

From: Jim Humphrey [theelms518@earthlink.net]

Sent: Monday, April 30, 2012 1:35 PM

To: Robeson, Lynn; Criss, Jeremy

Cc: Nancy Regelin; robert.kronenberg@montgomeryplanning.org; Bullard-Vinson, Victoria

Subject: Re: LMA G-909, Application of Glenwood Glen Aldon LLC, et. al., for rezoning from the R-10/TDR Zone to the PD-100 Zone or the PD-88 Zone

Hearing Examiner Robeson et al.-

As I tried to explain in my testimony at Friday's hearing, I believe the Technical Staff assertion that the property owners would be required to purchase only 31 TDRs under existing zoning is misleading. That number would not achieve the master plan recommended 100 dwelling units per acre on the properties on Battery Lane zoned R10/TDR totaling 3.26 acres. The County Code requires only 2/3 the number of TDRs permitted to achieve sector plan density be used in the Preliminary Plan for these properties (see County Code section below). I believe it is this number (31 TDRs is two-thirds the number required to achieve the Sector Plan recommended density of 100 dwelling units per acre) which Technical Staff refers to as the number of TDRs required to be purchase.

59-C-2.443. Development approval procedures under the optional method of development.

(a) A request to utilize development rights on a property under the optional method must be in the form of a preliminary subdivision plan submitted in accordance with the subdivision regulations contained in chapter 50 of the County Code.

(b) Such a preliminary plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the applicable master or sector plan approved by the district council. However, upon a finding by the Planning Board that for environmental or compatibility reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.

The County Code sets a maximum number dwelling units per acre for Optional Method in the R-10 Zone at 53.07 (Sec.59-C-2.421. - Maximum density of R-10 development including MPDU density bonus). We assert the other 46.93 dwelling units per acre, needed to achieve the sector planned recommended 100 dwelling unit per acre density, must be purchased in the form of TDRs. According to our calculations:

46.93 dwelling units per acre obtained via TDR purchase
x 3.26 acres zoned R10/TDR at recommended 100 du/acre
152.9918 dwelling units needed to be purchased via TDRs to achieve recommended 100 du/acre density

At a ratio of 3 multi-family dwelling units per TDR purchased, we calculate that 50.9972 TDRs would need to be purchased by the owners to achieve the Sector Plan recommended density of 100 dwelling units per acre on the R10/TDR zoned properties they control on Battery Lane.

But, as we stated above, the County Code requires a preliminary plan to include only 2/3rds of the 50.9972 TDRs to be transferred (or 34+, by our calculations) It is this 2/3rds number we believe Technical Staff may be referring to as the number of TDRs "required to be purchased under existing zoning", however, this lower number would not achieve the Sector Plan recommended 100du/acre density.

- Jim Humphrey

Chair, Planning and Land Use Committee, Montgomery County Civic Federation

-----Original Message-----

From: "Robeson, Lynn"

Sent: Apr 30, 2012 12:02 PM

To: "Criss, Jeremy"

Cc: Nancy Regelin , Jim Humphrey , robert.kronenberg@montgomeryplanning.org, "Bullard-Vinson, Victoria"

Subject: LMA G-909, Application of Glenwood Glen Aldon LLC, et. al., for rezoning from the R-10/TDR Zone to the PD-100 Zone or the PD-88 Zone

Mr. Criss, a public hearing on the above-referenced Local Map Amendment Application was held on Friday, April 27, 2012. As you may know, the applicant has submitted alternative requests for rezoning from the R-10/TDR to the PD-100 or the PD-88 zones. Technical Staff recommended the PD-88 Zone while the Planning Board recommended approval of the PD-100 Zone.

According to the Technical Staff Report, the property owners would be required to purchase 31 TDRs under the existing zoning. The owners have agreed to supply the full complement of TDRs under the PD-88 alternative. The Applicant prefers, however, the PD-100 zoning under which it will provide 20 TDRS and 10 workforce housing units restricted for a period of 20 years. The Department of Housing and Community Affairs has indicated its support for the PD-100 alternative.

One requirement for approval of the rezoning is that it be "in the public interest." When considering the public interest, the Hearing Examiner normally considers master plan conformity, the recommendations of the Planning Board and Technical Staff, and consistency with other County plans and policies. Technical Staff recommended approval of the PD-88 Zone, finding that the 10 workforce housing units, with only a 20-year restriction, were an insufficient benefit to justify the increase in density. The Planning Board recommended PD-100, finding that the workforce housing units cost more than the full complement of TDRs, and thus were more in the public interest.

At the public hearing, Mr. Jim Humphrey, representing the Greater Montgomery Civic Federation, testified that more weight should be given to fulfilling the purpose of the TDR program. He also stated that the Agricultural Advisory Committee did not have sufficient time to comment on the alternative proposals prior to the Planning Board hearing. Finally, he testified that there have been difficulties implementing the TDR program.

Rather than rely solely on Mr. Humphrey's representations, I would appreciate your referring the alternative proposals to the Agricultural Advisory Committee for their comments and advice on the two applications. For that purpose, I have left the record open until May 29, 2012, to receive any written response the Committee would like to make. This response will be placed in the record of the case, as will this e-mail.

I have attached the Technical Staff Report, an Errata to the Technical Staff Report, and the Planning Board's recommendation for the Committee's's review.

From: Robeson, Lynn

Sent: Monday, April 30, 2012 12:02 PM

To: Criss, Jeremy

Cc: 'Nancy Regelin'; 'Jim Humphrey'; 'robert.kronenberg@montgomeryplanning.org'; Bullard-Vinson, Victoria

Subject: LMA G-909, Application of Glenwood Glen Aldon LLC, et. al., for rezoning from the R-10/TDR Zone to the PD-100 Zone or the PD-88 Zone

Attachments: Technical Staff Report.pdf; G-909 Planning Board Recommendation and Staff Report Errata.pdf

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