

"Federation Corner" column
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In land use planning are small changes better?

by Jim Humphrey
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For many decades the master plans in Montgomery County were created for large land areas. These master plans are blueprints that impose the zoning which specifies the land use (commercial, industrial, residential, or agricultural) and the size of any buildings allowed on each property.

For fewer decades our county planners have created sector plans, which do the same thing as master plans but for smaller areas or sectors within larger planning areas. An example is the Bethesda CBD (Central Business District) Sector Plan area, which is located within the greater Bethesda-Chevy Chase Master Plan area.

For the past six years our county Planning Department staff, Planning Board members, and County Council members (the ones who ultimately approve all land use plans and zoning), have employed a new animal--the Minor Master Plan Amendment process. When the process was initiated in 2007, it was touted as a way for both officials and the public to save time by focusing their attention on revising the planning, or zoning, for a small area containing perhaps three to five properties.

In 2007, when the first small area amendment was being considered for a few properties on the edge of the Wheaton CBD, there were some civic activists who cautioned that the County Council might be opening themselves up for intense lobbying efforts from property owners or developers trying to convince Council members to initiate a Minor Master Plan Amendment to rezone their properties (almost always to allow greater density of development; i.e., the construction of a bigger and more profitable building). The Council proceeded unabashed.

In key votes, members of the County Council have in the past affirmed their approval of the use of a Minor Master Plan Amendment process. The first Minor Master Plan Amendment, referred to at the time as the Wheaton Sector Plan Limited Amendment, was approved by the District Council on December 9, 2008 by a unanimous vote of the members (9-0). During this Limited Amendment process, the comprehensive revision of the entire Wheaton CBD Sector Plan was begun. The public was not given a satisfactory answer as to why planners and Council members thought this Limited Plan was needed prior to the rewrite of the Sector Plan, other than to allow rezoning to facilitate a more rapid redevelopment of one site.

By straw vote on April 10, 2012, the Council reconfirmed their approval of the current version of the Minor Master Plan Amendment process, with changes including a Planning Board recommended enlarging of the list of who may submit an application for such an Amendment (see the Spring 2012 Semi-Annual Planning Board Report to Council, transmitted on April 10, 2012). Members of the Council again confirmed their approval of the Minor Master Plan Amendment process with their vote on the M-NCPPC FY2013 budget, which included a Planning Department Master Plan Work Program with funding and time table for two such Amendments, and with their July 31, 2012 vote on a Master Plan Program Amendment that included Minor Master Plan Amendments (although the numbers on the votes are not included in the Summary Packets for these two dates which are posted on the Council website).

The second instance of Council approval of Minor Master Plan Amendment is that for the Purple Line Station (Apex Building) on Wisconsin Avenue, and a few nearby properties in the Bethesda CBD. It

was approved by the District Council on February 11, 2014. Again, as in the case of the Wheaton Sector Plan Limited Amendment, the comprehensive revision of the entire Bethesda CBD Sector Plan was underway and public meetings had begun by the time this Minor Master Plan Amendment was approved. And again, as was the case in Wheaton, the public was left to assume that officials deemed the changing of development standards for one site--in this case the Apex Building--so critical as to require a rapid rezoning prior to the Sector Plan revision already underway.

As was the case in the two previous examples of use of the Minor Master Plan Amendment process, the comprehensive revision of the Aspen Hill and Vicinity Master Plan has already been scheduled in the Planning Department's Master Plan Work Program timetable, with staff work set to begin in July 2015. Yet officials for some reason believe that immediate action is required on the Aspen Hill Minor Master Plan, which the public full well knows is designed to rezone one site--the Vitro site--to facilitate its rapid redevelopment under new zoning standards. It is expected that the Planning Board hearing will be scheduled for early September, with a quick approval then sending it Council for their public hearing, PHED Committee worksession(s), and full Council vote.

The Planning Board is also poised to hold hearings in early September on the Sandy Spring Village Center Minor Master Plan Amendment. And Planning Department staff work and public meetings are underway for the Pooks Hill (Marriott Hotel) Minor Master Plan Amendment, to the west of Rockville Pike (MD 355) just inside the Beltway in Bethesda.

So, now that the county has some experience with this Minor Master Plan Amendment process, can officials declare the creation of this new zoning tool a success? Some of my fellow activists have pointed to one inherent positive attribute of the process--that to rezone only a few properties might prevent planners and the Council from opening up an entire community plan and increasing the density of allowed development on many more properties. But, as we have seen in Wheaton and Bethesda, and will experience again in Aspen Hill, the Minor Master Plan Amendment process was not used in lieu of revision of the entire area plan...it was used just prior to it. I think the jury's still out on this one.

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to montgomerycivic@yahoo.com