



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #7
9/16/10

DATE: September 3, 2010
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the TMX-2 zone's parking provisions for leased office space used by the government.

TEXT AMENDMENT: No. 10-10
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Council President Floreen
INTRODUCED DATE: July 20, 2010

PLANNING BOARD REVIEW: September 16, 2010
PUBLIC HEARING: September 21, 2010; 1:30 PM

STAFF RECOMMENDATION: Approve. Staff supports ZTA 10-10 to amend the parking provisions in the TMX-2 zone relating to office space leased by the government. The text amendment changes the necessary government lease period from 20 years to 15 years; which enables government entities with a shorter lease to be able to take advantage of the reduced parking space rate.

BACKGROUND/ANALYSIS

In the fall of 2008, the TMX zone was established as an implementation tool for, among other potential areas, the Twinbrook Sector Plan (ZTA 08-14). There was a general consensus, including a recommendation in the Draft Twinbrook Plan, to reduce the parking requirements in the zone for various uses to better reflect actual parking use near transit stations. Also at that time, the Solicitation for Offers (SFO) came out from the federal government's General Services Administration (GSA) for Health and Human Services (HHS), which is currently located in the existing 1.3 million square foot Parklawn Building (within the Twinbrook Sector Plan boundary). Given the government's willingness and ability to reduce single occupant vehicles, the parking provision in the TMX zone was revised to reduce the required parking ratio for a government tenant with a "long term lease". The parking rate was specifically established at 1.5 spaces/1,000 square feet, consistent with the SFO requirements. The adopted language in the zone further defined "long term lease" as a "duration of 20 years or

more". However, since the time the zone was established, more specific details from the GSA (per the SFO) now dictate a lease for the HHS Building of only 15 years. Because it would appear that the reduced parking ratio would not apply to a building with less than a 20 year lease, ZTA 10-10 was sponsored by Council President Floreen to correct this issue and to avoid any regulatory ambiguity that might put this Montgomery County site at a competitive disadvantage for keeping HHS. Further, the 15 year lease period is consistent with the Council, Executive and Planning Board intent at the time of the Twinbrook Sector Plan and TMX zone which was to make sure that the Parklawn Building site could address the GSA requirements with certainty as well as to reduce parking minimums in general, particularly for sites in transit areas. Staff recommends approval of the ZTA as introduced.

The proposed ZTA is depicted below.

DIVISION 59-C-14. TRANSIT MIXED-USE (TMX) ZONE

* * *

59-C-14.214. **Off Street Parking.** Off-street parking must satisfy Article 59-E except:

* * *

- (b) the minimum number of parking spaces required for office development in the Southern Area must be used to determine the minimum number of spaces required for office development in the South Central Area; however, for office space under a lease to any government agency or entity for a duration of [20] 15 years or more, the minimum number of spaces required is 1.5 spaces for every 1,000 square feet of gross floor area; and

* * *

Attachment 1 depicts the proposed text amendment as introduced.

GR

Attachments

1. Proposed Text Amendment 10-10

ATTACHMENT 1

Zoning Text Amendment No.: 10-10
Concerning: Transit Mixed-Use (TMX)
Zone – Parking Standards
Draft No. & Date: 1 – 07/07/10
Introduced: July 20, 2010
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the TMX-2 zone parking provisions for leased office space used by the government.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 59-C-14.2 “Transit Mixed-Use (TMX) Zone.”
Section 59-C-14.21 “Description, purpose, and general requirements.”
Section 59-C-14.214 “Off-Street parking”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 59-C-14 is amended as follows:**

2 DIVISION 59-C-14. TRANSIT MIXED-USE (TMX) ZONE

3 * * *

4 59-C-14.214. **Off Street Parking.** Off-street parking must satisfy Article 59-E
5 except:

6 * * *

7 (b) the minimum number of parking spaces required for office development in
8 the Southern Area must be used to determine the minimum number of
9 spaces required for office development in the South Central Area; however,
10 for office space under a lease to any government agency or entity for a
11 duration of [20] 15 years or more, the minimum number of spaces required
12 is 1.5 spaces for every 1,000 square feet of gross floor area; and

13 * * *

14 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
15 Council adoption.

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17 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council