

**MEMORANDUM**

February 21, 2020

TO: Planning, Housing, and Economic Development (PHED) Committee  
FROM: *N* Pamela Dunn, Senior Legislative Analyst  
SUBJECT: Germantown Plan for the Town Sector Zone  
PURPOSE: Worksession to development recommendations for Council consideration

**Participants:**

Casey Anderson, Chair, Montgomery County Planning Board  
Gwen Wright, Director, Montgomery Planning Department  
Richard Weaver, Chief, Area 3, Planning Department  
Phillip Estes, Planner Coordinator, Planning Department  
Jamie Pratt, Senior Planner, Planning Department

This is the Planning, Housing, and Economic Development (PHED) Committee's worksession on the Germantown Plan for the Town Sector Zone. The purpose of this master plan is to replace the existing Town Sector zoning with current classifications for the Churchill Village community of Germantown. This report covers the zoning and implementation recommendations in the Plan.

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

**BACKGROUND**

Churchill Village developed as a planned community and the regulatory controls used to oversee its development were unique. The most significant of those controls was the Village's zoning. The Town Sector (T-S) zone was established 50 years ago in Germantown, the second of two places to apply this zone—the other being Montgomery Village, which replaced its Town Sector zone in 2016. As stated above, the purpose of this master plan is to replace the T-S zone with current zoning classifications for the Churchill Village community of Germantown. The Plan recommends new zones based on three community goals: one, maintain the residential core; two, protect open space and recreation areas; and three, support neighborhood-serving commercial uses.

The residential core of Churchill Village consists of a mix of detached houses, townhomes, and multifamily units at varying densities. All residential property owners in the Plan area (except for the commercial property in the southeast portion of the Plan area) belong to one of several homeowners associations (HOA). Each HOA maintains its own common open space, swimming pool, community center, recreational facility and other amenities. Churches and schools are also interspersed throughout the residential core.

Abundant parks and recreation and open space areas contribute considerably to the community's identity. Waters Landing Local Park, a portion of Black Hill Regional Park, and a large portion of Little Seneca Lake lie within the Plan area. In addition, numerous shared-use paths and trails connect multiple Churchill neighborhoods with schools, lakes, parks and other places of interest.

The community-serving commercial corridor, located at Father Hurley Boulevard and Wisteria Drive, is a predominantly auto-oriented retail area. Churchill Executive Plaza, a condominium business park consisting of eight two-story buildings with surface parking, is located nearby. A private pre-k school, a veterinary clinic, and a church are also part of the commercial community.

## **PLAN GOALS AND RECOMMENDATIONS**

### **A. Land Use Recommendations**

The Plan makes the following recommendations regarding land use:

- Preserve and support the community's residential housing and neighborhoods by zoning these areas appropriately to maintain current housing types and densities.
- Address variations in development standards that result from rezoning.
- Protect open space, recreation areas, and conservation areas by applying a restrictive Overlay zone that would prevent inconsistent development and uses.
- Promote appropriate infill development that complements surrounding uses.
- Encourage mixed-use development where appropriate.
- Support neighborhood-serving commercial uses and community institutional uses.

### **B. Zoning Recommendations**

#### **1. General Translation Methodology: Residential Zones**

##### **Residential Uses**

With respect to zoning, the Plan recommends translating the residential neighborhoods based on existing residential land uses and densities. Existing neighborhoods of detached houses are recommended for the Residential-60 (R-60) or Residential-90 (R-90) zone. Existing townhouse communities are recommended for one of three townhouse zones, depending on the density of the existing development: low, medium, or high-density developments translate into Townhouse Low Density (TLD), Townhouse Medium Density (TMD), or Townhouse High Density (THD) zones respectively. Multi-unit residential developments are recommended for either the Commercial Residential Neighborhood (CRN) zone, Residential-20 (R-20), or Residential-30 (R-30) zones.

The table below (on page 23 of the Plan) shows the maximum densities allowed in the residential zones and is used as a reference for the zoning translations.

Residential Zones				
Unit Type	Max. Density per Acre		Min. Lot Size	Zone
	Standard Method	Optional Method <sup>1</sup>		
Single Family Detached / Duplex	2.18	2.44	20,000 SF	R-200
	4.84	4.39	9,000 SF	R-90
	7.26	6.10	6,000 SF	R-60
	10.89	10.12	4,000 SF	R-40
Townhouse	9.07	9.76	1,250 SF	TLD
	12.10	15.25	1,100 SF	TMD
	15.02	18.30	1,000 SF	THD
Multi-Family	14.50	17.69	1,000 SF	R-30
	21.70	26.47	1,000 SF	R-20
	mapped FAR <sup>2</sup>	n/a	n/a	CRN

<sup>1</sup>The optional method density values are the maximum residential densities allowed prior to ZTA 18-06, effective October 29, 2018. Under the bonus density provisions of ZTA 18-06, additional density can be achieved by providing greater than 15% MPDUs.

<sup>2</sup>Floor Area Ratio

The Plan recommends translating the zoning of residential neighborhoods based on existing residential land uses and densities. For most properties, the density of existing development has been translated based on the maximum density allowed under the standard method of development. However, for about a quarter of the properties, the Plan recommends a new zone whose maximum density is *less than* the existing development.<sup>1</sup> All of these cases are either townhouse or multi-unit developments where the existing development site is less than the minimum site required under the proposed zone.

For the multi-unit and condominium developments, where density based on the site size and number of units are determinant factors in whether the property conforms to the proposed zone, the proposed zoning translation is a down-zoning, making these properties legal but non-conforming. For the townhouse developments, the development as a whole does not meet the minimum site size or density under the proposed zone; however, in all but one case, the individual lot sizes are conforming. Table I below shows the applicable development standards for the properties in question.

<sup>1</sup> Perhaps under the rationale that the proposed zone would provide sufficient density under the optional method of development. However, the optional method allows for approval of additional density in exchange for an increased number of Moderately Priced Dwelling Units (MPDU), which would base translation on the process of development instead of the characteristic of the built environment. In addition, ZTA 18-06 removes the cap on additional density under the MPDU Optional Method, thus making a basis for translation even more questionable.

Table I	# of Units	Site Size (acres)	Density (units/acre)	Ave Lot Size	Plan Proposed Zone	Min Site Proposed Zone	Max Density Proposed Zone	Min Lot Size Proposed Zone	Conforming Zone	Max Density Conforming zone	Min Site Conforming Zone
<b>Townhouses</b>											
Churchill Village East	534	55.56	9.61	1,500	TLD	58.8	9.07	1,250	TMD	12.1	44.1
Churchill Village South D	16	1.66	9.64	1,440	TLD	1.8	9.07	1,250	TMD	12.1	1.3
Waterbury Downs South <sup>1</sup>	156	9.46	16.49	<1,000	THD	10.4	15.02	1,000	R-20	21.7	7.2
Churchill Village South L	76	8.07	9.42	1,600	TLD	8.4	9.07	1,250	TMD	12.1	6.3
Churchill Village South N	80	8.39	9.54	1,500	TLD	8.8	9.07	1,250	TMD	12.1	6.6
<b>Condominium Townhouses</b>											
Waverly Condominiums	78	6.13	12.72	n/a	TMD	6.4	12.1	n/a	THD	15.02	5.2
Landing Glen	114	8.98	12.69	n/a	TMD	9.4	12.1	n/a	THD	15.02	7.6
<b>Multi-Unit Developments</b>											
Esprit Condominiums	216	13.9	15.54	n/a	R-30	14.9	14.5	n/a	R-20	21.7	9.9
Acclaim/Churchill View	283	17.41	16.26	n/a	R-30	19.5	14.5	n/a	R-20	21.7	13.0
Stonecreek Club Apartments	240	13.69	17.53	n/a	R-30	16.5	14.5	n/a	R-20	21.7	11.0
Fairfield Gables	300	19.16	15.66	n/a	R-30	20.7	14.5	n/a	R-20	21.7	13.8
Waters House	248	15.41	16.09	n/a	R-30	17.1	14.5	n/a	R-20	21.7	11.4
Lakeview	150	9.24	16.23	n/a	R-30	10.3	14.5	n/a	R-20	21.7	6.9
Canterbury Apartments	544	23.07	23.58	n/a	R-20	25.0	21.7	n/a	R-10	43.5	12.5

<sup>1</sup>This development has min lot sizes below the min allowed for townhouse units in any zone, overlay zone will address non-conformity.

A legal, non-conforming property is one that was legally established according to the applicable zoning and building laws of the time (in this case, under the T-S zone) but does not meet current zoning (in this case, minimum site and density requirements of the proposed zone). Making a property non-conforming through down-zoning is not often recommended.<sup>2</sup> While this Plan does recommend an Overlay zone to address non-conformities associated with lot size, lot width, setbacks and uses, it does not address a decrease in density.

There are three options. The Committee can recommend that each residential property be translated such that the existing density of development is less than or equal to the maximum density allowed under the new zone. In this case, all the properties in Table I would be translated to the conforming zone. This would ensure that each development meets the minimum required site size and density of the new zone.

Another option would be to only apply the above recommendation to the condominium and multi-unit developments, as the individual townhouse properties meet the minimum lot size required under the proposed zone. While the townhouse development as a whole would be deemed legal, non-conforming, each property within the development would conform to the property-specific standards of the new zone.

Under the third option, the Committee can support the Plan-recommended translation.

**Staff prefers the first option but would support the second option as well.**

### **Non-Residential Uses**

Low-density residential zones are recommended for institutional uses and public facilities. This type of zoning is typical for these uses throughout the County. The Residential-200 (R-200) zone is recommended for all public schools in the Plan area as well as for Mother Seton Parish, the only religious institution within the Plan area.

The portions of Black Hill Regional Park and Little Seneca Lake that are located outside the Plan boundary are zoned Residential Estate-2 (RE-2). The Plan recommends the same zone for those portions of the park and lake that are inside the Plan area boundary. For local parks and HOA open spaces, the Plan recommends the Residential Estate-1 (RE-1) zone.

As mentioned above, the Plan also recommends adoption of an Overlay zone that covers the Plan area to preserve open spaces, recreational facilities, and conservation areas, and to address potential non-conformities in development standards such as lot width, setbacks, and uses. A similar Overlay zone accompanied the Montgomery Village Plan for the same purposes.

## **2. Zoning Translation Methodology: Non-Residential Zones**

For commercial properties, the Plan strives to reflect the built environment with respect to height, density, and land use. The Employment Office (EOF) zone and General Retail (GR) zones are recommended for the office park and retail properties in the Plan area.

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<sup>2</sup> Concerns with creating legal, non-conforming properties include impact of property value, financing and insurability.

For properties where further development is anticipated (two vacant properties and the Churchill Senior Living property), the Plan recommends the Commercial Residential Neighborhood (CRN) zone.

**Staff supports the methodology for translation of the non-residential properties; property-specific comments are covered in the following section.**

### 3. Property-Specific Zoning

The Plan separates the Plan area into four districts or quadrants: Northeast, Southeast, Northwest, and Southwest. A map of the districts can be found on page 27 in the Plan. Property-by-property zoning recommendations are organized by district.

#### Northeast District

The Northeast District is located east of Father Hurley Boulevard, west of Crystal Rock Drive and north of Middlebrook Road. The District is primarily residential in nature, with Waters Landing Elementary School at its core. Below is a chart of the zoning recommendations for properties in this district. A map of the district is located on page 28 in the Plan.

Northeast District Zoning Recommendations									
Map Key	Name of Development	Acres	Units	Unit Type	Density	Plan Rec. Zone	Density of Rec. Zone	Conform Zone	Density of Conf. Zone
1	Alderleaf (North)	11.22	80	Detached and Duplex	7.13	R-40	10.89		
2	Alderleaf (South)	6.68	52	Detached and Duplex	7.79	R-40	10.89		
3	Esprit	13.90	216	Multi-Unit	15.54	R-30	14.50	R-20	21.70
4	Waters Landing Elem. School	9.93	1	General Building	0.10	R-200	2.18		
5	Waterford Place	6.51	70	Townhouse	10.76	TMD	12.10		
6	Churchill Village East	55.56	534	Townhouse	9.61	TLD	9.07	TMD	12.10
7	Acclaim/Churchill View	17.41	283	Multi-Unit	16.25	R-30	14.50	R-20	21.70
8	Stonecreek Club Apts	13.69	240	Multi-Unit	17.53	R-30	14.50	R-20	21.70

**Staff supports the zoning recommendations for the Northeast District, with the exception of Esprit. Esprit should be translated to the R-20 zone in order to remain conforming.**

**Southeast District**

The Southeast District is located southeast of Father Hurley Boulevard and south of Middlebrook Road. It contains the only commercial area in the master plan and is the only district that does not include a homeowners association. Below is a chart of the zoning recommendations for properties in this district. A map of the district is located on page 30 in the Plan.

Southeast District Zoning Recommendations							
Map Key	Name of Development	Acres	Units	Unit Type	Density	Plan Rec. Zone	Density of Rec. Zone
1	Father Hurley Boulevard Right-of-Way Strip	0.30	0	Vacant	0.00	CR-2.0 C-0.5 R-1.5 H-65	2.0
2	Churchill Business Center / Extra Space Storage	8.86	0	General Building	0.33	GR-0.5 H-45	0.5
3	Vet Clinic and Daycare	2.47	1	General Building	0.15	GR-0.5 H-35	0.50
4	Churchill Executive Park	6.50	0	General Building	0.29	EOF-0.5 H-45	0.50
5	Seneca Knolls Condominium	6.46	138	Multi-Unit	21.35	R-20	21.70
6	Mother Seton Parish	6.68	1	General Building	0.15	R-200	2.18

**Staff supports the zoning recommendations for the Southeast District.**

**Northwest District**

The Northwest District is bounded on the north by Crystal Rock Drive and Little Seneca Creek, with Little Seneca Lake towards the west and Lake Churchill to the south. The district contains detached homes, townhouses, and multi-unit developments as well as parkland, vacant land, and the Churchill Senior Living Facility. Below is a chart of the zoning recommendations for properties in this district. A map of the district is located on page 32 in the Plan.

Northwest District Zoning Recommendations									
Map Key	Name of Development	Acres	Units	Unit Type	Density	Plan Rec. Zone	Density of Rec. Zone	Conform Zone	Density of Conf. Zone
1	Little Seneca Lake/ Parkland	543.99	0	n/a	0	RE-2	0.50		
2	Waters Landing Assn A	32.29	137	Detached	4.24	R-90	4.84		
3	Fairfield Gables	19.16	300	Multi-Unit	15.66	R-30	14.50	R-20	21.70
4	Waters Landing Assoc B	24.62	85	Detached	3.45	R-90	4.84		
5	Waters Landing Assoc C	28.57	105	Detached	3.68	R-90	4.84		
6	Waters Landing Assoc D	1.51	10	Detached	6.63	R-60	7.26		
7	Waters Landing Assoc E	10.08	64	Detached	6.35	R-60	7.26		
8	Waters Landing Assoc F	13.58	71	Detached	5.23	R-60	7.26		
9	Waters Landing Local Park	11.72	0	n/a	0	RE-1	1.00		
10	Diamond Hill Townhouses/ Montessori	4.72	46 units 8,174 sf	Townhouses General Building	9.97	TMD	12.10		
11	Waverly Condominiums	6.13	78	Townhouses	12.72	TMD	12.10	THD	15.02
12	Waterbury Down North	22.46	261	Townhouses	11.62	TMD	12.10		
13	Waters House	15.41	248	Multi-Unit	16.09	R-30	14.50	R-20	21.70
14	Landing Glen	8.98	114	Townhouses	12.69	TMD	12.10	THD	15.02
15	South Shore Harbor	4.53	98	Multi-Unit	21.62	R-20	21.70		
16	Waters Landing Townhouses	49.80	362	Townhouses	7.27	TLD	9.07		
17	Vacant	4.84	0	Multi-Unit	0	CRN-1.25 C-0.25 R-1.25 H-45	1.25		
18	Churchill Senior Living	5.49	300	Multi-Unit	54.62 units/acre	CRN-1.25 C-0.25 R-1.25 H-45	1.25		
19	Lake Churchill/Rec and Open Space	34.78	1	General Building	0.03	RE-1	1.00		

The Council received testimony on two properties in this district, the vacant property at the corner of Waters Landing Drive and Father Hurley Boulevard (#17), and the Churchill Senior Living Community (#18). The Episcopal Diocese of Washington owns property #17; their representative spoke at the public hearing in favor of the Plan-recommended zoning for this site. The Diocese



indicated they no longer need the property for religious purposes and are instead interested in improving the site with residential development. The Council also received testimony from an individual homeowner advocating for retaining the forested area that covers the property today.

The Churchill Senior Living property was also the subject of testimony. The property owner testified in opposition to the recommended zoning proposed in the Plan. Currently, the property is developed with 255 senior living units, 242 of which are affordable to seniors earning below the MPDU level of income. The owner would like to expand the facility, creating more units and an urgent care center onsite. The Plan recommends CRN-1.25 C-0.25 R-1.25 H-45. The owner believes the proposed zoning “would not allow any significant number of living units to be constructed in an economically viable manner”. The owner has requested CRN-2.5 C-0.25 R-2.5 H-90.

The property owner and Planning staff are scheduled to meet after the posting of this report to discuss options for an increase in density and height for this site. Planning staff will brief the Committee on the outcome of this discussion.

**Staff supports the zoning recommendations for the Northwest District, with the exception of the properties where the proposed zoning is non-conforming; Staff believes these properties should be translated to a conforming zone. Staff also recommends deferring a recommendation on Churchill Senior Living until more information is known.**

#### **Southwest District**

The Southwest District is north of the railroad and south of Lake Churchill and Little Seneca Lake, with a small part west of Clarksburg Road. The district contains a variety of housing types along with Lake Seneca Elementary School and Dr. Martin Luther King, Jr. Middle School. Below is a chart of the zoning recommendations for properties in this district. A map of the district is located on page 34 in the Plan.

Southwest District Zoning Recommendations

Map Key	Name of Development	Acres	Units	Unit Type	Density	Plan Rec. Zone	Density of Rec. Zone	Conform Zone	Density of Conf. Zone
1	Little Seneca Lake/ Parkland	34.57	0	n/a	0.00	RE-2	0.50		
2	Little Seneca Lake/ Parkland	543.99	1	n/a	0.00	RE-2	0.50		
3	Townes at Waters Edge (West)	13.99	88	Townhouses	6.29	TLD	9.07		
4	Townes at Waters Edge (East)	9.42	62	Townhouses	6.58	TLD	9.07		
5	Willow Cove Townhouses (South)	11.20	88	Townhouses	7.85	TLD	9.07		
6	Churchill Village South A	5.34	21	Townhouses	3.93	R-90	4.84		
7	Churchill Village South Rec. WSSC	6.40	1	General Building	0.16	RE-1	1.00		
8	Churchill Village South B	19.69	67	Detached	3.40	R-90	4.84		
9	Churchill Village South C	2.76	11	Detached	3.98	R-90	4.84		
10	Lake Seneca ES MLK Jr MS	27.78	2	General Building	0.07	R-200	2.18		
11	Willow Cove Townhouses	4.18	34	Townhouses	8.14	TLD	9.07		
12	Churchill Village South D	1.66	16	Townhouses	9.64	TLD	9.07	TMD	12.10
13	Churchill Village South E	5.76	13	Detached	2.26	R-90	4.84		
14	Churchill Village South F	4.07	44	Townhouses	10.82	TMD	12.10		
15	Churchill Village South G	24.28	79	Detached	3.25	R-90	4.84		
16	Churchill Village South H	6.56	26	Detached	3.97	R-90	4.84		
17	Churchill Village South I	5.93	18	Detached	3.03	R-90	4.84		
18	Willow Cove Manor	15.49	98	Townhouses	6.33	TLD	9.07		
19	Churchill Village South J	6.99	27	Detached	3.86	R-90	4.84		
20	Waterbury Downs South	9.46	156	Townhouses	16.49	THD	15.02	R-20	21.07
21	Churchill Village South K	0.06	0	Townhouses	0.00	TLD	9.07		
22	Churchill Village South L	8.07	76	Townhouses	9.41	TLD	9.07	TMD	12.10

Southwest District Zoning Recommendations									
23	Churchill Village South M	3.65	28	Townhouses	7.66	TLD	9.07		
24	Lake Churchill/Rec and Open Space	34.78	1	General Building	0.03	RE-1	1.00		
25	Churchill Village South N	8.39	80	Townhouses	9.53	TLD	9.07	TMD	12.10
26	Vilas at Willow Cove	7.79	96	Multi-Unit	12.32	R-30	14.50		
27	Lakeview	9.24	150	Multi-Unit	16.24	R-30	14.50	R-20	21.70
28	Canterbury Apts	23.07	544	Multi-Unit	23.58	R-20	21.70	R-10	43.50

There was no testimony in reference to any of these properties.

**Staff supports the zoning recommendations for the Southwest District, with the exception of the properties where the proposed zoning is non-conforming. Staff believes these properties should be translated to a conforming zone.**

#### **4. Implementation**

As with all master plans, a Sectional Map Amendment to apply the master plan's recommended zoning to the official zoning map will follow adoption of the plan. In addition, an Overlay zone, the Germantown Churchill Village Overlay zone, will be introduced as soon as practicable following adoption of the plan. The purpose of the Overlay zone is to address variations in development standards as a result of the rezoning, to allow existing uses permitted by-right to continue, and to preserve recreational areas and quasi-public spaces owned and maintained by the numerous HOAs in the Plan area.