guidelines for academic institutions from the Maryland Higher Education Commission. Our funding primarily comes from the State of Maryland, Montgomery County, and tuition and fees. Recently, we have been able to achieve an increasing amount of Federal funding through Congressional support of the Germantown Biotechnology Project. In addition to our traditional programs for academic credit, the College also operates a very large and successful Workforce Development and Continuing Education Program. The Workforce Development Program requires that we work very closely with private industry to ensure that a "pipeline of trained and skilled workers" are available to support the growth of Maryland's high tech "knowledge industries" and in particular biotechnology.

Planning Requirements

Our long range planning, project development, and implementation are developed pursuant to Maryland's "COMAR" regulations for State community colleges. There are two broad planning frameworks within which we prepare Campus master plans. The first is the 10-year facilities master plan required by the Maryland Higher Education Commission (MHEC) and based on

annual enrollment projections prepared by MHEC. The 10-year plan shows how the College responds to the relationship between enrollment and space, including a 10-year space allocation plan based on several State-derived enrollment formulas that result in a deficit or surplus of space. These calculations are revised annually and also submitted with the annual State bond bill request for project funding. The second planning framework within which the College works is the preparation of a 20-year land-use plan. This is again a required plan submitted to MHEC.

Long Range Planning

In addition to 10- and 20- year plans, we have worked with our consultants to look ahead at our needs for up to 50 years and beyond to ensure that sufficient land remains to address the campus's long-term needs of approximately 20,000 students as well as college-wide needs. Based on this analysis, the current campus will need to grow from its current size of 250,000 gross square feet in 2006 to over 1 million gross square feet within the next 50 years. We will need all of our available land on the campus to accommodate our expanding academic mission as well as help address college-wide needs. This additional land enables us to address workforce housing, additional signature academic programs, and expanded adult learning to address the growing needs of the surrounding community. In the near term, we need to add three new academic buildings for a total of 313,200 gross square feet plus a child care center.

College and County Joint Needs

In joint support of our academic and workforce development needs and at the request of and with the support of the County and State of Maryland, we have cultivated and invested over $32 million of County, State, Federal, and private funds toward development of the Germantown Campus Biotechnology Project. This project includes a planned new Bioscience Education Center, a soon-to-open Technology Incubator, and a planned 1 million square foot Science and Technology Business Park, all on the campus in support of the high tech industry in the 1-270 region, the nationally recognized "DNA Alley." As recognized by the State and Montgomery County, the College's Germantown Campus presents a unique opportunity for this project, given its visibility from and access to I-270.

Comments on Draft Master Plan

It is in the context of our long-term academic needs, workforce development, and economic development efforts with the County and the State of Maryland that we have reviewed the Planning Board's proposed master plan. This Master Plan Amendment, called for as a result of the Urban Land Institute ("ULI") study in June 2006, was produced primarily to address the need for additional jobs in the Germantown area; as pointed out in the ULI study, the Germantown Campus Science and Technology Park with its projected yield of well over 3000 new jobs is a key component for success with this Amendment.

However, instead of supporting new jobs with the Park, the proposed Master Plan Amendment compromises its viability and adversely affects the operations of the College at its Germantown Campus. In particular, the College has three major issues with the proposed Master Plan Amendment: (1) The proposed extension of a four lane Observation Drive through the east side of the campus; (2) The displacement of the currently planned Science and Technology Business Park on the campus and elimination of the key signature site next to I-270, and; (3) The need for new, flexible zoning for the entire campus as recommended in the ULI study (see p. 32).

1. **Observation Drive Extension (east route)**

   The Planning Board has proposed a new four lane urban highway through the campus adjacent to Gunners Branch, on the eastern side of the campus. This new road is intended to provide rush-hour relief to MD 355. No college campus wants to have a major commuter route through the campus if there are reasonable alternatives. Recognizing our responsibility to the larger community, we believe a much more desirable alternative is available that is much safer for the College community, does not interfere with the College's long range plans, is easier and more economical to construct, and provides better protection for the environment. College staff has proposed a "western" alignment that upgrades our Observation Drive entrance and then connects it with the existing alignment of Goldenrod Lane, performing double duty to also support our proposed Science and Technology Business Park; this new Observation Drive then connects to Middlebrook Road on the southern end of the campus. This innovative use of Goldenrod Lane not only gives critical congestion relief to Germantown but also provides a long-sought, second access point to the campus to provide safer traffic flow, needed security and better access for the

campus. Advantages of this west campus alternative include the following:

- Avoids significant short-and long-term damage to Gunners Branch which is identified in the master plan as having poor water quality.
- Avoids violation of the steep slopes adjacent to Gunners Branch which would require the construction of very expensive retaining walls.
- Avoids the expensive reconstruction of the College's long established storm water management facilities that currently protect Gunners Branch.
- Avoids the relocation of a long-planned parking garage and several proposed classroom buildings for the campus and avoids their physical separation from the rest of the hilltop campus if the roadway is implemented as presently conceived.
- Avoids removal of up to 20 acres of additional campus land that will be needed for additional instructional facilities, some currently planned for the near term.
- Maintains the green buffer between the campus and the residential community on the eastern side of the campus as originally planned, instead of it being replaced by an unsightly and busy four lane highway as a "buffer."
- And most importantly, the College does not want to see a major commuter route cutting through the campus. With enrollments at almost 6000 students now, expected to grow to over 7500 by 2012 and eventually to over 20,000 students, the College wants to avoid traffic/student conflicts and the inevitable pedestrian safety issues that will arise by placing a commuter road through the campus; this can be avoided by using the western alignment that has been proposed by the College.

2. Planned Science and Technology Business Park

Since 2001, Montgomery College has been working with Montgomery County to develop a Science and Technology Business Park as a critical element to support the biotechnology and advanced technology industries in Montgomery County, as part of our Germantown Biotechnology Project. As noted earlier, this project has three vital elements: an expanded bioscience educational capacity; a soon-to-open technology incubator; and the place where the education and entrepreneurship comes together, the Science and Technology Business

Park. The Science and Technology Business Park will help to rectify the long-standing imbalance in Germantown between housing and jobs, a key objective of the master plan amendment update, and is consistent with the recommendations of the Urban Land Institute's report in June of 2006. See pp 13, 18-19, 32, 50-51, ULI Report, copy attached. Since that start back in 2001, the College has worked with the County, the State of Maryland, the Congress, and private partners to move this project ahead. To date, over $30 million has been allocated to the combined project with over $17 million set aside for the Science and Technology Business Park. County economic projections indicate that over 3,000 new jobs will be created, and over $2 million in additional annual County and State revenue will result from the construction of the Science and Technology Business Park. Since its inception, the key feature (and selling point to technology tenants) of the Science and Technology Business Park is its location along I-270 and particularly its "marquee" site. This signature site is along and up the hill from I-270 and the Hughes Network Systems site at 1-270 and Middlebrook Road. Some background information is critical to understanding the significance and timing of this project:

- In 2002, with County, State, and private support (including the Montgomery County Planning Board), the College acquired 20 acres of land which would be combined with another 20 adjacent acres on campus to form the Science and Technology Business Park. The County Council held public hearings on the Capital Improvement Program Amendment for the acquisition. The location of the Science and Technology Business Park along I-270 was discussed and supported.
- In 2004, after an in-depth public solicitation, the College entered into a public-private partnership agreement with Foulger Pratt Developers of Rockville to develop a Science and Technology Business Park on the property.
- In January of 2006, Foulger Pratt's consultant completed a Natural Resource Inventory and Forest Delineation Site Overview of the proposed business park site.
- In early 2006, recognizing a market downturn, the College agreed to seek public support for the infrastructure for the business park in light of the synergistic benefits to the College and as a means to ensure bioscience and other high technology tenants for the technology business park.

- In May of 2006, Foulger Pratt Development's planning consultant completed a draft of the "Montgomery College, Science and Technology Park Master Plan." The Science and Technology Business Park draft proposed a Phase 1 project of 485,000 square feet of development with the possibility of adding 205,000 square feet in a Phase 2. The Science and Technology Business Park master plan included a Forest Conservation Worksheet which proposed that 48 acres of forest be removed and proposed "total reforestation and afforestation required of 19 acres;" this plan was shared with the Planning Board staff on two different occasions. No suggestion was made by the Planning Board staff during the period January 2006 to March 2008 that this project could not proceed; nor were any issues raised concerning the modification of the forest.

- In June of 2006, an Urban Land Institute report commented on the College's partnership with the business community, stating: "The successful repositioning of Montgomery College as a center of excellence will provide an important anchor for the Germantown community." See also references above.
- In late 2007, at a Germantown Master Plan advisory committee meeting managed by Planning Board staff, representatives of the College presented the plan for the Science and Technology Business Park along I-270; no adverse comments were received.
- Despite the numerous opportunities dating back to 2002, no suggestion was made by the Planning Board staff that the forest could not be removed until the Planning Board's draft master plan was presented on April 28, 2008. The footprint of the forest/park reserve would prohibit the development of the prime signature site in the planned Science and Technology Business Park and would adversely affect the viability of the entire Park.
- Today, we understand that Foulger Pratt Development has a very desirable anchor tenant that requires the signature site and exposure to I-270. An anchor tenant of this caliber is critical to the success of the entire Park and can serve to "kick-start" its realization.
- In discussions, the Planning Board staff has suggested that the development should be moved off the signature site and could be made denser (6-8 story buildings); by use of

structured parking and with the higher density, the Park could achieve near the density that the draft Foulger Pratt site plan envisioned, but repositioned on a smaller footprint.

- Foulger Pratt has responded that it is neither economical nor functional for the biotech companies to locate in 6-8 story buildings with structured parking. Structured parking would require rent levels that cannot be achieved in Germantown now and in the foreseeable future. This position has been independently confirmed in recent communications to the Planning Board from Trammel Crow Company.
- Foulger Pratt indicates that buildings need to be 50-60% pre-leased before financing can be achieved. It would be difficult to pre-lease these high-rise large buildings proposed by staff since it would require large numbers of small biotech tenants to achieve "critical mass."
- The College recognizes and supports the preservation of environmentally sensitive areas but questions the need to designate the central signature area of our long-planned Science and Technology Business Park as no-touch forest parkland; this is inconsistent with plans long in place and with the over $17 million in County, State, and Federal investments we have managed to achieve to date. Other large tracts of wooded area are nearby including the beginning of the 90,000 acre Agriculture Reserve which is only 1.4 miles to the northwest, the beginning of the mostly wooded 5,000 acre Germantown Greenbelt only 0.9 miles to the north, or the large expanse of mature forest on the Dayspring Farm only 0.6 miles to the east.
- The County has invested in large forested areas in its parks, including the Black Hill Park (as part of the Germantown Greenbelt); it is now time to balance these investments with investments in the County's workforce future in technology. The College will meet the requirements of the law for reforestation and for afforestation, with appropriate assistance from the County and the State for its economic development effects, but not by destroying the signature site. This signature site is critical to our long-planned Science and Technology Business Park with its location adjacent to I-270 and zoning that permits and has long contemplated technology and research jobs so critical to Germantown and the County.

3. Specific Land Uses

The College believes that the proposed I-3 zone for the entire campus may not be appropriate for the land uses we envision in our Campus master plan. As stated in the ULI Report, current zoning in the form of I-3 and TS zones are not sufficient for the type of development required. See pp 32, 51 of the ULI Report. We are working with special legal counsel and other academic institutions in the County to develop a zone that will be flexible and integrate appropriate land uses in an academic setting, including the possibility of a floating zone.

DISPLAY 1

Building Inventory		GSF
HT	High Technology and Science Center	75,542
HS	Humanities and Social Sciences Building	75,700
SA	Science and Applied Studies Building	65,146
PG	Physical Education Complex	55,470
GS	Ground Storage and Vehicle Maintenance	22,195
GB	Germantown Innovation Center	68,826
BE	Bioscience Education Building	126,900
CG	Child Care Complex	12,600
SSC	Student Services Center	124,500
PEM	Physics, Engineering and Math Building	61,800
	WDCE Center	40,000
	Hospitality Management/Culinary Arts	30,000
	Clinical Laboratory Sciences/Medical Tech	40,000
	Lifelong Learning Center	40,000
FA 1	Future Academic Building	60,000
FA 2	Future Academic Building	60,000
FA 3	Future Academic Building	40,000
FPG	Future Parking Garage	
	College Central Administration	120,000
Total 2056 Development		**1,108,679**

CONCEPT STUDY TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc. Consulting Engineers

Cho Benn Holback + Associates INCORPORATED

Montgomery College

DISPLAY 2

EXISTING ENVIRONMENTAL BUFFERS

CONCEPT STUDY TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc.
Consulting Engineers

Cho Benn Holback + Associates INCORPORATED

Montgomery College

DISPLAY 3

MORE MATURE FOREST

CONCEPT STUDY TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc.
Consulting Engineers

Cho Benn Holback + Associates INCORPORATED

Montgomery College

DISPLAY 4

LESS MATURE FOREST

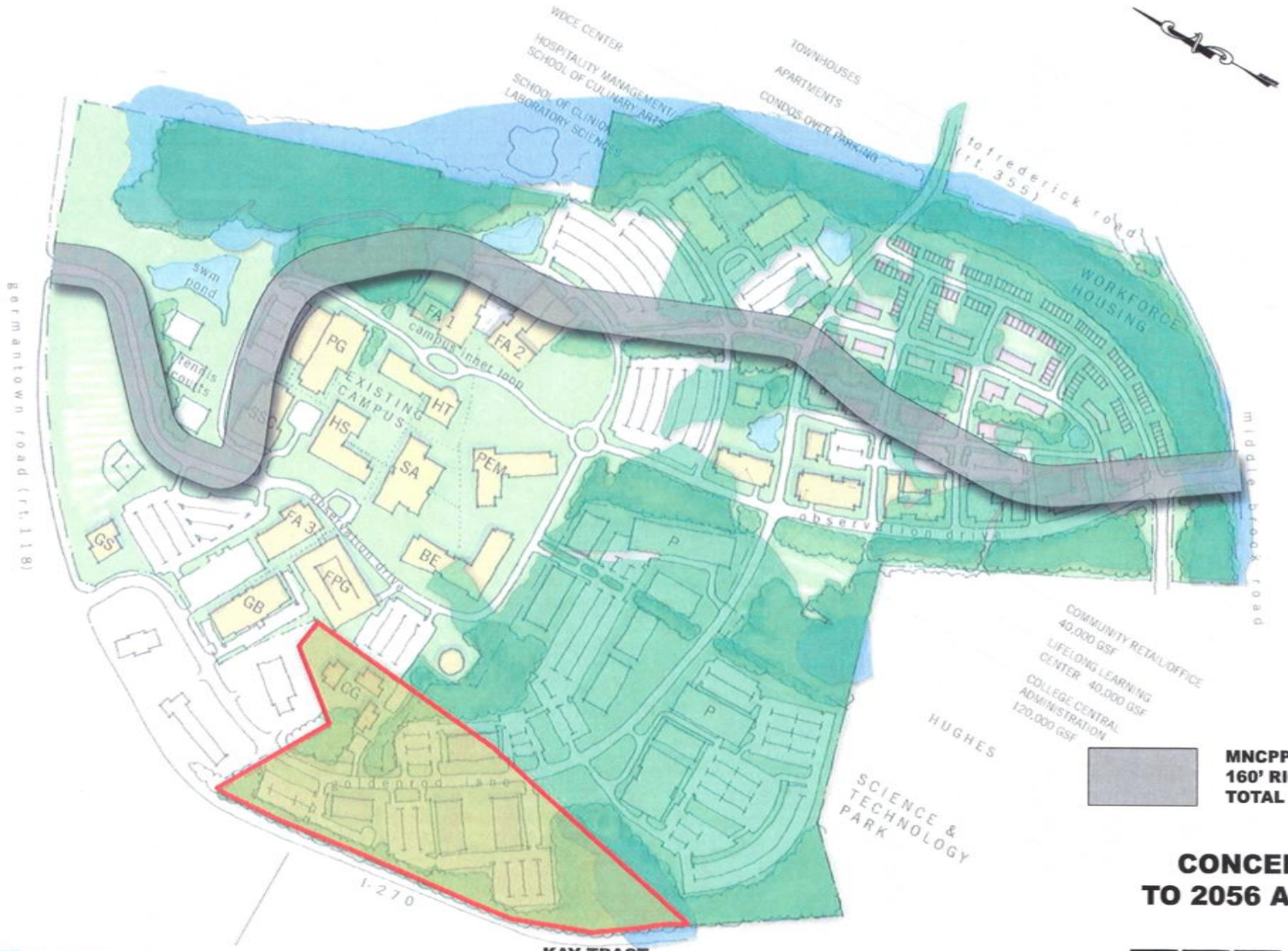
CONCEPT STUDY TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc. Consulting Engineers

Cho Benn Holback + Associates INCORPORATED

Montgomery College

DISPLAY 5



MNCPPC ARTERIAL
160' RIGHT OF WAY
TOTAL AREA = +/- 22 ACRES

CONCEPT STUDY
TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc.
Consulting Engineers

Cho Benn Holback + Associates
INCORPORATED

Montgomery College

DISPLAY 6

MC ARTERIAL
120' RIGHT OF WAY
TOTAL AREA = +/- 18 ACRES

CONCEPT STUDY
TO 2056 AND BEYOND

A. Morton Thomas and Associates, Inc.
Consulting Engineers

Cho Benn Holback + Associates
INCORPORATED

Montgomery College

ORAL TESTIMONY

Hishmat Eskandari

Germantown Master Plan
Item # 22

Hwaida Hassein

Germantown Master Plan
Item # 23

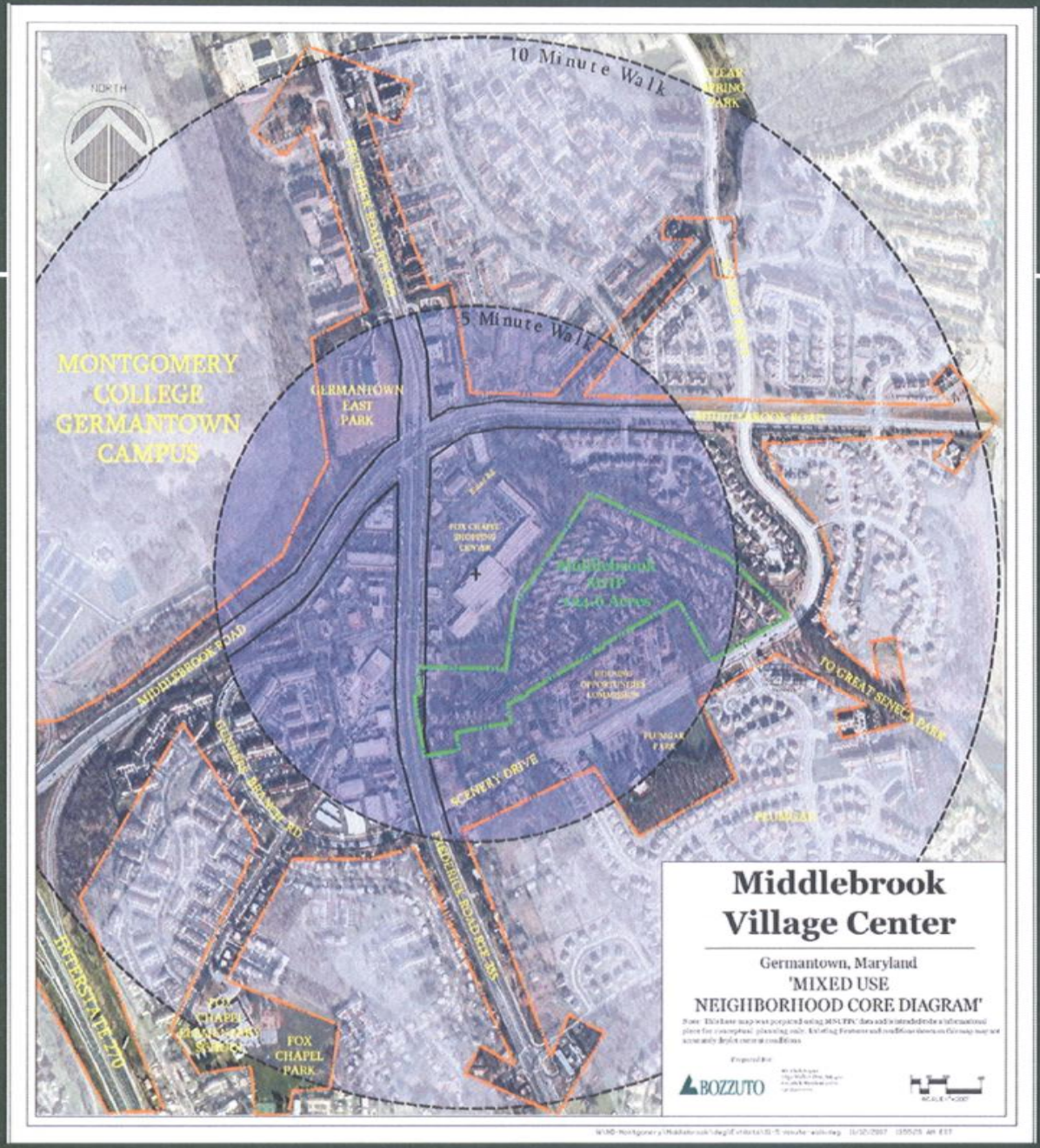
Mumtaz Jahan

Germantown Master Plan
Item # 24

Germantown Master Plan Hearing 7/28/08

Germantown Master Plan Item # 25

Neighborhood Core Diagram





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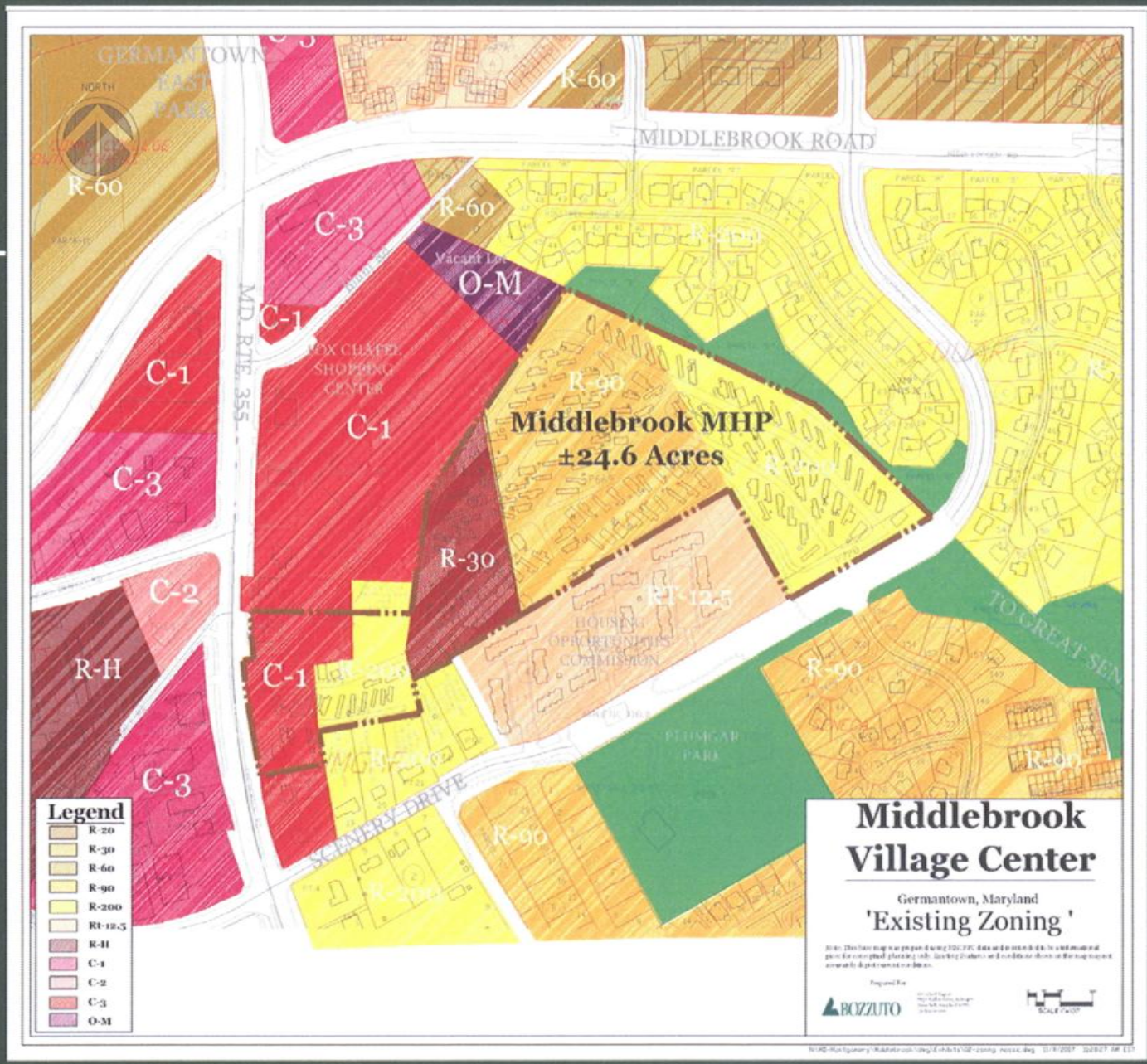
We bring you home.

Existing Zoning

Mobile Home Park & Vicinity








BOZZUTO
We bring you home.

LESSARD GROUP INC.
8521 LEESBURG PIKE, SUITE 700 | VIENNA, VA 22182
P: 703.760.9344 | F: 703.760.9328 | WWW.LESSARDGROUP.COM

Conceptual Site Plan

December 07, 2007

Middlebrook Road Mixed Use Center
Germantown, MD

Bozzuto Homes
BUZ.045A.00G

0 50 100 200
1"=100'






BOZZUTO
We bring you home.

Draft Master Plan Issues

1. Unit Cap - 400 Residential Units (389 at 18/acre)

2. TDR's – base density of 43 units requires 173 TDR's under the RMX1/TDR Zone (est. cost $5.2 Million at $30,000/TDR)

3. Affordable Housing – "no net loss" requires 180 MPDU's or 45% (est. Cost $5.4 Million at $30,000/unit)

4. Staging – 3rd Stage puts redevelopment last and places timing outside the control of property owners.

Bottom Line: Redevelopment will not happen!






BOZZUTO
We bring you home.

Our Proposal

- Allow for a proposed unit cap of 580 units under the PD 22 zone or similar type zone.
- 15% MPDU's (87 units) under the density bonus provision.
- Mixed use zoning (3 acres) along Route 355.
- Stage 1 due to transit serviceability using the existing bus routes at 355 & Middlebrook Road.
- Provides seriously needed incentives to encourage redevelopment & assemblage of this aging quadrant.






BOZZUTO
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BOZZUTO

Founded on Values. Built on Integrity.

July 28, 2008

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Middlebrook Mobile Home Park, Germantown, MD

Dear Chairman Hanson and Board Members:

As a member of the CAC and a representative of the Middlebrook Mobile Home Park (MMHP), I am writing to address the draft master plan recommendations for this property and the land immediately surrounding it. You might also recall that I spoke to the Board on this issue at your December 17, 2007 work session at the BlackRock Center for the Arts and at a follow up work session on May 8, 2008.

Bozzuto has been in discussions with the owner of the MMHP for over 2 years and has studied the economic feasibility of redeveloping the property as a mixed-use community. The property is split zoned, with portions of it zoned R-200, R-90, R-30, and C-1 (exhibit attached). We have been working since early 2007 to develop a concept redevelopment plan for the property with The Lessard Group (Steve Gang) and Rodgers Consulting, Inc. (Matt Leakan and Jennifer Russel).

We believe that a new comprehensive master plan recommendation and redevelopment plan must be developed for implementation during the next decade in order to realize a smarter growth, mixed use, transit oriented development for this entire quadrant. Accordingly, we prepared such a concept and presented it to the CAC at its January 8, 2008 meeting. That plan is attached for your reference.

The concept plan we developed proposes a mix of multi-family residential, townhouse residential, live-work, retail, and office uses. For the Middlebrook Mobile Home site in particular, we propose 722 multi-family units (including 42 live-work units), and 53,000 square feet of retail uses. A total of 109 MPDU's and potentially another 73 Work Force Housing units could be built under this density, which would replace the existing 180 mobile homes. We envision coordinating this development with a redeveloped adjacent site owned by the Housing Opportunities Commission and incorporating the Fox Chapel Shopping Center. This plan proposes a .7 FAR. Any redevelopment will be accompanied by extensive storm water management and forest conservation improvements in stark contrast to current conditions. The access we propose will be network-based and provide multiple means of traversing the sites; also quite different from current conditions. In short, we propose a mixed-use, integrated neighborhood that is transit accessible with Rt. 355 transit-based bus service, pedestrian friendly, and well served by convenience retail and office facilities. Of particular importance would be the increased walkability of the area for residents of the HOC community for whom improved accessible services would be invaluable.

- Since this vision was developed, there have been several staff recommendations for the property, the latest of which are contained within the draft master plan. The draft plan proposes the RMX1/TDR zone for most of the property and the RMX-2C zone for the frontage along Route 355 and a unit cap of either 340 or 400 units (see attached chart). In addition, the draft plan proposes a "no net loss of affordable housing" for the property, which we interpret to mean that we must replace each mobile home with an MPDU on a 1 for 1 basis. This would require 45% of the 400 units to be MPDU's. Finally the plan places the property in the third and final stage of development following the reconstruction of the Rt. 355-Middlebrook Road intersection.

  These recommendations make any redevelopment impossible due to the economic constraints of purchasing TDR's and building MPDU's totaling 45%. The RMX-2C zone requires setbacks from the adjacent R-200 zoned lots making that zoning designation problematic. The draft plan should **encourage** assemblage and redevelopment of aging underutilized commercial sites from an economic vantage point as encouraged in the Planning Board's study entitled, *"Improving Mature Commercial Centers; Creating a Sense of Place in Montgomery County, MD"*. The Fox Chapel Shopping Center is specifically listed in this report and its redevelopment is integrally linked to the redevelopment of the mobile home park. Unfortunately, the draft plan will not permit redevelopment of this area and therefore this quadrant could suffer through another master plan cycle, continuing to decline, before any redevelopment and revitalization occurs.

  We have determined that a redevelopment project could work with a maximum of 580 multifamily units plus live-work units and 87 MPDU's at 15% of the total (see attached chart). Therefore, our request to the Board is that a PD-22 zone for approximately 21 acres be recommended in the Master Plan with a mixed-use zone of some type to be utilized for the remaining 3 acres of land along the Route 355 frontage. This will allow a lower density concept to be implemented for this property, yet still achieve many of the master plan goals we outlined above. We are also open to establishing a new zone so that the redevelopment of this area is not constricted by existing outdated zoning categories that may not have the desired flexibility to achieve the end product that we desire. We also request that this area be placed within the First Stage of development and be required to meet the existing Annual Growth Policy tests for adequacy of public facilities. We urge the Planning Board's favorable consideration of this request, and ask that you direct Staff to proceed in this direction in their preparation of the draft Master Plan. Thank you very much.

Respectfully yours,
Bozzuto Homes, Inc.

Clark Wagner

Clark Wagner
Vice President/Director of Development Services

CC: Sue Edwards
John Slidell
Robert G. Brewer
Jerry Feldman Esq.
Jennifer Russel

Planning ⇩ ectives:	**Scenario A (Draft Plan)** **Zone: RMX 1/TDR** **Unit Cap = 400 units [340 in errata chart?]** **w/TDR's and "No Net Loss of Affordable Units"**	**Scenario B (Applicant)** **Zone: PD- 22, A Mixed Use Zone, along with RMX-2C for commercial** **Base = 476 units** **w/ MPDU Bonus = 580 total units (476 x 1.22)** **87 MPDU's (580 x .15)**
1. Affordable Housing (180 existing mobile homes)	• Requiring 180 affordable housing units (45%) to match the 180 existing mobile homes will make this project economically infeasible, resulting in status quo for life of Germantown Master Plan	• creates 87 units of affordable housing
2. Transit Serviceable • Ride-on Rte 79 runs along Middlebrook Rd adjacent to the vacant parcels/shopping center - has direct access to 270-corridor/future transit stops & Milestone Shopping Center. • Ride-on Route 55 along Rt. 355 is a more direct route to the Shady Grove/Rockville metro station, Montgomery College and the Germantown Transit Center. The stop is identified as being on Rt. 355 and Middlebrook Road.	• Status quo does not add housing near transit	• stronger incentive under this scenario to create a greater transit use through an on-site transit station that serves the greater quadrant • A bus transit station could utilize the CCT if the CCT is a Bus Rapid Transit system.
3. Compatibility with SFD (dealt with at the site plan stage of review)	• Status quo will not be favored by existing SF residents	• would have a lower scale housing type along the border with the SFD neighborhood
4. Comprehensively Planned Quadrant	• Status quo does not allow for a comprehensive redevelopment of the Fox Chapel neighborhood since this parcel is the largest parcel in the quadrant and is the keystone to any redevelopment	• supports the concept of a common zoning category for the entire quadrant • will cause assemblages of parcels and/or planning developments in a comprehensive manner to achieve the greater densities permitted by the zone
5. Mixed Use	• Status quo does not transform the neighborhood into a more mixed use, walkable neighborhood	• Along with the RMX-2C zone this scenario has excellent potential for mixed use
6. Connectivity	• The current lack of connectivity is maintained	• allows for connectivity between parcels • creates a more pedestrian accessible mixed use neighborhood • will help reduce the number of vehicle trips and make the bus transit serviceability even more effective
7. Quality of Open Space	• The current lack of quality open space as an amenity for the community is not changed since the status quo will be maintained	• will have open spaces that are larger and more effective at providing broader views to more residents • open spaces will be designed with a variety of features that will allow them to act as true amenities for the greater neighborhood
8. Sustainability	• Maintaining the status quo does not allow for new, more sustainable housing or a more sustainable neighborhood design to be implemented	• allows for the ability to include green building and green site design practices • could include the LEED certification for multifamily buildings, Energy Star certification, bio-retention areas for storm water management, etc.
9. Redevelopment Potential	• The redevelopment potential is non existent due to the affordable housing and TDR requirements	• creates an incentive for redevelopment due to the increase in density • allows for the funding of a variety of costs including the provision of re-grading of the site, the provision of infrastructure, and the provision of affordable housing

Sue OK

Adams, Holly

From: MCP-CTRACK
Sent: Tuesday, July 29, 2008 11:02 AM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0872 - Chod/Germantown Master Plan
Attachments: 2008-0872-Incoming.pdf

Germantown Master Plan
Item # 26

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0872	**Date Received:**	7/28/2008
Correspondence Type:	Email	**Date Of Letter:**	7/28/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Bradley Chod		
Description: Correspondence regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received during week of PB Hearing; distributed to Board, Legal, and Tech Writers. Include in file.			

Coleman, Joyce

From: Bradley Chod [bchod@minkoffdev.com]
Sent: Monday, July 28, 2008 4:19 PM
To: MCP-Chairman
Subject: 7/28/08 Germantown Master Plan Testimony
Attachments: 2008.07.28 MNCPPC Planning Board Testimony - SMCC.pdf

Dr. Hanson,

Attached is my written testimony for tonight's Germantown Master Plan hearing.

Bradley Chod
Minkoff Development Corporation
20457 Seneca Meadows Parkway
Germantown, MD 20876

Email: bchod@minkoffdev.com
Phone: (240) 912-0200
Fax: (240) 912-0161

minkoff
DEVELOPMENT CORPORATION

20457 Seneca Meadows Parkway
Germantown, Maryland 20876
Telephone: (240) 912-0200
Fax: (240) 912-0161

July 28, 2008

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

Minkoff Development Corporation, the developer of Seneca Meadows Corporate Center ("SMCC"), has some concerns with the May 2008 draft of the Germantown master plan. SMCC is a 156 acre property on the east side of I-270 between Father Hurley Boulevard, Germantown Road/MD-118 and Observation Drive. Minkoff Development has developed commercial property in Montgomery County for more than 30 years. We developed 720,000 sf of industrial and flex space in nine buildings at Shady Grove Road and I-270 in the 1970s and 1980s. Over the past ten years, we have developed over 700,000 sf of flex and office space in eleven buildings at SMCC, and have approved site plans for another 120,000 sf of office space. We also have 40 acres on the north end of this site to develop.

In addition to being the developer of SMCC, Minkoff Development is part of the Germantown community. Our corporate offices are located in Germantown, and we have participated in many things to be a good corporate neighbor: (i) we have worked with the Upcounty Regional Services Center to provide parking for Oktoberfest each year; (ii) we have provided financial support for the baseball team at Montgomery College – Germantown: (iii) we have dedicated a room at the Blackrock Center for the Performing Arts, and provide additional financial support each year, and (iv) we have provided financial support for some of the local high school athletic teams. We want to continue to be a part of and help build Germantown as a community.

We support the vision outlined in the Germantown Master Plan that promotes higher density and mixed-use development around the proposed Corridor Cities Transitway stations. We also strongly believe in the need for more employment uses in Germantown. To date, we have attracted tenants such as Tellabs, GE Aviation, NCR, Avalon Pharmaceuticals, Middlebrook Pharmaceuticals, Charles River Labs, Kaiser Permanente, Xceleron, Spirent Technologies, Viasat, Wilcoxon Research, OBA Bank, Chevy Chase Bank, and Edgewood Management, who have provided many jobs in the high tech, biotech and financial fields.

We would like to comment on four (4) main points raised by the proposed Master Plan: (1) the TMX Zone, (2) the staging plan, (3) the traffic analysis, and (4) the proffers.

TMX Zone

Our first point deals with the TMX zone. The proposed Master Plan introduces the TMX zone to Germantown as a replacement for some existing zones. The TMX zone will permit multiple uses on a single parcel and will allow denser development around the transit stations. However, as written, the standard method of the TMX zone reduces the development density from 0.5 to 0.3 FAR, and limits building heights to 28 feet. As a result, more development density will be subject to the more expensive optional method.

While MNCPPC staff has repeatedly stated a desire to see taller buildings in Germantown, the standard method of the TMX zone takes away a developer's existing right to build a 9 story (100 foot tall) office building, a right that exists under the current I-3 zoning. In order to achieve a density greater than 0.3 FAR, a developer has to buy back his current right to develop up to 0.5 FAR by paying for BLTs, and also has to pay to build expensive structured parking, something the commercial leasing market in Germantown does not yet support. When added to the already expensive impact tax rates, these additional development costs will make new development in Germantown more expensive than the costs of development in Frederick, down county, and in Virginia. Under the proposed new TMX zone, the development of additional density will not make economic sense, as it will be very difficult to deliver a building at a competitive market rent in Germantown.

We also have a problem with the fact that under the TMX zone, a site plan is only valid for five years. This limitation does not take into account the size of the parcel being developed, nor the amount of development covered by the site plan. It is unreasonable to expect a ten acre site with multiple proposed buildings to be developed in the same timeframe as a smaller site with only one building. Developers do not control the market, and making us vulnerable to additional costs due to future additional reviews only increases the risks of development. Given these reasons, we ask you to reconsider these provisions of the TMX zone.

Staging Plan

Our second point has to do with the proposed staging plan. We understand that a staging plan is a necessary component of the master plan in order to balance growth and infrastructure. However, the proposed staging plan does not equitably distribute the right to develop with the responsibility to provide infrastructure. Seneca Meadows currently has entitlements to develop 1.66

million square feet of commercial office space under an approved preliminary plan, yet the proposed master plan's staging plan prevents us from utilizing any of our entitlements in Stage 1. As written, the staging plan does not apply to "properties retaining the existing zoning and with preliminary plan approval." Despite the fact that SMCC has preliminary plan approval, the zoning is being changed. Therefore, at SMCC we cannot develop any more buildings until Stage 2. However, before Stage 2 can begin, two major infrastructure improvements must be completed: a bridge from Century Boulevard across the highway to Seneca Meadows Parkway and the extension of Observation Drive through Montgomery College.

This staging plan is contrary to our existing approvals and entitlements. Any additional requirements at SMCC should ONLY apply to development levels above our current entitlements. We do believe that this issue is the result of an oversight, and that our development entitlements will be restored so that we can continue developing under our approved preliminary plan.

While we agree that in order for new development to be successful there needs to be adequate infrastructure, these large infrastructure improvements should also be the responsibility of government, NOT just the development community. They are supposed to be paid for by a portion of our real estate taxes, as well as by the impact taxes that are levied on new construction. Impact taxes have increased nearly ten fold over the past ten years, going from $1/sf in 1998 to $9.69/sf in 2008 for office space in non Metro areas. However, during that time period, government has not started any new large infrastructure projects in the Germantown area. Continuation of this kind of policy will NOT help achieve the goals of the proposed Master Plan, and may, in fact, encourage development to go elsewhere.

According to the proposed master plan, 16.23 million square feet of net new commercial development and 7,460 new residential units are recommended for Germantown. Assuming that all of the new commercial development is office and assessed at the current impact tax rate of $9.69/sf, more than $157 million in transportation impact taxes will be raised. And if the more than 7,000 new residential units were all high rise residential (the least expensive impact tax for a residential unit) and assessed at the current rate of $4,840 per dwelling unit, another $36 million in transportation impact taxes would be raised. The problem is that the public is repeatedly told that government budgets do not contain enough funds to build the transit infrastructure that is needed, and that the money to build the infrastructure will have to come from new development. However, government has collected impact taxes without building infrastructure, and then puts forth a staging plan that prohibits further development until the infrastructure is built. If government is going to collect fees for building infrastructure, government needs to build the infrastructure.

Traffic Analysis

Our third point concerns an error in the traffic analysis of the Annual Growth Policy. As shown on slide 37 of M-NCP&PC staff's June 10, 2008 presentation to the Germantown CAC (see enclosure), the traffic problem in Germantown is not on the east side. There are five intersections on the west side of Germantown which are congested beyond acceptable levels, and only one on the east side of Germantown. Therefore, it does not make sense that all new development on the east side of Germantown requires traffic mitigation, even though the majority of new development in Germantown will be on the west side, where no traffic mitigation will be required. The traffic problems are predominantly on the west side of Germantown and thus the existing traffic analysis needs to be reviewed and corrected.

We are also concerned that the proposed bridge from Century Technology Campus across I-270 to Seneca Meadows Parkway is being proposed to alleviate traffic problems that exist on the west side of Germantown. This bridge will be used primarily as ingress and egress to Century Boulevard from the east side of I-270. We have no objection to changing the highway crossing that was intended ONLY for the CCT and making it into a road connection for vehicles, provided the east side of Germantown is not penalized later for traffic problems on the east side which were caused by this new traffic from the west side. Century Boulevard should have its own northern exit to Father Hurley Boulevard and I-270. Furthermore, we believe that this bridge will be cost prohibitive to construct, and that there will not be enough room to construct such an interchange to Seneca Meadows Parkway. For these reasons, we feel it is inappropriate to make the construction of this bridge a prerequisite for Stage 2 of the staging plan.

However, we do support two proposed infrastructure improvements: (i) the extension of Observation Drive from Maryland Route 118 to Middlebrook Road, and (2) the construction of M-83. Both projects are good for Germantown and particularly the east side, since they will provide additional north/south arterial roadways which will reduce traffic on Maryland Route 355.

Proffers

Our fourth and final point has to do with the proffers that are being levied against Seneca Meadows Corporate Center, especially given our existing and approved rights to develop our property. Although the TMX zone permits residential development, we do NOT want to build residential units at Seneca Meadows. That has never been our development focus, and, as I have stated previously, we prefer to develop projects that provide jobs. Employment based development will help to rectify the jobs to housing imbalance that currently exists in Germantown. Because we intend to develop the remaining 40 acres at Seneca Meadows with office and retail uses, it is not appropriate to put a

recreation center on this site. A recreation center should be located in a residential area.

Also, the proposed Master Plan requires a two acre public park at Seneca Meadows. This requirement is larger than the total size of all of the public parks required on the employment parcels in the rest of Germantown combined. Given that we already have development entitlements for our property that do NOT require a public park, and since about 50% of our development is already green space (containing wetlands, tree conservation areas, and open spaces), this requirement is not appropriate and is unfairly burdensome. Furthermore, with no residential development at Seneca Meadows and with Ridge Road Park nearby at Maryland 355 and Ridge Road, there is no reason to have a large public park on-site. We do, though, intend to incorporate open urban plazas in the design of our remaining development.

Conclusion

We support the vision of the M-NCP&PC board and staff for a vibrant, urban community in Germantown; our development has proceeded for 10 years towards that end. We acknowledge and agree that increased levels of development require additional planning in order to make it work properly. However, we do ask that staff give consideration to the four points we have raised. The Master Plan has to have enough flexibility in it to allow development to respond to market forces, and to modify the vision as necessary. Thank you for your time and your attention.

Sincerely,

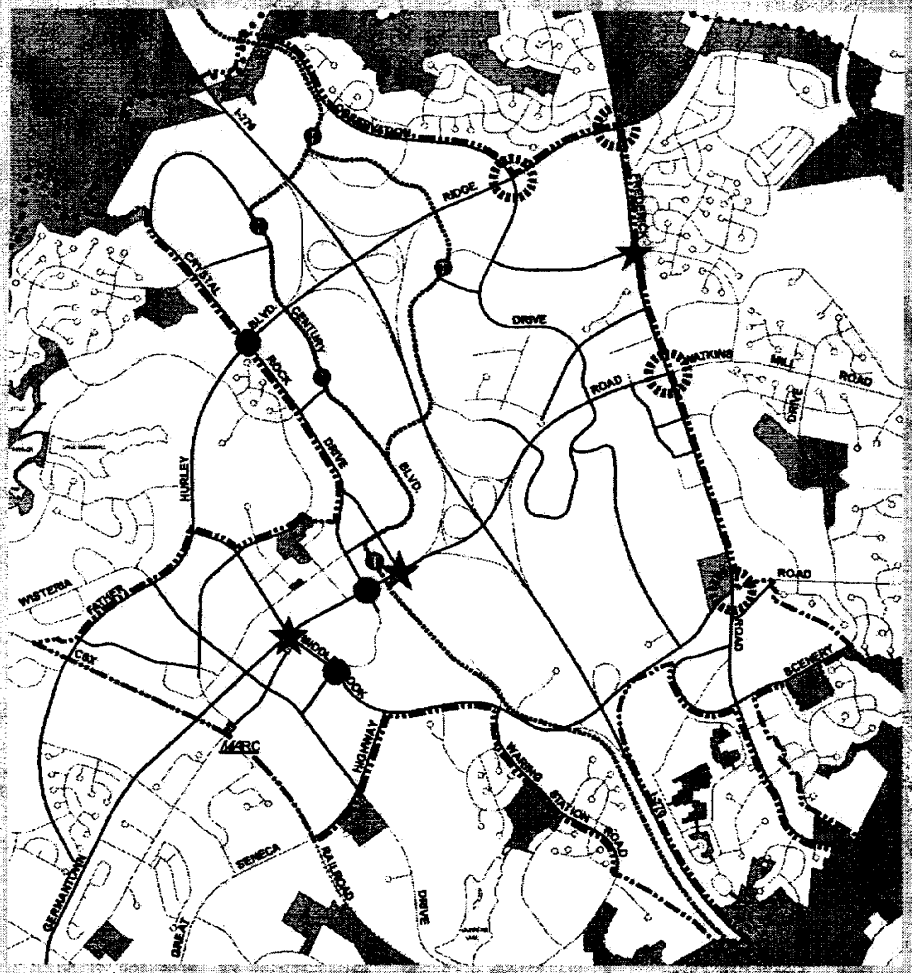
Bradley Chod

Bradley Chod

Enclosures

Implementation

Balance



Localized congestion

Mitigation approaches

Areawide adequacy

Staging

● >20% above Growth Policy standard

★ <20% above Growth Policy standard

Adams, Holly

From: MCP-CTRACK
Sent: Tuesday, July 29, 2008 5:03 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0880 - Smith/Germantown Master Plan
Attachments: 2008-0880-Incoming.pdf

Germantown Master Plan
Item # 27

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

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To:	Royce Hanson		
From:	Campbell Smith		
Description: Correspondence regarding Germantown Master Plan			
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Trammell Crow Company

July 16, 2008

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

I am writing to express some serious concerns that Trammell Crow Company ("TCC"), as the developer of two large parcels within the area of the new Germantown Master Plan (Milestone Business Park and Century Technology Campus), has with the draft legislation creating a new Transit Station Mixed-Use (TMX) Zone (ZTA-08-14). Our concerns are based on the memorandums dated June 24, 2008 and, more recently, July 17, 2008.

I would first like to state that TCC is in favor of much of the content of the proposed zoning amendment. We fully support the County's goal of encouraging higher-density development around future transit stations and requiring that this development be conducted in a manner that is responsible, respectful of the environment, and brings significant benefits to the public. However, there are a few components of the draft legislation that will delay, if not prevent, the County and the public from realizing this vision. The major problems with the draft legislation include:

1) Property owners must obtain (and pay for) a new site plan approval if they do not develop to their fully approved density within five years of the new zoning.
2) Property owners must pursue the optional method of development, with all its attendant costs and proffers (including BLTs), to develop to a density that is lower than their existing by-right density.
3) The cost of the BLT requirement is too high, and the value of a BLT is calculated using arbitrary metrics.

Because of these flaws, the current draft legislation is fundamentally unfair to property owners who bought their sites assuming a certain level of by-right density. It also runs counter to the County's goals of encouraging developers to transform their existing sprawling, suburban office parks into vibrant mixed-use communities that follow the principles of smart growth. In the most positive light, the draft legislation amounts to a disincentive to development. At its worst, it amounts to a significant downzoning.

Example: Milestone Business Park

I will use Milestone Business Park to more clearly illustrate the unfairness and potential negative impact of the current draft legislation. Milestone Business Park is located at the northeast quadrant of the intersection of I-270 and Father Hurley Boulevard. It is widely regarded as the highest quality office park in Germantown and is the home of several high-profile tenants, including JDS Uniphase and ACS. Milestone has been developed in a

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thoughtful way that provides workers with a pleasant work environment while respecting the neighboring residential communities. It features attractive, high-quality architecture, a well-landscaped urban courtyard, and walking trails. It is really the only true Class A office park in Germantown today.

Under its existing by-right zoning, Kennedy/MEPT ("Kennedy"), the property owner, can develop up to 0.5 FAR, or approximately 940,000 square feet of office and ancillary retail space at Milestone. Kennedy has an approved site plan showing 907,000 square feet of office space in five buildings. This site plan has been in place for quite some time, as it was originally approved in 2001 and later amended in 2007 to change the phasing of the development. Kennedy is actively developing the site and will complete construction on a new 160,000 square foot speculative office building in October 2008. When the new building is completed, Kennedy will have built approximately 470,000 of the 907,000 approved square feet at Milestone. It is important to note that the current zoning and site plan approvals allow Kennedy to develop up to 907,000 square feet without seeking further approvals from the County.

The 470,000 square feet in place today at Milestone represent three of the five approved buildings. These buildings are all surface-parked. In order to build the remaining two office buildings at Milestone, Kennedy would have to build structured parking garages. If the garages were built today, the added costs of the parking garages would increase the development budgets of these buildings significantly and render them uncompetitive with the existing office product in Germantown and the abundance of vacant office space in closer-in markets such as Gaithersburg and Rockville. Therefore, it is quite possible that Kennedy will not build the remaining office space at Milestone within the next five years.

Under the proposed TMX zone, any property owner with an approved site plan who has not developed to its fully approved density within five years of the rezoning date must apply for a new site plan approval. This means that there is a good chance that Kennedy will need to create, pay for, and seek approval for a new site plan in order to develop their next building. This is despite the fact that: (i) Kennedy already paid for a fully entitled site when they purchased the property, and (ii) Kennedy can develop this building under the existing zoning by-right.

However, the most damaging aspect of the new zoning recommendations is that Kennedy would have to apply for this new site plan approval under the optional method of development, which imposes further costs and proffers. The new TMX zone creates two levels of entitlements for property owners: density that is available under the standard method and density that is available under the optional method. The optional method of development requires a lengthier and more closely scrutinized site plan approval process, the imposition of certain proffers and costs (including MPDUs and BLTs), and a higher level of design standards. In other words, any density that is developed under the optional method will carry a higher cost than density developed under the standard method.

For Milestone, staff has proposed that the property owner must pursue the optional method for any development over a 0.3 FAR – ***a level that is 40% lower than the site's existing by-right density***. It is difficult to quantify the financial impact that this requirement will have on the project, since many of the proffers and costs that arise from the optional method review process are subjective and site-specific. However, we can easily quantify the impact of the BLT requirement using the estimates included in the report prepared by the planning staff.

Assuming a market office rent of $30/square foot, the BLT requirement would add approximately $3.75 per square foot to the cost of developing an office building under the optional method. While this incremental cost might seem low at first glance, it actually has a significant negative impact on the expected financial returns and, therefore, the developer's ability to finance the project.

Developers and, more importantly, investors, analyze projects based on a number of financial metrics, chief among them being yield on cost. Yield on cost is defined as a building's net income divided by the cost basis of the project. In markets where there is little competition, yields on cost can be inflated, and developers can earn higher profits. However, in a market such as the I-270 corridor, where there is a great deal of vacant office space and heavy competition for tenants, yields get squeezed to the point where a slight increase in costs can prevent a project from ever getting financed. This situation is further exacerbated by the high cost of land in the I-270 corridor market. Any budgetary cushion that a developer might otherwise have at its disposal gets used up by the premium that developers must pay for land in this market.

Let us assume that a typical suburban office building costs $230 per square foot to build [For a new building in Montgomery County, this cost estimate is actually low, since it does not include the $9.69 per square foot of impact taxes applicable to office development in the County]. The potential income generated by this new building is $19.50 per square foot ($30 rent, less a 5% vacancy factor, less $9.00 operating expenses). Thus, the building's yield on cost would be $19.50 / $230, or 8.48%. Now, let's assume that the developer has to pay an additional $3.75 of costs to comply with the BLT program. This added cost would lower the yield on cost to $19.50 / $233.75, or 8.34%. The cost of the BLT program lowers the yield by 14 basis points.

Developers and investors will build a project only if they can achieve a sufficient spread between the project's yield on cost and the exit capitalization rate. The exit capitalization rate is the rate of return that a future buyer of the project would expect to make on its investment. Most developers will require a spread of at least 150 basis points (1.50%) between the yield on cost and the exit capitalization rate. For Class A office buildings along the I-270 corridor, the current exit capitalization rate is around 7.0%. This capitalization rate can change based on many factors, including the quality of the asset, the location, and the credit of the tenants in the building. In general, if an asset is closer to DC and the Beltway, then a future buyer will require a lower return on its investment. Consequently, the capitalization rate will be lower. Therefore, exit capitalization rates in Germantown, which is rather far from DC, could be higher than 7.0%. So, in order to procure financing for and

build a new office building in Germantown, a developer will require a yield on cost of at least 8.50%.

You can see, then, how a small addition in cost can significantly impact the feasibility of a project. In the above example, the new office building in Germantown is on the borderline of being feasible even without the imposition of the BLT cost, as its yield on cost is only 8.48%. The addition of only $3.75 per square foot in costs reduces the yield on cost to 8.34%, thus moving the project squarely in the infeasible and unfinanceable category. It is important to note that this analysis looks only at the cost of the BLT program. It does not address the many other costs associated with the optional method of development, such as infrastructure improvements and more stringent design guidelines (or, if this were a residential project, the MPDU requirement). Nor does it include the $9.69 per square foot of additional costs related to Montgomery County's comparatively high impact taxes. If we added the costs of these other requirements, the analysis would look even worse.

In summary, the proposed rezoning would impact Milestone in the following ways:

1) It would force the property owner to seek (and pay for) site plan approval on land that it bought fully entitled, and which it has developed in a responsible manner that has satisfied all of the County's requirements.
2) This site plan approval would require the property owner to pursue the optional method. The result is that the property owner would have to pay to develop density (in the form of BLTs and other proffers) that it currently has the ability to develop by-right.
3) Planning staff's current recommendation is that Milestone be granted an FAR of only 0.75 – which is less than the 1.0 FAR being granted to other transit-oriented sites within Germantown. So, while Milestone has to bear the same added cost burden as other sites within Germantown, it is not even granted the same density bonus.
4) These added costs are not only unfair, but they could make future development infeasible (or at least delay it significantly). The effect would be counter to the County's goals of encouraging smart, high-density development near transit stations. In addition, all of the public benefits that go along with this type of development would be jeopardized.

We ask you to consider how the current draft legislation is fair and how it will achieve the goals that we (the County, property owners, and residents) are all striving for in Germantown.

We understand the County's desire to locate more receiving markets for TDRs/BLTs. However, we believe that it is possible to further this policy goal while still maintaining an environment that encourages smart development and is fair to property owners. In order to create that type of environment, it is imperative that the new TMX zone be amended in the following ways:

1) **Raise the threshold for the optional method to at least the existing by-right density (in the case of Milestone Business Park and Century Technology**

Campus, 0.5 FAR under the I-3 zone). Preferably, the threshold would be raised above the existing by-right density to provide an incentive for development near transit stations.

2) **Grandfather approved site plans for a period of at least ten years.**

Other comments on staff's proposal

While we believe the above points are the major flaws in the draft legislation, we also believe the following items need to be refined:

1) **Cost of BLTs**: As mentioned earlier, we believe the cost of the BLT requirement must be lowered to a point where it does not render new development infeasible. It is probably unlikely that the cost of a BLT can be lowered, since there has to be some incentive created for a property owner to divest himself of the BLT. However, there are other ways that the cost of the BLT requirement can be reduced, including:

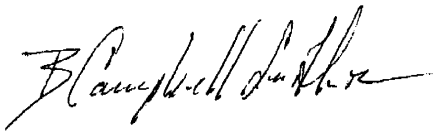
   - *Reducing the percentage of development that must purchase BLTs from 12.5%.* There is no convincing reason provided for setting this metric at 12.5%. We see no reason why the metric used to determine how much commercial development is required to purchase BLTs must be the same as the metric used to determine how much residential density must be made available as MPDUs. The two requirements are completely unrelated.
   - *Adjusting the BLT conversion factor.* The current draft legislation proposes a conversion factor of one BLT per 7,500 commercial square feet or 9,000 residential square feet. Again, though, there is no convincing reason given for why the conversion factor needs to be set at these levels. In addition, the fact that the conversion factor for commercial space is actually lower than the factor for residential space runs counter to the County's objective of increasing the employment base in Germantown. Increasing the conversion factors is an easy way to reduce the overall burden of the BLT program on property owners while still maintaining the cost of an individual BLT.
   - *Pegging the value of a BLT to the prevailing price of land instead of the prevailing market rent.* Not only will this lower the cost of a BLT (since land prices are usually lower than rents on a per square foot basis), but it also makes more logical sense to marry BLTs to land prices than it does to tie them to rental rates. When a developer purchases a BLT, he is really buying the right to build additional density. Therefore, buying a BLT is like buying land. The value of a BLT, in turn, should be related to the value of land. Currently, the draft legislation proposes to calculate the value of a BLT using the prevailing market rent for office space. Rental rates, on the other hand, are only loosely related to land prices.

2) **Building heights allowed under the standard method are too low.** The current draft legislation sets the allowable building height under the standard method at 28 feet, or less than 3 stories. This is lower than the height allowed in most existing zones. For

example, the I-3 zone currently allows 100 foot buildings. Limiting the building height to 28 feet will have the unintended (or perhaps intended?) effect of forcing every new office development into the optional method. The allowable building height under the TMX zone should be set at a level consistent with each parcel's preexisting zoning.

Trammell Crow Company remains supportive of what we believe to be the goals of the County in crafting the new TMX zone – namely, the creation of a set of rules that encourage smart growth and responsible development. We believe that the County can achieve these goals while preserving the rights of the existing property owners. However, without the fundamental changes that we have described above, we do not believe that the proposed zoning amendment will be supported by the property owners who are crucial to its implementation. We look forward to continuing to work with you and the planning staff on this important effort.

Sincerely,



Campbell Smith
Trammell Crow Company

Trammell Crow Company

July 28, 2008

COMMUNITY EXHIBIT
RECEIVED BY MCPB
DATE: 7/28/08
ITEM NO. 1
EXHIBIT NO. 18

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

I would like to share with you and the other members of the Planning Board Trammell Crow Company's comments on the Public Hearing Draft of the Germantown Master Plan. As you know, Trammell Crow Company, on behalf of Kennedy Associates/MEPT, is the developer of two large parcels in the area affected by the new master plan, Century Technology Campus and Milestone Business Park. Together, these two sites total almost 100 acres and represent close to 4 million square feet of development potential post-rezoning.

I. Introduction

As I have mentioned in past oral and written testimony to the Planning Board, Trammell Crow Company strongly supports the effort to create a new master plan that furthers the following goals:

- Encourages developers to create vibrant, mixed-use communities that incorporate the principles of smart growth
- Stimulates development that brings about significant public benefit (reduced congestions, useable open space, etc.)
- Concentrates development along the route of the planned Corridor Cities Transitway

As evidence that Trammell Crow Company is aligned with Staff and the Planning Board in this vision for Germantown, we have already begun site planning for two new office buildings that will replace some of the existing low-rise buildings at Century Technology Campus and will eventually fit into a 2.4 million square foot mixed use plan.

The Planning Board's vision for Germantown is an ambitious one, mainly because it is in sharp contrast to what exists in Germantown today. The chief challenge of the master plan is going to be to provide enough incentives to encourage developers to replace what exists today – namely, low rise office, surface parked retail, and low-density residential, built to densities of 0.2-0.3 FAR – with high-density, mixed use product. This is not an easy task, as developers will already face significant obstacles in making this kind of transition make financial and logistical sense. The fact is, creating successful, mixed-use developments is very, very difficult. The challenges that developers face include:

- ***The cost of structured parking.*** In order to develop above a 0.3-0.4 FAR, developers are forced to build structured parking. An above ground structured parking garage can add between $45 and $60 per square foot to the costs of a new

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office building. In order to justify this investment, an office developer must recoup an additional $4-$6 in rent per square foot. An increase of this magnitude would make projects in Germantown unable to compete with buildings in Gaithersburg and Rockville today, since they would not be able to offer the discounted rents required to lure tenants from closer in markets.

- ***Phasing of the different uses***. The greatest challenge in mixed use development is creating a sense of place from day one. Retailers want a critical mass of other retailers, office tenants, and residents to be in place when they open. Office tenants and residents want retail amenities, and they do not want to be disturbed by ongoing construction. This balanced phasing is very difficult to achieve in practice, as the markets for office, retail, and residential rarely sync up.

- ***Phasing of parking***. One of the great benefits of mixed-use development is the efficiency gained when office, retail, and residential uses all share a parking structure. However, in order to achieve these efficiencies, parking structures must often be built up front, in advance of when they might otherwise be financially justified. This upfront expenditure can often make mixed-use development financially infeasible for a developer.

- ***Tenant risk.*** Despite the many positive attributes of mixed-use development, the fact remains that many tenants (particularly retail tenants) do not want to deal with the complexities of operating in a "town center" environment. These complexities include structured parking, difficult loading, and collocation within office or residential buildings. An increasing number of retail tenants are shying away from mixed-use projects as they gain experience operating within them and begin to realize how the operational challenges affect their bottom lines.

We do not intend for this rather long introduction to imply that we do not believe that mixed-use development will work in Germantown. We do believe that it is possible, and we are spending money on creating a new mixed-use site plan for Century Technology Campus. The point we are trying to make is that high-density, mixed-use development is just a lot more challenging than traditional, single-use development. The financial and logistical challenges are greater, and there is greater market risk. Often, the financial rewards do not justify these risks. Even some of the greatest examples of high-density, town center developments were not profitable for their original developers. For example, when Reston Town Center was first developed, the initial office buildings and the Hyatt hotel were failures for their original investors.

Our greatest concern with the Germantown master plan is that it fails to recognize the challenges and risks that a developer faces in building mixed-use, transit-oriented communities. The master plan is oriented more towards imposing hurdles and conditions to development than enabling development that meets the community's goals. If the Planning Board really wants to encourage mixed-use development around the future CCT line, then you have to create a master plan that acknowledges the additional risks and

challenges that developers are going to face when implementing these types of projects. The master plan cannot impose any unnecessary burdens on developers that do not already exist in the normal process of mixed-use development.

Otherwise, developers will simply choose to develop what they originally envisioned when they bought their properties in Germantown – low-density office parks with surface parking. There will be no increase in density around the future transit stations. As a result, it will be difficult to justify the investment in the CCT, and all of the benefits associated with mixed-use, transit oriented development (such as a reduction in congestion and sprawl and an increase in open space) will be unachievable.

We have organized our concerns and comments on the master plan into three categories: 1) comments on the plan in general; 2) comments specific to Century Technology Campus; and 3) comments specific to Milestone Business Park.

II. Comments on the Master Plan in General

As mentioned above, we believe that the master plan contains too many hurdles and disincentives to development above what currently exists in Germantown today. These hurdles and disincentives include:

1. Staging Requirements

Staff has recommended a three-step staging sequence that will govern when developers can build to certain densities on their sites. The recommended staging sequence is highly problematic for two reasons.

First, many of the staging requirements are beyond the control of the individual property owners. For example, Staff would like to place a moratorium on *any* development on *any* parcel within the area of the Germantown master plan until the County Council adopts an Urban Service District for Germantown. This recommendation places all development, and all property owners' rights, at the whims of a body over which property owners have absolutely no control. Similarly, the Staff has recommended that Phase II development be conditioned on funding for an urban recreation center east of I-270. Again, this funding is out of the control of individual property owners.

Second, there is no clear relationship between the infrastructure improvements required in the staging sequence and development on the individual parcels within the master plan area. For example, why would the development of any of the parcels on the west side of I-270 be conditioned on the extension of Observation Drive south from MD 118 to Middlebrook Road? Similarly, why would the development of the Town Center or the North End District be conditioned on the construction of a crossing over I-270 from Century Technology Campus to Seneca Meadows?

The effect of these recommendations will be to stall development on certain sites unnecessarily while property owners wait for others to fund improvements that do not even impact their sites.

> **Recommended Changes:** The staging requirements should be changed so that there is a clearer relationship between development on an individual property and infrastructure requirements needed to support development on that property. In addition, actions that are out of individual property owners' control – such as the formation of the Urban Service District – should be dealt with outside of the staging requirements or placed at the very end stages of the staging sequence.

*2. **Mix of Commercial vs. Residential Density**.*

The master plan is inconsistent on its requirements for commercial vs. residential density mix. In one area, the plan imposes a minimum of 70% commercial development, and in another it dictates 60%. In either case, the density mix is too heavily weighted towards commercial. Imposing an arbitrary 60% minimum commercial density will deter developers from pursuing mixed use projects and will have a negative impact on the physical and aesthetic character of the projects.

Imposing a high ratio of commercial density will increase the number of parking spaces – and therefore the costs of development – significantly. First, commercial projects require at least twice the number of parking spaces as residential projects. In addition, the imposition of an "imbalanced" mix of commercial and residential will prevent developers from realizing the efficiencies that come from shared parking between uses. The resulting increase in development costs will serve as a further economic deterrent to smart, mixed-use development.

Not only will this requirement increase the cost of the parking garages, but it will also increase the size and prominence of them. It will be more difficult to screen the garages with active uses, block sizes will increase, and it will be difficult to create welcoming open spaces. It will be nearly impossible to create projects that have a human scale and active streetscapes.

Finally, we believe that the transit-oriented developments along the future CCT will be more successful if they have a higher ratio of residential density than the County is currently recommending. There is no better way to encourage transit use than to have people live within walking distance of transit stations. A person who can walk from home to a transit station is far more likely to use public transportation than a person who works near transit but has to drive from home to get to the station.

> **Recommended Changes:** Change the minimum commercial density to a flexible range between 40% and 50%. The goal should be to foster successful mixed-use development while maintaining or moderately increasing the existing amount of by-right commercial density.

3. TMX Zone

We have already provided testimony on our thoughts on the TMX zone, so we will be brief here. In sum, we believe that the TMX zone amounts to a disincentive to a development and is effectively a downzoning. The problems with the TMX zone include:

- It requires a property owner to pursue the optional method of development at a density that is far below the site's current by-right density. In the case of Century Technology Campus and Milestone Business Park, the optional method would kick in at 0.3 FAR, which is ***40% below the existing by-right density*** under I-3 zoning.
- The added costs of the optional method, which include funding of a project plan, proffers, infrastructure costs, MPDUs, and BLTs, make new development projects infeasible. The economic analysis provided by JBG, BF Saul, and Trammell Crow Company prove this out. The fact that a property owner will have to pay these costs to develop to a density that it can achieve today on a by-right basis amounts to a downzoning.
- The cost of a BLT is too high and the metrics used to calculate it are arbitrary.
- The height restriction under the standard method is 28 feet, which means that almost every new office project will be forced to pursue the optional method, whether the FAR on the site warrants the optional method or not.
- The grandfathering period for existing site plans (5 years) is too short, particularly for large parcels that are intended to be developed over a long period of time For example, Milestone Business Park has an approved site plan for 907,000 square feet and is being actively developed. However, it is likely that the five year grandfathering period would expire before Milestone is fully built out.

Recommended Changes:

1) Increase the break point for the optional method to at least the existing by-right FAR of a site. For Century and Milestone, this would be 0.5 FAR. If the Planning Board would like to provide an incentive for development, instead of a deterrent, the break point should be increased to *above* the existing by-right density.

2) Alter the metrics for the application of BLTs, so that it the impact is less expensive to developers. Possible changes include the conversion ratios and the percent of development that must purchase BLTs. In addition, the price of a BLT is more appropriately tied to the price of land than the prevailing market rent.

3) Increase the height restriction to the height in the existing by-right zoning. For I-3 zoning, this height would be 100 feet.

4) Extend the grandfathering period to at least 10 years.

III. Comments Specific to Century Technology Campus

In addition to the above comments on the master plan in general, we have several specific concerns and comments with the Staff's recommendations for Century Technology Campus. Century Technology Campus is a 55 acre site located in the southwestern quadrant of the interchange of I-270 and Father Hurley Boulevard. It is located in the Cloverleaf sector in the Germantown master plan. After the rezoning, Century Technology Campus will have 2.4 million square feet of development potential. Trammell Crow Company and Kennedy Associates/MEPT have been working for the past year to create a master plan for the rezoned site, which will follow the guidelines and intent of the Germantown master plan. Our concerns related to Staff's recommendations for Century Technology Campus include:

1. ***The proposed bridge crossing over I-270, from Century Boulevard to Seneca Meadows Parkway.***

The master plan includes the construction of this crossing as one of the prerequisites to proceed to Phase II of the development staging sequence. Since the master plan appears to indicate that a significant portion of this road will be located on the southern edge of Century Technology Campus, we are very concerned about the visual and physical impact it will have on the residents and tenants of the vibrant mixed-use community that we are planning for the site. In fact, our current plan for Century Technology Campus proposes townhomes in the location where the County has proposed the road. In addition, a bridge crossing at that location would eclipse the view of one of Germantown's most visible sites (and the site on which a large portion of the redevelopment potential in the Century Boulevard corridor lies) from the northbound lanes of I-270.

The plan is also very unclear as to the character and purpose of the road. On page 34, the plan states that the road is to accommodate "two travel lanes and the CCT," while page 56 states that the road is to be 4 lanes, divided. It is unclear whether the Staff intends for the road to be used for vehicle traffic or for transit. If the road is to be used for vehicle traffic, nowhere does the master plan provide data showing that a road is needed to support development at either Century Technology Campus or Seneca Meadows Business Park.

The master plan is also very unclear as to who will be responsible for constructing the road and bridge. If the developers are responsible for the cost, then the road and the bridge will never be built. The cost is simply too high to be justified by the additional density that the developers would get if they were to build the road and bridge. Conversely, if the County is responsible for the road and bridge, then they should not be included in the staging sequence as a requirement to proceed to Phase II, since they are out of the developers' control.

Finally, the road presents various other logistical and entitlements-related problems. There is no existing right of way or reservation on Century Technology Campus for the road. Also, it is our understanding that the construction of the road conflicts with the current site plan at Seneca Meadows Business Park.

Recommended Changes: Given the uncertainty over the location, impact, and feasibility of the bridge crossing, we recommend that it be removed from the staging

requirements. The road should be dealt with outside of the rezoning and master plan, when there will be more time to study these issues.

2. Staging

Page 51 of the master plan recommends that 50% of non-residential density and 100% of residential density be permitted in Phase I of development at Century. We have no problem with the overall amount of density allowed in Phase I, provided that the requirements to Phase II are changed to relate more closely to development on our site. However, we do not understand why Staff suggests distinguishing between non-residential and residential development in this phase. As we mentioned earlier, it is critical to achieve the right balance of uses when phasing a mixed-use development. This provision needs to provide developers with the flexibility to react to changes in market conditions and to create an environment in which all product types can succeed.

Recommended Changes: Amend this provision to allow 70-75% of development in Phase I, regardless of the use.

3. Design Guidelines

Page 34 of the master plan contains two design guidelines that are unrealistic and unnecessary. First, the master plan requires that buildings along Century Boulevard have setbacks of a minimum of 10 feet above the third story. This requirement will have a significant negative impact on the efficiency and competitiveness of any office buildings constructed at Century Technology Campus. We understand the Staff's desire to create the appearance of lower buildings from the street level, and we do not disagree with this intent. However, our experience has shown us that the same effect can be created with setbacks of as little as 1-2 feet. These types of setbacks have a far less negative impact on the marketability of an office building.

Second, the master plan dictates that block lengths be limited to 250 to 300 feet. Again, this recommendation is impractical and unnecessary. Projects with sizeable office and retail components require a lot of parking. In order to build this parking economically, the garages have to be quite large (i.e., longer than 250 to 300 feet on two sides). In order to create a pleasant environment with active streetfronts, these garages must be screened with active uses. Therefore, some block sizes will have to be larger than 250 to 300 feet. Our experience has also taught us that there is nothing magic about a 250 to 300 foot block. We can easily create an active pedestrian-friendly environment with some blocks being in the 500 to 600 foot range.

Recommended Changes: Remove the 10 foot setback requirement. Remove the block length restriction. These issues should be addressed at the time of project plan and site plan.

4. Other Minor Changes

Page 33 of the master plan requires us to provide a small grocery store at Century Technology Campus. We do not believe it is appropriate to require us to provide a specific retail use in our project. The market will dictate what retail uses are viable at Century.

The plan is inconsistent in its description of the transit right of way on Century Boulevard. In one place, the plan says the right of way is 130 feet, and in another, it describes a 134 foot right of way. The right of way should be 130 feet, which has already been dedicated.

IV. Comments Specific to Milestone Business Park

Milestone Business Park is a 44 acre site at the northeastern intersection of I-270 and Father Hurley Boulevard. The site is owned by Kennedy Associates/MEPT, and it has an approved site plan for 907,000 square feet of office and retail density. The site is being actively developed; there are two existing office buildings totaling 310,000 square feet, and a third building with 160,000 square feet will deliver in October 2008. The two existing buildings are 100% occupied, with high-profile tenants such as ACS and JDS Uniphase. Milestone Business Park is regarded as the only true Class A office development in Germantown.

Milestone Business Park is an integral component of the Germantown master plan, due to its high-profile tenants, its status as a "gateway" into Germantown from the north, and its location within walking distance of a proposed CCT station. Despite the project's prominence, Staff has recommended to grant Milestone only half of the additional density that it is granting other sites along the CCT line, while burdening Milestone with all of the additional costs associated with the optional method of development.

Our concerns with Staff's recommendations for Milestone Business Park include:

1. ***Staff has limited Milestone to 0.75 FAR, while granting similar sites within the TMX zone 1.0 FAR.***

We believe that this limitation is not justified. Milestone Business Park is a perfect location for a high-density, mixed-use development. It is a prominent gateway entry point into Germantown, as it has extremely high visibility to and from I-270. Since Milestone already has a critical mass of commercial development in place, it is the one true near-term opportunity for the realization of the Planning Board's vision for the Germantown Business Corridor as a series of transit-oriented development hubs. Milestone's viability as a mixed-use location is validated by its proximity to a successful residential development and a major retail power center. Finally, Milestone will be within walking distance of a future CCT station. We see no reason why the allowable FAR at Milestone should be less than the allowable 1.0 FAR at the proposed CCT station at Seneca Meadows Parkway, which is directly south of Milestone on the eastern side of I-270.

It is worth noting that Staff has proposed to limit Milestone Business Park to 0.75 FAR without curtailing any of the costs associated with the optional method of development, which include BLTs, MPDUs, and proffers for infrastructure and open space. Thus, you

could say that Staff is proposing to burden Milestone Business Park with 100% of the burdens associated with the new zoning, while bestowing us with only 50% of the benefit of increased density.

> **Recommended Changes:** Increase Milestone Business Park's allowable FAR to 1.0, to be consistent with other properties with access to transit on both the east and west sides of I-270.

2. ***Staff has limited residential development at Milestone to 225 units, not to exceed 20% of development on the total site.***

This recommendation is inconsistent with the goal of concentrating mixed-use development around future transit stations. Staff has given no reason for limiting the residential development at Milestone to 225 units. From a developer's perspective, a 225-unit residential development is on the verge of being too small to be economically viable. A multifamily project needs to be at least 250-300 units to benefit from the economies of scale that come from shared services and common areas. In addition, we do not feel that a mixed-use, transit-oriented development with an 80/20 mix of commercial to residential will be a particularly pleasant place to either live or work. Residents will feel like they are living in an office park, and office tenants will view the small residential building as being incongruous with either a pure office park or a true mixed-use town center. If the master plan limits residential density at Milestone to 225 units, it is likely that the site will remain a pure office park.

> **Recommended Changes:** Remove the residential unit cap at Milestone, or increase it to a level that represents at least 40% of total development on the site.

3. ***The Land Use Map on page 37 shows two different land use recommendations for Milestone Business Park: "Mixed-Use, primarily residential" and "Mixed-Use, primarily commercial."***

The northernmost parcel is labeled as "Mixed-Use, primarily residential." Based on our comments in #2 above, unless the residential cap at Milestone is increase, it is quite possible that this parcel will be developed as an office building. We will not develop residential units on this site unless we can do so on terms that make financial sense. In addition, we do not believe that any one parcel within Milestone should be limited to either commercial or residential development in the future. We would like for the land use recommendation to read simply "Mixed-Use." There is no need for the qualifiers of "primarily residential" and "primarily commercial."

> **Recommended Changes:** Change the land use designation of all parcels at Milestone Business Park to read "Mixed-Use."

Dr. Hanson, we appreciate the thought leadership and hard work that you, your colleagues, and the planning staff continue to give to the Germantown master plan. We believe that it is

possible to produce a plan that provides the appropriate incentives to develop Germantown's central business corridor in a smart way that accomplishes the goals of the County, community, and developers. We look forward to continuing to work with you towards this goal. If you would like further detail or explanations of anything in this letter, please feel free to call me at (202) 295-3367.

Sincerely,

Campbell Smith
Trammell Crow Company

SHULMAN
ROGERS
GANDAL
PORDY &
ECKER, P.A.

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Germantown Master Plan
Item # 28

July 28, 2008

Dr. Royce Hanson, Chairman
Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910-3780

RE: 19215 Frederick Road, MCT Federal Credit Union
Support for recommended C-1 zoning

Dear Chairman Hanson and Members of the Planning Board:

We represent the MCT Federal Credit Union in their efforts to establish a new Germantown branch of the MCT Federal Credit Union. The Credit Union purchased property located at 19215 Frederick Road in Germantown in anticipation of the Germantown Master Plan Process with an eye toward establishing a Germantown branch at this location. The Credit Union has been an active participant in the Germantown Forward Plan process and has communicated with Planning Staff about its vision for the property. The Credit Union selected this future branch site based on its location along MD 355/Frederick Road and Planning Staff has recommended that this property be changed from its current zoning of R-90 to a more appropriate C-1 zone. The Credit Union supports this recommended zoning change as it will enable the Credit Union to locate its Germantown branch on this site.

Recommend Outlot A be designated as C-1

We want to bring to your attention an adjacent property which the Planning Board may wish to examine in light of both changed uses and traffic movements along MD 355/Frederick Road. The Credit Union's parcel lies immediately south of property which is designated on the tax map as Parcel I/"Eye" and Outlot A. Parcel I contains a gasoline filing station and is zoned C-1 with no Planning Staff recommendation for change. Outlot A, which is not improved and is zoned R-90, "wraps" around the filling station and has road frontage both on MD 355/Frederick Road and on Plummer Drive. A copy of the tax map shown on Page 3 of this letter illustrates the

properties' configurations. Planning Staff has recommended that the portion of Outlot A fronting on MD 355/Frederick Road and having two C-1 commercial properties as its "bookends" be zoned to C-1. Such a change would result in a split zoning for Outlot A and we suggest instead that the entirety of Outlot A be zoned C-1.

MD 355/Frederick Road Access

As with all properties accessed from a State highway, the Credit Union must seek approval from the State Highway Administration for roadway access to its planned Germantown branch. Typically, the SHA favors limiting access from State highways such as MD 355/Frederick Road and it is likely the SHA will allow only right-in/right-out access from MD 355/Frederick Road, preferring instead to accomplish full access via the signalized intersection at Plummer Drive and MD 355/Frederick Road. Underlying such design is the reasoning that movement at Plummer Drive will minimize the need for U-turns on MD 355/Frederick Road by patrons wishing to access the Credit Union branch.

Given Outlot A's location between a gas station currently zoned as C-1 and the Credit Union's envisioned branch which is a low-intensity commercial use, we urge the Planning Board and Planning Staff to recommend designating the entirety of Outlot A as C-1. This zoning will accomplish several desirable outcomes: (1) provide the property with uniform C-1 zoning, (2) anticipate SHA's preference to minimize access points along MD 355/Frederick Road, (3) enable the Outlot to provide access to a commercial use such as the Credit Union, and (4) maintain the Outlot designation, thus assuring that the property will not be otherwise developed.

We are available to respond to any questions that Planning Staff or the Planning Board might have. Thank you for your consideration.

Sincerely,

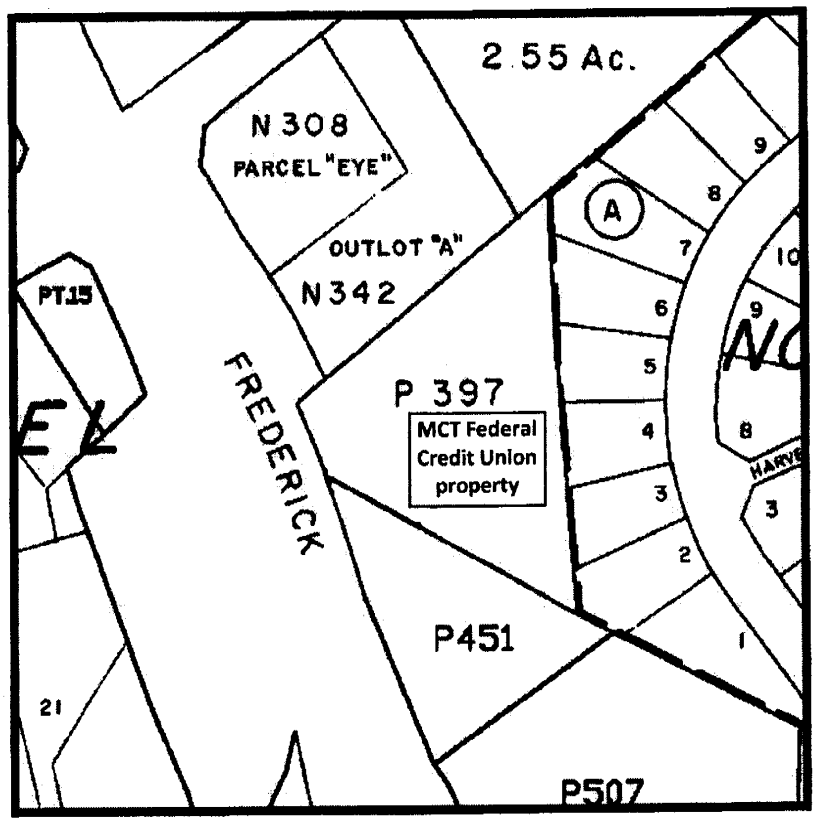
SHULMAN, ROGERS, GANDAL
PORDY & ECKER, P.A.

By: David D. Freishtat
David D. Freishtat

By: Anne Marie Vassallo
Anne Marie Vassallo

cc: Mr. Thomas Beck
Ms. Sue Snaman Edwards

Tax Map showing:
- 19215 Frederick Road (Credit Union property)
- Parcel I/"Eye"
- Outlot A



G:\30\MCT FCU-103594\Ltr - Planning Board - C-1 zoning for property 07 28 08.doc

Adams, Holly

From: MCP-CTRACK
Sent: Thursday, July 24, 2008 6:26 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0857 - Kaufman/Germantown Forward
Attachments: 2008-0857-Incoming.pdf

Germantown Master Plan
Item # 29

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0857	**Date Received:**	7/24/2008
Correspondence Type:	Letter	**Date Of Letter:**	7/24/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Stephen Z. Kaufman		
Description: Correspondence regarding Germantown Forward Public Hearing Draft, Cloverleaf Property [North End District]			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
For staff action			

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

July 24, 2008

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Via Hand Delivery
Mr. Royce Hanson, President
and Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Germantown Forward Public Hearing Draft, Cloverleaf Property [North End District]

Dear Mr. Hanson and Members of the Planning Board:

On behalf of Symmetry at Cloverleaf, LLC (formerly Oxbridge Development at Cloverleaf, LC) and Nicole Totah, the Manager of the ownership entity, we are submitting the comments below on the Germantown Master Plan Public Hearing Draft (the "Public Hearing Draft"). The Cloverleaf property is located northeast of the proposed intersection of Father Hurley Boulevard and Century Boulevard, and on the west side of I-270, just northwest of Father Hurley Exit 15. It is comprised of approximately 26 acres.

We would like to thank you for providing the oportunity to submit these comments and for your previous diligence in considering the concerns of the neighbors and property owners in the Germantown District. The Public Hearing Draft clearly reflects that Staff and the Planning Board have been listening to property owner input and we acknowledge and appreciate it.

Accordingly, on behalf of our client, we wish to both comment on and make a few suggestions as to how the Public Hearing Draft could be improved from our perspective, which we believe could be achieved through three primary means:

(1) Use more Incentive opportunities rather then inflexible mandates on developers, as both the County and developers want to provide both a viable, thriving, transit-served, walkable and green mixed-use community:

- The existing zone on the large-scale properties in the Germantown business corridor is I-3, which allows commercial/industrial usage under the standard method by-right up to a 0.5 FAR. The proposed mixed use zone lowers the standard threshold to 0.3 FAR and

only with additional provision of inflexible mandates can a property owner/developer achieve the optional density of 1.0. Developers should not have to pay extra for what they originally had under their zone—the baseline for the standard method should be 0.5 FAR.

- Allow for and encourage interim use of properties under the standard method to facilitate implementation of the full Master Plan Vision. Since the 1989 Germantown Master Plan endeavored but did not achieve the implementation of a business community, it would seem practical for the County to see the full Master Plan vision as achievable in steps, with the interim uses acting as catalyst.

(2) Prioritize and streamline disparate objectives to be achieved through the Master Plan while being sensitive to market driven real estate industry changes:

- Several county-wide and state-related objectives are trying to be achieved through the Master Plan, which create several costs/requirements for property owners to be able to provide optional development. In addition, there are global occurrences that are hitting the United States real estate industry in a previously unseen manner, creating higher costs across the board for materials and transportation. These industry changes cannot be ignored in determining the impact of exaction fees, as the increased construction costs lower the ability of the developer to pay exaction fees. Industry changes and local requirements, as well as property-specific conditions, act together and cumulatively to prohibit development because of the enormous cost burdens they engender. These constraints and objectives applicable to the Cloverleaf property include but are not limited to:
    - Industry level
        - Higher materials/construction costs
        - Higher transportation costs
        - Higher energy costs
        - Green construction adds at least 5% premium to construction costs
    - Montgomery County level
        - Building Lot Termination payments (super-sized TDRs)
        - Transportation Impact Taxes
        - School Impact Taxes
        - School Facilities Payment/School Adequacy Test
        - Higher recordation taxes in property sales
        - Traffic mitigation (PAMR/LATR)
        - Moderate Priced Dwelling Units
        - Lengthy review process: preliminary plan, project plan, site plan, and lengthy change in use review process with layers of fees

- Germantown level
  - Infrastructure improvements on I-270 to prevent local traffic jams and roundabout access
  - Urban Service District costs
  - Citizen outreach process
- Property-specific level
  - Parking requirement for transit
  - Public dedication for transit stop
  - Century Boulevard extension/Adequate Public Facilities
  - Building costs related to specific property issues

The counterbalance developers need to offset these costs in order to achieve the rates of return that banks and investors require are (1) a prioritizing and lessening of requirements and exaction fees, and (2) increased density, as the higher the density, the better the economy of scale.

Investors and banks look for certain levels of return on projects in order to move them forward. This rate of return, called a hurdle rate, is typically 8.5% in the Germantown area. Using this rate as a baseline to determine if a project is feasible, and based on today's rents and valuations as you can see from the attached analysis, (prepared by Symmetry), high-rise construction cannot be achieved even if the County had no exactions. Residential rents would need to almost double and commercial rents increase by a quarter just to cover the costs to construct the buildings. Assuming rents increase and construction costs do not rise further, exactions can be paid, but they must be streamlined and prioritized by the County. The County must choose which of its objectives are the most important and how to satisfy those objectives in a manner that does not inhibit development. As you can see from the attached analysis, the known exaction fees, not even to mention those that are unknown in the scope of their cost would not in today's market, allow for development to proceed.

In essence, interim uses become more important as a means to keep down construction costs while generating revenue that will enable construction of infrastructure in Germantown that in turn would pave the way for ultimate realization of the full Master Plan vision.

With regards to the optional method, or the future vision for Germantown, limiting density to 0.75 FAR, only 0.25 FAR more than what was originally planned with several additional requirements, is not sufficient density as it moves development even farther away from being achievable. At a hurdle rate of 8.5%, 0.75 FAR would require

costs to go down 3-5% for correspondently revenue to go up in order for the project to proceed. This movement requires time or occurrences, which could or could not happen during market cycles, and force the developer to wait significant additional time, thereby lowering returns to levels at which investors will not invest. As additional fixed costs are added, this gap widens significantly, making 0.75 FAR that much harder to achieve, if not unachievable. This will inhibit development so that the developer cannot proceed in the same manner as those properties with 1.0 FAR. In addition, limiting FAR does not allow the market to determine which sites are viable, so that the County is arbitrarily assigning value to sites that are equally transit-served and walkable. Further, it does not allow the developer to be as creative as the developer can be in producing a use mix for the site, given the tight constraints that are put on the development. The County needs to weigh exaction fees with construction costs, and balance these with density, in order to achieve a balance that promotes the County, the property and its environs. At a minimum, density for the Cloverleaf site should be 1.0 FAR as a matter of right under the optional method without the BLT, especially given the extensive infrastructure that the development of the property will provide.

(3) Be thoughtful and bold in forming policy.

As our communities become more centered around transit, allow density to thrive at all transit stations. Streamline approval processes, which should include deleting the project plan requirement. Additionally, further and enhance efforts to educate citizens about the Master Plan and its objectives with a number of events and mailings, so that such education does not occur in negative environs in which the County and property owners are responding to citizen lack of access to knowledge or disbelief through the development approval processes. Allow uses along the Germantown business corridor to be flexible, so that while the jobs that are desired by the Master Plan are provided developers may more readily adapt to the market, by establishing a minimum percentage of commercial development and at the same time allowing the use mix above and beyond that percentage to change through time. We recommend a 60% minimum for commercial rather than the Public Hearing Draft proposal of a 70% minimum for commercial and 40% maximum of residential on page 35. We believe that uses above and beyond this 60% should be allowed to include hotel, residential, institutional and/or recreational uses. Allow for the use of modules, or blocks, so that developers may create street networks that are approved, and changes of uses only focused on a particular block, which in turn helps streamlines approval processes. Allow for height along I-270, especially given its proximity to transit—height of 10 stories should not be feared, especially if step-backs are utilized in the building form to minimize the feel of scale. Incentivize green construction, as it represents additional

costs to developers, who themselves are trying to make several different objectives work amidst financial constraints.

If we are going to have an Urban Service District, allow for it to have powers beyond what are described in the Public Hearing Draft, namely the power to authorize and sell bonds for the construction of infrastructure that is badly needed, especially given that there will be additional density.

And with specific regard to the northwest corner of Germantown, the partial interchange with Dorsey Mill Road suggested in the Public Hearing Draft should be designed as referenced on page 36, to allow both south-bound and north-bound traffic to benefit from access to both the east and west sides of I-270, which will in turn reduce congestion. Also we recommend that the partial interchange be constructed in phase II (as opposed to phase III as the Public Hearing Draft suggests), so that it is in place to serve the significant increase in traffic generated by the surrounding development.

Thank you for consideration of these comments. We look forward to working with you to create a forward-looking Master Plan that enables a vibrant future for Germantown.

Very truly yours,

LINOWES AND BLOCHER LLP

Stephen Z. Kaufman

Enclosure
cc: Nicole Totah
Sue Edwards

L&B 1035013v1/09000.0002

Cloverleaf Analysis:

Total Acreage			26.29 acres				
Total Land SF			1,145,192 SF				
FAR			0.75	1.00	1.50	2.00	
Density Yield			858,894.30	1,145,192.40	1,717,788.60	2,290,384.80	
60% Commercial			515,336.58	687,115.44	1,030,673.16	1,374,230.88	
40% Residential			343,557.72	458,076.96	687,115.44	916,153.92	
Site Costs:	*Notes:*						
FAR Market Value (Land basis)			$ 20.00	$ 20.00	$ 20.00	$ 20.00	
Land Development (includes infrastructure)	$	10,400,000.00	$ 12.11	$ 9.08	$ 6.05	$ 4.54	*$400,000/acre *26 acres*
Soft & Financing Costs	$	10,000,000.00	$ 11.64	$ 8.73	$ 5.82	$ 4.37	
Base Building			$ 200.00	$ 200.00	$ 200.00	$ 200.00	
Tenant Improvement Allowance/Residential Interior Finishes			$ 50.00	$ 50.00	$ 50.00	$ 50.00	
Green Construction Premium			$ 10.00	$ 10.00	$ 10.00	$ 10.00	
Contingency			$ 25.00	$ 24.00	$ 22.00	$ 20.00	
General Exaction Costs:							
Century Blvd extension			$ 5.82	$ 4.37	$ 2.91	$ 2.18	
Surface parking lot for transit			$ 0.58	$ 0.44	$ 0.29	$ 0.22	*$4000 per parking space *125 spaces*
Infrastructure at I-270	Unknown		*Bond costs - price decreases per SF as density increases*				
Urban Service District Costs	Unknown		*Assessed costs TBD*				
Traffic Mitigation	Unknown		*Pursuant to PAMR/LATR Testing, which could require provision of non-auto facilities, adding roadway capactiy, buying buses*				
Recordation Tax	Difficult to estimate in today's dollars		*Rate $6.90/$1000 for first $500,000 of value, up to $10/$1000 for value greater than $500,000*				
Commercial-Specific Exaction Costs:							
Transportation Impact Tax per Commercial SF	$9.69 per 12/1/07 increase		$ 9.69	$ 9.69	$ 9.69	$ 9.69	*Propety not within 1/2 mile of MARC station*
School Impact Tax per Commercial SF	None		$ -	$ -	$ -	$ -	
School Facilities Fee per Commercial SF	None		$ -	$ -	$ -	$ -	
BLT for Commercial SF	12.5% Requirement, $221,250/Commercial BLT		$ 3.69	$ 3.69	$ 3.69	$ 3.69	
Resdential-Specific Exaction Costs:							
Transportation Impact Tax per Residential SF	$4840/du per 12/1/07 increase		$ 4.11	$ 4.11	$ 4.11	$ 4.11	*Assumes approx 1000 SF/ unit and 15% core factor*
School Impact Tax per Residential SF	$4127/du per 12/1/07 increase		$ 3.51	$ 3.51	$ 3.51	$ 3.51	*Assumes approx 1000 SF/ unit and 15% core factor*
School Facilities Fee per Residential SF	Unknown		*TBD based on School Adequacy Test*				
BLT for Residential SF	12.5% Requirement, $171,000/Commercial BLT		$ 2.38	$ 2.38	$ 2.38	$ 2.38	
TOTAL PER RESIDENTIAL SF			$ 345.15	$ 336.61	$ 327.07	$ 321.31	
TOTAL PER COMMERCIAL SF			$ 348.53	$ 339.99	$ 330.46	$ 324.69	
NOI PER RESIDENTIAL SF	$1.30/SF/month with 15% Core Factor & Reduction for MPDU		$ 11.60	$ 11.60	$ 11.60	$ 11.60	
NOI per COMMERCIAL SF	$30 Gross Rent with 15% Core Factor, 5% Vacancy, $9/SF in OpEX		$ 15.23	$ 15.23	$ 15.23	$ 15.23	
Return on Investment which does not include Unknown Exection Costs:							
Residential			3.4%	3.4%	3.5%	3.6%	
Commercial			4.4%	4.5%	4.6%	4.7%	
Return on Investment without any Exaction Costs:							
Residential	Includes only Site Costs referenced above		4.0%	4.1%	4.2%	4.3%	
Commercial	Includes only Site Costs referenced above		4.6%	4.7%	4.9%	4.9%	
In order to achieve a hurdle rate of 8.5%, residential rents need to almost double & commercial rents increase by 50% (or corresponding change in contruction costs), and exaction costs stay at zero:							
Residential	$2.60/SF/month with 15% Core Factor (No MPDUs)		8.1%	8.2%	8.4%	8.6%	
Commercial	$45 Gross Rent with 15% Core Factor, 5% Vacancy, $9/SF in OpEX		8.3%	8.5%	8.7%	8.8%	

LERCH EARLY & BREWER CHARTERED

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ATTORNEYS

ROBERT G. BREWER, JR.
RGBREWER@LERCHEARLY.COM

Germantown Master Plan
Item # 30

July 28, 2008

COMMUNITY EXHIBIT
RECEIVED BY MCPB
DATE: 7/28/08
ITEM NO. 1
EXHIBIT NO. 14

By Hand Delivery

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Germantown Master Plan Amendment
Lerner Enterprises / Far North Village

Dear Dr. Hanson:

We are writing to you and the Planning Board as part of your July 28, 2008 public hearing concerning the Germantown Master Draft Plan on behalf of our client, North Village – 270 Limited Partnership, the owner since 1986 of the site known previously as Far North Village and now having the project name, Crystal Rock. You may recall this property, approximately 110 acres in size adjacent to I-270 at Crystal Rock Drive extended, received an APF extension from the Planning Board in September, 2007 and has been zoned, subdivided and site planned under the existing Germantown Master Plan for 1.3 million square feet of commercial development.

The Draft Plan has many provisions which enhance the future quality of life in Germantown and permit development of higher density, smarter growth projects. The Draft Plan also contains some unnecessary and unfair impediments to a successful Crystal Rock project, which we discuss below. We urge the Planning Board to consider carefully all of the recommendations of the Draft Plan—from the obviously major ones to the ostensibly minor ones—because they will endure for twenty years or more and will impact all future development opportunities.

We endorse many forward thinking elements of the Draft Plan. These include:

- The recommendation of mixed-use for the North End District, which includes the Crystal Rock project. This recommendation will provide help ensure the success of the employment density long planned for this site, and enable the development of a more natural and sustainable community where employment, convenience retail, and a variety of residential options are integrated.

- The emphasis of employment at the Crystal Rock site. This site remains a primary employment center, ultimately providing 1.3 million square feet of commercial space adjacent to I-270 to sustain the long term economic growth of Germantown and Montgomery County along the I-270 corridor.

- The future construction of access ramps to and from I-270 from the Dorsey Mill Road bridge. This creative idea will facilitate access options for properties on the east and west sides of I-270 and lessen possible future congestion along Father Hurley Boulevard.
- The recommendation of networks of local streets and pedestrian walkways throughout each development area in Germantown. Once constructed, these connections will strengthen the unity of all areas of Germantown and encourage more employees, shoppers and residents to explore alternative means of getting around—walking, transit, and biking.

Despite our endorsement of these positive elements of the Draft Plan, Lerner Enterprises is quite concerned about other recommendations in the Draft Plan. The individual and cumulative impacts of these recommendations undermine the integrity of the Draft Plan and seriously impede its successful implementation, particularly as to the Crystal Rock property. Our concerns include the following:

- The recommendation to limit residential units on the Crystal Rock property to 570 units. This limitation apparently is based on the Staff's calculations that the Town Sector (TS) zone's density limitations for the area of Germantown zoned TS result in the availability of only 570 units. As discussed below, this allegedly available density is grossly lower than the minimum necessary to achieve a successful mixed-use development.
- The recommendation to preserve 24 acres of forest on the Crystal Rock property. This recent recommendation, which first surfaced in March, 2008, ignores the 64 acre dedication to Black Hill Regional Park previously made by Lerner Enterprises and deprives the project of a significant amount of potential mixed use density.
- The recommendation to limit building heights along I-270 to 8 stories. This recommendation is made without any apparent rational basis and precludes a more reasonable opportunity for the Planning Board to assess appropriate building heights (e.g. 12 stories or so) during the regulatory process.
- The staging recommendations, which limit development on the Crystal Rock project to non-residential only in Stage 1, and residential not until Stage 3. As discussed below, there is a reasonable compromise suggested which will enable the development of the employment density in a mixed-use community context.
- The recommendation for a 50' linear park along Crystal Rock Drive. This recommendation was made without consideration of design limitations and fails to provide important details concerning its implementation.

The Crystal Rock Project

Lerner Enterprises has a progressive and environmentally sensitive vision of the highest quality for the Crystal Rock project, conceived by its nationally known master planners, Cooper Carry Architects, and active adult community designers, The Evans Group. It envisions the development of an integrated mixed-use community at the north end of Germantown combining a signature site employment resource adjoining I-270 with a modern active adult community, an iconic multi-family development, and convenience retail facilities. The unique combination of these uses, along with the preservation of additional wooded land adjacent to Black Hill Regional Park, will result in a sustainable community that is transit serviceable by the Corridor Cities Transitway and pedestrian friendly.

The proposed Crystal Rock project is planned to consist of 1.3 million square feet of commercial space, approximately 1200 units of active adult housing within the loop of Crystal Rock Drive, approximately 300 high-rise multi-family units near Black Hill Regional Park, and convenience retail space lining both sides of the project's main street, Crystal Rock Drive. The entrance to the community is at the Dorsey Mill Road CCT transit stop. A new, more urban form of Crystal Rock Drive (which also contains a roundabout in lieu of the former loop office park road) is planned. Of the 24 wooded acres of the property which the Staff would like to preserve, the plan contemplates the preservation and public use of approximately 14—15 acres, with the balance of this wooded area devoted to a high-rise multi-family project with commanding views of Sugar Loaf Mountain and the distant Blue Ridge Mountains. The active adult community will reflect the most progressive trends in the marketplace today, and be an integral part of the overall development, linked by green spaces, pedestrian paths, a network of local streets, and nature trails. We believe that the active adult community location is one of the best available in the region today because of its proximity, both in Germantown and in Montgomery County, to top-notch cultural resources, recreational facilities, employment opportunities, healthcare facilities, and shopping resources.

The Crystal Rock project plan has evolved from Lerner Enterprises' active participation for several years in the development of the Draft Plan, including the Urban Land Institute's visioning process in June, 2006, the Community Advisory Committee meetings, the Gaithersburg-Germantown Chamber of Commerce's Germantown Task Force, and a consortium of all of the major property owners in the employment corridor sector of Germantown. Lerner Enterprises is committed to the long term successful growth and development of Germantown. It regards the Crystal Rock project as an opportunity to develop a unique community combining a variety of compatible uses at an ideal site.

Residential Density Concern & Proposal

The Draft Plan's recommendation of only 570 dwelling units is apparently based on the Staff's calculations that the TS zone's density limitations allow only this many more units in the TS zoned area of Germantown. This recommended density is entirely too low and artificially limited by the 1968 strictures of the Town Sector zone. Limiting the residential density to only 570 units will preclude the development of a successful mixed-use community.

Lerner Enterprises proposes a project containing approximately 1500 residential units, of which approximately 1200 are for an active adult community and 300 are for a high-rise multi-family development. This level of residential development is necessary to achieve an economically viable critical mass of both residential components. Both residential components have been designed to limit impervious surfaces, promote transit usage, and reduce trips by locating convenience retail facilities in the immediate vicinity. Live-work opportunities exist due to the planned adjacent 1.3 million square foot office complex.

Most of the residential density consists of a planned active adult community within a discrete central portion of the site, away from I-270 within Crystal Rock Drive. Designed by The Evans Group, a nationally known design firm from Florida, this community will embrace the most progressive design elements present in active adult communities today. This community will not adversely affect school infrastructure needs at all, and will have only a limited impact on transportation infrastructure. Its location will enable residents to use transit facilities from the Dorsey Mill Road CCT transit stop, and to shop at planned convenience retail facilities along Crystal Rock Drive. Residents also will be able to access nature trails and other nature facilities planned for Lerner Enterprises' property adjoining Black Hill Regional Park. There is great market demand for active adult communities in the region and this site will enable a portion of that demand to be met.

To facilitate the active adult community density within the TS zone, we propose a zoning text amendment permitting the establishment of such communities that are transit serviceable. This is not a residential density category currently contained in the TS zone, and its omission should be rectified as part of the update of the Germantown Master Plan. The Staff believes that no changes should occur to the TS zone until 2018; this is 50 years from the creation of the zone in 1968 and the Staff believes that language in the TS zone precludes any changes in its text or its applicability until that date. We strongly disagree with this conclusion, and suggest that a zoning text amendment as described is necessary, appropriate and allowed by law. If the Staff's view prevails, an anomalous and adverse situation will be created where the life of the updated Germantown Master Plan will far exceed the arrival of the year 2018, the year when the Staff believes that the TS zone can first be altered.

Forest Preservation Concern & Proposal

The new master plan goal of 40% forest and urban tree cover first surfaced in early March, 2008, although the master plan update process had been underway for more two years. Similarly, the request for Lerner Enterprises to preserve the entirety of its developable property north of extended Crystal Rock Drive (approximately 24 acres) was first communicated on March 6, 2008. The Draft Plan now contains this recommendation for the site. We are perplexed and concerned with both recommendations.

These recommendations ignore the dedication of 64 acres by Lerner Enterprises to Black Hill Regional Park in the early 1990's as part of this property's subdivision approval. The 24 acres at issue adjoin the dedicated area, and represent a key area of proposed development. In the approved subdivision and site plans for this property, it is the site for 100,000 square feet of office use in two buildings with surface parking. There is no legal or fairness basis to require Lerner Enterprises to preserve an additional 24 acres of land to "buffer" Black Hill Regional Park.

The current plans for the Crystal Rock project propose a high-rise multi-family development on a portion of this 24 acre area. This proposal has been developed in an attempt by Lerner Enterprises to limit its overall utilization of this wooded area, since the residential development occupies far less land area than would the currently approved office proposal. For the balance of this acreage, we propose a privately owned, publicly accessible wooded area or park traversed by nature trails and other natural amenities encouraging people to experience the natural environment. This private park would adjoin the publicly owned Black Hill Regional Park. We specifically do not propose a Category 1 or equivalent conservation area, which would prohibit all use or maintenance—instead, we propose to clear dead trees, remove invasive species and vines, engage in pruning of trees where appropriate, create walking paths, develop nature buildings or other similar facilities, and otherwise promote the experience of nature for residents and employees in an environmentally sensitive manner.

Building Height Concern & Proposal

The Draft Plan proposes to limit building heights to 8 stories. We believe that this recommendation fails to recognize the appropriateness of higher building heights, particularly along I-270, and unnecessarily precludes the development of an iconic high-rise multi-family development near Black Hill Regional Park. Instead, we recommend that the Draft Plan contain a recommended range of 8—12 stories and leave to the Planning Board the decision on particular building heights as part of the regulatory process.

As shown in the slide presentation at the public hearing, building heights along interstate corridors vary tremendously. Often, lower building heights of up to 8 stories are obscured by trees and other natural features. Building heights of 10—15 stories are now common along interstate corridors in the greater Washington, D. C. region.

The Crystal Rock site is well removed from any existing development on both sides of I-270. The nearest neighbors to the west are several thousand feet distant. This signature site needs the ability to locate prominent, architecturally distinctive buildings without being limited to an artificially low building height. This is particularly true given the expected 20 year or more life of the updated master plan once it is adopted. In addition, the multi-family residential site north of Crystal Rock Drive presents a rare opportunity to build a structure with sweeping, majestic views north and west to Sugar Loaf Mountain and the Blue Ridge Mountains if it is allowed sufficient height to exceed the tree level of nearby Black Hill Regional Park.

We strongly suggest that the Planning Board reserve the discretion to determine building heights during the project regulatory process without the constraint of a particular (and low) building height limit in this master plan. This will enable the Planning Board to judge compatibility on a contextual basis and to apply then prevailing judgments on such matters. Guidance in the master plan in the form a range (e.g. 8—12 stories) could be appropriate.

Staging Concern & Proposal

The Draft Plan permits only non-residential uses in Stage 1, and permits residential uses to be developed only in Stage 3. This precludes the ability to develop a mixed-use community concurrently with the commercial uses, thereby jeopardizing the success of the Crystal Rock project.

Instead, Lerner Enterprises proposes to alter Stage 1 to allow the development of its active adult community component in addition to its non-residential uses. This would permit the development of a use which has no impact on schools infrastructure and little impact on transportation infrastructure. There is great market demand for active adult communities. Its development would help facilitate implementation of the overall employment goals of the master plan by enabling the office complex to be part of a mixed-use community. Allowing the development of the active adult community in Stage 1 also would enable the development of a new character of Crystal Rock Drive, one which is more urban and pedestrian friendly.

We propose to defer the multi-family residential component of the project to Stage 3. This compromise would enable needed public facilities to be developed in Stages 1 and 2.

Crystal Rock Linear Park Concern & Proposal

The Draft Plan contains a creative suggestion to develop a 50' linear park along Crystal Rock Drive from Rt. 118 to Black Hill Regional Park. As simply stated, we endorse the recommendation. However, it is bereft of details and we are concerned about how, where and by whom it will be developed.

The linear park recommendation has not been developed by conceptual design or otherwise for the applicable length of Crystal Rock Drive, both south and north of Father Hurley Boulevard. The Draft Plan does not address by whom and when it should be built. It also does not account for the likely difficulties in acquiring additional right-of-way where there is currently inadequate right-of-way width to permit this linear park. The recommendation to rebuild Crystal Rock Drive to accommodate a 50' linear park ignores the huge cost associated with this suggestion, making it infeasible.

We believe the Draft Plan should incorporate more details and planning regarding the implementation of this recommendation. At least some conceptual design work should be done now to truly assess its feasibility. Otherwise, a number of future regulatory applications are likely to confront this recommendation and be stymied by it.

We sincerely appreciate the work of the Staff and many stakeholders in producing the Draft Plan. Now, the Planning Board must address the issues associated with the Draft Plan to refine it and make it more feasible and successful for Germantown. Lerner Enterprises looks forward to working with you during your worksessions to achieve these objectives.

Thank you for your consideration of our comments.

Very truly yours,

Robert G. Brewer, Jr.

cc: Mr. Alan Gottlieb
Mr. Warren Elliott
Mr. David Kitchens
Mr. Donald Evans

LERCH EARLY & BREWER CHARTERED

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ATTORNEYS

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RGBREWER@LERCHEARLY.COM

Germantown Master Plan
Item # 31

Germantown Master Plan
Item # 32

Germantown Master Plan
Item # 33

July 28, 2008

By Hand Delivery

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Germantown Master Plan Amendment
Lerner Enterprises / Far North Village

Dear Dr. Hanson:

We are writing to you and the Planning Board as part of your July 28, 2008 public hearing concerning the Germantown Master Draft Plan on behalf of our client, North Village – 270 Limited Partnership, the owner since 1986 of the site known previously as Far North Village and now having the project name, Crystal Rock. You may recall this property, approximately 110 acres in size adjacent to I-270 at Crystal Rock Drive extended, received an APF extension from the Planning Board in September, 2007 and has been zoned, subdivided and site planned under the existing Germantown Master Plan for 1.3 million square feet of commercial development.

The Draft Plan has many provisions which enhance the future quality of life in Germantown and permit development of higher density, smarter growth projects. The Draft Plan also contains some unnecessary and unfair impediments to a successful Crystal Rock project, which we discuss below. We urge the Planning Board to consider carefully all of the recommendations of the Draft Plan—from the obviously major ones to the ostensibly minor ones—because they will endure for twenty years or more and will impact all future development opportunities.

We endorse many forward thinking elements of the Draft Plan. These include:

- The recommendation of mixed-use for the North End District, which includes the Crystal Rock project. This recommendation will provide help ensure the success of the employment density long planned for this site, and enable the development of a more natural and sustainable community where employment, convenience retail, and a variety of residential options are integrated.

- The emphasis of employment at the Crystal Rock site. This site remains a primary employment center, ultimately providing 1.3 million square feet of commercial space adjacent to I-270 to sustain the long term economic growth of Germantown and Montgomery County along the I-270 corridor.

- The future construction of access ramps to and from I-270 from the Dorsey Mill Road bridge. This creative idea will facilitate access options for properties on the east and west sides of I-270 and lessen possible future congestion along Father Hurley Boulevard.
- The recommendation of networks of local streets and pedestrian walkways throughout each development area in Germantown. Once constructed, these connections will strengthen the unity of all areas of Germantown and encourage more employees, shoppers and residents to explore alternative means of getting around—walking, transit, and biking.

Despite our endorsement of these positive elements of the Draft Plan, Lerner Enterprises is quite concerned about other recommendations in the Draft Plan. The individual and cumulative impacts of these recommendations undermine the integrity of the Draft Plan and seriously impede its successful implementation, particularly as to the Crystal Rock property. Our concerns include the following:

- The recommendation to limit residential units on the Crystal Rock property to 570 units. This limitation apparently is based on the Staff's calculations that the Town Sector (TS) zone's density limitations for the area of Germantown zoned TS result in the availability of only 570 units. As discussed below, this allegedly available density is grossly lower than the minimum necessary to achieve a successful mixed-use development.
- The recommendation to preserve 24 acres of forest on the Crystal Rock property. This recent recommendation, which first surfaced in March, 2008, ignores the 64 acre dedication to Black Hill Regional Park previously made by Lerner Enterprises and deprives the project of a significant amount of potential mixed use density.
- The recommendation to limit building heights along I-270 to 8 stories. This recommendation is made without any apparent rational basis and precludes a more reasonable opportunity for the Planning Board to assess appropriate building heights (e.g. 12 stories or so) during the regulatory process.
- The staging recommendations, which limit development on the Crystal Rock project to non-residential only in Stage 1, and residential not until Stage 3. As discussed below, there is a reasonable compromise suggested which will enable the development of the employment density in a mixed-use community context.
- The recommendation for a 50' linear park along Crystal Rock Drive. This recommendation was made without consideration of design limitations and fails to provide important details concerning its implementation.

The Crystal Rock Project

Lerner Enterprises has a progressive and environmentally sensitive vision of the highest quality for the Crystal Rock project, conceived by its nationally known master planners, Cooper Carry Architects, and active adult community designers, The Evans Group. It envisions the development of an integrated mixed-use community at the north end of Germantown combining a signature site employment resource adjoining I-270 with a modern active adult community, an iconic multi-family development, and convenience retail facilities. The unique combination of these uses, along with the preservation of additional wooded land adjacent to Black Hill Regional Park, will result in a sustainable community that is transit serviceable by the Corridor Cities Transitway and pedestrian friendly.

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Thank you for your consideration of our comments.

Very truly yours,

Robert G. Brewer, Jr.

cc: Mr. Alan Gottlieb
Mr. Warren Elliott
Mr. David Kitchens
Mr. Donald Evans

COMMUNITY EXHIBIT
RECEIVED BY MCPB
DATE: 7/28/08
ITEM NO.
EXHIBIT NO. 5

Germantown Master Plan Map

Crystal Rock Project Presentation

July 28, 2008

LERNER

The Evans Group

COOPER CARRY

Crystal Rock Existing Site Condition

LERNER

The Evans Group

COOPER CARRY

Crystal Rock endorses Draft Plan's recommendations to:

- Create mixed-use North End District
- Preserve and enhance employment opportunities along I-270 corridor
- Expand access by adding ramps to I-270 from future Dorsey Mill Road bridge
- Promote pedestrian accessibility and transit usage through network of interconnecting new local streets and open spaces

LERNER

The Evans Group

COOPER CARRY

Crystal Rock's concerns with Draft Plan:

- Recommended residential density (570 units) is too low and artificially limited by TS zone
- Forest preservation recommendation (24 acres) is unfair and unnecessary
- Building height limit of 8 stories is too low and inflexible
- Staging recommendations are unrealistic and inappropriate
- Crystal Rock Drive linear park recommendation needs clarification

LERNER

The Evans Group

COOPER CARRY

Residential density concerns:

•Crystal Rock project needs approximately 1500 residential units—1200 senior living units south of Crystal Rock Drive and 300 multi-family high rise units for north of Crystal Rock Drive

•TS zone should be amended to allow senior living communities served by transit

•There is significant demand for active adult communities in Germantown, Montgomery County, and the region.

•Crystal Rock is an ideal senior living community site, and there are minimal transportation and no school infrastructure implications

Building height limit concern:

• Draft Plan's proposed height limit of 8 stories along I-270 is too low.

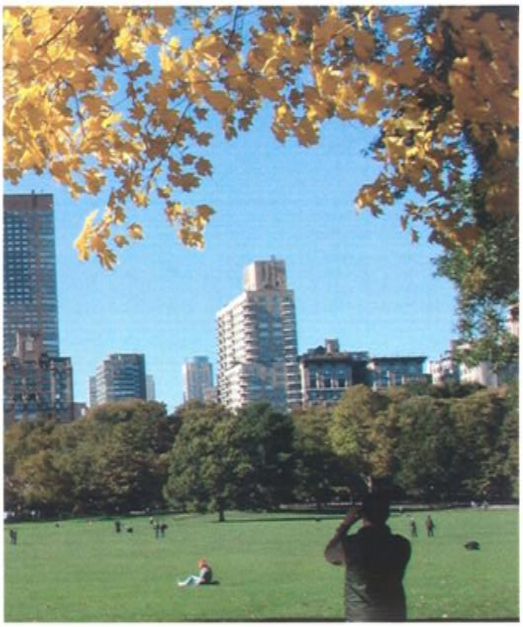
•The height limit should be determined on a site by site basis to create a varied skyline view and allow for adjustments related to topography.

•We propose building heights of 12 stories based on design principles, I-270 visibility prominence, and land utilization efficiency objectives.

LERNER

The Evans Group

COOPER CARRY



- Varied height limits allowed to go above 8 stories will fulfill the design goals of the county, namely to terminate the vista of Century Boulevard and create signature employment centers with good visibility from I-270.
- An 8 story building is often obscured by trees within the required 100' buffer, as evidenced in photos taken along the corridor
- It is appropriate to have Residential High Rise environmentally nestled into the park

LERNER

The Evans Group

COOPER CARRY

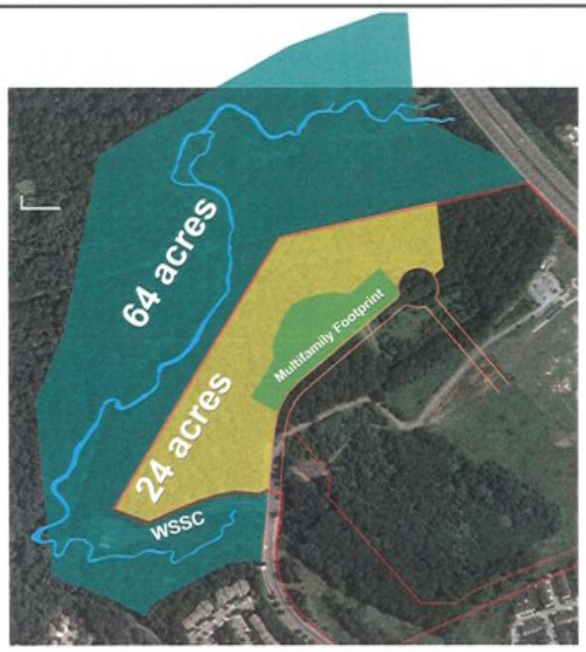
Forest preservation concern:

- Property owner already dedicated 64 acres for Black Hill Regional Park
- Staff recommendation to preserve another 24 acres of forest is unfair and unnecessary
- Crystal Rock project proposes to limit incursion into non-Park forested area by approximately 10 acres
- We propose to preserve the remaining forest of approximately 14 acres and make it publicly accessible and useable

LERNER

The Evans Group

COOPER CARRY



LERNER

The Evans Group

COOPER CARRY

Linear Park/Street Environment

Concerns:

- Whose responsibility is it to implement this recommendation along properties owned by others?
- Is it necessary to have the linear park be 50' in all sections? Why can't the key park functions be accommodated within variable rights-of-way?
- Does the plan really require Crystal Rock Drive to be rebuilt in order fit the park within the existing right-of-way?

Staging concerns:

- Draft Plan permits only non-residential in Stage 1, and residential only in Stage 3

- We propose allowing active adult residential community development in Stage 1, in addition to non-residential

- Active adult communities are in great demand in the region, this is an ideal site, and its development will not adversely affect transportation or schools infrastructure

LERNER

The Evans Group

COOPER CARRY

LERNER

The Evans Group
Architecture Planning Landscape Architecture Interiors

COOPER CARRY

Active Adult Community

4 & 5 STORY RESIDENTIAL OVER RETAIL

4 STORY RETAIL MAINSTREET AROUND CORNER TO LIVE / WORK

MAINSTREET 4 & 5 STORY

MAINSTREET – 5 STORY

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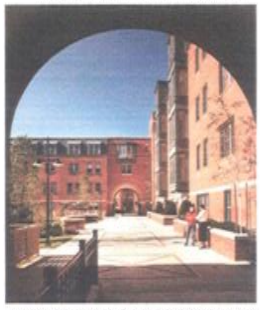
The Evans Group

COOPER CARRY

MAINSTREET – STREET DINING

PORTICO TO REAR COURTYARD WITH DINING ON STREET



PORTICO PASSAGE INTO COURTYARD

COURTYARD – RESIDENTIAL WRAP

LERNER

The Evans Group

COOPER CARRY

ENTRY TO RESIDENT PARKING

PORTICO TO COURTYARD

ROOF DECK / STARLITE / OVER PARKING

STARLITE DECK – GREEN ROOF

LERNER

The Evans Group

COOPER CARRY

TOWNHOMES

4 & 5 STORY RESIDENTIAL

MAINSTREET AND VILLAGE GREEN

PARKATECTURE

LERNER

The Evans Group

COOPER CARRY

STAGE AT PLAZA

STAGE – THEATER PLAZA

WELLNESS CLUBHOUSE / POOL / TOWNHOMES ON SIDE

POOL CONSERVATORY AT CLUB

LERNER

The Evans Group

COOPER CARRY

LERNER

The Evans Group

COOPER CARRY

July 28, 2008

Germantown Master Plan
Item # 34

Testimony – Planning Board
Germantown Master Plan Revision Draft
Justine Beachley
President, Cloverleaf TH Association
Germantown, Maryland

COMMUNITY EXHIBIT
RECEIVED BY MCPB
DATE: 7/28/08
ITEM NO.
EXHIBIT NO. 9

Thank you for allowing me this opportunity to testify before you today. My name is Justine Beachley. I am an oddity, as I was born and raised in Montgomery County, attended MCPS, as well as the University of Maryland.

I have lived in Germantown now for 18 years. I am here today representing our community, as HOA President of Cloverleaf TH Association, a role that I have been serving for over 10 years.

I ***CHOSE*** to live in Germantown, because it was affordable, community oriented, had a small town feel, was far away from the hustle and bustle of other cities, had character, charm, history that made and STILL MAKES it appealing to live here and raise my family.

Our community is located off of Crystal Rock Drive and Kinster Drive, in the section referred to as the "North End". We are small, with only 144 homes. We are unique that we are the ***ONLY*** residential communities on this side of Crystal Rock Drive. We want to be able to co-exist with commercial development, but not so that it alters our quality of life.

We polled our community, and received 33 responses.

1. How long have you lived in Germantown?
    a. 8 years was the mean
    b. 1 year was the low
    c. 22 years was the high

2. Are you aware of the Germantown Forward Website?
    a. 32 residents answered "NO"
    b. 1 resident was "uncertain"

3. Are you aware of the Germantown Master Plan or the revision?
    a. Yes - 19 – however, they had never seen plan
    b. No – 13 – were not aware
    c. Uncertain – 1

4. **What do you like about Germantown?**
    a. Peaceful, quiet – 14 residents
    b. Small community, not urban, not Rockville – citied by 10
    c. Open space, parks, woods – citied by 7
    d. Family oriented, good for children – 6
    e. Sense of community – 5
    f. Low crime, feels safe – 3
    g. Close proximity to I-270 – 3
    h. Affordable – 3

5. **What do you dislike about Germantown?**
    a. **NOTHING – 16 respondents**
    b. Long commute – 4
    c. Overcrowded - 3
    d. **Town traffic – 2**
    e. **Disorganized growth – 2**
    f. **Not enough parks and green space – 2**
    g. **Too urban – 1**
    h. **Not incorporated as a city – 1**
    i. Expensive – 1
    j. **Poorly designed intersections - 1**

A specific issue for our community is the proposed light rail transit station. As much as we think that adding transit could be a good thing, we are not sure that placing it next to residential communities is a good choice. Fear of the added volume of traffic, congestion, safety of pedestrians, safety of our children and not to mention crime.

I bring to your attention the Glen Burnie light rail that was implemented in 1993. I have attached articles referencing incidents of a rape in broad daylight, and an increase in robberies and burglaries in the surrounding communities. The acting director of the MTA was quoted as stating that "police aren't at every station 24 hours a day". Will this be true for Germantown? Is there a plan to increase the police force to accommodate such a need?

We have asked if any impact studies have been conducted the answer was that the County did not have the funding in the budget. These studies MUST be conducted.

If the transit would NOT be light rail, but buses would they become what is already a proven problem in Germantown?

We have seen a business leave because of the excessive loitering, fights, and violence. I also want to remind you of the bus station that used to exist at Lakeforest Mall that was moved for the same reasons I mentioned.

We suggest that the transit station remain in a commercial zone, like the Town Center. Make the transit accessible to the MARC station, Montgomery College and the Shady Grove Metro. In addition, we would request that the arterial road Kinster Drive that is currently the main entrance to our community, remain a dead end.

Bringing jobs to Germantown is wonderful, but as stated by our poll jobs were NOT the reason that people moved to Germantown. One of your own planning board members stated that she strongly urged the project team to consider that people did not move to Germantown because of employment.

Germantown has an identity – but the plan wants to change that. We had a Town Center which is now the "old" Town Center. The plan wants to continue to move the Town Center and expand it; expanding well past what is "center".

For as large as we have become, you run into teammates, teachers, neighbors, a State Senator, and the President of the County Council at various locations around Germantown. As nice as it is to have new stores, but nice to have "mom and pop" stores to that continue to add to our charm. Again, we did not choose to be in Germantown for all the commercial thrills and conveniences.

Ultimately, utilizing and improving what we DO have would be a better choice than trying to continue to expand and "spread out". Let's utilize the old Fairchild space, encourage businesses and non-profits to lease our open spaces currently available. Let's keep the Town Center, - truly "center".

One last issue that needs to be addressed the draft plan proposes new housing, but there is NO new schools proposed. Our elementary school met and exceeded capacity last year.

I thank you very much for your time and we all want the best for Germantown now and for the future – so please take into consideration that WHY people have chosen to move here, LIVE here and CONTINUE to STAY HERE.

Thank You!

Light Rail crimes worry community Linthicum, Pumphrey host meeting with MTA officials next week

By LISA BEISEL Staff Writer

Two communities are banding together to find creative ways to protect their neighborhoods after a rape in broad daylight and other crimes increased worries about security at area Light Rail stations.
The Linthicum and Pumphrey neighborhoods will host a meeting Thursday with a representative from the Maryland Transit Administration and elected officials to discuss ways the community can help with crime prevention.

Ken Glendenning, president of the Linthicum-Shipley Improvement Association, said county police officials were also invited to attend.

Despite the Oct. 9 rape of a mother of two at the Linthicum station, MTA officials point out that crime happens everywhere, especially where people are gathered, and say the system is "very safe."

Richard Solli, acting director of communications for the MTA, said that no more crime occurs at stations than any other place where people gather. Police aren't at every station 24 hours a day and have to operate with limited resources.

"Yes, we wish someone had been there (at the time of the rape, but) we can't have a police officer at every stop," he said. "Those things can happen. In broad daylight, anything can happen."

"Sometimes at these light rail stops there can be very few people there in the middle of the day. That's the nature of transit."

Members of the LSIA have noticed an increase in burglaries and robberies in recent months, prompting Mr. Glendenning to start an e-mail group in which neighbors can alert each other to crimes in the area.

"We need to find ways that the community can help to stop the crime," he said.

Thursday's meeting is a partnership with the Pumphrey-based Taxpayers Improvement Association.

Light Rail stations are under the control of the MTA, and that agency's police force is responsible for securing both the stations and the trains themselves. In recent weeks, several people have been robbed at Glen Burnie and Linthicum Light Rail stations, including a cab driver,

someone getting off a train and someone waiting for a train.

The most serious crime, however, was the rape. The woman was waiting at the station at about 2:45 p.m. Oct. 9 when she was dragged from a bench, taken to a wooded area near the station and raped. The woman later escaped and the man was arrested. He eventually proved to be a repeat sex offender who had dropped out of sight from the state's watch list.

Mr. Solli said MTA Police officers patrol all 33 Light Rail stops throughout the day. Daily weekday ridership on the trains is estimated at 18,232, according to the MTA Web site.

"We also have MTA police officers, not on every train, but they do ride trains on a spot check basis..." Mr. Solli said. "It helps if there's a police officer on a train, we know that."

There are also fare checkers, who aren't police and aren't armed but are instructed to alert officials if something doesn't look right. During summer months the MTA also uses bike patrols.

"We also will share video camera surveillance with local police," Mr. Solli said.

He declined to comment on how many cameras the MTA used, but said the agency logs criminal activity daily.

"(Police officials) review the stats every day, determine where best to allocate their people and their hard assets to combat crime or whatever else they might be seeing," he said.

Like at any other time, people should be aware of what's happening around them and report suspicious activity.

"I wouldn't sit on a Light Rail stop and count out $100 bills," Mr. Solli said.

MARYLAND Gazette

Return to Gazette Index
HometownAnnapolis.com
MD Gazette Classifieds

Your say

The county has proposed bus service linking the Cromwell Light Rail station with Glen Burnie neighborhoods. Does Glen Burnie need additional mass transit options? Are there other communities in north county that would benefit from a shuttle link to light rail?

The Light Rail is centrally located an easily accessible by all neighborhoods in Glen Burnie. There is ample parking, and absolutely no need for such a service.

While yes it may provide easy access to the light rail for a small few in our town, it will also provide front door service for the criminal element from Baltimore to come directly in to our neighborhoods.

Why roll out the red carpet?

TEDD BODNAR

Glen Burnie

I think the idea is a good one. One only has to watch the flow of Light Rail riders from the Cromwell station to the Town Center to be aware of a need for further transportation.

Bus service could make available the Light Rail to more riders. Bus service could also decrease the cars using the Light Rail Parking lot, (which fills up during "Game Day")!

DON A. BENDER

Ferndale

It would be really nice if there was a Metro bus that went down Mountain Road through Pasadena to the light rail. We have so much traffic on Mountain Road that when something happens on Route 100 and it is shut down, it causes problems for the whole Pasadena/Glen Burnie/Curtis Bay area.

TIM LLEWELLYN

Pasadena

Having lived in Prince George's County for 12 years, all I can perceive is that this proposal will allow crime to increase in Anne Arundel.

It is not bad enough that most of the apartments in the county are now Section 8, but let's give the criminals an easier way to get to the stores and Light Rail and endanger the residents of the county.

We have seen what the rail system has done to the citizens of Anne Arundel County. (ie-rape at Linthicum/Nursery Road stop) and an unknown amount of fear while waiting for the train.

While I support public transportation, I feel that a few use it as a means to take advantage of the honest users of the system.

GARY CROSEN

Millersville

More than buses, what Glen Burnie needs is more sidewalks, and more respectful drivers.

I drive along 8th Avenue/Dorsey Road every day on my way to the Marc train station at BWI. There are always people walking along 8th avenue and there is a hodgepodge system of sidewalks. At one end of 8th avenue is the Light Rail station, and at the other end is a bus stop. This is definitely a stretch of road that warrants a safe sidewalk.

JENNIFER STANOWSKI

Point Pleasant

Of course Glen Burnie needs more mass transit options. How else are we going to import the crime from Baltimore City to Glen Burnie neighborhoods?

Right now the fine citizens of Glen Burnie and other North County neighborhoods have to drive all of the way to Linthicum to get raped at the light rail station. And right now it's only Linthicum residents who have their bicycles stolen from their yards and transported

north on the Light rail.

Why should Linthicum have all the fun? Time to spread the wealth!

MICHAEL DECICCO

Severn

If the county proposed this service linking the Cromwell Light Rail station w/Glen Burnie neighborhoods; then there must be a need for this to be put into action...

I think a survey, either by phone, or mail should be given to the surrounding north county areas to see if this service is needed. Then the county can make a better decision based on the feedback given.

NAN EVANS

Pasadena

If you want to be a nice guy, sure go ahead and create a new money pit project that will have no new real contribution to the public betterment.

We have seen these types of money expenditures before. They play well in the newspapers and in the political arena but in the end they very rarely achieve the goals they were envisioned too.

Of course, some one is going to want to do a study (more money).

MICHAEL WILLIAMS

Severn

Local News | By Area

WJZ.COM Editor's Picks

Celebrity Suicides
More

- Health News You Can Use
- Celebrities As Superheroes
- Entertainers From Maryland
- Video From The Water Cooler...

May 9, 2008 9:07 am US/Eastern

Light Rail Double Stabbing Caught On Camera

Reporting
Derek Valcourt

BALTIMORE (WJZ) — A vicious stabbing is caught on tape.

It happened Wednesday on Howard Street in downtown Baltimore in front of dozens of bystanders.

Derek Valcourt reports in a **WJZ Exclusive** the stabbing stopped the light rail evening commute in its tracks.

In this high tech day and age, camera phones may be some of the best police evidence. Sometimes all it takes is one camera to solve a crime.

Amateur video shows a fight broke out between two young women, but then the camera pans to another fight.

In the second shot taken by the camera, a woman dressed in green is shown holding what appears to be a knife or some other sharp object in her hand.

Just as it appears she is about to stab the 16-year-old victim, someone steps in front of the camera, and the picture is lost for a split second.

Then, the camera shows the suspect run away while the melee continues and the crowd disperses.

It's an apparent stabbing caught on camera. Police say the victim had a large cut on her upper back and needed 20 stitches.

She was just getting off the bus when police say she was jumped by six other girls in the area of Howard Street where police crime cameras keep close watch.

Police say the victim's aunt tried to help. She was stabbed in the lip and needed five stitches.

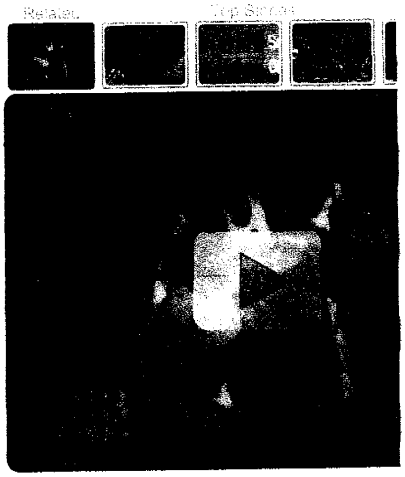
It took just seconds for police to arrive on the scene. By then, nearly every witness seemed to have disappeared, but the camera may be the best witness of all.

When the video is frozen, it's clear the suspect is raising her arms as others in the crowd held the victim by her hair.

The camera clearly caught the young woman in green as she made her getaway.

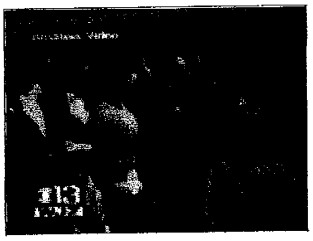
Police say the young victim has identified all six of her female attackers.

Video



FEATURED STORY
2 Women Stabbed At Light Rail Caught On Ca
May 08, 2008, 10:12 p.m. ET

Top Stories | Video l



A vicious stabbing is caught on tape in downtown Baltimore Wednesday afternoon.

Local News

Middle River Home Destroyed By Lightning & Fire
Domino Fined For Sugar Dust At Baltimore Plant
Man Who Disappeared Off Capsized Boat Found Dead
Turtle Blamed For Sewer Clog In Oxford
Vandalism Reported In Areas Near Fort Detrick

Top News Stories

Detectives are working the case but so far no arrests have been made.

Both of the victims, the 16-year-old girl and her aunt, were treated and released at University Hospital.

Gas Prices Dip Below $4 A Gallon, Barely
Victims Identified In Drive-By Shooting & Crash
Middle River Home Destroyed By Lightning & Fire
Family, Friends & Fans Say Goodbye To DJ K-Swift
Md. Begins Death Penalty Review

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- In To Be Out: Gay Celebrities
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- Celebrities Who Died Too Young
- From Hollywood to Washington, D.C.
- Celebrities Eligible For Social Security
- Remember When...?
- Interesting Celebrity Baby Names

Careers: Find a job in Baltimore

Adams, Holly

From: MCP-CTRACK
Sent: Monday, July 28, 2008 12:49 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0867 - Various/Germantown Master Plan
Attachments: 2008-0867-Incoming.pdf

Germantown Master Plan
Item # 35

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0867	**Date Received:**	7/28/2008
Correspondence Type:	Email	**Date Of Letter:**	7/28/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Ferry, Rosenbusch & Perrine		
Description: Three (3) letters regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received during week of PB Hearing; distributed to Board, Legal, and Tech Writers. Include in file.			

Testimony – Planning Board July 28th meeting from Michael Ferry

The Germantown master plan has allowed for the harmonious blending of commercial space and residential units. The current accepted town center along Germantown Road, flanked by Aircraft Drive is a prime example of this successful blend of retail and residential units.

If Kinster Drive, which separates 2 Cloverleaf neighborhoods of 208 townhouse units by approximately 60 ft, is opened as an artery road to Century Boulevard, it will create issues to include the safety to children at school bus stops and general pedestrian traffic on Kinster Drive. The transformation of a dead end residential road into a commercial thoroughfare creates contention with the neighborhood it traverses and conflicts with the intent of the original master plan which was to create an artery road connecting two commercial complexes on either side of century blvd.

However, Kinster Drive has never divided a commercial complex. Our community was born out of a builders desire to complete development on our tract of land during a time when commercial development was not profitable. So as they say "we didn't ask to be born" but here we are.

The development of a commercial artery road connecting Crystal rock and century blvd will jeopardize the integrity of a Germantown residential community that is disjoined from direct commercial traffic similar to the existing residential units in the town center.

The residents of our community didn't choose Cloverleaf because of the potential for job creation resulting from the north end commercial development. Cloverleaf residents travel to various areas around the beltway.

We also have no need or desire to shorten our current 4 minute commute to existing century blvd in order to more quickly arrive at the proposed north end commercial complex.

I believe there are two options in which to choose. The first is the solution, that is, keep Kinster closed. The second is, if Kinster MUST be opened, Kinster must be limited to one lane of traffic, in either direction. People will not be driving through our neighborhood in a residential state of mind, but to and from work, shopping, eating and drinking.

As proposed Kinster would become a 4 lane road contrasted with one lane in either direction as it is used today. If Kinster is open one must consider not only the resulting traffic congestion but the character of that congestion and its danger to residents, children and pedestrians resulting from patrons and employees of the North End business and retail establishments using Kinster as a short cut home or to Rt 118.

We do not want Kinster opened to Century Boulevard. It serves no benefit to our community by filtering commuters through our neighborhood to save 4 or 5 minutes. Century Boulevard will easily handle the expected traffic congestion that the North End complex creates. The recommended action is, keep Kinster closed or at the very least provide comprehensive impact studies that reflect Kinster's residential needs and solutions to the dangers the current proposal would create.

Respectfully,

Michael E. Ferry ipo/Char Glendening
13006 Shamrock Glen Drive
Germantown, Md 20874

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AMY C.H. GRASSO
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* *All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

Germantown Master Plan
Item # 36

Germantown Master Plan
Item # 37

July 28, 2008

Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Germantown Public Hearing Draft Master Plan
Wildman Property
19515 Waters Road

Dear Chairman Hanson and Members of the Planning Board:

Our firm represents Mr. Mark Wildman, the owner of property located at 19515 Waters Road in Germantown. Mr. Wildman is a native of Germantown for over 45 years and a property/business owner for 30 years. Due to a conflict with a Rockville Council public hearing, Sue Carter, Esq. of our office will present oral testimony at the public hearing on the Germantown Master Plan that will be conducted this evening, but we wish to supplement that testimony with this written submission.

Subject Property

The Subject Property is a tract of land consisting of approximately 1.82 acres that is located within the triangular land area bounded by Wisteria Drive, Maryland Route 118, and Waters Road, described in the Draft Master Plan as the "Waters Road Triangle" properties. This property is located within the "West End" of the Town Center and is highlighted on the attached map (**Exhibit "A"**).

Issues of Concern

We have two principle issues of concern regarding the recommendations contained in the Draft Master Plan. The **first** relates to the **alignment of a proposed roadway through the Subject Property** and the **second** concerns the **proposed zoning**.

1. **Proposed Roadway Through the Subject Property**

Due to his interest in improving Germantown, Mr. Wildman has attended virtually every Citizens Advisory Committee meeting that has taken place over the past 1 ½ years and has had a keen interest in the impact of the master plan on his property and his community. He was, therefore, astounded when he was contacted by Staff in June to advise him that **a roadway, not shown in the Public Hearing Draft Master Plan that was published in May 2008 , is now being recommended and that this 70 foot wide road right-of-way will bisect his property.** Attached are several exhibits which serve to illustrate this concern.

First, there is a map entitled "Town Center Urban Form" that is excerpted from page 27 of the Public Hearing Draft that was published in May, 2008 (**Exhibit "B"**). The dashes show the proposed extension of Waterford Hills Boulevard from its terminus west of the Subject Property eastward to existing Waters Road, then extending further eastward and north of the Subject Property to connect with Wisteria Drive and Century Blvd. extended. Rather than end in the cul-de-sac that exists today at the terminus of Waters Road, that roadway is shown connecting to Md. Rt. 118, south of the Subject Property. **Our client has no objections to this proposed roadway alignment as reflected in the Public Hearing Draft (Exhibit "B").**

However, Mr. Wildman recalls that when he raised the question during a CAC meeting concerning the meaning of the "arrow" symbols shown through his property on that particular exhibit, he was advised that they simply reflected *"major views to a proposed undetermined landmark"*. **What was originally shown as a "major view" has now turned into a roadway and that roadway extends directly through Mr. Wildman's existing property (Exhibit "C").**

It is not clear why the plan was changed, nor why it changed after the publication of the Public Hearing Draft. It was never discussed during one of the many CAC meetings that Mr. Wildman attended and there has never been an opportunity for public input or discussion of alternative alignments before this evening. Staff did alert Mr. Wildman of this post-publication revision and met with him on June 12th to show him the alternative concept (a concept which has been further modified to that which is shown on the July version attached to this letter). Mr. Wildman, understandably, has concerns and tried to meet with the Transportation Planning Staff to discuss the matter and another possible alignment that he believed would work. Unfortunately, after scheduling a meeting to take place on June 17th, he was advised on June 16th that Staff would not meet to discuss any further changes until a date following this evening's hearing, so there has been no opportunity to respond until now.

Attached as Exhibit "D" is an alternative alignment (shown in green) that has been proposed by Mr. Wildman. This third alignment would provide for an extension of Waterford Hills Blvd. in a southeasterly direction so that it would connect directly to Md. Rt. 118 south of the Subject Property. Century Blvd. could then be extended south across Wisteria Drive but would shift west in order to align it with existing Waters Road. Indeed, it provides for a more desirable separation between

Md. Rt. 118 and Century Blvd. extended, consistent with the roadway alignment further to the north. Another advantage of this roadway alignment is that by realigning Waterford Hills Blvd. extended in a more southerly direction, there is an opportunity to coordinate with the State in its efforts to provide more parking for MARC commuters. It is our client's understanding, after meeting with MTA, that the State is already exploring additional parking for the MARC station in this general location and if the existing cul-de-sac at the terminus of Waters Road were abandoned, it might be possible to assemble land in this area for this purpose.

2. Proposed Zoning

Mr. Wildman's property has been occupied for decades by an automobile repair, sales, service, and storage business. Prior to the 1989 Master Plan, these commercial uses were permitted by right in accordance with the I-1 zoning that was then in place. However, the Subject Property was rezoned to the RMX-2 zone in **1990** following adoption of the 1989 Master Plan, a zone which allows commercial development only under the optional method of development. Since the base land use under the RMX-2 zone allows only "...lower density residential development" **and the text for the zone contains no language with regard to how existing commercial development is to be "grandfathered"**, the RMX-2 zoning on Mr. Wildman's property has been problematic from the outset. Today, because of the RMX-2 zoning that is in place, his business must operate as a "non-conforming" use.

It wasn't until **1993** that the **RMX-2C** zone was created. **The RMX-2C zone is a zone that is "intended primarily for sites where there is existing commercial development that is suitable for substantial expansion or redevelopment with mixed uses."** Indeed, based on the use of the Subject Property and the use of surrounding properties located within the "Waters Road Triangle" (**Exhibit "E"**) (e.g., the Germantown Mini-Storage and the National Tire and Battery properties), it is reasonable to believe that these properties would have been zoned RMX-2C had the zone been in existence at the time.

The Draft Master Plan recognizes that the Subject Property and those within the same triangle are, indeed, appropriate for "commercial, mixed use" development (office, retail, service, housing) and this is the land use recommendation reflected on the exhibit contained on page 27 of the Public Hearing Draft entitled "Town Center Proposed Land Use". The RMX-2C zone is the most appropriate zone for this recommended land use. Moreover, rezoning the Subject Property to this zone simply eliminates any potential issues that may arise by virtue of the non-conforming status that resulted when it was rezoned from I-1 to RMX-2.

Finally, there are valid land use planning reasons why the rezoning of Mr. Wildman's property, and that of his immediate neighbors to the **RMX-2C** classification will encourage redevelopment. The most obvious facts are that the "triangle" (**Exhibit "E"**) (a) is within walking distance of the MARC rail station, the only transit system in Germantown today; (b) is near the epicenter of the current Germantown Town Center Business District; and (c) is confronted on all sides by existing roads and retail to the north (Sugarloaf Center), proposed mixed use to the southwest (Martens property), and office/retail uses to the southeast across Germantown Road. Density should be concentrated around the existing MARC train that already operates to provide commuter rail service and has the potential to add a transit rail for full service. Accordingly, a zoning classification that

encourages commercial uses, in its base form of development, particularly the RMX-2C zone, is the most appropriate classification for the Wildman property and its immediate surrounding neighbors.

Conclusion

In conclusion, we **implore** the Planning Board to reject any proposed roadway alignment that would bisect and, thereby, essentially destroy our client's opportunity for any future redevelopment. We also urge the Planning Board to recommend the **RMX-2C** zone rather than the current RMX-2 zoning of the Subject Property as we believe that this is the more appropriate zone and will furthermore eliminate any continuing issues associated with non-conforming status of the existing use that was created by the rezoning after the last master plan.

Thank you for your consideration of these comments.

Sincerely,

MILLER, MILLER & CANBY

Jody S. Kline

JSK/SWC/dlt

cc: Sue Edwards
Karen Kumm Morris
Ki Kim
Mark Wildman
Sue Carter, Esquire

ATTACHMENT 5

Exhibit A

Wildman Property

Town Center Proposed Land Use

Germantown Planning Area

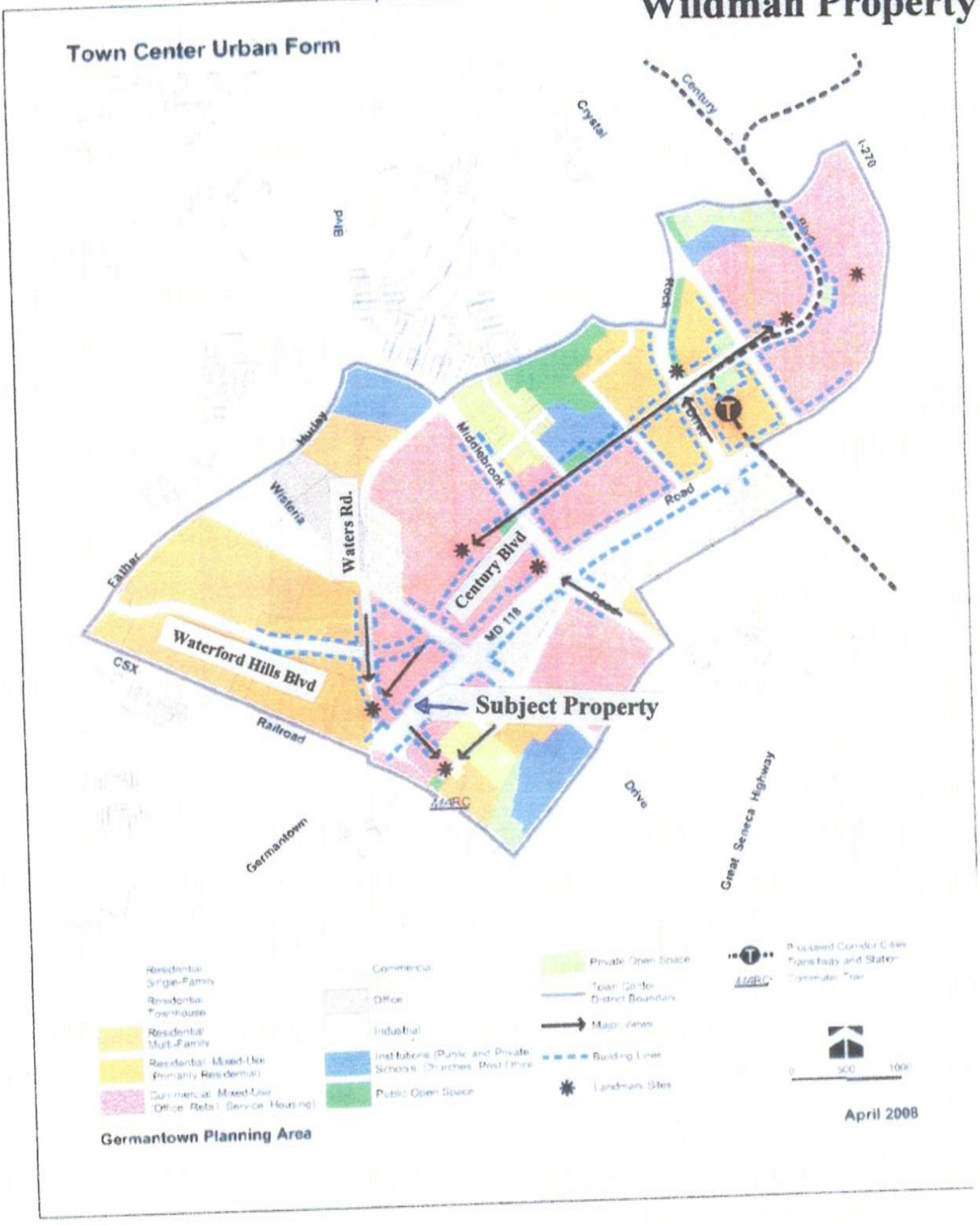
February 2008

Subject Property and Original Road Alignments

Exhibit B

MAY 2008

Wildman Property



PAGE #27

ATTACHMENT 1

Exhibit C

7/17/08

Town Center Proposed Land Use

Wildman Property

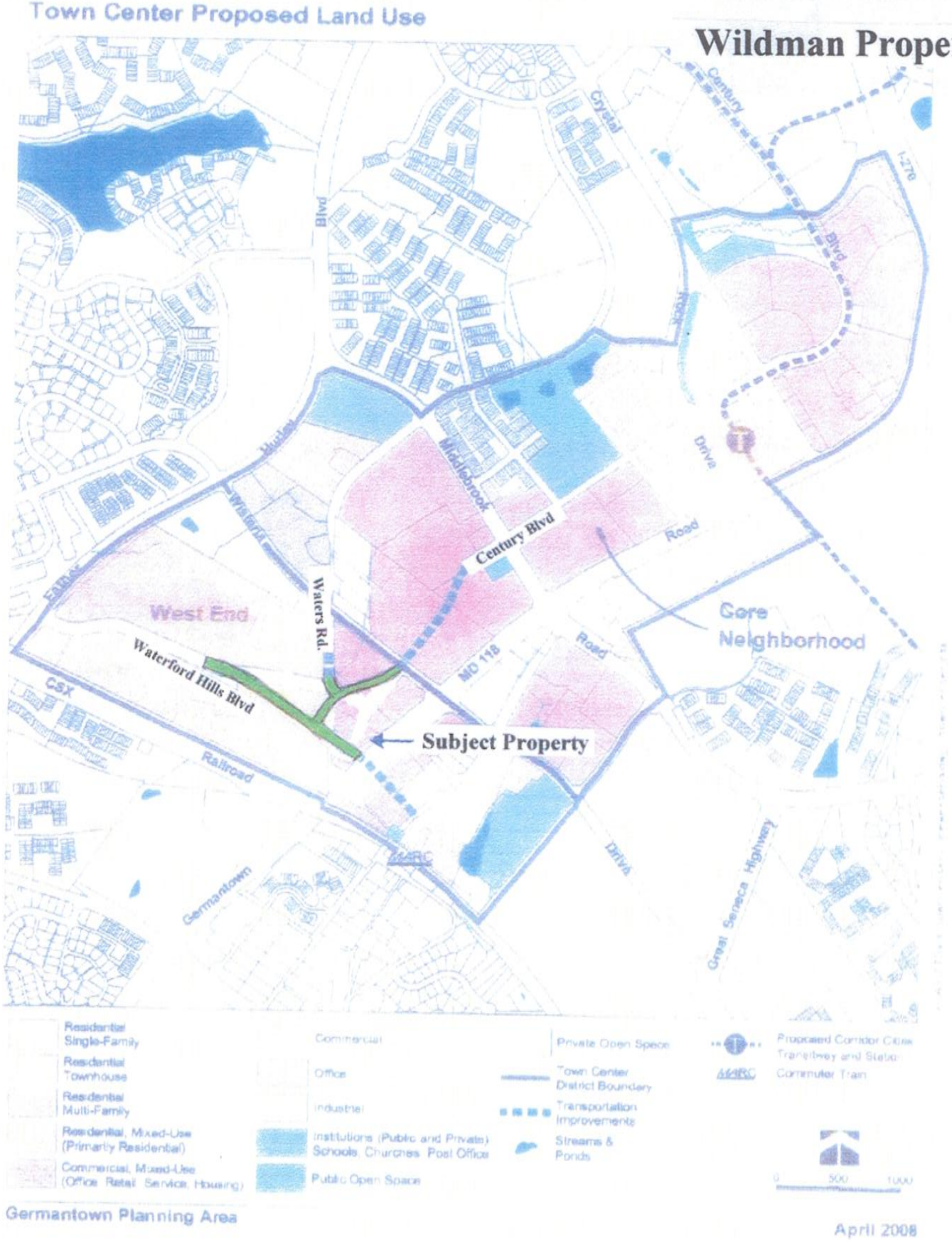
Germantown Planning Area

April 2008

ATTACHMENT 1

Exhibit D

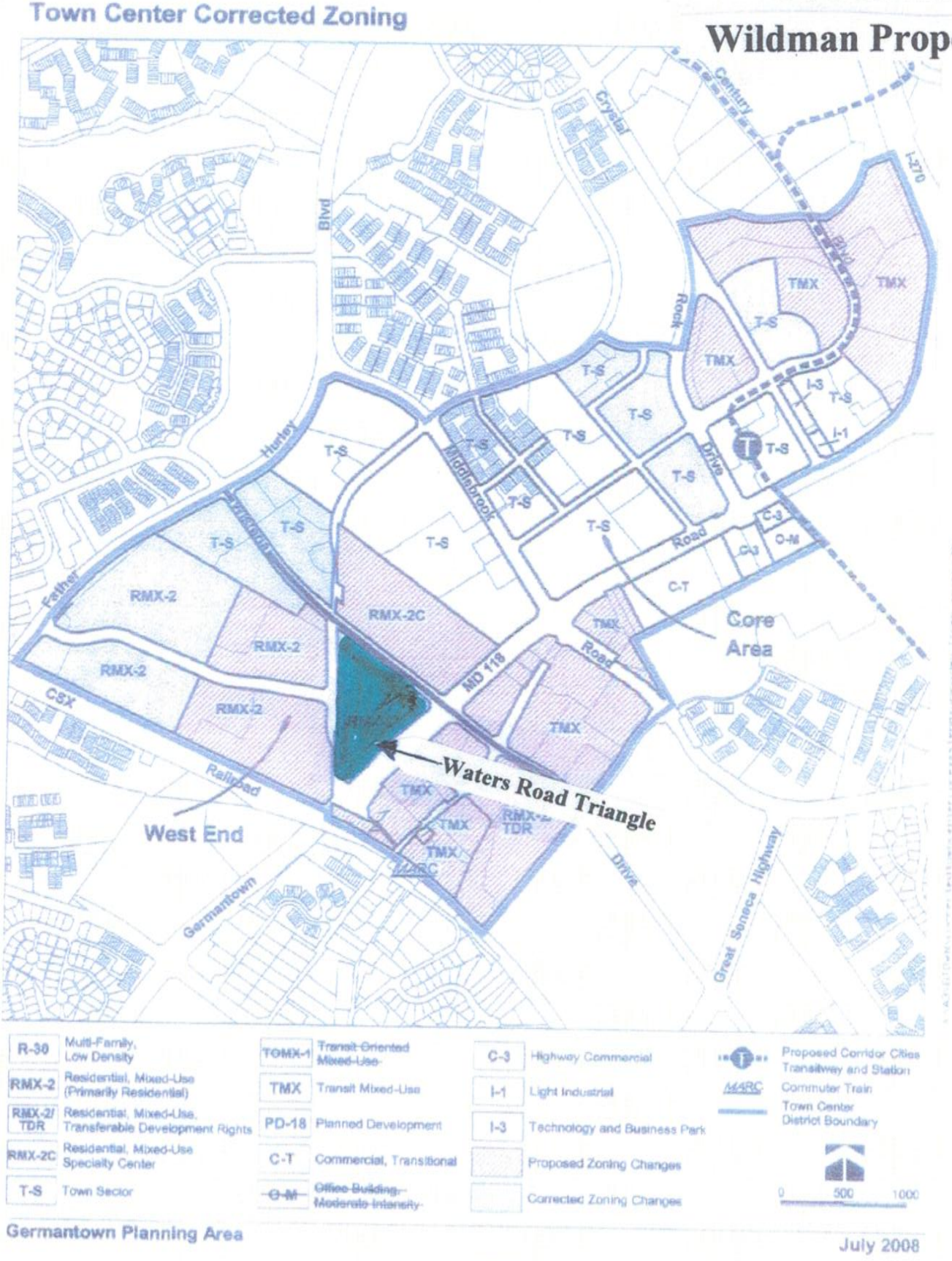
Wildman Property



ATTACHMENT 2

Exhibit E

Wildman Property



Rezone Triangle to RMX-2C

Adams, Holly

From: MCP-CTRACK
Sent: Monday, July 28, 2008 12:49 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0867 - Various/Germantown Master Plan
Attachments: 2008-0867-Incoming.pdf

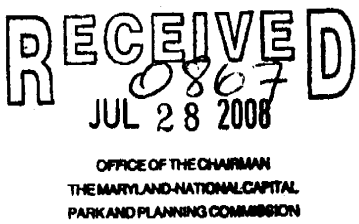
Germantown Master Plan
Item # 38

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0867	**Date Received:**	7/28/2008
Correspondence Type:	Email	**Date Of Letter:**	7/28/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Ferry, Rosenbusch & Perrine		
Description: Three (3) letters regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received during week of PB Hearing; distributed to Board, Legal, and Tech Writers. Include in file.			

Coleman, Joyce

From: pmf2003@comcast.net
Sent: Monday, July 28, 2008 12:27 PM
To: MCP-Chairman
Subject: Michael Ferry testimony
Attachments: testimonyplanningboard2.doc



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Michael E. Ferry

Coleman, Joyce

From: Phil Perrine [philp@perrineplan.com]
Sent: Monday, July 28, 2008 12:37 PM
To: MCP-Chairman
Subject: Testimony for Germantown Master Plan Public Hearing

The following is my testimony for the Germantown Master Plan public hearing to be held tonight, July 28, 2008.

July 25, 2008

Dr. Royce Hanson, Chair, Montgomery County Planning Board Montgomery County Planning Board members
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Germantown Draft Master Plan
DLSS Property - Property 27, page 43

Dear Chairman Hanson and members of the Board:

The property I would like to discuss is located in the West End area, located west of Wisteria Drive and south of Walter Johnson Road, old MD 118.
This property is identified as Property 27 on page 43 of the Draft MP. It is located east of the Pumphrey-Mateny House.

The owners would like the opportunity to develop MF residences within this quiet area, located only 700 feet from the MARC station.

At present the property is surrounded by office development and is adjacent to the MARC surface parking lot. It is currently zoned O-M and a SDP restricts development to about 50,000 square feet of office space (about
0.42 FAR) and it retains the veterinarian clinic located in the old Germantown Presbyterian Church building.

The owners have been analyzing development of the property as productivity housing, which is permitted in O-M zoning at a density of 21.5 units per ac., or about a 0.5 FAR, and the owners would like the Master Plan to recommend MF residential at that density and permit a potential for retail use on the first floor, if appropriate.

The Draft Master Plan recommends a mix of office and residential development, at an FAR of approximately 0.5 for the entire area surrounding this property

- A 130,000 square-foot. 5-story office building (about a 0.5 FAR), with first floor retail located on the northern portion of the MARC parking lot;
- 4-story parking structure on the southern portion of the lot adjacent to this property;
- 0.5 FAR commercial/residential mixed use to the north across Walter Johnson Road from the property; and
- MF residential at 18 du/ac., at 1,200 square feet per unit approximately 0.5 FAR, for the properties to the east and south of this property, further from the MARC station.

The challenge here is to create a little, mixed use village adjacent to the MARC station and quite close to the Town Center.

Multi-family use, possibly with retail on the first floor, at 0.5 FAR would allow for this property to help create the village streetscape desired along Walter Johnson Road. Because of the slope of the property and the desire to create an active street front along Walter Johnson Road we suggest that the residential use not be limited to single family attached.

We would request TMX-1 zoning at 0.5 FAR, similar to the north side of Walter Johnson Road. However, we suggest that the TMX-1 height limit be increased to 50 feet, under the standard method, to permit a 3-story building with a pitched roof.

Thank for the opportunity to provide this testimony.

Sincerely,

Philip E. Perrine, AICP

enclosure

CC: Ben Lewis
Shawn McIntosh

Philip Perrine
Perrine Planning & Zoning, Inc.
200-A Monroe Street, #330
Rockville, MD 20850
301/217-0478

Planning Board Meeting
7/28/08

Public Hearing Testimony for proposed changes to the 1989 Germantown Master Plan.

Germantown Master Plan
Item # 39

Testimony by Vernon E. Martens, Jr.

The Martens Property original site was 63 acres.
36 acres was sold to Fairfield Realty in 2003 for residential development.
Approximately 660 residential units have been built on this site.
A site plan for the entire 63 acres had to be submitted and approved at that time.
The 26 acre undeveloped portion had to be designated for commercial use only.
Much of the infrastructure (water and sewer) for the 26 acres is already in place for commercial development.

Under the new, proposed master plan, the district called 'West End' includes the Martens Property.
One of the reasons for proposing changes to the 1989 Germantown Master Plan is that the residential section of Germantown grew much faster than the employment section. Thus, the originally planned residential areas of the community are nearing capacity, while the planned employment section lags.
Another reason for proposing Master Plan changes is to promote increased commuter use of the Marc Station.
However, the redevelopment proposal for the Martens Property is to reduce commercial use to 100,000 sq. ft. and to add 300 residential units.

As a family member of the landowner of the Martens Property, I oppose this change for the following reasons:

- 660 residential units already exist on 36 acres of the original site.
- The original site plan for the entire site specially mandated commercial development ***only*** for the remaining 26 acres.
- These 26 acres have been offered for sale as a commercial site since 2003.
- Much of the infrastructure is already in place for commercial development.
- Commercial development on the Martens Property along Waters Road would tend to be an attraction to increase commuter use of the Marc Station.

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

Germantown Master Plan
Item # 40

July 25, 2008

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VIA HAND DELIVERY

Mr. Royce Hanson, Chairman, and
Members of the Planning Board
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Rolling Hills Property in Germantown, Maryland (the "Property") – Public Hearing Draft of the Germantown Master Plan ("Public Hearing Draft")

Dear Chairman Hanson and Members of the Planning Board:

Our client, Clark Enterprises, Inc. ("Clark"), respectfully disagrees with the Public Hearing Draft's recommendation to downzone the Rolling Hills Property from its predominantly R-H (multi-family, high-rise) zoning to an RMX-1/TDR (Residential Mixed Use Development, Community Center/Transferable Development Rights) zone with a recommendation for partial redevelopment of the Property "at up to 18 units per acre" near the MARC station and "retaining existing garden apartments closer to Great Seneca Highway" (see pages 31 and 44 of the Public Hearing Draft). We believe these recommendations are unworkable and contradict the Master Plan objectives of encouraging higher density near transit hubs and creating sustainable interrelated neighborhoods (see pages 10, 15, and 22 of the Public Hearing Draft), and result in a taking of our client's property rights. To achieve these and other objectives of the Master Plan, Clark respectfully requests the Board recommend RMX-1 zoning with the recommendation that the entire Property is suitable for redevelopment at a density at 35 units per acre plus MPDUs and 0.01-0.02 FAR or approximately 20,000-30,000 square feet of commercial development.

The Public Hearing Draft designates the Property in the Gateway District, which is immediately adjacent to the Town Center District, as shown on Exhibit A. The Property consists of approximately 40.50 acres of land located completely within a 5- to 10-minute walk to the existing Germantown MARC Station, which lies northwest of the Property and is the second most widely used MARC station in Maryland (see Exhibit B and Exhibit C). According to the MARC Growth & Investment Plan dated September 2007 (a copy of the relevant sections is attached as Exhibit D), MARC ridership demand is expected to more than triple in the next 25 years (particularly with the high cost of gasoline and continuing traffic congestion) and the Germantown Station is among the stations with parking lots at or near capacity (see pages 7, 8, and 28 of Exhibit D). For the Germantown Station, capital investment for a parking garage is planned as part of the 2015 Plan and capital investment for additional station parking expansion is also planned as part of the 2035 Plan (see pages 24 and 26 of Exhibit D). In addition, the Property is currently served by Ride-On Routes 74 and 97, which are short-loop circulators to the Germantown Transit Center in the Town Center (see Exhibit C) as well as the MARC Station for those who do not choose to walk. Importantly, the Transit Center runs an express bus directly to the Shady Grove Metro Station.

The Property is buffered from the residential townhouse development and historic district to west and northwest respectively by the CSX railroad, a large grade change and heavy tree buffer. To the south is a local park, elementary school and retail center. The eastern boundary of the Property along Wisteria Drive is shared with Seneca Valley High School. To the north is the post office, MARC station and planned mixed-use development. The Property is served by an excellent network of roads being bounded by Crystal Rock Drive, Great Seneca Highway and Wisteria Drive.

Presently, the Property is predominantly zoned R-H (multi-family, high-rise) (29.85 acres), with 10 acres zoned PD-9, 0.4 acre zoned R-30, and 0.25 acre zoned C-T. The existing zoning classifications of the Property would yield 1,701 residential units including MPDUs. Our request for RMX-1 zoning at 35 units per acre plus MPDUs and 20,000-30,000 square feet of commercial would yield approximately 1,700 units including MPDUs. This yield is consistent with the density that has been anticipated for the Property under the current zoning classifications and would permit the entire Property to be comprehensively redeveloped to create more residential units, and a range in unit types, including restricted affordable units (up to 260 MPDUs where none are provided or required on the Property today), all within walking distance to both the Germantown MARC Station and Town Center.

The Property was improved in 1983 with 468 garden apartment units with large surface parking lots. A stream valley runs through the Property. The stormwater features of the original development do not comply with current environmental standards. The existing garden apartments are outdated and unremarkable. The units are rented at market rate and there are no MPDU restrictions or rental restrictions of any kind applicable to the development. Furthermore, there is no shortage of garden apartments in Germantown as indicated on pages 102 and 109 of the Technical Appendices of the Public Hearing Draft. Retaining a large portion of the existing structures at this important location is counterproductive to good urban design, discourages well designed multi-family development at appropriate densities next to existing transit options and other existing infrastructure and mixes of uses. It further greatly limits the feasibility and flexibility of redevelopment by imposing naturally high development costs over an insufficient number of new units (only 287 new market rate units) (see the Financial Analysis of Staff Recommendation attached as Exhibit E). In this regard, the Public Hearing Draft's recommendations for the Property run counter to encouraging transit use, preservation of resources by maximizing use of existing infrastructure, providing a diverse unit and economic choice to residents, restoration and enhancement of natural areas that may be open to public use, increase of plantings and creation of continuous street canopies, utilization of integrated updated storm water management techniques, and creation of comprehensive pedestrian and bicycle friendly design within a connected street network and well placed landscape/amenity areas.

As demonstrated on the attached Concept Plan (see Exhibit F), through redevelopment of the entire Property, the stream valley buffer in the center of the Property could be replanted and restored, and the existing structures and impervious surfaces located within the stream valley buffer replaced with native vegetation. Redevelopment of the entire Property would also provide the design opportunities to relate the development to the surrounding streets that are currently walled off by berming, and open and connect it to the surrounding community through a proposed network of streets, walkways, and bike paths along the Property frontage, Wisteria Drive and the western linear Greenway. This would allow the greater community to easily access the Germantown MARC Station, Gunners Lake Park, and the existing trail system to the south. In the redevelopment of this Property, the outdated stormwater management facility dam embankment could be rehabilitated and collocated with a local parkway-designed street and the street trees proposed throughout the Property could provide shade and enhanced air quality. In addition, the existing large impervious surface parking areas could be replaced with more compact structured parking and residential buildings with higher density (5-8 stories) closer to the Germantown MARC Station, Wisteria Drive and Great Seneca Highway

and lower density (4-5 stories) facing the central green space. Furthermore, existing forest and high priority areas could be preserved by conservation easements and supplemented with additional native species and afforestation provided along the western boundary to create a linear greenway and noise buffer while grass swales and bio-retention areas could be installed within private street sections, common areas, and open spaces. Attached as Exhibits G, H, I, and J are renderings of the site and street level views that show one possible way the Property could be redeveloped at the density requested.

Moreover, redevelopment of this important, well located and large parcel as requested would act as a catalyst project for increasing housing in this section of the west side of I-270, which is consistent with the June 2006 Urban Land Institute (ULI) Report recommending that "[h]igh priority should be given to ... residential development on strategic sites close to the [MARC] station to take advantage of the good transit access" and with the Council's legislation to promote development near MARC stations by reducing the transportation impact tax rates for those developments. As a catalyst project, Rolling Hills would serve as the vehicle to encourage and draw the necessary investment in the development and redevelopment of a desirable, walkable, larger community served by the necessary public transportation, green linkages, and varied land uses to sustain it over time as an enjoyable and enduring place to live, work and play. Furthermore, as indicated above, development of the Property with a unified zoning classification at the density requested would provide the necessary mechanism for the provision of critical pedestrian connections, road extensions, streetscapes, strategic green spaces and other environmental enhancements, in addition to a housing mix with MPDUs and a small element of commercial/retail development that would serve the immediate development for local needs while allowing the many retail, office, arts and entertainment, and public service uses in the Town Center to be utilized. Such a project would successfully reposition the area to attract the form and quality of development desired to accomplish, improve, and integrate the immediate neighborhood while extending the viability and use of the Town Center core.

On May 8, 2008, the Board had a worksession on the staff recommendations for the Germantown Master Plan. Clark discussed its desire to provide for a zoning recommendation that was uniform and redevelopment at an equivalent density to the zoning it had, but allowed for a comprehensive redevelopment design. At the time, Clark recommended PD-35 instead of the staff recommendation for partial PD-18 and R-30 zoning with the southern half of the existing development retained. The Board encouraged the staff to look at a single zone, perhaps RMX, that could be mapped and potentially allow for some commercial. Staff and the Board indicated that they did not feel the staff recommendation would be changed for the

Public Hearing Draft, but would work with Clark on the issue including the proper density. The Public Hearing Draft was then published with a recommendation of RMX/TDR-1 with 18 units per acre on the north half of the Property and retention of the existing garden apartments on the south half. There is no difference in this recommendation in terms of the form or drawbacks, and the problems are exponentially compounded by forcing the owner to buy TDRs to get to the 18 units per acre if it seeks to redevelop the upper half. However, other surrounding properties are recommended for higher densities using the TOMX-1 (Transit-Oriented Mixed-Use), RMX-2, and RMX-2C Zones due to their proximity to the MARC Station (see Exhibit K).

The important goals of the Master Plan are best achieved by recommending a unified RMX-1 zoning for the entirety of the Property for the reasons stated above. Accordingly, Clark respectfully requests the Board to recommend RMX-1 zoning for the entire Property with a recommendation that the Property is suitable for redevelopment at a density of 35 units per acre plus MPDUs and 0.01-0.02 FAR or approximately 20,000-30,000 square feet of commercial development without the TDR requirement.

Thank you for your attention to this matter. Should you have any questions or need additional information, please let us know.

Very truly yours,

LINOWES AND BLOCHER LLP

Barbara A. Sears/yyc

Barbara A. Sears

Yum Yu Cheng

Yum Yu Cheng

Enclosures

cc: Mr. Lawrence C. Nussdorf
Rebecca Owen, Esq.
Ms. Judith Law
Mr. Rollin Stanley
Ms. Sue Edwards
Ms. Karen Kumm
Mr. Doug Wrenn
Mr. Steve Gang

L&B 1032255v3/08889.0009

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

Germantown Master Plan
Item #41

July 28, 2008

C. Robert Dalrymple
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Justin P. Hayes
301.961.5237
jhayes@linowes-law.com

The Honorable Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Via Hand Delivery

Re: Germantown Master Plan (Public Hearing Draft—the "Draft Plan"); Matan Property at 20101 and 20201 Century Boulevard, Germantown, Maryland 20874 (the "Property")

Dear Chairman Hanson:

We represent Matan Development, LLLP ("Matan"), the owner of the Property that consists of approximately 12.83 acres and that is located west of I-270, east of Century Boulevard and north of the MD 118 access ramp off I-270 (as shown on the tax map attached hereto). The Property is currently zoned I-3. While Matan supports a comprehensive plan that envisions a vibrant, transit-oriented Town Center in Germantown, this vision is not likely to be implemented for several years; accordingly, we are requesting that the Draft Plan recognize that implementation tools for this future vision be tied to future progress on bringing the Corridor Cities Transitway ("CCT") to the Town Center.

Matan has expended a substantial amount of time and effort to pursue development approvals for a proposed office park in the I-3 Zone, and currently has pending a proposed preliminary plan and site plan application for 264,000± square feet of office space and 12,000± square feet of supporting retail space. While this effort started in September of 2006 - prior to the initiation of the Draft Plan - Planning Staff requested that Matan address several design issues that would become relevant upon consideration of the Draft Plan. Included among these were a density increase for the proposed office space, incorporating structured parking[1] to service the Property, and orientation of buildings to Century Boulevard envisioning it to be a transit corridor. Essentially, Matan was asked to develop a proposed site plan that could be approved in the I-3

[1] While Matan has considered incorporating structured parking to serve the Property in accordance with the request of Planning Staff, such parking facilities may only be constructed in subsequent development phases when new zoning permits additional density.

Zone, but that could also ultimately be expanded as transit-oriented development through future zoning. Matan complied with Planning Staff's requests and amended its proposed plans accordingly. As such, Matan will be asking the Planning Board to approve its pending plans under the I-3 Zone, while preserving the ability to create transit-oriented development when there exists sufficient transit service to sustain additional density in the Germantown Town Center.

The Draft Plan, as it relates to the Property and the Town Center, is wholly dependent upon the existence of the CCT, which project is still in the conceptual design stage and not scheduled to be complete for many years. Matan applauds the forward thinking and the efforts to plan Germantown for eventual transit-oriented development associated with the CCT, and Matan has demonstrated a willingness and ability to incorporate transit-oriented development elements into its development project to address the evolving market. However, it is entirely premature to implement the Draft Plan today when the CCT exists in concept only.

The Draft Plan recognizes that the western alignment of the CCT within Germantown is "under current study by the Maryland Transit Administration ("MTA")" and that there has been no decision regarding the mode of the CCT (i.e., light rail or bus). (Draft Plan Technical Appendices at 35.) Despite the uncertain details of the CCT, the Draft Plan provides significant mandates for new development projects that rely upon the CCT being in existence. For example, the Draft Plan states that:

1) "Germantown will become a transit-oriented community, not only providing alternative services, but built at a scale and with connections that will use transit to shape community design. ***As a multi-modal hub of the CCT, transit use should be considered in the design of sites and roadway***, and transportation demand management is a preferred mechanism for maintaining transportation capacity." (Draft Plan at 20) (emphasis added); and

2) there should be "opportunities for mixed-use at transit stations at densities that support the investment in transit." (Draft Plan at 50.)

While Matan again is supportive of master planning efforts intended to accommodate mass transit, it is problematic to encourage planning tools and design concepts for the CCT within the Draft Plan before plans for the CCT further evolve. In fact, the Draft Plan itself may be premature, given the status of the CCT.

Should the Planning Board and District Council determine to proceed with the Draft Plan to completion, the Draft Plan must address how development projects under the existing I-3 Zone can be allowed to proceed without the existence of the CCT while preserving the ability for future development, expansion and redevelopment to be responsive to the CCT as envisioned in

the Draft Plan. The proposal to create a new transit zone (TMX), and with it a building lot restriction program ("BLT") that will require part of the additional density allowed under an optional method to be purchased is perhaps feasible (if at all feasible) only with the added land value that will be brought about by the existence of the CCT. As such, it is entirely premature to zone the Property with this new zoning classification given the status of the CCT. Rather, the Draft Plan should identify critical triggers for the future implementation of transit-oriented zoning and permit Matan to continue with the design, approval, and development of an effective office park that satisfies the requirements of the existing I-3 Zone and preserves the ability to respond to market conditions in the future that will, hopefully, be stimulated by the CCT.

If the TMX Zone is made applicable, changes to the proposed zone and Draft Plan are needed relative to the Property and allowable building height and density. As to building height: 1) the height restriction of twenty-eight (28) feet for standard method development under the proposed TMX Zone is unreasonable, especially where property owners are expected to contribute a minimum of ten (10) percent of their net lot area for public use space.[2] This height restriction would limit construction to two floors and would fail to promote an alternative smart growth concept near transit-centered areas (an alternative to optional method, which may not be feasible). The Planning Board and the District Council should not miss a significant opportunity to satisfy these smart growth principles by unreasonably restricting building height under the standard method of development; 2) allowable building height for the Property under the optional method must be clarified in the Draft Plan. The proposed TMX Zone states that "proposed building height . . . must substantially conform to the recommendations of an approved and adopted master plan or sector plan." (ZTA 08-14: Sec. 59-C-14.28.) While the Draft Plan currently provides for 15 (fifteen) stories for buildings "immediately adjacent" to the transit station at Century Boulevard and 8 (eight) stories for buildings "along MD 118" (Draft Plan at 28), it is unclear what building height would be allowed for the Property (as the Property is not "immediately" adjacent to the proposed transit station and does not front MD 118). To achieve the desired optional method density on the Property while accommodating other design elements, including public open space, structure parking, and stepping of building height from the proposed 3 to 4 stories at the street frontage along Century Boulevard[3], building height up to twelve (12) to fifteen (15) stories must be allowed for the Property. This height is appropriate

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[2] Under current I-3 Zoning, Matan can construct its proposed office park with a 100' building height, which is a significant difference from the 28' height limitation proposed under the standard method for the TMX Zone. (Montgomery County Zoning Ordinance Sec. 59-C-5.3.)

[3] The requirement to provide this stepping of building height at street level [Page 28 of the Draft Plan] is one way to address the desire to reduce "the sense of building bulk and mass along Century Boulevard." We ask that the Draft Plan specify that other measures may achieve this result as well (e.g., setbacks, open spaces) in order to preserve flexibility and creativity at the time of project design.

for this location (along I-270), and it is consistent with other design criteria for future development at this location. It was our belief that Planning Staff was in concurrence with this proposed building height based on our conversations to date. The Draft Plan needs to clarify this height allowance for the Property.

As to density:

The proposed TMX Zone allows FAR density to be between 0.25 and 0.5 FAR for standard method and up to 3.0 under optional method, each as prescribed by the applicable master/sector plan. The Draft Plan should clearly state that: 1) the allowable density under the standard method is a 0.5 FAR for the Property, this being the allowable FAR density that is currently available under the existing I-3 Zone; and 2) a minimum 1.5 FAR is appropriate for the Property under future optional method.

Matan is very concerned with the staging element set forth in the Draft Plan that is discussed on pages 50 and 51. This staging plan recommends withholding all "recommended non-residential development" in the Town Center District[4] until the District Council adopts zoning text amendments, completes the Sectional Map Amendment and creates a Germantown Urban Service District (USD). Only after these steps are complete does the staging plan call for approval of 50% of recommended non-residential development. It is not clear from the staging plan which development projects will be permitted to proceed once these actions have occurred, nor does the Draft Plan explain how 50% of recommended non-residential development will be calculated. This process needs to be clarified. It seems appropriate to have a staging plan that links density above standard method made plausible by the CCT to policies and programs intended to incorporate and enhance transit serviceability; on the other hand, assurances must be in place that permit development projects at density levels permitted under the existing zoning (I-3 for the Property) to proceed independent from those implementation policies and programs tied to the CCT.[5]

Matan has demonstrated its commitment to the present and the future through the pending site plan application that incorporates transit-oriented design, allows for additional density, and allows for structure parking (through phased development) to preserve land area for future

[4] The Draft Plan currently designates Matan's Property within the Town Center District.

[5] Stage 2 is tied to several deliverables not realistic for density that can be realized under existing zoning and without the CCT, including 1) a proposed development has an approved site plan that incorporates the transit access elements of the recommended Town Center CCT station; 2) the new road crossing of I-270 between Century Boulevard and Seneca Meadows Parkway is constructed; 3) Observation Drive south from MD 118 to Middlebrook Road is constructed; and 4) funding for the urban recreation center east of I-270 is complete.

transit-oriented growth, all as requested by Planning Staff and consistent with the visions of the Draft Plan. That said, Matan requests that the Planning Board carefully consider whether the timing of the Draft Plan and the implementation thereof is appropriate for the current status of Germantown and the CCT and provide realistic nexus for planning and zoning into the future as the CCT progresses to fruition.

Thank you for your consideration of these comments.

Very truly yours,

LINOWES AND BLOCHER LLP

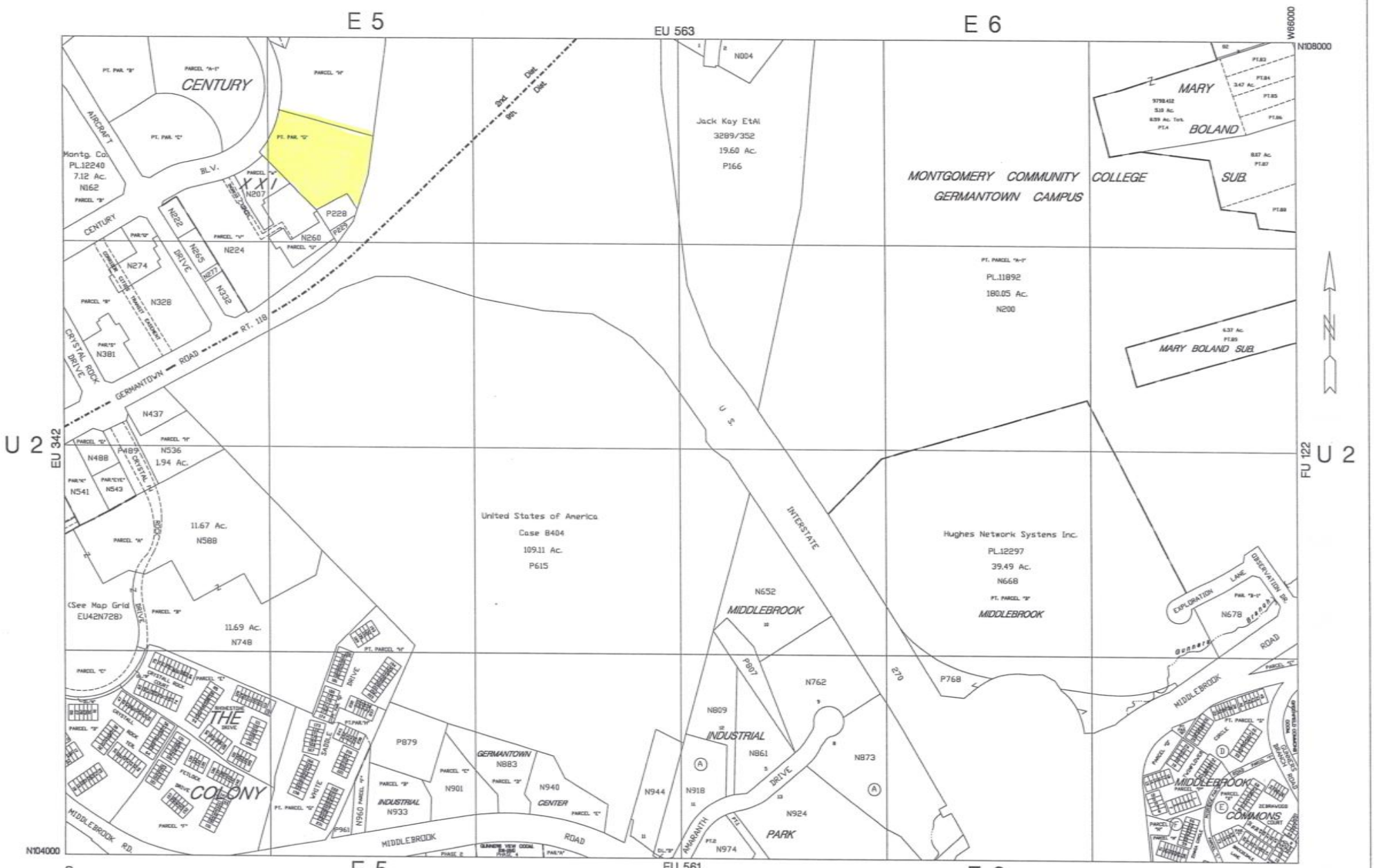
C. Robert Dalrymple

Justin P. Hayes

Enclosure

cc: Members, Montgomery County Planning Board

L&B 1033158v6/10829.0001



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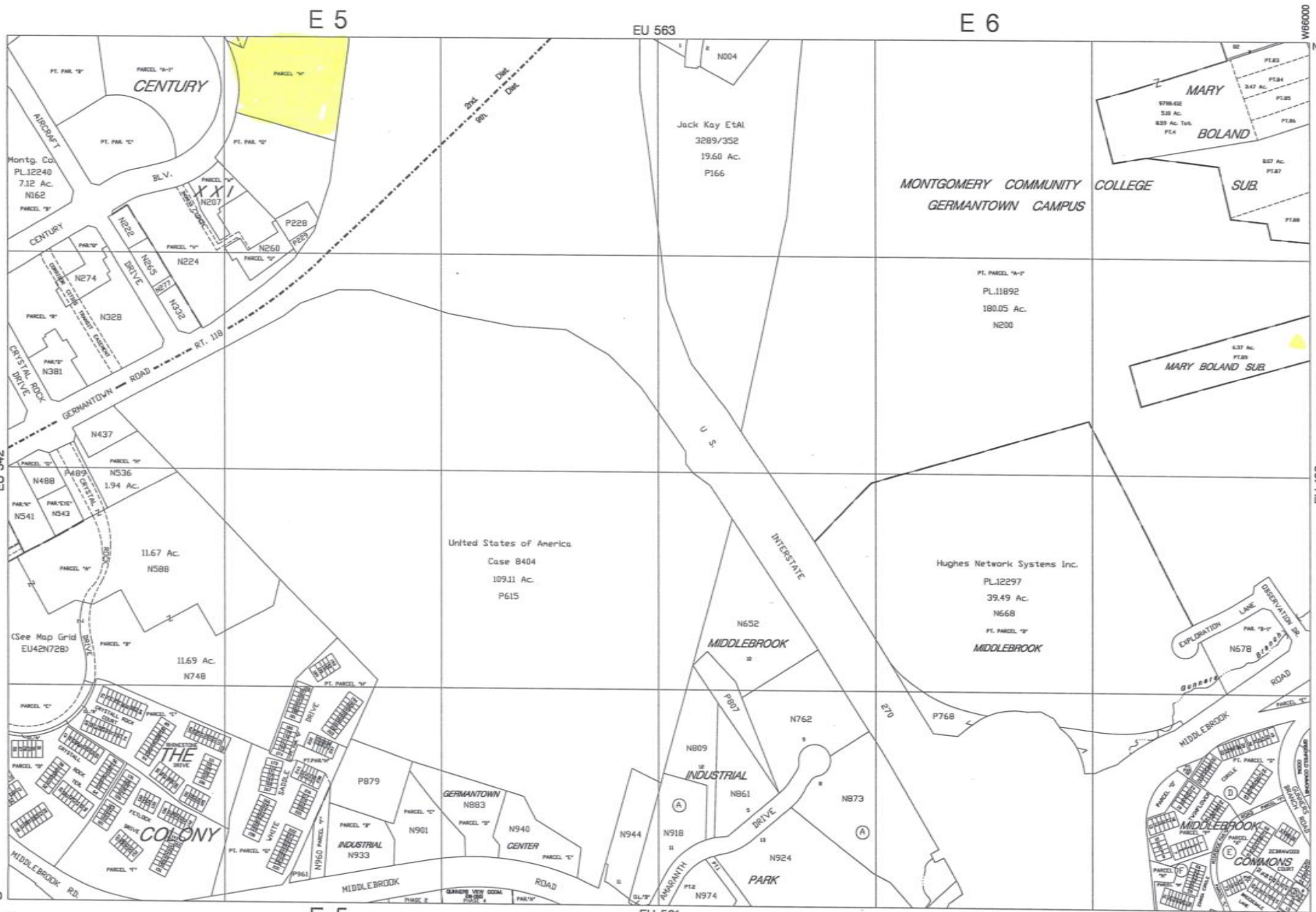
COMPILED BY MARYLAND DEPARTMENT OF PLANNING PROPERTY MAPPING SECTION

REVISED TO: JUN. '06 ELE

MDP Maryland Department of Planning

MAP EU 562

W.S.S.C. 227 NW 12
Location: MONTG. COLLEGE



SCALE IN FEET

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COMPILED BY MARYLAND DEPARTMENT OF PLANNING PROPERTY MAPPING SECTION

REVISED TO: JUN. '06 ELE

MDP Maryland Department of Planning

MAP EU 562

W.S.S.C. 227 NW 12

Location: MONTG. COLLEGE

MONTGOMERY VILLAGE FOUNDATION, INC.

10120 APPLE RIDGE ROAD
MONTGOMERY VILLAGE, MARYLAND 20886-1000

(301) 948-0110 FAX (301) 990-7071 www.mvf.org

August 6, 2008

Germantown Master Plan
Item # 42

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

I am writing on behalf of the Montgomery Village Foundation Board of Directors to comment and express opposition to a key transportation assumption of the Draft Germantown Master Plan revision: building Highway M-83.

The Montgomery Village Board of Directors has long opposed building Highway M-83, an extension of Midcounty Highway, from Montgomery Village Avenue to Ridge Road. M-83 would be built in virgin wetlands . It would cut a swath across the south part of Montgomery Village. It would have serious negative environmental impacts on the adjacent homes, Watkins Mill Elementary School, streams, wetlands and forests. Because the M-83 right-of-way is perilously close to Watkins Mill Elementary School, vehicle exhaust would pose health threats to the students and staff there. The road would destroy or negatively impact parkland and recreational facilities. Moreover, the intersection of M-83 and Montgomery Village Avenue would surely fail. The staggering cost to build M-83, given the ever-escalating awareness of the need for costly environmental mitigations, should propel planners to actively seek alternative ways of meeting the projected north-south traffic crisis.

We believe there are acceptable and effective alternatives to building M-83. The Midcounty Corridor Study alternatives 1, 2 and, 5, when combined with two major baseline projects – widening of I-270 from Shady Grove Metro to I-70 and building the Corridor cities Transitway, plus expanding the Midcounty Corridor study area to include Great Seneca Highway – would provide as much relief as building M-83 but would not be as damaging to the environment or as expensive.

Alternatives 2 and 5 of the Midcounty Corridor Study provide for limited roadway improvements between selected intersections of MD RT 355 within the current master plan recommended right-of-way. This option needs to be thoroughly examined. Improving an existing roadway is always preferable and more cost effective than destroying pristine wetlands, as would be necessary to build M-83.

If Alternative 5, as currently configured, would be inadequate to fully handle the projected north-south traffic, consideration should be given to some of the ideas proposed in a letter dated March 7, 2008, from the M-NCPPC Transportation Planning Division to Mr. Greg Hwang, Midcounty Corridor Study Project Manager. This idea incorporates expanding Alternative 5 to

include "....consolidating access points to commercial/residential developments, grade-separation at limited intersections, and other feasible safety improvements." We feel there would be merit in considering these suggestions.

Indeed, such an expanded version of Alternative 5 could, in addition, mitigate some congestion on MD 118 and Watkins Mill Road. We mention this because we are concerned that there may be pressure to re-stripe Watkins Mill Road to four lanes between Apple Ridge Road and the bridge just south of Watkins Mill Elementary School. The MVF Board has long supported projects to improve traffic and pedestrian safety conditions on Watkins Mill Road that include a continuing analysis of ways to mitigate traffic along the residential portion of the road, especially in the vicinity of the four schools that lie on or adjacent to Watkins Mill Road.

The four schools that lie on or adjacent to this section of Watkins Mill Road were built decades before the approval to build an interchange at I-270@Watkins Mill Road was granted. The interchange will be built, but the safety of the more than a thousand school children who walk or are driven daily to these schools must not be further compromised.

We ask you to carefully consider what would be the most efficient, environmentally sensitive, and economically feasible methods of accommodating the projected north-south traffic volume increases in the upcounty that do *not* include building M-83.

Sincerely,

Robert Hydorn, President
MVF Board of Directors

cc: Ike Leggett, Montgomery County Executive
Mike Knapp, President, Montgomery County Council
Sue Edwards, I-270 Team Leader
MVF Board of Directors
MVF Presidents' Council
David B. Humpton, Executive Vice President, Montgomery Village Foundation

Adams, Holly

5.2 GK

From: MCP-CTRACK
Sent: Monday, August 11, 2008 5:07 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0933 Richard Wilder/ Germantown Master Plan
Attachments: .pdf

Germantown Master Plan
Item # 43

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0933	**Date Received:**	8/11/2008
Correspondence Type:	Other	**Date Of Letter:**	8/11/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	Richard Wilder		
Description: Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
FYI			

Written Testimony from Richard Wilder
301 208 1828
Received 8/11/08

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Cost Estimate

- Length = 6 miles = 1/3 of ICC length 18 miles.
- Cost estimate = $800M = 1/3 of ICC $2.4B.
- Both the M-83 and ICC costs are usually low balled by road-builders to get the project approved. Cost of asphalt has at least doubled due to the cost increase of petroleum. Actual mitigation costs are unknown and will increase significantly due to tighter stormwater, forest and wetland mitigation requirements. Bridging is extremely expensive.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Environmental Impact

- Master plan alignment most environmental impact of all the 11 M-83 alternatives.
- Wetlands lost (12 acres) along with water quality, flood control and aquatic habitat in South Valley Park and near Watkins Mill Rd.
- Forests lost (25 acres) mostly parkland(South Valley Park, Great Seneca Park, North Germantown Park, Dayspring Church). This loss could provide O2 to sustain 12,000 people annually.
- Wildlife habitat loss and fragmentation including wildlife corridor loss.
- Streams degraded (8) including Walkers Run,Whetstone Run, Seneca Creek, Brandermill Tributary and Wildcat Branch.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Environmental Impact (continued)

- Wildcat Branch is a Class III natural Brown Trout reproducing stream reclassified by Park and Planning and designated as a Special Protection Area (SPA). Another part of Wildcat Branch is now given priority for a County stream restoration project because of the SPA designation.
- Seneca Creek Green-way and Trail is crossed multiple times in Germantown along with loss of access to beautiful natural wildlife areas and loss of wildlife corridor and habitat.
- Air quality severely degraded within feet of Watkins Mill Elementary School playgrounds and ball-fields. A study done by eminent physicians for this exact location documents this.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Project History

- Rejected by regulatory agencies in 1992 after detailed Environmental Assessment and permit application.
- Rejected unanimously by MC Council when a proposal for M-83 lane on new Watkins Mill Bridge in 1992 was vetted.
- Rejected by Transportation Policy Review due to severe community and environmental impacts in 2002. Park and Planning recommended taking M-83 out of Master Plan and down-zoning.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Traffic Impact

- Grid-locked level F failed intersections (Montgomery Village Ave. and Watkins Mill Rd.) at road opening.
- 3 major parallel freeways (I-270, MD-355 and M-83) within 1/2 mile.
- Clarksburg has adequate access to I-270 as shown by a prior Park and Planning traffic study that says that Clarksburg does not need M-83.
- An advertisement for a Clarksburg development brags about 2 short access routes about 1 mile to I-270 and MD-27.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Community Impact

- Loss of property value all along proposed route conservatively estimated at $16.4 M just in the Montgomery Village area not including Germantown. We do not need this especially when citizens can not pay mortgages or sell houses.
- Alignment within 50 feet of Watkins Mill Elementary School playgrounds and ball-fields.

Germantown Master Plan Hearing 78/28/08
M-83 Master Plan Alignment
Agricultural Reserve Impact

- 130 acres of Agricultural Reserve lost between MD 27, Brink and Wildcat Rds. If the master plan alignment is pursued.

Germantown Master Plan Hearing 7/28/08
M-83 Master Plan Alignment
Better Alternatives Available

- Corridor Cities Transit-way has more long term capacity with less environmental and community impact.
- M-83 alternatives 1, 2 and 5 involve improvements to existing roads and have less environmental and community impact.

Memo

To: Dr. Royce Hanson, Chairman
Montgomery County Planning Board

Germantown Master Plan
Item # 45

From: Andres Aviles

Date: 7/28/2008

Re: Germantown Master Plan testimony

Dr. Hanson,

I would like to start by Thanking you and the Planning Board for holding this meeting and hearing our testimony tonight. Even though I am on the Upcounty Citizens Advisory Board and the Germantown Master Plan Citizens Advisory Committee, I come to you tonight as a private citizen. I wanted to let you know that I strongly believe that Germantown should try to remain the close knit and inviting community that it is today. My wife and kids moved to Germantown seven years ago even though we could have moved to Bethesda or Rockville or Silver Spring or Clarksburg. We chose Germantown because we liked the fact that there were no high rise office buildings or high rise apartment buildings. We also like the fact that within 15 minutes we can be in downtown Rockville or just entering the Agricultural Reserve. We also chose Germantown because of the excellent town center and the new library that was to be built – it is now built and is a great addition to the neighborhood by virtue of the fact that it's always a busy place. We also chose Germantown because of the abundant green spaces and the quick and easy access to numerous parks and lakes and bike paths.

Don't get me wrong – I believe Germantown should grow but in a manageable and controlled pace, not in leaps and bounds. I currently work in downtown Washington, DC and would one day love to work in the Germantown area. But I would rather suffer the commute and keep Germantown the great place that it is to raise a family and call home. When we moved here and people asked where we lived, when I said Germantown they said "Way out there ??". Now when I tell people I live in Germantown they say "I would love to live in Germantown". That says it all in a nutshell !

In closing, I don't think it's fits the Germantown character to have a high rise office building with hundreds or even thousands of workers. That's what Bethesda and Rockville and Silver Spring are for. I don't think the residents want to pave over the green space in Germantown for the sake of another high rise building. I believe that Germantown is at a crossroads as to which way to grow – fast and furious or in a manner in which the Germantown residents can still feel the nature and openness of our town. Let's keep Germantown the beautiful and green and inviting community that it is.

Thanks again for your time and support of Germantown !

UPCOUNTY CITIZENS ADVISORY BOARD

July 28, 2008

Dr. Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Dr. Hanson,

On behalf of the Upcounty Citizens Advisory Board (UCAB), I want to thank you and the other Planning Board members for changing your usual hearing practice and holding a public hearing in the Germantown community. Your presence in the community reflects your understanding of how important this master plan update is for the residents and businesses in this corridor city.

UCAB has not had the opportunity to discuss the planning staff's recommendations since they were released at the end of our work year. We will discuss them at our September meeting and will forward our comments to County Executive Leggett and the Council shortly thereafter.

Sincerely,

Andres Aviles
Chair

cc: County Executive Isiah Leggett
Michael Knapp, County Council

12900 Middlebrook Road, Suite 1000 ◆ Germantown, Maryland 20874
240/777-8000, TTY 240/777-8002, FAX 240/777-8001 ◆ www.montgomerycountymd.gov/upcounty

Germantown Master Plan
Item # 46

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

July 28, 2008

COMMUNITY EXHIBIT
RECEIVED BY MCPB
DATE: 7/28/08
ITEM NO. 1
EXHIBIT NO. 9

Mr. Royce Hanson
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Hanson:

Re: Public Hearing Draft, Germantown Master Plan

GENERAL SUPPORT FOR THE MASTER PLAN CONCEPT

Thank you for the opportunity to comment on the above referenced Plan. The Executive Branch is very supportive of the intent of the Plan to transform Germantown into a vibrant downtown for surrounding residential neighborhoods. The vision of Germantown as the "upcounty downtown" is appropriate, to create a transit-served, mixed-use community and strategic location for employment. We appreciate the time, energy and commitment of the Planning Board and its staff in preparing this Draft Master Plan and look forward to working with you, the community, and the County Council to create a plan to guide Germantown forward.

The Department of Transportation has compiled technical and editorial comments that have been transmitted directly to the Planning staff for review and incorporation into the Plan. In addition, at the end of this letter are specific comments from the Department of Environmental Protection and Montgomery County Fire and Rescue Service (MCFRS).

The following areas will be addressed in the Executive Branch comments:

- Zoning
- Transportation
- Staging
- Identity
- Environment
- Public Facilities (Fire and Rescue)

ZONING

With regard to the proposed zoning in the Plan, we have a concern related to the reduction in "as of right" FAR in the new TOMX zone. The draft Master Plan proposed the standard method of development FAR at .3 FAR. This is less than the .5 FAR under the current I-3 Zone that the TOMX zone would replace. To achieve the kind of high quality, mixed-use, urban development that the TOMX zone is intended to create, we recommend that the standard FAR needs to be higher.

We are also concerned that the recommended densities and zones in the Plan are not realistic to achieve the goals set out because much of the development in the plan is predicated on assemblage of properties. This creates a complicated development process that requires higher densities to complete. In addition, the densities recommended outside of the Town Center may not be at a level that will support transit and redevelopment. **The Executive Branch recommends that these issues continue to be analyzed during the Plan review process.**

The new TOMX zone would require the purchase of TDRs and BLTs to boost density above the standard method of development FAR. The County Executive is supportive of a sustainable BLT program, but is concerned that what is proposed will further increase development costs and could act as an impediment to the kind of denser, transit-oriented development uses the Master Plan seeks to foster.

TRANSPORTATION

The Executive Branch supports the Plan's stated goal of transforming Germantown into a transit-oriented community as the multi-modal hub of the Corridor Cities Transitway (CCT). We support the Plan's emphasis on the design and funding of the CCT and other transit, including the MARC station and bus service. We further support the plan's goal to fill gaps in the local network and accommodate the through traffic while utilizing all of the various transportation options – highways, buses, MARC, bicycle facilities, and sidewalks, all planned to accommodate safe pedestrian travel.

Transportation/Land Use Balance

The Plan seeks an ambitious area wide 25% non-auto driver mode share, as opposed to 16% today. The Plan states that transportation demand management is a preferred mechanism for maintaining transportation capacity; the Executive Branch suggests that it is even more vital to plan and provide infrastructure with the *transportation capacity* to support development. ***The transportation infrastructure outlined in the plan does not produce transportation/land use balance.*** PAMR requires full trip mitigation for Germantown East for 2005 and 2011. In 2030,

construction of the eastern leg of the CCT is assumed, and partial PAMR mitigation is required. The 2030 network, with turn lane improvements, shows eight failing intersections with CLV greater than 1.0. Without the turn lanes, 12 intersections fail. This analysis assumes two CCT alignments.

The Executive Branch recommends modifications to the transportation network and/or land use and testing of additional alternatives. Specifically, we request identification and analysis of specific improvements that would achieve CLVs of 1.0 or less in order to bring the plan into balance. Alternatively, the density of the land use should be reduced. To do otherwise will ensure future congestion without the physical ability on the part of the implementing agencies to solve it.

CCT Alignments and Related Issues

Currently, the proposed Plan shows both the western and eastern alignments for the CCT. The State of Maryland's CCT study shows only the western alignment that crosses Dorsey Mill Road. It does not seem realistic that the eastern alignment can be built by 2030 when it is not even included in the State's study. In addition, the western alignment alone is a lower cost plan than the dual alignment, and it goes through the higher density portion of Germantown. Including the second alignment east of I-270 would increase both the construction and operating costs for the CCT, rendering the Maryland Department of Transportation's proposal more costly and less competitive for Federal funds at the national level. It is very unlikely that an additional eastern CCT will be cost-effective. The east side of I-270 can be served instead by local buses to the CCT and the MARC station, and express buses to the Shady Grove Metro Station. ***Based on these facts, the Executive Branch recommends showing only the western alignment of the CCT in the Plan, and eliminating the eastern leg.***

With regard to the CCT, we offer the following additional comments:

- We support the elimination of the Middlebrook CCT station. That proposed station is isolated from residential and employment centers.
- We note that the plan proposed recreation and day care in transit station areas. More information is needed to determine whether these facilities should be incorporated into CCT station design or be the responsibility of developers in the vicinity of the CCT stations.
- We question the use of the TOMX-1 transit oriented mixed use zoning for the proposed plan eastern leg of the CCT. This zone should be reserved for the preferred CCT alignment, west of I-270. Implementation of this zone east of I-270 makes the unrealistic assumption of having two alignments for the CCT. However, the zone may be acceptable if other high intensity transit service is provided. Implementation of such service could be made a part of the staging plan. A more detailed analysis should be performed.
- We recommend that the plan identify specific location(s) for additional commuter parking to serve the Town Center.

Circulator Bus

The Plan recommends a circulator bus for frequent service between the Town Center, MARC Station and transit neighborhoods. Excellent bus service is already provided in Germantown. The recommended circulator bus service must be developed so that it does not overlap with the extensive Ride-On service existing in Germantown today. Phase I of the restructuring of Germantown Ride-On routes in 2005 resulted in good coverage of the Germantown Town Center Area. The plans for Phase 2 include route expansion to the west side over to the Soccerplex, as well as to the east side of I-270. Phase I of the restructuring resulted in the Germantown ridership rate exceeding that of the overall system. In Germantown, overcrowding continues to grow, and Park & Ride lots are at full capacity. The Plan mentions Bus Rapid Transit (BRT) and specifies a circulator bus and expanded access to MARC stations. An effective BRT requires dedicated bus lanes and/or priority treatment. ***We do not believe that the circulator bus and route expansions necessarily have to take place on dedicated lanes or with priority treatment.***

MARC Train and Station

The Plan recommends concentrating residential development near the station to enable patrons to walk to the station. Specifically, the Plan recommends mixed-use development on the property where MARC parking currently exists, with the inclusion of MARC parking in garages serving the planned new mixed-use development. ***The Executive Branch concurs with these recommendations as long as the current number of MARC parking spots is expanded as part of the development.*** The additional parking should be the responsibility of the Maryland Transit Administration and included in the MARC development plans. Temporary MARC parking would have to be provided during construction. Finally, the Plan notes that MARC will build additional parking near the MARC station by 2015, and should specify the source of this information since the Executive Branch is not aware of the plans for the additional parking.

An older apartment complex, Rolling Hills Apartments, located at the corner of Great Seneca Highway and Wisteria Drive, backs onto the MARC station. If that property is redeveloped, another opportunity is presented to promote use of public transit by reinforcing the connection between the MARC station and another neighborhood.

MD 355

The Executive Branch supports the Plan's street network goals which include serving regional and through traffic with highways, filling in a complete network of local roads, accommodating exclusive transit routes, and creating pedestrian and bike routes that create a range of transportation alternatives.

The Plan retains the recommendation for a grade-separated interchange at MD 355 and MD 27. Grade-separated interchanges at MD 355 and Middlebrook Road, and MD 355 and MD 118 are added. The Plan also supports further study of one-way couplets as urban network

alternative to the grade-separated interchanges. This urban network alternative consists of a pattern of at-grade, one-way couplets around a town square feature. Planning Board Staff has conducted a preliminary analysis of this alternative and concluded that this approach could provide capacity comparable to the proposed at-grade interchanges. The Plan suggests further study of this concept as a supplemental effort to this plan, or as part of a project planning study.

The Executive Branch does not support the recommendation for further study of Urban Network Alternatives in lieu of interchanges included in the Master Plan. We support Master Plan recommendations based on conclusions of studies over the mention of possible alternatives in a Master Plan that have not been fully analyzed. Presenting alternative possibilities within the Plan itself is inefficient, confusing and can create implementation problems. The Plan should recommend one course of action; if there is a desire to change that course in the future, the Master Plan can be amended. If there is a desire to further review the Urban Network Alternative, the Plan can be adopted when that work is complete and the Plan can reflect an informed recommendation on the best alternative.

If further study of the Urban Network Alternatives is conducted, it will be necessary to evaluate the impact of such recommendations on emergency vehicle response time. A traffic square at MD355 and Middlebrook Road, for example, would delay responding apparatus which would be going through that intersection frequently given that the Germantown East Fire Station will be located less than one mile north at MD 355 and Boland Farm Road.

M-83

M-83 is outside of the study area. The Plan assumes the construction of M-83 as part of the regional transportation network. The County Department of Transportation's (DOT) M-83 study is expected to be completed in early 2011. Language in the Plan highlights an alternative to M-83 under study by DOT staff, involving MD 355. This alternative, proposed by MNCPPC staff, involves increasing the ROW along MD 355 from the current 150' ROW to a 250' ROW that can include BRT. ***The Executive Branch opposes inclusion of this alternative in the Master Plan, as well as the accompanying recommendation for the expansion of the ROW on MD 355 to 250'.***

The plan should clearly state what assumption was made in the traffic forecast used in this Plan for M-83. Even though the facility is outside the study boundary, it should play a very significant role in the traffic forecast for the study area.

The Plan should recommend one course of action chosen for the construction of M-83; if there is a desire to change that course in the future, the Master Plan can be amended. If there is a desire to further review a different alternative for M-83, the Plan can be adopted when that work is complete and the Plan can make an informed recommendation on the best alternative.

I-270

The plan recommends a partial interchange to and from I-270 N. at Dorsey Mill Road. This interchange is intended to reduce congestion at the intersection of Father Hurley and Crystal Rock Drive, and minimize commercial traffic on Kinster Drive. ***The Executive Branch believes that the interchange would be too close to the existing interchange at I-270 and Father Hurley Boulevard/Ridge Road. MNCCPC should consult with the State Highway Administration and the Federal Highway Administration to determine whether or not this partial interchange is feasible prior to testing it and including it as part of the transportation network in the plan. The Executive Branch is concerned that this Master Plan recommendation cannot be implemented. The ability to implement this proposal must be verified before assuming it in the transportation network, and traffic forecasting.***

The plan recommends the CCT cross I-270 in two different locations. The first crossing is at Dorsey Mill Road between Century Boulevard and Observation Drive. The second crossing connects Century Boulevard to Seneca Meadows parkway. ***The Executive Branch opposes the second crossing as an unrealistic transportation element, and possibly detrimental to the overall goal of implementing a CCT. Land Use recommendations should reflect the decision to implement only one leg of the CCT.***

Observation Drive

The Executive Branch concurs with the Plan's recommendation to construct Observation Drive as a north-south connection through the Montgomery College District. However, we support an alignment that avoids major pedestrian crossings between housing and the college campus and one that enables current plans of Montgomery College both for future buildings and for its technology center to be implemented. In general, Montgomery College Germantown should be the driving force behind determining the alignment through its own campus. Pedestrian safety should be a major factor in determining the final alignment.

Wisteria Drive

The Executive Branch opposes the Plan's recommendation to construct Wisteria Drive as a 4-D Lane road section within an 80' Right of way (ROW). It will be difficult to implement a 4-D lane road within the *80'* ROW. We support designating a wider ROW width or changing the road proposal to a 4 Lane undivided section, and using design standards to be adopted by the County Council as part of the implementing regulations for the 2007 Road Code changes. Master Plans should not include design standards that have not already been approved by DOT as part of the Road Code or the implementing Regulations.

Local Street Network

The Executive Branch supports the Plan's recommendation to establish a grid pattern for pedestrian and bike accessibility and transit connections. ***We support the addition of the following roads to the network:***

1. Construction of Walter Johnson and Bowman roads
2. Connection of Blunt Road (currently a cul-de sac) to MD 355.
3. Continuation of Waterford Hills Blvd south to connect to Waters Road (B-5)
4. Extension of Century Boulevard West, west of Middlebrook Road to Wisteria Drive. Currently that segment of street is a privately-owned service road that was originally intended to service customer traffic to the businesses in that vicinity. **The recommendation will extend the "main street" streetscape, improve circulation, and unify the east and west sides of Town Center. The Upcounty Regional Services Center's main entrance is off this service road and the County's property line actually crosses the service road with easements granted to and from the adjacent commercial property owner. We recommend that this issue be "cleaned up" to simplify land records.**

We question the addition of the following roads to the network:

1. Extension of Century Boulevard from Wisteria Drive to Waterford Hills Boulevard and Waters Road. This alignment passes through several developed properties making the extension difficult, unless implemented through the redevelopment of the site. More importantly, it is difficult to discern on an operational level how this improvement would work in concert with the other network additions with respect to geometrics and separation of distance. We recommend that MNCPPC take a closer look at this recommendation.
2. Construction of New Road B-17 to connect Crystal Rock Drive and Century Boulevard since the proposed alignment would pass through office buildings and their parking facilities.

Reclassification of Roads

The Executive Branch supports the Plan's reclassification of the following local roads from Industrial to Business Streets to reflect the changing character of Germantown, and provide the opportunity to create design speeds, lane widths, and streetscaping to serve both pedestrians and vehicles, while maintaining adequate travel lanes. The Plan recommends reclassifying the following industrial roads to business streets to reflect their anticipated commercial and mixed-use character:

1. Aircraft Drive
2. Century Boulevard
3. Cloverleaf Center Drive

4. Crystal Rock Road
5. Dorsey Mill Road

We oppose the designation of Middlebrook Road "from Father Hurley Boulevard to Germantown Road" as a Business Street (B-20). Middlebrook Road should remain master planned as a Major Highway (M-85) because it performs a principal arterial function.

Goldenrod Lane is also recommended for reclassification from industrial to business roadway. It is unclear where this section of Goldenrod Lane is located. If the section described as extending "from end of road, about 1,000' south of Germantown Road to Cider Press Road" traverses the Montgomery College campus area, we have pedestrian safety concerns.

Aircraft Drive and Crystal Rock Drive Street Circulation

The Plan recommends operating Crystal Rock Drive as one-way northbound between MD 118 and Aircraft Drive. This is intended to allow for a longer queue for traffic from I-270, as well as bus door access on the right side adjacent to the Transit Center as buses circulate around the Bellmead Property and the transit station. The Plan further recommends operating Aircraft Drive as one-way southbound between Crystal Rock and MD 118. This is intended to eliminate additional turning movements on MD 118. DOT is concerned about the access and mobility of emergency response equipment from the Town Center Fire Station.

The Executive Branch opposes the recommendation to change the circulation pattern at Aircraft and Crystal Rock Drives to one-way couplets as operational issues are outside the purview of Master Plans.

In addition, we are concerned about this recommendation's impact on Fire Station 29. The Executive Branch is concerned about egress from the existing station (located in the Town Center). The proposal to make Crystal Rock Drive one-way northbound and Aircraft Drive one-way southbound would make egress from the fire station very difficult and would therefore have a detrimental effect on response time. Apparatus would have to travel around the block to head in the direction of the incident. Fire-rescue apparatus responding against traffic on one-way streets on a daily basis is not a viable alternative due to significant safety concerns. This concern is heightened by the fact that the CCT, with its Town Center Station less than a block away on Century Boulevard, will contribute to vehicle and pedestrian congestion in the vicinity of the fire station, thus further negatively impacting response time.

County Road Code Design Standards

The Executive Branch opposes the many instances where streetscape and road design features are specified. Master/Sector Plans should use existing and approved road standards. A new standard needs to be approved by DOT and the Council before being added to a Master/Sector Plan. One specific instance is on page 16 under "Streetfront Retail Development" where the reference to 20 to 26' wide sidewalks must be reconciled with the Design Standards. The reference to pole mounted or free standing signs on the same page should also be deleted as

such signs are usually necessary for traffic Control (operational) purposes. Additional instances of where these specifications should be removed are included in the Department of Transportation's technical/editorial comments that were transmitted directly from DOT staff to MNCPPC staff.

In addition, the Executive Branch opposes using the "Proposed Street Cross Sections" in the plan and supports using the Design Standards instead.

The plan contains multiple references to "compact, walkable, pedestrian-friendly streets with continuous building lines" which likely translates to narrow streets, tight turning radii at intersections, and poor access around and to the rear of buildings. To insure that the MCFRS does not have difficulty traversing the streets during emergency responses, we recommend that the Plan require all modified street standards to meet fire department access requirements per National Fire Protection Association (NFPA) Standard #1, Chapter 18, as well as the new County road code currently under development.

Access to the rear of buildings and to exposures, however, need further attention in the plan. An important requirement for planners to address in this and all other master plans is that no point in a fully sprinklered building can be more than 450 feet (as the firefighter walks) from fire department vehicular access, and this pathway cannot include retaining walls or fences that would impede firefighters or their vehicles.

Proposed ROW Reductions

The Executive Branch opposes the recommendations to reduce the ROW widths of the following roads because if a road is already constructed, it is not feasible to give up right of way.

Road	Limits	Current MP	ROW Rec.
Father Hurley	Crystal Rock to I-270	150'	120'
Observation Drive	Dorsey Milll Rd to Germantown Rd.	150'	100'
Ridge Rd / MD 27	I-270 to Frederick Rd./ MD 355	150'	120'

Proposed Reduction of Travel Lanes on Crystal Rock Drive

The Executive Branch opposes the recommendation to reduce travel lanes on Crystal Rock Drive to create a 50-wide linear, landscaped open space and greenway along Crystal Rock Drive for recreational use and to provide access to Black Hill Regional Park. The travel lanes along Crystal Rock Drive will be needed. If access to the Park is important, a different solution must be found.

ROW Increases to Support the CCT

The Executive Branch recommends increasing ROW widths for the following road segments to accommodate the CCT. We recommend that the Transit ROW be 150'instead of the 134' listed on page 21. The Master Plan's proposed ROW for the Transitway should be based on a light rail scenario including a sidewalk and a bike path, and specifically the design considerations in the ongoing CCT study. This ROW will provide the maximum flexibility to design a transitway without acquiring additional ROW.

Road	Limits	Current MP	ROW Rec.
Century Blvd	Dorsey Mill to Kinster Dr.	100'	150'
Century Blvd.	Kinster Drive to Aircraft Drive	130'	150'
Dorsey Mill Rd. Ext.	Crystal Rock to Observation	100'	150'

Bicycle and Pedestrian Facilities

DOT supports the expansion of the pedestrian and bicycle network in the plan. Coordination and connectivity will be critical in making Germantown Town center accessible by all residents via safe streets, bikeways, and safe pedestrian-oriented facilities.

It is important to promote connections between the MARC station on the west side of Town Center to the centralized Germantown Transit Center with bikeways, safe pedestrian walkways. The idea of a local circulator/shuttle/jitney should be explored to support the connections.

Prohibition of Intersection Widening on MD 118

The Plan opposes any widening of intersections on MD 118. ***The Executive Branch supports pedestrian-friendly street design but opposes this blanket restriction in a Master Plan. In some cases public safety and traffic safety may necessitate larger intersections. The street network should be wide enough to accommodate buses that traverse through the neighborhoods and feed into the CCT. A standard 40' bus is about 10' wide and it requires a properly sized lane width to operate safely which should be determined in accordance with the road design standards being promulgated by the Executive Branch this summer.***

Design Guidelines: Process and Application

The Plan frequently mentions design guidelines for Germantown. ***The specifics of these guidelines should be developed as soon as possible, and linked to the Council's vote on with the Plan and the Urban District. Transportation design standards, on the other hand, should not be proposed as part of any Plan.***

Parking and the Parking District

The plan recommends the evaluation of the feasibility of a parking district to serve the Town Center. ***The Executive Branch opposes this idea as creation of more separate parking lot districts is not in the best interest of the County.*** Each Parking Lot District (PLD) is a separate enterprise that has to be independently funded and managed. The older parking lot districts were created on donated land decades ago. The decision to create a Parking Lot District must be based upon an economically viable model.

The early success of the transit center with ridership numbers beyond initial expectations for the first years was unanticipated. As a result, there is an immediate need for additional commuter parking spaces near the transit center. Past efforts to partner with surrounding property owners have failed. As the population continues to grow in Germantown and in surrounding communities and more people are inclined to use public transit, ***the Executive Branch recommends that structured parking should be considered to accommodate those commuters as well as patrons of adjacent eateries, the hotel, multi-unit residences, the movie theater and future office development.*** The provision of adequate parking will be especially important so that a lack of legal parking spaces does not lead to a situation where passenger and commercial vehicles will frequently block fire department access ways, putting high density communities at greater risk.

STAGING

A staging plan with infrastructure and other public facilities constructed early is most desirable, as learned in Clarksburg. The Plan recommends a staging process for development of this sector of Germantown. ***The Executive Branch strongly supports the staging of development.*** It is critical that density be released at the same time that commensurate infrastructure is provided or fully funded for implementation. At the same time, it is critical that the plan envision densities high enough to provide strong support for the CCT. ***A transportation analysis for each stage of development should be included to ensure Transportation and Land Use Balance.***

Careful attention must be given to the specific elements of the staging plan. As proposed, the staging plan would require transportation infrastructure improvements to be completed before much of the proposed development can occur. Some of these improvements are not in the County CIP and do not have identified funding sources. While the infrastructure staging element is critical, care must be taken so that the realization of the Master Plan's vision for Germantown as a transit-oriented, mixed-use community is able to be realized in a timely manner.

In order to successfully maintain the newly expanded Town Center, some type of funding mechanism will be required. The draft Plan envisions an Urban Service District (USD); however such districts are traditionally and primarily supported by parking district revenues. As a result of its current size, density, mix of occupants, and lack of any local parking district revenues, Germantown Town Center does not have the capacity for the urban district model used in other areas of Montgomery County and would require a number of large corporate employers contributing and a mixture of funding sources with a substantial portion possibly coming from

the County's General Fund. Requiring the USD before development may discourage property owners from building as quickly as they planned; especially during this current economic market. In an ideal world, the USD would be created simultaneously with the Plan adoption. . ***The Executive Branch recommends that the Plan address the establishment of the USD in a manner that is workable for the Executive Branch implementing agencies and other stakeholders in the process.***

IDENTITY

Residents have voiced to planners and the master plan Citizens Advisory Committee their desire to maintain and enhance the sense of community ("hometown feeling") they feel exists in Germantown today, which was recently selected as #81 in CNN's Money Magazine list of Best Places to Live. Germantown Town Center is now identified as a commercial core within a few blocks that contains local government offices, a public library, a cultural arts center, retail, single and multi-unit residences, a transit center, and a variety of dining and entertainment venues. The plan calls for several other pockets referred to as the West End District, Gateway District, Cloverfield District, North End District, and Seneca Meadows/Milestone District.

These additional centers are planned along the northern stretch of Century Boulevard and will have similar mixed-use development and clustered tall buildings and will be served by the Corridor Cities Transitway. **It is possible that creating multiple centers with different names could weaken the vitality of the current and intended Town Center and confuse citizens as to where "the center of town" is located.** Distinctions among the various centers must be strong, and the Town Center must be positioned to continue to be the central focus of civic and cultural activities.

With regard to Town Center specifically, the Plan discusses increased density for the area without recommending how to reach that desired level of density. Buildings are currently street-oriented, with townhouses, apartments, restaurants and commercial uses behind them. There is no plan or guidance as to how to build density along Century Boulevard between Crystal Rock Drive and Wisteria Drive. On the other hand where there is discussion about building density around the transit center and adding up to 180 dwelling units adjacent to the 5th District police station, we must be thoughtful about the compatibility of adjacent functions.

ENVIRONMENT

Water and Sewer Service

The Executive Branch recommends that the Plan include additional information about water and sewer service and infrastructure. The Plan should acknowledge that this portion of the County is intended to use public water and sewerage systems consistent with the planning and policies adopted in the Comprehensive Water Supply and Sewerage Systems Plan. WSSC provides community water and sewer service in the master plan area. A few properties within the Plan area still use individual on-site wells and septic systems; **however, the Plan should recommend that all of these properties should be approved for and eventually receive**

public water and sewer service. Additionally, the Plan should state that a substantial portion of the Plan area lies within the Little Seneca Creek watershed and drains directly to Little Seneca Lake, and that the lake serves as, among other things, an emergency drinking water source for users of the Potomac River, including WSSC.

Capital Improvement Program (CIP) Projects

The County and WSSC have programmed capital improvement program projects necessary to ensure adequate water supply and wastewater treatment for the development proposed for the Germantown area in the 1989 Master Plan. These include projects such as the expansion and upgrade of the Seneca Waste Water Treatment Plant, and the construction of the Clarksburg Elevated Water Storage Facility. **The Executive Branch recommends that a comprehensive infrastructure analysis be conducted to determine what, if any, new infrastructure will be required to accommodate the proposed density increases recommended in the Plan for Germantown.**

PUBLIC FACILITIES

Fire Station 29

The proposed mixed-use development and public open space that would be immediately adjacent to the fire station are of concern. Mixed-use development, including high-density residential occupancies, near the fire and police stations would add to the vehicular and pedestrian traffic near both stations, thus negatively impacting response time and increasing the potential for collisions between responding apparatus and motorists as well as pedestrians. Residents on that block would likely complain about noise from the emergency vehicles next door, as well.

Of additional concern is the proposed land-use map in the draft plan that shows public open space immediately to the rear (west) of the fire station, an area that is presently used by Station 29 units to access Crystal Rock Drive from the rear-facing bays of the station. **The Executive Branch notes that such public open space would cut off this important access to Crystal Rock Drive and strongly recommends that the public space not be placed in this location unless a street access plan for emergency vehicles is maintained.**

I am pleased to have the opportunity to provide you with Executive Branch review comments on this Master Plan. I look forward to the opportunity to have my staff work through these planning issues with the Planning Board to ensure that a sustainable, successful and implementable master plan is achieved for Germantown.

Sincerely,

Isiah Leggett
County Executive

IL:jy

Attachment

cc: Michael Knapp, Council President
Tom Carr, Fire Chief
David Dise, Director, Department of General Services
Arthur G. Holmes, Director, Department of Transportation
Robert Hoyt, Director, Department of Environmental Protection
Diane Schwartz Jones, Assistant Chief Administrative Officer
Tom Manger, Police Chief
Catherine Matthews, Director, Up-County Regional Services Center
Marlene Michaelson, Senior Legislative Analyst
Richard Nelson, Director, Department of Housing and Community Affairs
Carla Reid, Director, Department of Permitting Services
Jeff Zyontz, Legislative Attorney

Attachment 1
Technical/Editorial comments for Germantown Master Plan Public Hearing Draft

Fire and Rescue Service General Comments

1. Per code, fire department access must be maintained as follows:
   - 20 ft minimum clear travel width not including parking or bicycle lanes. Minimum clear travel width increases to 28 ft when there is on-street parking on one side and to 36 ft when on-street parking is on both sides; more if necessary to allow for dedicated bicycle lanes. Residential streets serving single-family homes, however, can be 26 ft wide with parking on one side only, but must provide 50 ft-long "no parking" zones every 300 ft to provide operational space for fire department apparatus.
   - Minimum interior turning radius of 25 ft, exterior of 50 ft
   - Roads planned as shared-use paths should have increased width for safe bicycle use alongside parked cars and fire department apparatus.

2. Every district in the draft plan references setbacks for plazas and gathering spaces. Main side door access to the interior of a building must be on the address side and no more than 50 ft from fire department vehicular access.

3. Proposed for every district with structures surrounding transit centers are building heights of 10-15 stories, with building heights at street level limited to three or four stories and taller building elements behind. Aerial apparatus access to upper floors must be considered when specifying upper story setbacks from the front face of lower floors.
Attachment 2

Fire and Rescue Service Specific Comments

1. Page 16 Excerpt: "Limit driveway width of 20 feet at most"

Comment: If a driveway is designated for fire department access it must meet fire department access road requirements for parking, pavement width, and turning radii. Considering recommendations for every district (i.e., seven districts referenced in the draft plan) for building setbacks to allow for public open space at the street level, it is likely some driveways will be required to serve as fire department access ways.

2. Pages 20 and 25 Excerpts: "provide all streets and roadways with street trees that help shade the pavement, clean the air and separate pedestrians from moving travel lanes

Comments:
   - Size, height, and spacing of street trees must allow for aerial apparatus access to building windows, particularly where buildings are over 3 stories high.
   - Tree placement must also consider motorist safety. A clear zone relative to

3. Page 33 Excerpt: "permeable pavement"

Comment: Permeable pavement used on fire department access roads must meet structural requirements for County roads and must have sufficient load bearing capacity for the heaviest fire-rescue vehicles.

4. Page 34 Excerpt:

. "narrowed intersections"

. "neck down at intersections"

Comment: Neck downs and narrowed intersections along fire department access roads must meet fire department access requirements for width and turning radii.

Water Quality and Stormwater Management

On page 25 of the Plan draft, we recommend the following proposed revisions to the text:

a. Adding a bullet or a phrase that essentially would say that state and local stormwater management are being continually upgraded and may supersede specific recommendations made in this and other master plans.

b. Modifying the last Stormwater bullet to exclude underground stormwater management from environmentally sensitive design. However, it will be included as a more traditional method that may be necessary for integration into smart growth or urban planning.

Pages 30 (third bullet, middle column) and 34 (second bullet) discuss the need to landscape existing stormwater management areas. This should only be done with the coordination and approval of the Department of Environmental Protection. Dam safety, functionality, and maintainability should all be considered.

On pages 45-48 of the Attachment, the following modifications should be made:

a. Wetland Resources (page 47) – discussion includes converting all stormwater management ponds to wetlands. This should only be done in cooperation with DEP.

b. Water Quality and Stormwater Management (page 48) – see comments above. Also, the second bullet in the far right column discusses the use of porous pavement for redevelopment for infiltration. This is a good idea and should be left in the document. However, prior development activities (removal of soil layers, compaction, and pollution) may limit the practicality of effectively using porous paving for redevelopment

OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

August 8, 2008

Mr. Royce Hanson
Chair, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Follow-up Comments on Public Hearing Draft, Germantown Master Plan

Dear Mr. Hanson:

On July 28, 2008 we provided comments on the draft Germantown Master Plan. In addition to the comments that we provided, we have some housing comments that were inadvertently omitted from our initial comments. Therefore, we appreciate the Planning Board's consideration of the following additional specific comments related to housing:

p. 10. We believe that language should be added in the "Key Recommendations" section recommending a balanced housing stock, including affordable housing opportunities.

p. 14. The Plan's Areawide Recommendations should refer to mixed-use and residential development that promotes a balance of housing prices, including affordable housing. Areas surrounding transit stations offer opportunities to maximize the density or residential development, and with the MPDU and Workforce Housing requirements, maximize affordable housing production. While numerous pages are devoted to the transportation network and environmental concerns, there is no mention of affordable housing in the Areawide Recommendations.

pp. 26-27. The draft plan recommends that the police and fire station site should include "a significant amount of affordable or workforce housing" (emphasis added). Existing law requires that both affordable and workforce housing are required for high density housing. Where other public objectives are not compromised, additional affordable and workforce housing, above the statutory requirements, should be pursued when a publicly owned site is developed or redeveloped.

pp. 26-41. We would like to see each of the Germantown districts sections make specific recommendations about the inclusion of affordable, and where required, workforce housing to be developed as part of market rate development. In keeping with the Report and Recommendations of the County Executive's Affordable Housing Task Force, the Germantown Master Plan should establish "affordable housing targets" for the development of affordable housing in the Master Plan area, and should encourage the development of residential properties at their full allowable densities to maximize the number of required affordable housing units to be produced.

Please call if you have any questions. We appreciate the opportunity to comment on the proposed Master Plan and hope that our comments are both helpful and reflected in the Master Plan.

Sincerely,

Diane R. Schwartz Jones
Assistant Chief Administrative Officer

cc: Michael Knapp, Council President
Tom Carr, Fire Chief
David Dise, Director, Department of General Services
Arthur G. Holmes, Director, Department of Transportation
Robert Hoyt, Director, Department of Environmental Protection
Diane Schwartz Jones, Assistant Chief Administrative Officer
Tom Manger, Police Chief
Catherine Matthews, Director, Up-County Regional Services Center
Marlene Michaelson, Senior Legislative Analyst
Richard Nelson, Director, Department of Housing and Community Affairs
Carla Reid, Director, Department of Permitting Services
Jeff Zyontz, Legislative Attorney

Sue

Adams, Holly

From: MCP-CTRACK
Sent: Wednesday, August 13, 2008 4:12 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0941/Murdock - Germantown Master Plan
Attachments: 2008-0941-Incoming.pdf

Germantown Master Plan
Item # 47

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0941	**Date Received:**	8/13/2008
Correspondence Type:	Transmittal	**Date Of Letter:**	8/12/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	Lisa Murdock		
Description: Correspondence regarding Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received after Planning Board hearing; include in file			

[redacted]

0941

To Montgomery County Planning Board 1 of 3

9/12/08

From Lisa Murdock murglass@aol.com

I know this late but I hope you will consider it anyway.

I love Germantown. As far as I am concerned it is the best place to live in Maryland maybe in the USA (I love California).

Germantown's strength is its natural beauty like Butlers Orchard, Black Hills Park, and all the surrounding wetlands. Germantown embraces diversity like know other community. You rarely see any team, club, or group in Germantown that does not include at least 3 or more different racial groups.

These are the great things about Germantown so exploit them.

Make 355 more beautiful, lush, boarderline exotic. Use bus stops and train stations as a way to educate people about Germantown's diversity like a many Epcott Center

When people from other parts o
Montgomery County visit the
bring their baggage. Don't y
have gangs aren't you afra
of ___ ethnic group. I tell
them we love each other in
Germantown. We all know eac
others Our kids play togethe
get in to trouble together, an
achieve in school together

Please do not turn small tow
Germantown into a mini Bet
with dense high rise buildings
Please let us be like Maybe
We are bold, colorful, exc
and friendly. We greet each
and support each other in everyth
we do.

When I first moved here a te
tragedy took place. A young whi
mother was kidnapped and raped by

an African American teen. My first thought was he go the race wars. However, to my surprise Germantown parents and leaders said this is not about race. This is a crime issue and we do no tolerate crime.

Finally, Germantown needs rail! The bus is cheaper, looks good on paper but middle class folk avoid the bus. Why do you think so many Germantown dwellers drive to Shady Grove and pay $4.75 to park. The bus is $1.25 going and $0.25 coming home less than half the cost of parking (I did not even add in the gas). This shows people will pay to avoid riding the bus. Please bring us rail and beautiful small town yet diverse landscape. Germantown is an international city with cosmopolitan well-educated residents. We appreciate bravery.

Adams, Holly

From: MCP-CTRACK
Sent: Monday, August 11, 2008 4:56 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0930-Milmoe-Germantown Master Plan
Attachments: .pdf

Germantown Master Plan
Item # 48

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0930	**Date Received:**	8/11/2008
Correspondence Type:	Letter	**Date Of Letter:**	8/11/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	Dolores Milmoe		
Description: Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	8/11/2008		
Remarks From Chairman's Office:			
FYI			

AUDUBON
NATURALIST
SOCIETY
OF THE CENTRAL
ATLANTIC STATES, INC.

August 11, 2008

Chairman Royce Hansen
Commissioners, MNCPPC
8787 Georgia Ave.
Siler Spring, Md. 20912

Re: Germantown Forward Master Plan: Support for Staff Recommendations for Forest Preservation Montgomery College Campus and Lerner Parcel in North End District

Dear Chairman Hansen:

The Audubon Naturalist Society strongly endorses Planning staffs' recommendations for environmental stewardship in the revised Germantown Master Plan. We would like to address specifically their recommendations for forest preservation. Having participated in the County's 2000 Forest Preservation Strategy Task Force, the data we reviewed at the time confirmed what we had seen in the field: the rate of forest loss in the county has been alarming.

In 1973, according to the final FSP report, forest cover was a much healthier 45%, or 143,00 forested acres. By 2000, we had lost 54,000 acres of forest, leaving the county with only 28% forest cover. Doubtless in the last eight years, acres of residential and commercial development as well as the ICC construction have further eliminated or significantly fragmented forest cover. Now more than ever, we need to ramp up efforts to preserve what remains.

Staff has correctly identified two such significant interior forests for preservation in Germantown. The first is the fifty acre parcel of mature upland forest on the Montgomery College Campus. With over 400 mature trees, predominantly oak and tulip-poplar, and 108 identified as "Specimen Trees," protecting this resource as "High" priority for retention should be a no brainer.

In the North End district, we support the staffs' recommendation that the 25-acre Lerner parcel adjacent to high quality forest in Black Hills Regional Park, also be designated "High" priority for retention. This mature forest, dominated by oak and beech trees, provides important habitat structure as well as protection for steep slopes directly above the main stem of Little Seneca Creek.

Like the county in general, Germantown currently lacks sufficient forest cover to maintain the health of its two watersheds: Great Seneca and Little Seneca. Studies indicate that a 40-45% forest cover is necessary to sustain healthy watersheds. With only 14% forest cover, Germantown desperately needs forest protection as well as aggressive afforestation efforts. We note that the 40% forest cover goal outlined by staff is laudable but cannot be achieved unless we take every measure to protect existing tree canopy.

We now know what we did not understand only decades ago: that forests are of utmost importance in addressing climate change, air pollution, groundwater recharge, and watershed protection. But they also play a viable role in driving economic development and creating livable communities.

We urge the Planning Board to support these two important Germantown forests as well as the staff's other fine recommendations to protect sensitive natural features for a better Germantown.

Sincerely,

Dolores Milmoe
Conservation Associate
Audubon Naturalist Society
www.audubonnaturalist.org

Coleman, Joyce

From: Dolores Milmoe [f.a.r.m@erols.com]
Sent: Monday, August 11, 2008 4:28 PM
To: MCP-Chairman
Cc: Edwards, Sue
Subject: Germantown Master Plan
Attachments: Germantownforests1.doc; ATT987704.htm

Adams, Holly

Sue

From:	MCP-CTRACK
Sent:	Wednesday, August 13, 2008 10:56 AM
To:	Kreger, Glenn
Cc:	Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject:	CTRACK #2008-0939/Hauck - Germantown MP Forest Preservation North End & Montgomery College Districts
Attachments:	.pdf

Germantown Master Plan
Item # 49

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0939	**Date Received:**	8/11/2008
Correspondence Type:	Email	**Date Of Letter:**	8/11/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	David Hauck		
Description: Correspondence regarding Germantown Forward MP Forest Preservation in North End and Montgomery College Districts			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
For staff action			

Coleman, Joyce

From: David Hauck [hauck_d@msn.com]
Sent: Monday, August 11, 2008 5:50 PM
To: MCP-Chairman
Cc: Edwards, Sue
Subject: Sierra Club comment on Germantown master plan--preservation of two forested tracts
Attachments: Germantown master plan forest preservation letter to Hansen 08_11_2008.doc

August 11, 2008

The Honorable Royce Hanson
Chair, Montgomery County Planning Board
Commissioners, MC-MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20912

Re: Germantown Forward Master Plan: Forest Preservation in North End and Montgomery College Districts

Dear Chairman Hanson and Commissioners:

On behalf of the Sierra Club, I am writing to commend staff of the Planning Board for its several page analysis of the environmental resources within the Germantown master planning area (Appendix 7) and to strongly support the staff recommendation of forest preservation in the planned North End and Montgomery College Districts. Staff very rightly point out that when urbanized communities are considered, "the environmental and economic value of natural resources such as forests is often overlooked."

But given our county's desire to greatly reduce our greenhouse gas emissions, protect air and water quality, as well as to foster quality of life and economic value, forests must no longer be overlooked.

Forests currently cover just 14% of the Germantown master planning area, according to the staff analysis, and together with tree cover not qualifying as forest, they form a canopy of 512 acres or 20%. Staff cite a study of stream health in Montgomery County that shows 45% tree cover needed for good to excellent stream health, while the American Forests organization concludes that 40% tree canopy cover in urban areas is achievable. The Sierra Club concurs with the staff recommendation to work toward that 40% goal, that is, to double the current tree cover, over the coming 30 years—*at least.*

The first step in achieving this goal is to preserve existing high quality forests:

Adjacent to **Black Hill Regional Park, in the North End District,** 25 acres of mature oak and beech forest protect the steep slope above Little Seneca Creek. Amazingly, this forest, the Lerner parcel, is relatively free of invasive plants. Fragmenting it would undoubtedly result in invasion of such plants, which have caused so much grief down county. Turning the area from forest to rooftop or blacktop would be an outright assault on Little Seneca Creek. The forest should be designated for high priority retention and ultimately added to Black Hill Regional Park.

The second forest that should be designated for high priority retention is twice as large. Located on the **Montgomery College property**, this 50-acre block of mature upland forest of predominantly oak and tulip trees has over 400 trees with a diameter of at least 2 feet; 108 are "Specimen Trees," with a diameter of 30 inches or more. This is a rare chance to preserve so much contiguous forest.

The Forest Preservation Strategy Task Force, of which the Sierra Club was a member, reported in October 2000 that forest cover in Montgomery County dropped from 45% in 1973 to 28% by 2000. The July 2004 Update noted with dismay that in FY 02 and FY 03, 515 acres of mostly upland area forest were cleared for new development, while only 15 acres of uplands were reforested through requirements of the Forest Conservation Law and another 6 acres planted through other programs (see p. 9). This is a net loss of 494 acres in just 2 years! Further, newly planted trees must meet many challenges (deer, insects, invasive plants) over many years, before they are a forest.

Clearly a greater effort is needed to retain existing forests in Montgomery County, and the Germantown Forward Master Plan provides a significant opportunity. We urge you to approve Planning Staff's recommendations of High Priority Retention for the Lerner and Montgomery College property forests. You will be exhibiting good stewardship of our county's valuable natural and economic resources.

Sincerely,

David Hauck, Chair
301-270-5826
david.hauck@maryland.sierraclub.org

Adams, Holly

Sue JK

From: MCP-CTRACK
Sent: Wednesday, August 13, 2008 10:52 AM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0938/Freishtat - Northlake Commerce Center aka Trevion Poroperty
Attachments: .pdf

Germantown Master Plan
Item # 50

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0938	**Date Received:**	8/12/2008
Correspondence Type:	Letter	**Date Of Letter:**	8/8/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	David D. Freishtat		
Description: Correspondence regarding Northlake Commerce Center aka Trevion Property			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
For staff action			

SHULMAN
ROGERS
GANDAL
PORDY &
ECKER, P.A.

David D. Freishtat, Esq.
(301) 230-5206
dfreishtat@srgpe.com

August 8, 2008

Dr. Royce Hanson, Chairman
Members of the Planning Board
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910-3780

RE: Northlake Commerce Center, Lots 1-5, also known as "Trevion Property"

Dear Chairman Hanson and Members of the Planning Board:

We represent Gunners Lake Thirteen Ltd. Partnership which owns and manages the Northlake Commerce Center, Lots 1-5, located at the intersection of Crystal Rock Drive and Middlebrook Road in Germantown's Town Center. We are submitting this letter in conjunction with the Planning Board's Germantown Master Plan Public Hearing held on July 28, 2008 and we request that this letter be included in the hearing's record. The Trevion Property is situated across from the recently constructed Germantown Town Center. Being at the "heart" of Germantown, Trevion represents a critical corner and should be rezoned to allow for an appropriate mix of retail, office, hotel and residential uses. This property, referred to as the Trevion Property in the "Germantown Forward" Public Hearing Draft, May 2008, is illustrated in the aerial image below:

Microsoft Virtual Earth image

The Trevion Property consists of about 16.1 acres and is currently zoned C-O which provides the Property with a 3.0 FAR potential; a 1.5 FAR permitted under the zone and a 3.0 FAR permitted upon site plan review. Under either method, the Property's existing development potential exceeds that of the proposed new TMX zoning category. Thus, the Trevion Property has a site-plan reviewable current development potential of nearly 450,000 s.f. under its C-O zoning with about 160,000 s.f. already developed as office buildings, giving the overall Property just about a .23 FAR. Clearly, this Property possesses a great deal of untapped development capacity. The Property is extremely close to transit facilities, both to the Germantown MARC Station and to a programmed Corridor Cities Transitway Station. If any new zone would result in a downzoning, or requirement to pay in any form for density, then this Property should maintain its current C-O zoning as any other proposed zone represents a substantial and inequitable downzoning of the Trevion Property.

Germantown Forward

The "Germantown Forward" Public Hearing Draft recommends the Trevion Property for Commercial Mixed-Use (Office, Retail, Service, Housing) with a development potential of "up to 1.0 FAR of mixed uses with an employment emphasis that achieves at least 65 percent office uses with some service retail, and a maximum of 35 percent residential uses located along the Wisteria Drive end of the site." *See* Public Hearing Draft at 27. The recommended zoning is TOMX-1, which is expected to be superseded by a recommended "TMX-1" as the outgrowth of the embryonic TMX zone (discussed below).

TMX Zone

The newly introduced Transit Mixed-Use (TMX) zone (introduced as ZTA 08-14 on June 24, 2008) is deficient and inappropriate for the Trevion Property for several reasons:

1) The Property's existing zoning provides a 3.0 FAR potential. The recommended 1.0 total FAR is a substantial downzoning predicated on obtaining substantial TDRs to achieve but one-third of the Trevion Property's current development potential.

2) Use of the Building Lot Termination (BLT) TDR is the premise for the TMX zone, and thus undergirds the development potential for any property christened with TMX zoning. The availability of such "BLT TDRs" is speculative at best. Further, Planning Staff has suggested creation of a Land Trust/Easement Program for the purchase of BLT TDRs and also for receipt of funds in lieu of actual BLT TDR purchases. It seems there is no clear picture of the availability of BLT TDRs. Consequently, it is grossly unfair to hinge a property's development potential on the availability of obtaining sufficient quantity of a special class of TDRs that may or may not ever be available. This smacks of an attempt at growth control cloaked as an amorphic density transfer.

3) Planning Staff had assured the Trevion Property's owner that, in light of the substantial down-zoning recommended, the Property would not be encumbered by the need to obtain TDRs. The recommended zoning does not bear out this assurance.

4) The BLT TDR is proposed to equate to 9,000 s.f. of residential space or to 7,500 s.f of non-residential space. Use of TDRs on the Trevion Property—whether "excess" TDRS or BLT TDRs—does not enable this property to increase its density. Rather, the TDRs are merely a mechanism to compel the property owner to "buy back" density he has otherwise lost as a result of the downzoning from the property's current C-O zoning.

5) The BLT TDR terminates an Agricultural Preserve landowner's ability to have *any* home on the land which yields the BLT TDR. Thus, a BLT TDR-selling landowner will want a premium price for what amounts to selling one's home. In light of the high costs for single-family homes in Montgomery County, it is conceivable that a single BLT TDR seller would seek a price of several hundred thousand dollars in order to relinquish a current or future family home.[1] At such a price, acquiring BLT TDRs is prohibitively expensive for a project that must also provide, among other things, MPDUs for residential development, additional on-site amenities and any number of transportation mitigation measures.

6) Tying development in Germantown's Town Center to payments delivered to the non-growth areas of Montgomery County via TDR transfer does not enhance the vitality, the walkability or the amenities provided in Germantown. We have serious reservations about the viability for redevelopment in the Germantown Town Center when such reliance on the TDR program is coupled with the already heavy burden arising from the substantial public amenities that are required to make a redevelopment project both approvable and successful. The granted density is not sufficient to enable the property to afford both to buy TDRs and to do substantial public amenities. This asks too much of the properties that are expected to redevelop.

Maintain C-O or Apply PD-60

Given the flaws of the TMX zone as applied to the Trevion Property, we suggest that the Planning Board rezone the Trevion property to a zone which will allow this site to become viable. If the Planning Board feels compelled to change this Property's zoning, we recommend that a PD-60 zoning be applied so as to avoid an unnecessary downzoning of the Trevion Property. A PD-60 zoning might consist of the following mix of uses and densities: Approximately 365,000 s.f. of office space (supplementing the Property's existing 160,382 s.f. of office), approximately 750 multi-family residential dwelling units, and approximately 25,000 s.f. of pedestrian-oriented local commercial facilities. This combination addresses the goals of Germantown Forward, promotes the mix of office,

[1] According to the M-NCPPC 's June 26, 2008 *Analysis of Supply & Demand for Housing*, the 2007 *average* price of a single-family home in Montgomery County, as the County approaches build-out, is $569,000 for existing homes and just under $1 million for new homes.

residential, retail and service uses in proximity to transit envisioned by this Plan, and constitutes a fair treatment of the Trevion Property.

While we understand that the Board can choose simply to leave the Trevion zoning unchanged, it is extremely important to note that it is very difficult to justify development in the C-O zone as evidenced by the lack of new construction of this site in the last 20 years.

In light of this compelling need to make the "heart" of Germantown excel, we respectfully ask that the Board rezone this property to PD-60.

We are available to respond to any questions that that Planning Staff or the Planning Board might have. Thank you.

Sincerely,

SHULMAN, ROGERS, GANDAL
PORDY & ECKER, P.A.

By: _____
David D. Freishtat

cc: Mr. Henry Forster
Ms. Sue Snaman Edwards
Anne Marie Vassallo, Esq.

G:\30\Gunners Lake Thirteen LP-109977\Ltr - Planning Board - zoning for property 07 28 08.doc

Adams, Holly

Sue JK

From: MCP-CTRACK
Sent: Monday, August 11, 2008 5:04 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0932/ Kathie Hulley/ Germantown Master Plan
Attachments: .pdf

Germantown Master Plan
Item # 51

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0932	**Date Received:**	8/11/2008
Correspondence Type:	Letter	**Date Of Letter:**	8/11/2008
Agenda Date:	N/A		
To:	Royce Hason		
From:	Kathie Hulley		
Description: Germantown Master Plan			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
FYI			

written Testimony from Kathie Hulley, member of CAC and Representative of Germantown Historical Society Received 8/11/08

cCa

Clarksburg Civic Association
P.O. Box 325
Clarksburg, Maryland 20871-0325

An old town with new ideas

August 11, 1008

Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

GERMANTOWN MASTER PLAN

The following comments are endorsed by the Executive Committee of the Clarksburg Civic Association.

There are several disturbing factors in this Master Plan revision. When Clarksburg was being planned. it was planned as "transit oriented" development. Transit for Clarksburg is still upwards of 20 years away, - not as the Red Line, which was proposed when I moved here in 1980, but maybe a rapid bus line, which will be slower and slower as more development is allowed to the south towards Shady Grove. Now "transit dependent" is the new buzz-word for Germantown. We need to know the difference - is there to be no building allowed until transit is in place? That is what it should be, but when I asked the question in one of the meetings, the response from a developer's attorney was "don't count on that." So who is pulling the wool over our eyes? How much discussion has there been with Metro to accommodate all these potential extra riders who will arrive at Shady Grove expecting to be able to get on a train in reasonable comfort and with fair expediency?

M83 is an essential corridor from Clarksburg, Damascus and beyond, and should be built using the alignment in the Master Plan. The building of Clarksburg was predicated on this road and any variation, especially one which would use already overburdened Route 355 is not feasible and not worthy of consideration. The Corridor Cities Transitway is still years away - in fact Clarksburg will see no construction until all the master plans for communities to the south of Clarksburg have been revised. At that time, there will be no capacity on trains from Shady Grove, even assuming that one could get there in a reasonable time.

It is disturbing that when discussing one master plan, there is hardly any discussion of surrounding master plans and the impact of the present study on those plans.

Then there is the school situation. This plan proposes over 7,500 new dwelling units over and above the present plan, and yet not one single new school is deemed to "necessary"? Incredible. We have been fighting overcrowding in all our local schools for the last 25 years to my knowledge and yet it seems that it is a case of "here we go again". There has to be a much better in depth study of all the surrounding clusters, taking into account all the already master planned maximums for those areas. It is unacceptable that there is even discussion of the idea without a much closer look at the reality of our schools at this time.

If it is assumed that Germantown has a lack of employment, that can and should be accommodated WITHOUT ANY INCREASE IN RESIDENTIAL UNITS. New residential units will stifle any possibility that areas beyond Germantown to the north will have any meaningful public transportation.

There is a proposal to raze a moderately priced apartment complex (built in 1987 and not in disrepair) in order to increase the number of units from 400+ to over 1,700. One of the reasons for proposing this is that they are close to the MARC station. This may be true, but has anyone taken the trouble to contact MARC and CSX to find out if these extra riders plus some, can be transported along a line which is a main freight line? What is being done to directly connect the MARC station with the apartment complex, in order to facilitate ridership? Has anyone considered what logic and reason tell me, that these "riders" will still use their cars daily to get to and from the station, to get to their children's schools and to shop and recreate, thus adding potentially over 1,000 new cars to our roads in the Germantown area? Few families or couples choose to maintain only one car in the far suburbs such as Germantown; in all likelihood, Couples may have at least two cars per apartment, and use at least one of them daily to commute. (Few heads of household commute to exactly the same place daily for their employment.)

At the public hearing, Montgomery College announced that it had an exciting new partner for the Germantown Campus. Since then it has been announced that there are plans for Holy Cross Hospital to build hospital with approximately 100 beds there. This has been done without any consideration being given to the fact that Adventist Healthcare has owned land (for medical offices and a hospital) in the Cabin Branch area of Clarksburg since 2002. This is most disturbing for Clarksburg. The two sites are less than 3 miles apart, which means that if Holy Cross were to get permission for the Montgomery College project, there is no possibility that Adventist would ever get permission for the Clarksburg site (which is more suitably located for best access by more residents). The Executive Committee is very concerned, as without the Clarksburg Adventist employment, more of our residents will be forced to "take to the roads".

There are concerns about senior housing. The Civic Association Executive Committee endorse the idea of implementing a senior housing master plan, as Howard county has already in place. This can be seen at:
http://www.co.ho.md.us/DPZ/DPZDocs/SHMPWebVersion012805.pdf

Kathie Hulley
President

Adams, Holly

From: MCP-CTRACK
Sent: Monday, August 11, 2008 4:34 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0927
Attachments: .pdf

Germantown Master Plan
Item # 52

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0927	**Date Received:**	8/11/2008
Correspondence Type:	Email	**Date Of Letter:**	8/9/2008
Agenda Date:	N/A		
To:	Royce Hanson		
From:	Cynthia Fain		
Description: Germantown Master Plan Recommendations			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	8/18/2008		
Remarks From Chairman's Office:			
FYI			

Coleman, Joyce

From: CynthiaAFain@aol.com
Sent: Saturday, August 09, 2008 9:48 AM
To: MCP-Chairman
Subject: Save High Priority Forests in Germantown, MD

Dear Chairman:

The following comments are to be placed on record in the Germantown Master Plan recommendations:

Please take immediate action to protect the 50 acre forest on the Germantown Campus of Montgomery College, as well as the 25 acre forest known as the Lerner property. The Montgomery College Campus forest contains numerous specimen trees. This forest is vitally needed for water quality and to provide habitat for birds and other wildlife. The Lerner Forest property helps protect water quality in the Little Seneca Stream and it also provides for important wildlife habitat. Germantown needs to make a priority of preserving these two forest areas. Intense development has left little green space in Germantown. Both people and wildlife will benefit from the preservation of these two vitally needed forest areas.

I would recommend that both these areas be placed under some sort of permanent conservation easements.

Sincerely,
Cynthia Fain
12900 Circle Drive
Rockville, MD 20850
301-251-0750

SAVITAR

May 8, 2008

Germantown Master Plan
Item # 53

Royce Hanson
Chairman
Maryland National Capital
Parks and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Sent via Facsimile to: 301-495-1320

Re: **Century XXI Office Complex, Germantown, MD**
Proposal to Allow Residential Development with FAR of 2.0, and to allow for Retail Development Before the Planning Board

Dear Mr. Hanson:

I am writing you at the suggestion of Sue Edwards, with whom I spoke at great length today. I own a complex of three office buildings, excess land, and a four to five story parking structure in the Town Center District of Germantown. The office complex is known as the Century XXI Office Complex.

I bought the Century XI Office Complex in 1999. Since then, I have seen Germantown grow exponentially from what was a somewhat isolated, rural community to a vibrant, self-contained, suburban community. It is clear to me, as it is to everyone else, that the momentum of the growth and development within the Germantown community is unstoppable and within the coming years, it will be a much more mature and inviting place for young and older families to live, work, and play. I applaud the work of the Commission in having the foresight to identify the need to manage and direct the growth in an organized, well thought out fashion.

In keeping with the spirt of responsible, managed growth, I have my own vision of my property and how I would like to participate in this exciting future for the Germantown community.

As you know, the Century XXI Office Complex comprises approximately 175,000 rentable square feet of cost effective office space. Our Complex is home to approximately 700 office workers, including guests, who come to work at our property every business day. Our multi-floor parking garage is uniquely designed so that each employee can literally park his/her car at the floor where his/her office is located and enter his/her space without having to through a lobby or ride an elevator. (This design also eases fire/life safety concerns).

SAVITAR REALTY ADVISORS

5345 Pine Tree Drive
Miami Beach, Florida 33140
Telephone 305.866.1546
Fax 305.868.1783
e-mail: savitar@gate.net

SAVITAR

In order to capture and participate in the growth of the community, particularly with the multi-modal transportation depot located directly across the street from our property, I wanted to create a mixed-use, somewhat lifestyle concept for our property.

First, we would like to build mid-rise residential on top of our parking structure, with minimum FAR of 2.0. Since the first floor of the residential building would begin on about the sixth floor, the building would have height and, in turn, would offer sweeping, breath-taking views of the area. However, in order to justify this expense of creating a landmark structure and design, as I am proposing, I need to have a density that would make this project feasible. Accordingly, the density must be no less than 2.0.

Second, I have a large, spacious grassy area in front of one of the office buildings on which, at one time, was intended for a fourth office building. Initially, I wanted to build a fourth office building on this parcel and construct retail on the ground floor. However, the market does not justify additional office space in this area so the development of a fourth office building will not be feasible. Instead, I would like the flexibility of being able to build a free-standing, single-story retail building on this parcel. (Perhaps in the distant future if the supply and demand for office space dramatically changes in Germantown, I would reconsider that concept). I would also like this retail structure to be single story so that it does not block the views of the adjacent office building. Ideally, I would build a curve-shaped strip of stores parallel to Century Boulevard, which curves at that location. These stores may include a Starbuck's, Quiznos, an Einstein's, perhaps a bank, or other types of retail uses. My vision would be to provide retail service not only to the existing office workers and the future residents within the residential section, but also offsite patronage, as well.

With office, residential, and retail, I can create a harmonious, mixed-used, somewhat lifestyle concept on my property. People could live on the property, go to work on the property, and purchase goods and services, all within a single compound. At the same time, I see this concept both compatible and harmonious with the overall lifestyle concept that the Commission is seeking to create and promote for Germantown.

Please take into serious consideration my requests outlined in this letter as the Planning Board creates its first draft of its land use plan.

SAVITAR

If you have any questions or would like to discuss my concept with me further, please call me, and I would be happy to meet with you or members of your staff or the Commission.

Sincerely,

XXI OFFICE PLAZA ASSOCIATES
By: SRA/CENTURY XXI-GP, INC.
its General Partner

Clifford M. Stein
President

raf

cc: Sue Edwards by Facsimile 301-495-1304

Adams, Holly

Sue 8/6

From: MCP-CTRACK
Sent: Wednesday, August 06, 2008 3:40 PM
To: Kreger, Glenn
Cc: Adams, Holly; Stanley, Rollin; McGrew, Christine; MCP-CTRACK
Subject: CTRACK #2008-0912 -Baczynski/Germantown MARC Station
Attachments: 2008-0912-Incoming.pdf

Germantown Master Plan
Item # 54

CTRACK ROUTING SLIP
MONTGOMERY COUNTY PLANNING BOARD
CHAIRMAN'S OFFICE

File Number:	2008-0912	**Date Received:**	8/6/2008
Correspondence Type:	Email	**Date Of Letter:**	8/5/2008
Agenda Date:	7/28/2008		
To:	Royce Hanson		
From:	Kristin Baczynski		
Description: Correspondence regarding Germantown Master Plan (MARC Station)			
Transmitted To:	**Director and Chairman**		
Action For:	Kreger, G		
Copies To:	Adams, H		
Date Due:	N/A		
Remarks From Chairman's Office:			
Received after Planning Board hearing; include in file			

MCP-Chairman

From: Kristin Baczynski [baczynski6@yahoo.com]
Sent: Tuesday, August 05, 2008 9:38 PM
To: MCP-Chairman
Cc: Edwards, Sue; MCP-Chairman
Subject: Public comment on draft Germantown Master Plan
Attachments: Planning Board Letter.pdf

Mr. Hanson,

Please find attached a letter, in PDF format, expressing my concern about the Commission's proposal to rezone the area surrounding the Germantown MARC station. I request that you include this letter in the record and consider it during your upcoming work sessions.

I apologize for sending my letter to multiple e-mail addresses. The website was unclear as to the correct e-mail address to use to submit comments and so I chose to send my letter to the three relevant e- mail addresses I found (two from the website and one from The Gazette) to ensure that the Commission received my comments.

Thank you,
Kristin Baczynski

KRISTIN BACZYNSKI 13200 Meander Cove Drive, Germantown, MD 20874
(301) 916-6345
baczynski6@yahoo.com

August 5, 2008

Mr. Royce Hanson
Chairman
The Maryland-National Capital Park and Planning Commission
8787 Georgia Ave., Suite 211
Silver Spring, MD 20910

Dear Mr. Hanson:

As a five-year resident of Germantown and a daily MARC commuter, I have been keenly interested in the Commission's revision of the Germantown Master Plan. When I reviewed the public hearing draft plan, I had some concern over the treatment of the area surrounding the MARC station. Thus, I attended the July 28, 2008 public hearing to get a sense of what others in the community felt about this aspect of the plan. Unfortunately, no one at the public hearing chose to address this issue. It is for this reason that I am writing you this letter.

One of the main reasons I moved to Germantown in 2003 was the existence of the MARC station. I work in downtown Washington, DC, and I had no desire to drive to work on the already-congested roads. Nor is Metrorail, for a variety of reasons, a palatable option: (1) driving to Shady Grove can take up to thirty minutes, depending on traffic, even before 7:00 a.m.; (2) taking the Ride-On bus to Shady Grove requires two buses, with a connection at the Germantown Transit Center; and (3) the ride on Metrorail is much less pleasant than the ride on a MARC train (i.e., it is bumpier and louder). Taking the MARC train allows me to avoid traffic congestion, while at the same time providing a calm and relaxed riding experience.

As I look at the draft plan, I see that the Commission proposes to change the zoning of the two large surface parking lots adjacent to the MARC station (on the north side of the railroad tracks) to TOMX-1, transit-oriented mixed-use. I further see that the Commission proposes to redevelop the surface parking lot closest to MD-118 "with up to 130,000 square feet of employment uses and street level retail," accompanied by underground parking, while providing parking for MARC passengers "in a structured [] four-story garage in the southeastern part of the site, next to the stormwater management pond." Finally, in the appendices to the draft plan, the Commission notes that "[b]y 2015, MARC plans to add 3,800 new seats to the Brunswick Line and build a parking garage near the MARC station to accommodate these commuters."

Given these statements from the draft plan, I am concerned that the proposed availability of parking at the MARC station will not be sufficient for the current number of MARC passengers, much less for the expected number of future riders. Currently, especially when school is in session, the demand for parking exceeds the number of available parking spaces. It is not uncommon to see vehicles illegally parked in the parking lots on the busiest days. In its

September 2007 MARC Growth and Investment Plan, the Maryland Transportation Authority explicitly noted that parking at the Germantown MARC station was "at or near capacity." I cannot imagine that, with more people using public transportation to help defray commuting costs, the demand for parking will decline in the future. Indeed, MARC's plan to increase capacity on the Brunswick Line is a clear indication that the State of Maryland expects more MARC passengers, and thus, a greater demand for parking.

The draft plan proposes to eliminate one surface parking lot altogether, and to apparently replace the other parking lot with a four-level parking structure. Yet nowhere does the plan indicate the net gain or loss of parking spaces. According to the Maryland Transportation Administration's website, the Germantown MARC station currently has 657 parking spaces. How many spaces will be lost with the elimination of the surface lot and how many will be gained with the addition of a parking structure? Because the Commission has not provided this data, I cannot help but assume that adequate provisions have not been made for MARC parking and that the MARC station faces a net loss in available parking spaces—a result detrimental to MARC passengers, the Germantown community, and the region in general.

Currently, the vast majority of MARC passengers travel to the MARC station by car, as only two Ride-On buses directly serve the station, and the MARC station is not within reasonable walking distance of most of our homes. For example, I live about 1.5 miles from the MARC station. It would take me more than 1/2 hour to walk to the station, and such a walk would be unpleasant in the hot, humid days of summer and in the dead of winter. Taking the Ride-On bus would take me nearly as long, as riding on two buses, with a connection at the Germantown Transit Center, would be necessary. Accordingly, I drive and park at the MARC station. Compared with many MARC commuters, I live close to the station. Many Germantown residents have much farther to travel, as do residents of nearby communities, such as Damascus and Clarksburg. Walking or taking a Ride-On bus would be highly impractical, if not impossible, for these commuters. Reducing the available parking at the Germantown MARC station would likely force these commuters onto I-270, taking them out of Germantown and away from our stores and restaurants, and, at the same time, increasing the traffic on our already congested roads. Nobody wins in this scenario.

Thus, I encourage the Commission to reexamine its proposal to rezone the existing surface parking lots at the Germantown MARC station and make the changes necessary to ensure that any rezoning allows for adequate parking for current and future MARC passengers. At a minimum, I urge the Commission to provide more detail concerning the proposed rezoning's effect on the number of available parking spaces. Commuters, the Germantown community, and the region cannot afford to lose what precious little parking is presently available at the Germantown MARC station. Thank you for your attention on this matter.

Sincerely,

Kristin Baczynski

Kristin Baczynski

Coleman, Joyce

From: Rosenbusch, Lynne F (OIG/OAS) [Lynne.Rosenbusch@oig.hhs.gov]
Sent: Monday, July 28, 2008 12:15 PM
To: MCP-Chairman
Subject: Germantown Master Plan

Germantown Master Plan
Item # 55

In reviewing the Germantown master plan or what appears to be the master plan, since there are several documents citing to be part of master plan , it is apparent that development is already under way. The plan is an attempt to mask what the planning board has already approved such as the Costco store. I also take exception to the fact that the CCT transitway has not been funded and is not started constructed even at Shady Grove. I feel that the planning board is just paying lip service to this transit idea so that they can allow developers to build massive development in Germantown without consideration of the current residents. What do people do when more houses and shopping center are built and there is more resulting car traffic and no CCT. Many of us take the bus but the parking is limited and will be gone when the new developments are built such as the residences at milestone and the town center. Would you at least consider parking garages for bus patrons at milestone and the transit center? If you look at the ridership for Rideon bus 70 from Germantown to Bethesda and Bus 100 from transit center to Shady Grove, it is substantial and growing every year. Not everyone lives within walking distance of these stops.

You might want to consider parking at Montgomery College. A lot of people get on and off the bus there to attend classes and who live in that area.

Additionally, the bike facility section does not give details on each planned bike route. Also it does not provide adequate connections to all sections of Germantown including Black Hill park (unpaved trail is less than adequate), the soccer plex, and surrounding communities such as Damascus and Clarksburg. The bike lanes on Rt. 27 seem to be eliminated by widening of the road . The bike path on the 355 side of milestone is dangerous because of turning traffic at Henderson Corner, Shakespeare and the Mobile gas station.

I also take note of no bike lanes or shoulders in the plan which makes experienced cyclists want to avoid the area altogether. By using bike paths and sidewalks, bicyclists are at risk of having accidents with turning traffic and other users of these facilities such as pedestrians. It would be better to provide space on the road for cyclists. The roads are being widened . There is space available. You are doing bicyclists a disservice.

Lynne Rosenbusch
26517 Aiken Drive
Clarksburg, Md. 20871-9636

lynnerosenbusch@yahoo.com

Lynne Rosenbusch

Auditor
OIG/OAS/AMP
Office: 202 619-3068
Fax: 202 619-0101
LYNNE.ROSENBUSCH@OIG.HHS.GOV

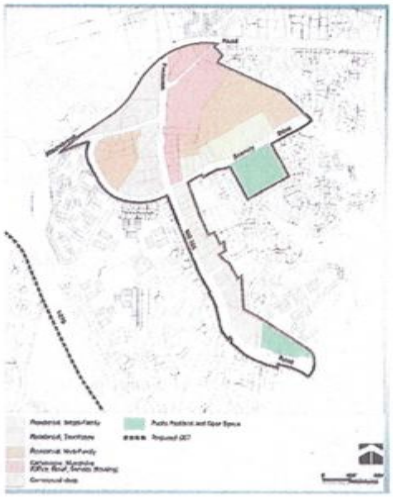
As proposed Kinster would become a 4 lane road contrasted with one lane in either direction as it is used today. If Kinster is open one must consider not only the resulting traffic congestion but the character of that congestion and its danger to residents, children and pedestrians resulting from patrons and employees of the North End business and retail establishments using Kinster as a short cut home or to Rt 118.

We do not want Kinster opened to Century Boulevard. It serves no benefit to our community by filtering commuters through our neighborhood to save 4 or 5 minutes. Century Boulevard will easily handle the expected traffic congestion that the North End complex creates. The recommended action is, keep Kinster closed or at the very least provide comprehensive impact studies that reflect Kinster's residential needs and solutions to the dangers the current proposal would create.

Respectfully,

Michael E. Ferry ipo/Char Glendening
13006 Shamrock Glen Drive
Germantown, Md 20874

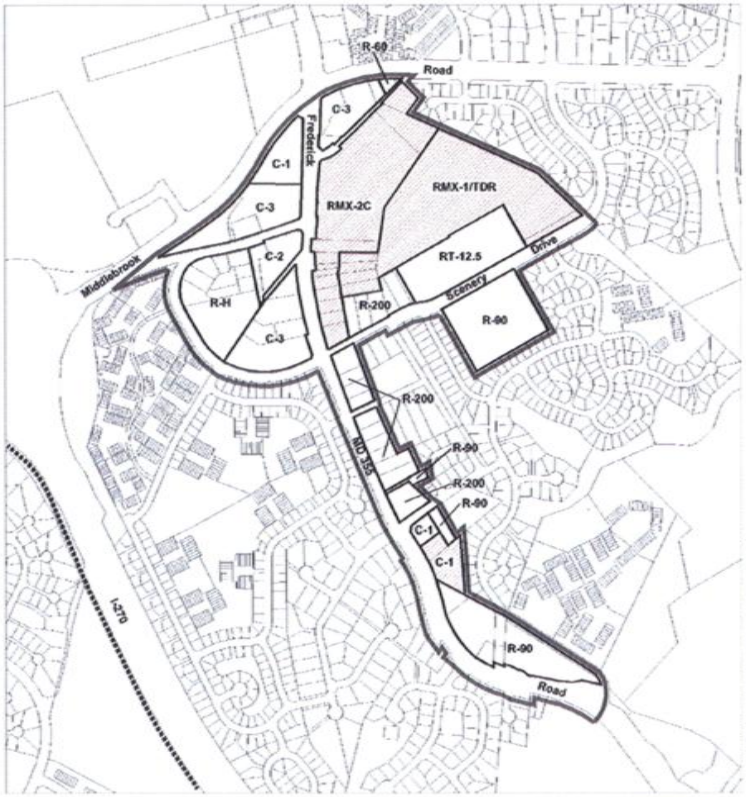
Fox Chapel District Land Use



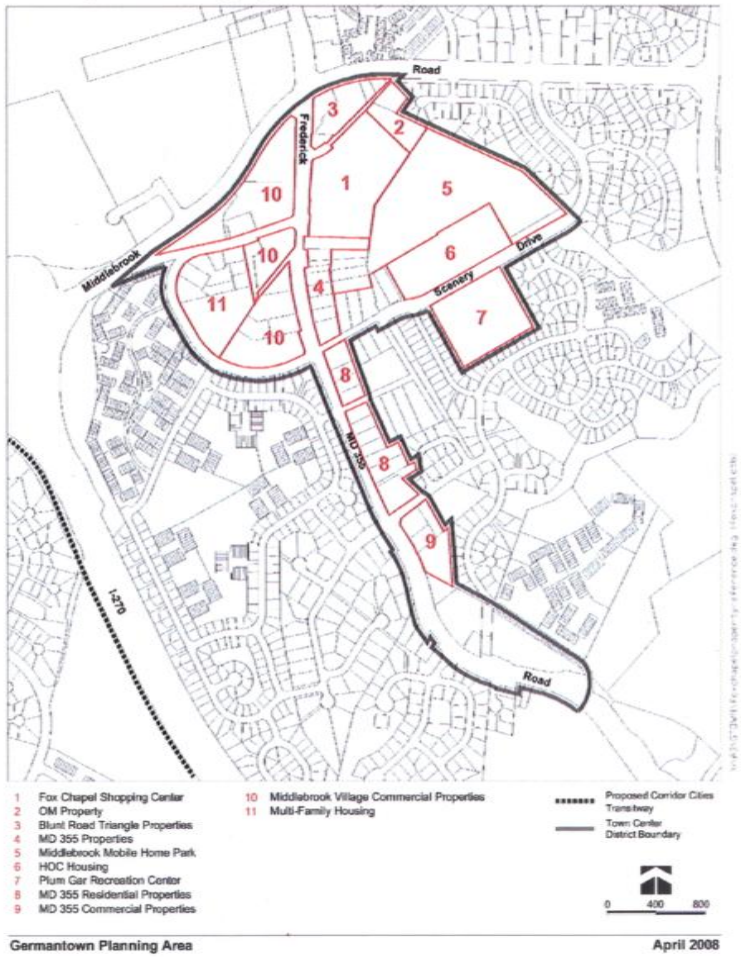
The Public Hearing Draft of the **Germantown Master Plan Monday, July 28, 2008**

Fox Chapel Property Reference and Proposed Zoning

Fox Chapel District Proposed Zoning



Fox Chapel District Property Reference Map



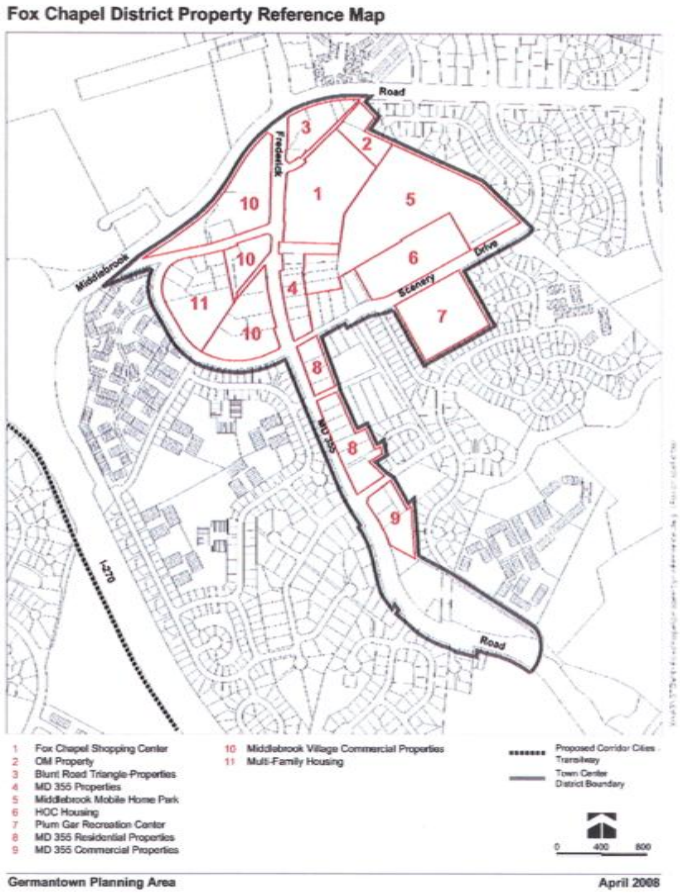
As shown in the Proposed Germantown Master Plan

Requested Zoning Change

- On March 6, 2008, the subject homeowners submitted an official letter and related documents to the Maryland-National Park and Planning Commission requesting zoning change from Residential to O-M.
- At the same time, along the same Route 355, Montgomery Teachers Bank requested zoning change from Residential to Commercial.

Requested Zoning Change

- As shown in the Proposed Zoning Map, Montgomery County Teachers property has been designated as Commercial.
- Unfortunately, the 10 homeowners along Route 355 never received a reply.
- Why?
- Why Teachers Bank and not the other houses in the same row?



Detailed Map of the Subject Houses

Present Land Use

DATA FROM THE MD PUBLIC RECORD

Plus Additional data

ADDRESS	TAX ACCT #	OWNNAME1	LEGAL1	PAR #	ZONE	USE	use 1	use 2	AC	BUILT	SOLD
19201	0900771604	URBANY, MARSHA S	IMPSMIDDLEBROOK 7727/829	P451	R200	Comm	resteraunt		1.026	1940	2004
19215	0900778877	MONTGOMERY CO TEACHERS FEDERAL CREDIT UNION	IMPSMIDDLEBROOK	P397	R90	Res		To Be Bank	1.36	1945	2002
	0902890641	MIDDLEBROOK INC	PLAT 17958 OUTLOT A	N342	C1	Comm	Gas Station		1.137		1990
19235	0902890630	MIDDLEBROOK INC	IMPSPLAT 17958 PAR EYE S	N308	C1	Comm		expansion	0.791	1990	1990
19301	0901741181	ST OF MD DEPT OF TRANSP STATE HWY ADMIN	PT PAR A PLUMGAR	0	R200	Exempt	Storm Water		1.34		1995
19315	0901728311	ALRABAN, MUNTHER & SAWSAN	IMPSPT PARCEL A PLUMGAR	0	R200	Res	Tenant	Office	0.76	1946	2002
	0901728300	ALRABAN, MUNTHER & SAWSAN	PT PAR A PLUMGAR	0	R200	Res		expansion	0.671		2002
19321	0900772701	LAYMAN, NELSON E SR ET AL TR	IMPSPLUMGAR	0	R200	Res			0.442	1953	1998
19325	0900768116	ALRABAN, MUNTHER & SAWSAN	IMPSPLUMGAR	0	R200	Res	Tenant		0.436	1956	2004
19329	0900778491	DAVILA, HONORIO	IMPSPLUMGAR	0	R200	Res		to sell: Bus	0.432	1959	1999
19333	0900767054	KO, WEN C & S S-T C	IMPSPLUMGAR	0	R200	Res	Tenant		0.461	1955	1989
19401	0900768300	BURDETTE, PAUL D & A J	IMPSPLUMGAR	0	R200	Res			0.482	1959	
19405	0900777292	HEMMATI, FARHAD & M	IMPSPLUMGAR	0	R200	Res			0.459	1962	1986
19409	0900776548	SMITH, KAREN SPRINGFIELD	IMPSPLUMGAR	0	R90	Res	Office		0.459	1980	2004
19413	0900768264	MCMICHAEL, RONALD L	IMPSPLUMGAR	0	R200	Res	Office		0.708	1953	1994

All Above are Frederick Road, Germantown MD 20876

use 1 *A use observed on the property*
use 2 *A use observed on the property*

Historical Use

19201 Was a resteraunt long before the zoning went into effect. It is currently anR200 Zone, with a nonconforming use grandfathered in.
19409 Residence with a licensied business in place
19413 Residence with a special exception in place for a business