

## APPENDIX 5: CHURCHILL TOWN SECTOR

About 300 acres of the Germantown Employment Area Sector Plan falls within the 1,554-acre Churchill town sector area (see map, opposite). Because of the comprehensive nature of the town sector (TS) zone, recommendations for TS-zoned properties within the Sector Plan area must include consideration of the entire Churchill town sector community. Additionally, staff has reviewed the 2,435-acre town sector in Montgomery Village for potential impacts, as the Village is the only other place in the County where the town sector zone has been applied.

This section includes an updated accounting of the current land uses and population in the Churchill and Montgomery Village town sector areas, recommendations for the part of the Churchill town sector that falls within the Sector Plan area, and a discussion of potential amendments to the town sector zone that have been considered during the preparation of this Plan.

### The Town Sector Zone

The town sector zone was initially approved on May 18, 1965 (C-1522), to facilitate the creation of the New Towns described in the General Plan. As described in the Zoning Ordinance, “(s)uch

towns shall contain... all the residential, commercial, community and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes, except major employment and central business district shopping” (Sec. 59-C-7.21). The following are considered “mutually interdependent requirements”:

- a. Self-sufficiency (to include all desirable and necessary commercial, employment, cultural and recreational facilities)
- b. Diversity (to provide a variety of residential structure types, layouts, and rental and purchase prices)
- c. Density (to be urban rather than rural in order to facilitate travel and efficient use of public utilities, but with large amounts of open land for recreational and scenic purposes)
- d. Transportation facilities (to be sufficient to serve the anticipated total population)
- e. Public utilities (to have existing or planned sewer and water)

The application of the zone is only appropriate for land in identified corridor cities.

Many provisions of the town sector zone are unique. For example, a minimum of 1,500 acres is required for any application for the zone; all uses are permitted; there are no FAR maximums; and there are no minimum lot sizes, setbacks or height limits.

Constraints include limits on the total area for certain specified uses and on population: commercial uses are permitted to occupy up to ten percent of the area; industrial and major employment facilities are permitted up to six percent; and not less than ten percent open space is required. Population constraints are based on calculations included in the zone, rather than by the resident population. No application for rezoning is to be granted until 50 years after the grant of the town sector zone.

The population calculations and limits are unlike those found in other zones. The overall population is limited to 15 persons per acre based upon the total area of the town sector zone, and is calculated based upon dwelling types; actual (census) population is not considered. The factors used for calculating the population for each dwelling type as described in the zone are:

- count 3.7 persons per one-family detached dwelling;
- count 3.0 persons per townhouse;
- count 3.0 persons per multi-family dwelling that is less than five stories tall; and
- count 2.0 persons per multi-family dwelling that is five or more stories tall.

For example, given a Corridor City of 1,500 acres, the total allowable population is first calculated by multiplying the total acreage (1,500) by the maximum allowed, 15 persons per acre, for a total allowable population of 22,500. This 22,500 could then be arranged in an unlimited number of ways with various mixes of housing types, and the number of possible units can range from 6,081 (if all units were single-family detached dwellings) to 11,250 (if they were all multi-family dwellings, five or more stories tall). The Population Calculation sidebar shows the calculations for one way the allowable population could be arranged.

The town sector zone includes a provision allowing up to 22 percent moderately priced dwelling units (MPDUs) in excess of the 15 persons per acre maximum; as the provision is written, it is calculated differently than the 22 percent bonus density that is offered in other zones:

*The population of the town sector zone must be planned so as not to exceed 15 persons per acre*

*based upon the total area within the town sector zone; except, that such planned population may be increased by an amount equal to the population to be housed in moderately priced dwelling units included in the development plan in accordance with chapter 25A of this Code, as amended, provided that the total increase in population does not exceed 22 percent of the population that would otherwise be permitted (Sec. 59-C-7.25).*

This differs from Chapter 25A (Housing, Moderately Priced) calculations where the minimum required 12.5 percent MPDUs are included in the total (base) density. The sidebar, Calculations of MPDUs, shows the difference in 1,000 base density units and 1,000 market units, each with 12.5 percent MPDUs.

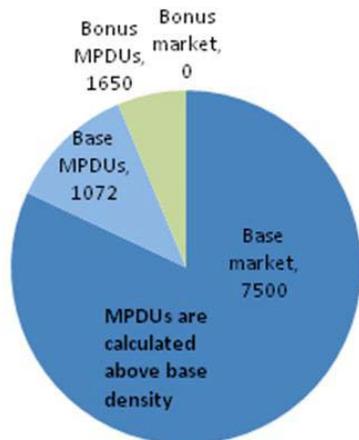
Chapter 25A states that 12.5 percent of the total units must be MPDUs. Therefore, if 1,000 market units are permitted, 143 MPDUs are required, for a total of 1,143 units.

The town sector zone MPDU provision differs in one other way. In most zones, a market rate bonus density is offered when more than the minimum 12.5 percent MPDUs are provided; the town sector zone does not include this provision (see excerpt from Sec. 59-C-7.25, above, and Calculation of

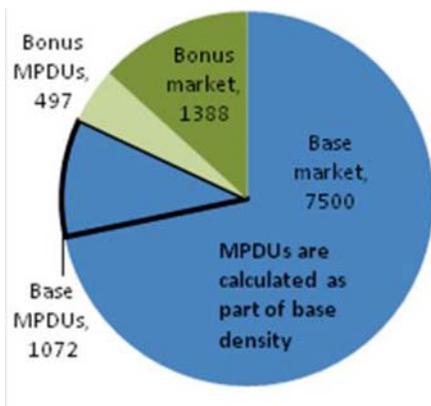
<b>EXAMPLES</b>			
<b>POPULATION CALCULATION</b>			
	<b>DUs</b>	<b>Factor</b>	<b>Pop.</b>
One-family detached	1,000	3.7	3,700
Townhouses	3,000	3.0	9,000
MF less than 5 stories	2,000	3.0	6,000
MF 5 or more stories	1,900	2.0	3,800
<b>Total</b>	<b>7,900</b>	<b>—</b>	<b>22,500</b>
<b>CALCULATION OF MPDUs</b>			
	<b>Market units</b>	<b>MPDUs (12.5%)</b>	<b>Total units</b>
1,000 base density units	875	125	1,000
1,000 market units	1,000	143	1,143
In a 1,500-acre Corridor City, a population of 22,500 (1,500 X 15) is permitted. If all homes are townhouses (3.0 persons per townhouse), 7,500 market units are allowed. With the required 12.5% (1,072) MPDUs, a total of 8,572 units are built.			
<b>CALCULATION OF BONUS MPDUs</b>			
	<b>Market units</b>	<b>MPDUs</b>	<b>Total units</b>
Town sector with 22% MPDUs	7,500	1,650	9,150
Non-town sector with MPDU bonus	8,888	1,569	10,457

Bonus MPDUs, sidebar). The charts below show the difference in this provision with more detail.

In comparing the town sector MPDU provisions to most other zones, the town sector 22 percent bonus results in:



**Chart: Town Sector with 22 Percent MPDUs**



**Chart: Non-Town Sector MPDUs with 22 Percent Bonus**

- a higher number of MPDUs
- a lower number of market and total units
- a lower population per acre, and
- a lower density.

The town sector contains no apparent incentive for providing bonus MPDUs, though projects with bonus MPDUs (in at least one case in excess of 22 percent) have been approved in both Montgomery Village and Churchill.

**Two Town Sector Communities:  
Montgomery Village and Churchill**

The town sector zone applies to almost 4,000 acres within two areas of the County: Montgomery Village and Churchill. The two areas are similar in some respects, but they differ in others.

**Montgomery Village:**

- Initial town sector zoning, E-327, approved August 1965
- 2,435 acres
- A mixed residential character
- Partly within the Gaithersburg corridor city; adjacent to commercial and employment areas near MD 355 and I-270
- Developed by one entity
- Represented by the Montgomery Village Foundation

**Churchill:**

- Initial town sector zoning, F-148, approved October 1968
- 1,554 acres (just slightly above the 1,500-acre minimum required)
- A mixed residential-public-commercial character
- In the Germantown corridor city and part of the I-270 employment corridor
- Developed by numerous entities
- Represented by numerous landowners and home owner associations.

The table below, Comparing Zoning Maximums, shows the greater commercial area in Churchill, and the Research and Development use that is approved on the development plan; this reflects Churchill's proximity to the Employment Corridor and Montgomery Village's slight removal from it. Churchill's larger percentage of open area is largely due to the surface area of Lake Churchill.

The second table below, Comparing Populations, updates and compares the existing and approved housing types and populations of Montgomery Village and Churchill. The existing population density in both Montgomery Village and Churchill has been debated and examined at length. In 2005 and 2006, Montgomery Village residents did an extensive study of their population and provided it to the community, staff and interested

developers. Staff used these corrections in their findings for a proposed mixed-use project (820060400), but the corrections will not appear on a Development Plan until the plan is amended

In Churchill, staff conducted an inventory of all land uses as part of the Germantown Employment Area Sector Plan update, and found errors in the total acreage, land uses and population; this staff inventory is being used in this report, above and below, but as noted previously, they differ from past Development Plans. Staff is including MPDUs as a separate item in this calculation, which was done for the first time by Montgomery Village residents as part of their study, and has not been done for Churchill until now.

Comparing the two communities, staff observes about five percent more single-family detached units and almost 15 percent more townhouses in Montgomery Village than in Churchill, and about 14 percent more low-rise apartments in Churchill. Because none of the recommended high-rise units have been built in Churchill, a comparison is unequal; 4.8 percent exist in Montgomery Village and 10.5 percent have been recommended in Churchill, but none exist today.

<b>Comparing Zoning Maximums, Montgomery Village and Churchill</b>				
	<b>Acres</b>	<b>Commercial (10% max)</b>	<b>Industrial/Major employment (6% max)</b>	<b>Open space (10% min)</b>
<b>Montgomery Village – existing *</b>	2,434.8	43.1	0	696.8
- Approved, unbuilt		0	0	0
- <i>Percent</i>		1.8%	0.0%	28.6%
- Max allowed (min req)		243.5	146.1	(243.5)
- Remaining (above min)		200.4	146.1	(453.3)
<b>Churchill – existing **</b>	1,554.0	75.8	0	745.2
- Approved, unbuilt		0	75	0
- <i>Percent</i>		4.9%	4.8%	48.0%***
- Max allowed (min req)		155.4	93.2	(155.4)
- Remaining (above min)		79.6	18.2	(356.5)
*From Montgomery Village DPA 02-2, corrected April 7, 2006				
** Staff calculations; several errors found in current and past Churchill DPAs				
***Includes Lake Churchill ( 17.3% belongs to WSSC)				

**Comparing Populations:  
Montgomery Village and Churchill**

	Market units	Population	MPDUs	Population	Total units	Total Population
<b>Montgomery Village:</b>						
2,434.8 acres X 15 persons per acre = 36,522 total permitted population*						
36,522 - 36,285 = 237 remaining population						
- One-family detached (X 3.7)	2,102	7,778****	0	0	2,102	7,778
- Townhouses (X 3.0)	5,736	17,208	745	2235	6,481	19,443
- Multiple family < 5 stories (X 3.0)	3,387	10,161	26	78	3,413	10,239
- Multiple family 5 or more stories (X 2.0)	569	1,138	32	64	601	1,202
Montgomery Village (total existing, recommended, approved)	11,794	36,285	803	2,377	12,597	38,662
<b>Churchill:</b>						
1554.0 acres X 15 persons per acre = 23,310 total permitted population**						
23,310 - 19,395 = 3,915 remaining population						
- One-family detached (X 3.7)	827	3,060****	0	0	827	3,060
- Townhouses (X 3.0)	2,314	6,942	299	897	2,613	7,839
- Multiple family < 5 stories (X 3.0)	2,697	8,091	241	723	2,938	8,814
- Multiple family 5 or more stories (X 2.0)***	651	1,302	94	188	745	1,490
Churchill (total existing, recommended***, approved)	6,489	19,395	634*****	1,808	7,123	21,203

\*Source: MVF and residents calculations; confirmation should be made at time of next DPA

\*\* Source: Staff inventory and HOC GIS data files; confirmation should be made at time of next DPA.

\*\*\*1989 Germantown Master Plan and 1992 Town Center Design Study; unbuilt

\*\*\*\*Rounding differences noted from previous calculations

\*\*\*\*\*HOC data indicate that about 308 of these units expired between 1985 and July 2008

## Churchill Town Sector

Part of the Churchill town sector area falls within the current Sector Plan area, and part falls outside of it (see map at the start of this section); the latter area is largely developed with residential uses, and will continue to be guided by the 1989 Germantown Master Plan. Below, a brief history and summary of the entire Churchill area is followed by detailed information about the town sector properties that fall within the current Sector Plan area. Calculations that include the Draft Plan recommendations are shown in the latter section only.

### History and Summary

The 1,554.00413-acre Churchill town sector area has been created through three zoning cases:

F-148
October 1968
1,504.0923 acres
F-923
September 1974
25.17183 acres
G-742
October 1997
24.74 acres

As approved in 1968 (F-148), Churchill would include a broad mix of housing types, schools and recreational areas, plus 109 acres of commercial uses, 75 acres of industrial uses, and a 100-acre University Science Center. Under that original approval, Churchill met the self-sufficiency goal of the zone, but much of that proposal has never been realized—there is no University Science Center, industrial park or dense Central Business District with high-rise housing. (Some of the details of the zoning cases, along with earlier master plan recommendations, from 1966, 1974 and 1989, and development plan approvals will be included in discussions of individual properties, where they are pertinent to current recommendations.)

Today, the Churchill town sector area has a mixed residential, public and commercial character; it includes the Germantown Town Center, with shopping, restaurants and offices, plus BlackRock Center for the Arts, the Germantown Library, the Upcounty Services Center, and the Churchill Village residential area, as designated in the 1989 Germantown Master Plan. About 76 of the 109 acres of original commercial uses have been realized, and a 75-acre industrial area now appears as a Research and Development Campus on Churchill's approved development plan, though it has not been built. The maximum percentage limits for commercial, industrial and major employment uses are not constraining

development, and the minimum requirement for green area has been generously met. The current land use mix is summarized in the table below, Churchill Town Sector Land Use Mix, 2008.

This table includes details of the acreage of each housing type as a percentage of the area, rather than by unit count; this information appears on each development plan. Since its inception, an important goal of the town sector zone has been to provide a mix of dwelling types; Churchill has struggled to attain this mix. The following table, Comparing Germantown Housing, 1968 and 2008, shows the housing types proposed in 1968 and the housing that now exists.

Since 1968, developers have built fewer dwelling units than was approved in the original zoning case, and they have built housing types that have a lower density per acre. As a result, there is little remaining land intended for residential use. In addition, none of the 2,600 proposed high-rise multi-family units have been built. Because the population formula assumes a lower population count for high-rise multi-family dwellings, the remaining population is lower than it would have been under the original mix. These market forces have resulted in a lower-than anticipated number of homes, a more sprawling character and a narrower mix of unit types than envisioned. It is

**Churchill Town Sector Land Use Mix, 2008**

<b>Land Use</b>	<b>Private owners (acres)</b>	<b>Quasi-public, non-profit</b>	<b>Public owners</b>	<b>Acres</b>	<b>Percentage</b>	<b>Max % (min %)</b>
Residential	411.204			411.204	26.5%	
<i>Subtotals: SFD</i>	167.624			167.624	10.8%	
<i>SFA</i>	97.195			97.195	6.3%	
<i>MF – low-rise</i>	146.385			146.385	9.4%	
<i>MF – high-rise</i>					0.0%	
Commercial	75.782			75.782	4.9%	10%
Industrial/Major empl.*	75			75	4.8%	6%
Churches		10.998		10.998	0.7%	
Public Uses		7.729	55.321	63.05	4.1%	
<i>Subtotals: Utilities</i>		7.729		7.729	0.5%	
<i>Schools</i>			40.013	40.013	2.6%	
<i>BlackRock Center for the Arts</i>			1.13	1.13	0.1%	
<i>Upcounty Services Center</i>			5.451	5.451	0.4%	
<i>Library and future park</i>			8.727	8.727	0.6%	
Open Space	233.25	269.409	242.54	745.199	48.0%	(10% min)
<i>Subtotals: Parks</i>			242.54	242.54	15.6%	
<i>Lake Churchill (WSSC)</i>		269.409		269.409	17.3%	
<i>HOA, private rec, open space</i>	233.25			233.25	15.0%	
Major Roads**			172.77113	172.77113	11.1%	
<b>Totals</b>	<b>795.236</b>	<b>288.136</b>	<b>470.63213</b>	<b>1,554.00413</b>	<b>100.0%</b>	

\*Approved, unbuilt

\*\* No SDAT information available. Based on total TS acres minus total SDAT and/or GIS acres.

<b>Comparing Churchill Housing: 1968 and 2008</b>				
	<b>1968 proposal (DUs)</b>	<b>1968 percentage</b>	<b>2008 existing (DUs)</b>	<b>2008 percentage</b>
One-family detached	800	9.8%	827	13.0%
Townhouses	2,500	30.5%	2,613	41.0%
Multiple family < 5 stories	2,300	28.0%	2,938	46.1%
Multiple family 5 or more stories	2,600	31.7%	0	0.0%
<b>Total</b>	<b>8,200</b>	<b>100.0%</b>	<b>6,378</b>	<b>100.1%*</b>
<i>*Rounding results distort total</i>				

<b>Churchill Housing Details: Existing, approved and master planned*</b>						
	<b>Market units</b>	<b>Percentage</b>	<b>MPDUs</b>	<b>Percentage</b>	<b>Total units</b>	<b>Total Percentage</b>
One-family detached	827	11.4%	0	0.0%	827	11.4%
Townhouses	2,314	32.0%	299	4.1%	2,613	36.1%
Multiple family < 5 stories	2,697	37.3%	241	3.3%	2,938	40.6%
Multiple family 5 or more stories**	745	10.3%	107	1.5%	852	11.8%
<b>Total existing, recommended**, approved</b>	<b>6,583</b>	<b>91.1</b>	<b>647***</b>	<b>8.9%</b>	<b>7,230</b>	<b>100.0%</b>
<p>* Source: Staff inventory and HOC GIS data files; confirmation should be made at time of next DPA.  **Recommended (1989 Germantown Master Plan and 1992 Town Center Design Study) but unbuilt  ***HOC data indicate that about 308 of these units expired between 1985 and July 2008</p>						

also creating pressure to allow housing in areas planned for major employment uses.

The second housing table, Churchill Housing Details, provides a breakdown by type of dwelling units and by MPDUs that are approved, built or in the 1989 and 1992 Germantown plans, by percentage of unit type. Almost half of the MPDUs shown are no longer controlled.

#### **Churchill Town Sector Properties within the Germantown Employment Area Sector Plan**

About 300 acres of the Churchill town sector is included in the current Sector Plan. The properties will be described in the order in which they appear in the Draft Plan: the Town Center and West End followed by the North End.

#### **Town Center and West End**

Properties in the Town Center and West End were added to the town sector zone in 1968, 1974, and 1997. In 1968, most of this area was designated as the central business district (CBD) area of the Churchill town sector, encompassing the main commercial uses together with some of the recommended high-rise residential units. The 1974 and 1997 zoning additions have been consistent with this vision, but the construction has been more modest than the vision.

Area 1 (see numbered map, below), is the site of the future Town Center CCT stop. This area, which currently contains a commuter parking lot and several pad sites, is planned for a mix of office, retail and residential uses at 2.0 FAR, with commuter parking moving into a structure on the site. In 1997, at the time of rezoning, a proposal that is similar to the current recommendations was included for review, but not approved. Under the town sector zone limits, this area is expected to remain counted as commercial acreage with 500 units of high-rise market-rate housing, and 12.5 to 22 percent MPDUs.

Area 2, also part of the 1997 zoning application, currently contains a hotel and cinemas with surface parking. Prior to the rezoning, the 1989 Germantown Master Plan recommended this area

for employment. As part of the transit area, these two blocks are now recommended for further development of mixed commercial uses, entertainment and housing up to 2.0 FAR with structured parking. As above, the area will remain as commercial acreage, with 100 units of high-rise market-rate housing plus MPDUs.

Area 3, part of the 1968 and 1974 zoning approvals, contains the Germantown Library, several hundred townhouses and apartments, Safeway, Euromotors and other retail and office uses. In the 1974 Germantown Master Plan, this area was designated as a regional and office commercial area with a library and a common green. A 1997 development plan amendment changed this area to mixed use; current recommendations continue to reflect mixed use.

Fewer jobs and high-rise housing units have been developed in this area than have been planned. When the commercial portion of this area redevelops, higher densities, to 1.0 FAR, are recommended. Under the town sector limits, this area remains counted partially as commercial and partially as residential. From past recommendations, 245 high-

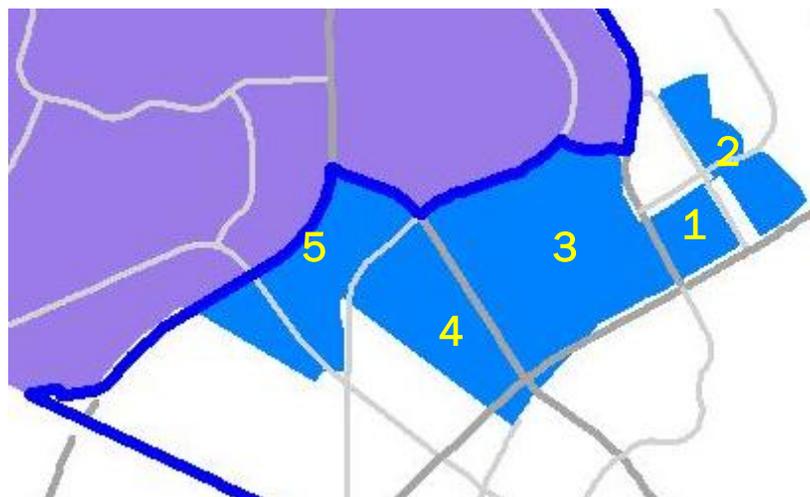
rise market rate housing units remain, with MPDUs added, as above.

Area 4, included in the 1968 zoning approval, contains the Upcounty Services Center, Germantown Commons Shopping Center, several pad sites and across Germantown Road, the Germantown Square Park and part of a car wash. Redevelopment of the shopping center at 0.5 FAR with up to 40 percent housing is recommended. Staff recommends up to 135 low-rise multi-family market-rate units, plus MPDUs, for this area.

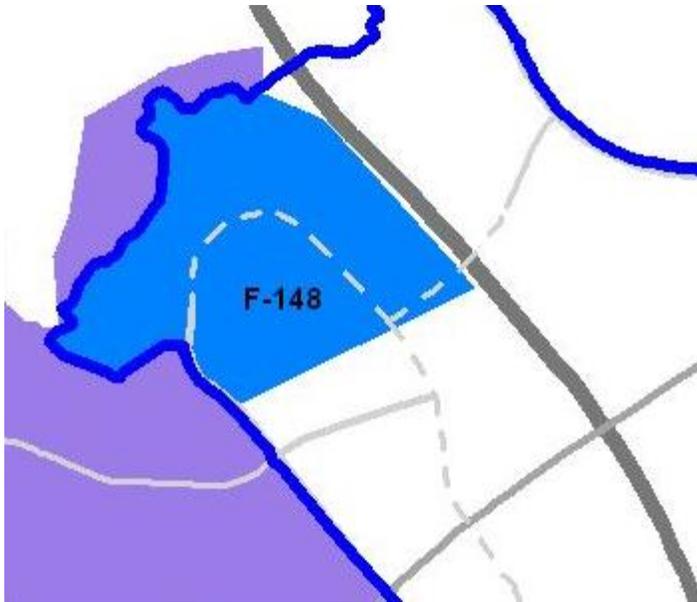
Area 5, also part of the 1968 rezoning, contains a church, housing, offices and warehouse commercial uses. The area contains smaller properties and has a limited amount of vacant land. The 16.5 acres of commercial properties are expected to remain as commercial uses; partial redevelopment up to 0.5 FAR is recommended. The church and housing is expected to remain. A past approval for 124 market-rate housing units plus MPDUs on the church property has been retained.

**North End**

The Far North Village property was included in the town sector application in 1968, with 75 acres recommended for industrial uses. A 1973



**Churchill Town Sector Properties in the Town Center and West End**



North End Properties: Far North Village

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

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

Churchill Housing Details: Adding proposed units to existing units									
	Existing market units	Existing MPDUs	Total existing units	Prop market units	Prop MPDUs (12.5%)*	Total Prop	Ex + prop market units	Ex + prop MPDUs	Ex + prop total
One-family detached	827	0	827				827	0	827
Townhouses	2,314	299	2,613				2,314	299	2,613
Multiple family < 5 stories	2,697	241	2,938	544	78	622	3,241	319	3,560
Multiple family 5 or more stories				1,130	162	1,292	1,130	162	1,292
Total	5,838	540**	6,387	1,674	240	1,914	7,512	780	8,292

Note that the 1989 and 1992 recommended units have been moved into the Proposed columns

\* RTC MPDU calculator used

\*\* HOC data indicate that about 308 of these units expired between 1985 and July 2008

The remaining approximately 35 acres of this property contains forest identified for preservation. As the zone states: “it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees” (Purpose, 59-C-7.21). In the event the retention of this forest is in conflict with the additional housing recommendation, high-rise units may be substituted for the recommended low-rise units and the population allowance of 1,425 converted to reflect the high-rise units.

At the time that a Development Plan Amendment is submitted for these or any other Churchill town sector properties, detailed tables showing the land use mix, housing and population should be provided.

These recommendations will not change the land use mix shown in the previous table, Churchill

Town Sector Land Use Mix, 2008, but they will change the housing and population calculations. The table, Churchill Housing Details, shows the addition of the proposed housing. The table, Proposed Churchill Population, shows the population details by housing type, and its impact on the overall population.

It is not recommended that the full 15 person per acre density be allotted to this area; a permitted population of 1,325 is projected to remain. This recommendation is based upon two considerations:

First, more than 1,200 acres (about 81 percent) of the Churchill town sector zone is outside of the Sector Plan area, and an allowance should remain for changes in that much larger area. Although that area is largely developed, infill development and

redevelopment are possible. Extinguishing all or nearly all further rights to develop should only be considered when the area is part of a master plan amendment. Until such an amendment is undertaken and the entire Churchill Town Sector is engaged, no further density should be assigned to the Sector Plan area.

Second, if more than 12.5 percent MPDUs were provided on a site, the bonus market density provisions of Chapter 25A would not apply because the town sector zone does not reflect this provision. However, a slight amendment to either the town sector zone or Chapter 25A could change this, and such an amendment would increase the potential number of units up to 22 percent. Such a change could have a significant impact on the character of Churchill and Montgomery Village,

Proposed Churchill population						
	Market units	Population	MPDUs	Population	Total units	Total Population
Churchill:						
1554.0 acres X 15 persons per acre = 23,310 total permitted population						
23,310 - 21,985 = 1,325 remaining population						
- One-family detached (X 3.7)	827	3,060	0	0	827	3,060
- Townhouses (X 3.0)	2,314	6,942	299	897	2,613	7,839
- Multiple family < 5 stories (X 3.0)	3,241	9,723	319	957	3,560	10,680
- Multiple family 5 or more stories (X 2.0)	1,130	2,260	162	324	1,292	2,584
Churchill (total existing, recommended, approved)	7,512	21,985	780	2,178	8,292	24,163

and is not being recommended.

### Consideration of Amendments to the Town Sector Zone

Several property owners and interested parties have discussed amending the town sector zone, and in reviewing the zone, staff has also considered revisions and clarifications. The following changes have been considered; they appear in the order in which the existing provisions appear in the Zoning Ordinance.

#### Area requirements (59-C-7.24):

- *Should the town sector zone area minimum of 1,500 acres be changed? (59-C-7.241)* Staff discussed the potential for removing a property from the Churchill town sector zone, which would have reduced the total area below 1,500 acres. This would have reduced the number of zones in transit areas, but would also have reduced the self-sufficiency of the zone. Staff does not recommend reducing the minimum acreage requirement.
- *Should the commercial area maximum of ten percent of the total area be increased? (59-C-7.242)* According to Churchill's last approved development plan, the limit was being approached. However, in reviewing the development plan, several errors were found,

and the actual commercial area was determined to be substantially lower than is shown. Staff sees no need for a change to this limit.

- *Should the industrial and major employment area maximum of six percent be increased? (59-C-7.243)* This maximum has already increased; until 1999, the maximum was five percent. There has been no industrial or major employment built in the zone. Should this allowance be removed? Staff supports retaining the use as it supports self-sufficiency in the area.
- *Should the open area minimum of ten percent be changed? (59-C-7.244)* Currently, about 29 percent of the area in Montgomery Village and 48 percent of the area in Churchill is held as open space. In analyzing the Churchill open space, staff notes that only about one-third is held in public parks (15.6 percent); the balance is owned privately (mostly by HOAs) and by WSSC.

To compare to other residential areas, homes are usually restricted by coverage maximums (e.g., 15-40 percent is common) or by green space requirements (e.g., 30-50 percent); the largest developments (above 750 acres) in the Planned Retirement Community (PRC)

zone are required to provide 65 percent green area. To compare the town sector zone with other mixed use zones, the TOMX and TMX zones have a 75 percent coverage maximum, and the RMX zones require ten to 20 percent green area within the commercial portion of the site and 20 to 50 percent green area in the residential portion.

Because there is a limited amount of undeveloped land in the town sector zone, a change to the total open space requirement would have minimal impact. The bulk of the open space was designated during the initial development plan approvals; much smaller amounts (by acreage and percentage) have been provided during more recent approvals.

Since both town sector communities exceed the overall requirement for open space, there is a risk that future projects could be approved without any open space within the new neighborhood. Staff has discussed a potential requirement for open space for individual sites to avoid areas without open space.

Alternatively, staff considered minimum sizes or dimensions of open spaces, to avoid small, unusable open spaces. Staff recommends that the open space requirements be reviewed more broadly, perhaps as part of the

comprehensive revision of the Zoning Ordinance.

Density of population (59-C-7.25):

- *Should the population density provision be changed?* As described above, the population density in the town sector zone cannot exceed 15 persons per acre. Two recommendations have been made to staff: that more population should be permitted because census information indicates that we do not have an actual population of 15 persons per acre; and because we have an aging population, and seniors have smaller household sizes, a new category for calculating senior housing should be added.

Staff is unable to address the first argument because this agency does not have any authority over the number of people living in a dwelling unit. A trend toward smaller household sizes has been observed since 1965, so further study may be appropriate. If the Planning Board wishes to examine the standards used to calculate the population in the zone, staff recommends doing it comprehensively, rather than as part of the current Germantown Employment Area Sector Plan.

In considering the second recommendation, staff concludes that adding a category for senior housing would be inconsistent with the current formula which is based on dwelling types, not on resident types. Staff notes that facilities which will support an aging population, such as nursing facilities, are considered services and are not limited by any percentage in the zone.

- *Should the MPDU provision be changed?* In the town sector zone, the MPDU provision differs markedly from those in Chapter 25A. In the town sector zone, all MPDU population is in excess of the stated maximum population, whereas elsewhere, the required 12.5 percent is considered to be part of the maximum density. In addition, the 22 percent maximum MPDU calculation contains no market rate bonus. Last, the 22 percent cap is calculated on the entire acreage of the area, rather than site-by-site. These differences can reasonably be expected to cause ongoing confusion. However, standardizing the zone to reflect Chapter 25A could result in excess population as described in the previous section. Clarification is recommended, but should be mindful of this result.

Procedures for application and approval (59-C-7.28):

*Should the limits on reclassification be changed?* Once the town sector zone is granted, properties cannot be reclassified for 50 years. The town sector zone was granted in Montgomery Village in 1965, and in Churchill in 1968; those properties become eligible for reclassification in 2015 and 2018, respectively. The consequences of such reclassifications have not been examined. For instance, if some properties are reclassified, it could reduce the allowed commercial and major employment acreage, possibly taking other properties out of compliance with the zone.

During the review of the open area and population standards noted above, staff recommends that the policies and procedures for reclassification be made explicit. Both should be part of the comprehensive zoning revision.

Because the zone dates to the 1960s, the town sector contains no provision for using transferable development rights (TDRs) or building lot termination rights (BLTs).

Staff is not making land use recommendations in the Germantown Employment Area Sector Plan

that require amending the town sector zone, but staff does find several sections of the zone where clarification is desirable. An amendment should be done as part of the comprehensive revision of the Zoning Ordinance or a study of the complete town sector area, rather than as part of this Sector Plan. The two town sector communities, Montgomery Village and Churchill, should be included in the discussions of any amendments.

### **Summary**

The town sector zone is a flexible, mixed use zone that has been in place in Germantown for 40 years. It is a very workable tool for developing the Employment Corridor as envisioned in the Sector Plan, with concentrated, mixed-use transit nodes. Staff recommends retaining the elements of major employment and open space that have appeared consistently over the years, and recommends increasing the mix of uses, as has been proposed in the Draft Plan. This can create the kind of self-sufficient community described by the zone since its inception in 1965.