



## Zoning Text Amendment (ZTA) No. 13-05, US 29 Overlay Zone – Standards

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Gregory Russ, Planner Coordinator, FP&P, [gregory.russ@montgomeryplanning.org](mailto:gregory.russ@montgomeryplanning.org), 301-495-2174



Mary Dolan, Chief, FP&P, [mary.dolan@montgomeryplanning.org](mailto:mary.dolan@montgomeryplanning.org), 301-495-4552

Completed: 06/12/13

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### Description

ZTA No. 13-05 would revise the provisions of the US 29/Cherry Hill Road Employment Area Overlay Zone to allow additional residential and retail uses where the underlying zone is I-1; and establish development standards for the additional uses. Specifically, the ZTA would allow multi-family residential where the underlying base zone is I-1 and the use is part of a mixed-use development that also includes principally commercial or retail commercial uses on the ground floor. The ZTA would also allow a grocery store where the underlying base zone is I-1.

### Summary

**Staff recommends approval, with plain language modifications, of ZTA No. 13-05 to allow additional residential and retail uses in the US 29/Cherry Hill Road Employment Area Overlay Zone where the underlying zone is I-1.**

### Background/Analysis

The US 29/Cherry Hill Road area (bounded by US 29, Cherry Hill Road, the Federal Research Center, and the Paint Branch stream valley park) has been home to light industrial and service uses, offices, public sector facilities, and heavy industrial. The area was identified as the Montgomery Industrial Park in the 1981 Master Plan for the *Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak*, with uses that included the International Fabricare Institute, Contee Sand and Gravel, and the Montgomery County Sludge Composting Facility (the latter two now known respectively as Percontee and Site 2). The 1981 Plan recommended continued industrial land use and zoning in this area. "Public policy discourages premature development which would preclude sand and gravel extraction... followed by restoration of the mined area for development purposes. This approach looks on mineral resource development as an interim use of land." (page 122)

In 1997, Council adopted the US 29 Cherry Hill Employment Area Overlay Zone to implement the recommendations of the *1997 Approved and Adopted Fairland Master Plan*. The overlay zone was applied to a 500-acre area with four different industrial classifications including: light (I-1 and I-4); heavy (I-2); and research/development (I-3) zoning. During the 1980s the area developed with light industrial uses and some commercial and service uses such as a hardware store (Home Depot), DarCars auto sales

and repair and a hotel (Courtyard by Marriott). One hundred acres served as the Site 2 WSSC composting facility (I-2 zone) and 180 acres contained the Percontee gravel washing facility (I-2).

The idea of the overlay zone was to be able to provide services for the local residential communities and new development once the FDA relocated, Site II closed and Percontee ended gravel operations. The overlay zone intended to create a self-supporting employment area with on-site services. Commercial uses were to be added in two ways: by rezoning a forty-acre area to allow for large-scale regional retail (C-6 zoning located along Cherry Hill Road between Broadbirch Drive and Plum Orchard Drive) and allowing a smaller amount of commercial retail per underlying zone (50,000 square feet per zone, 15,000 square feet per lot—restaurant floor area is in addition to this maximum square footage) to provide for smaller scale goods and services throughout the 500 acre area. Restaurants, but not drive-ins, were especially desirable because that type of restaurant was lacking in the eastern part of the county, especially near the employment area.

In 2005, the overlay zone was amended to allow research, development and related activities where the underlying base zone is I-2 (59-C-18.132). This text change supported the County's interest in utilizing its Site 2 property as a life sciences, education, and research center.

The 1997 Overlay Zone (and the 2005 text amendment) was an incremental step in a gradual transition in land use from strictly industrial to a more diverse mix of commercial uses.

*ZTA No. 13-05 provides for another incremental change in the land uses permitted in this area.* Approval of this ZTA will allow property owners that are interested in pursuing plans for a mixed-use residential/retail project to proceed in advance of the Sectional Map Amendment that will implement the proposed zoning recommendations in the draft White Oak Science Gateway Master Plan. The recommendations in the draft Plan represent the next phase of land use planning and set the stage for a transformation of this area.

#### U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan

The purpose of this overlay zone is to:

- (a) Develop a compatible mix of office, regional commercial and light industrial uses within a designated employment area.
- (b) Establish a uniform set of development standards for the zone.
- (c) Allow local and regional retail and service uses.
- (d) Encourage the use of appropriate traffic-limiting measures, where such measures are not already in place, such as car pools and use of mass transit.
- (e) Eliminate uses not considered compatible with the intent of this overlay zone.

ZTA 13-05 proposes to include an additional purpose to the overlay zone that *allows for multi-family residential uses as a part of a mixed-use development in certain situations, in combination with retail uses located on the ground floor.* In addition, and as proposed in Subsection (b)(7), *Development Standards*, at least 65 percent of the FAR of the development must be for multi-family residential use, the building height must be equal to or less than 75 feet and the maximum FAR of the mixed-use building is 1.0 FAR, of which the maximum FAR for residential use is .75 FAR.

Currently in the overlay zone, development of retail commercial use in the areas not zoned C-6 in the overlay zone cannot exceed 15,000 square feet on any individual lot; and no single tenant, free-standing structure that devotes 50 percent or more of its gross floor area to a retail commercial use may exceed a total of 10,000 gross square feet. The exception to this requirement is limited to an eating and drinking establishment use without a drive-in. ZTA 13-05 modifies this limitation by also permitting a grocery store to exceed this standard.

All of the proposed changes are consistent with the recommendations of the May 2013 Public Hearing Draft of the *White Oak Science Gateway Master Plan*, as discussed in the “Master Plan Update” section below.

The overlay zone also requires certain trip reduction measures in accordance with Section [59-C-5.436](#). Under the I-1 zone, any expansion, redevelopment, etc. of the existing uses that trigger site plan approval and/or preliminary plan approval/amendment will be required to address adequate public facilities requirements at that time. Any retail commercial development in the U.S. 29/Cherry Hill Road Employment Area overlay zone must be approved under the site plan review provisions of Division 59-D-3, where the cumulative redevelopment exceeds 20 percent of the existing gross floor area. As such, establishment of a new mixed use development will more than likely trigger site plan review, where compatibility issues with adjoining uses would be addressed.

#### Master Plan Update (Attachments 2 & 3)

A Master Plan update is underway for the area covered by the US 29/Cherry Hill Road Employment Area Overlay Zone. Planning Board worksessions are scheduled in June and July on the May 2013 Public Hearing Draft of the *White Oak Science Gateway Master Plan*. The draft Master Plan encourages reinvestment and redevelopment in three activity centers. The largest of these centers is the North White Oak/Cherry Hill Road Center (referred to in the 1997 Plan as the “US 29/Cherry Hill Road Employment Area”), which is roughly the same area covered by the Overlay Zone. The draft Plan recommends that this entire area (with the exception of a property recommended for the LSC Zone) be rezoned from I-1, I-2, I-3, and I-4 to several CR zones, which allow mixed-use developments. This recommendation is based on stakeholders’ interest in seeing the area transform from industrial, office, and service uses to a more diverse mix that includes retail, housing, and additional employment opportunities in technology and, possibly, life sciences.

Several properties in this area have recently been purchased by an entity that is interested in redevelopment that is consistent with the vision of the draft Master Plan. One of these sites is the nearly 20-acre block bounded by Industrial Parkway, Tech Road, and Old Columbia Pike that includes a one-story building with leasable flex space and the vacant American Postal Workers Union (APWU) building. The draft Plan specifically references the recent acquisition: “This is a highly visible location along US 29, as well as a gateway to this node between two primary roads. Redevelopment of this entire block, including the former APWU building, would be a significant improvement and would complement the Westech Village Corner project, across Tech Road from this site.” (page 41) The draft Plan recommends that this block, currently zoned I-1, be rezoned to CR-1.0, C-0.75, R-0.75, H-75 “to accommodate redevelopment plans of new owners of these parcels. These areas could redevelop with either all residential or all commercial but are more likely to become mixed-use with residential above retail, which the proposed CR Zone will accommodate.” (page 46)

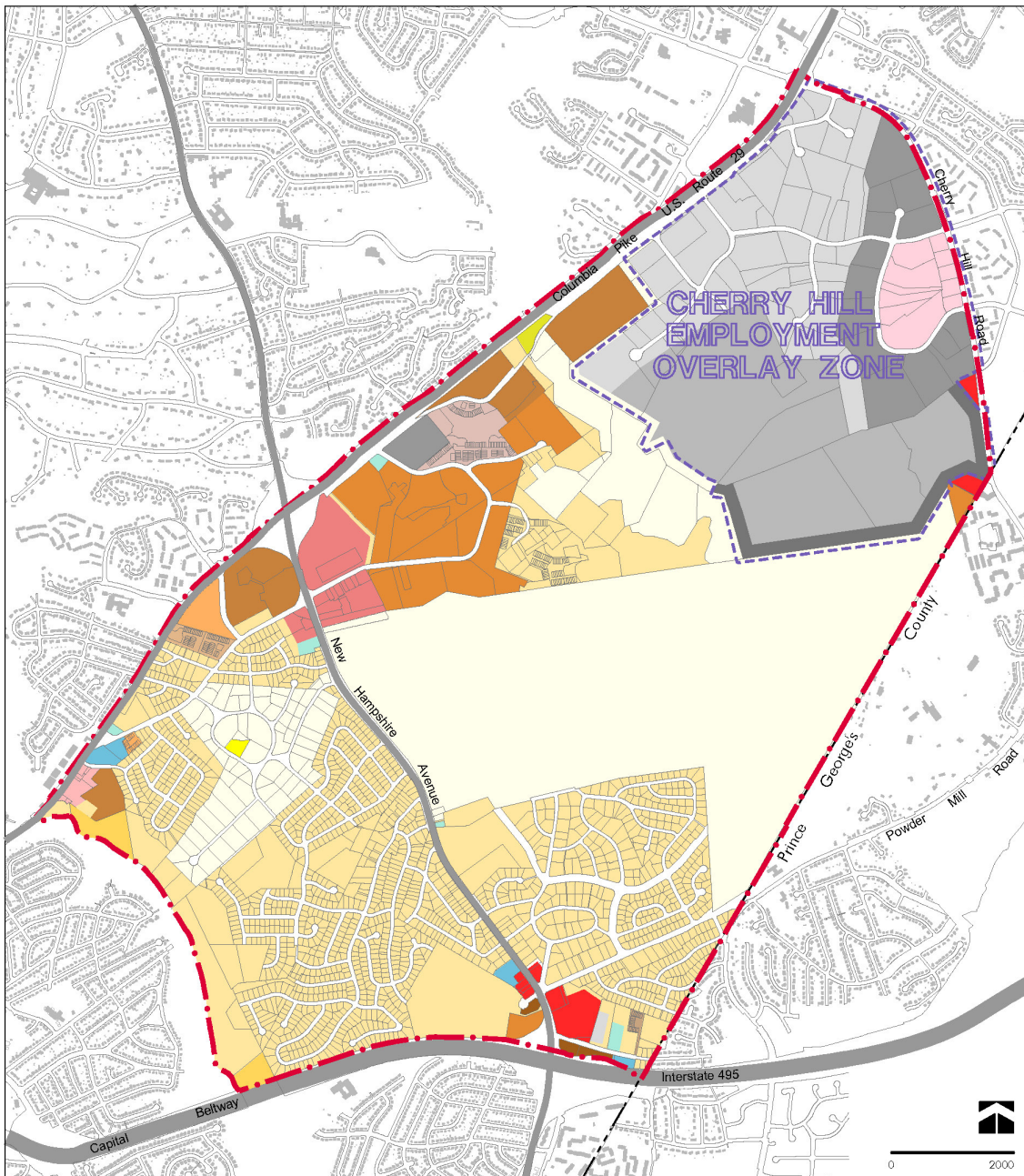
## Conclusion

With the proposed changes to the ZTA language as depicted in Attachment 1 (plain language clarifications), staff recommends approval of ZTA 13-05. Incremental modifications to the overlay zone as established in 1997 have gradually transitioned the area from strictly industrial to a more diverse mix of commercial uses. The inclusion of a residential component appears plausible when considering the development limitations proposed in the ZTA and the recommendations of the May 2013 Public Hearing Draft of the *White Oak Science Gateway Master Plan*.

## **Attachments**

1. ZTA No. 13-05 as modified by staff
2. Area 2 Comments
3. Maps-Existing & Proposed Zoning

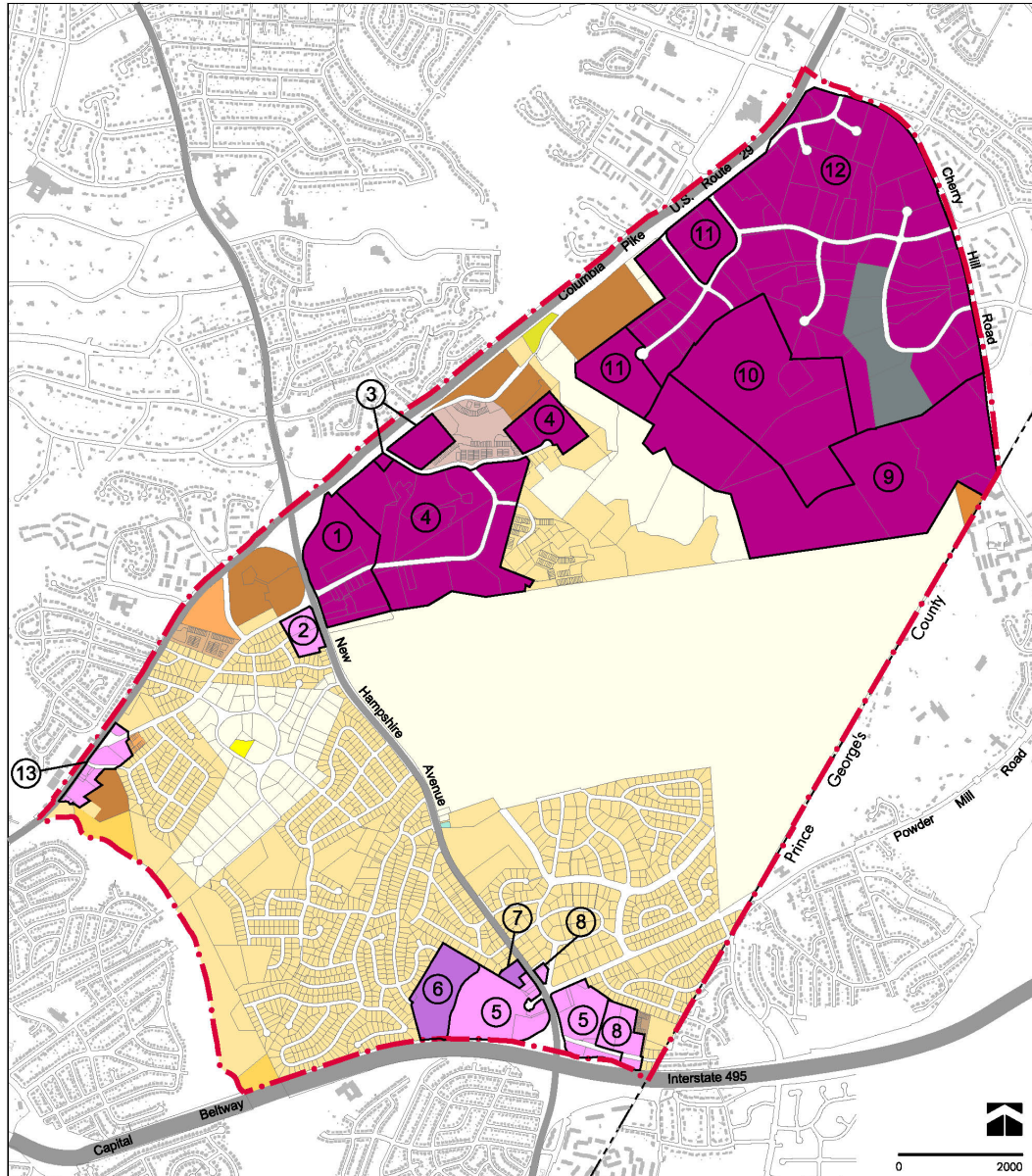
# Existing Zoning




















	Master Plan Area Boundary		O-M Office Building, Moderate Intensity
	County Boundary		C-O Commercial, Office Building
	Overlay Zone Boundary		C-T Commercial, Transitional
	RE-2 Residential Estate, 2 Acres		C-1 Convenience Commercial
	RE-1 Residential Estate, 1 Acre		C-2 General Commercial
	R-200 Residential Estate, 1 Acre		C-4 Limited Commercial
	R-90 One-Family Detached Restricted Residential		C-6 Low-Density, Regional Commercial
	R-60 One-Family Detached Residential		I-1 Light Industrial
	RT-6 Residential, Town House		I-2 Heavy Industrial
	RT-8 Residential, Town House		I-3 Technology and Business Park
	RT-10 Residential, Town House		I-4 Low Intensity, Light Industrial
	RT-12.5 Residential, Town House		
	R-20 Multiple-Family Medium-Density Residential		
	R-H Multiple-Family High-Rise Planned Residential		



# Proposed Zoning



 Master Plan Area Boundary	 CRN Commercial Residential Neighborhood
 County Boundary	6 CRN-0.25 C-0.0 R-0.25 H-45
 RE-2 Residential Estate, 2 Acres	7 CRN-1.0 C-0.75 R-0.75 H-45
 RE-1 Residential Estate, 1 Acre	 CRT Commercial Residential Town
 R-200 Residential Estate, 1 Acre	2 CRT-1.5 C-1.0 R-0.75 H-50
 R-90 One-Family Detached Restricted Residential	8 CRT-1.0 C-0.75 R-0.75 H-45
 R-60 One-Family Detached Residential	5 CRT-1.5 C-1.0 R-1.0 H-75
 RT-6 Residential, Town House	13 CRT-0.75 C-0.5 R-0.25 H-45
 RT-8 Residential, Town House	 CR Commercial Residential
 RT-10 Residential, Town House	1 CR-2.5 C-1.5 R-1.5 H-200
 RT-12.5 Residential, Town House	3 CR-1.0 C-1.0 R-0.75 H-65
 R-20 Multiple-Family Medium-Density Residential	4 CR-1.5 C-0.25 R-1.5 H-75
 R-H Multiple-Family High-Rise Planned Residential	9 CR-0.75 C-0.50 R-0.50 H-120
 LSC Life Sciences Center	10 CR-1.25 C-1.0 R-0.25 H-220
	11 CR-1.0 C-0.75 R-0.75 H-75
	12 CR-0.75 C-0.75 R-0.25 H-75

# ATTACHMENT 1

Zoning Text Amendment No.: 13-05  
Concerning: US 29 Overlay Zone –  
Standards

Draft No. & Date: 2 – 5/7/13

Introduced: May 14, 2013

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**

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By: Councilmembers Ervin and Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to revise the provisions of US 29/Cherry Hill Road Employment Area Overlay Zone to:

- allow additional residential and retail uses where the underlying zone is I-1;
- establish development standards for the additional uses; and
- generally amend the text of the zone to make it more concise, precise, and decisive

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

DIVISION 59-C-18.

“OVERLAY ZONES.”

Section 59-C-18.13.

“US 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan.”

**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 text that 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:*



**Sec. 1. DIVISION 59-C-18 is amended as follows:**

DIVISION 59-C-18. OVERLAY ZONES.

\* \* \*

**Sec. 59-C-18.13. U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan.**

**59-C-18.131. Purpose.**

The purpose of this overlay zone is to:

- (a) Develop a compatible mix of office, regional commercial, and light industrial uses within a designated employment area.
- (b) Establish a uniform set of development standards for the zone.
- (c) Allow local and regional retail and service uses.
- (d) Encourage the use of appropriate traffic-limiting measures, where such measures are [not already in place] absent, such as car pools and use of mass transit.
- (e) Eliminate uses [not considered compatible] incompatible with the intent of this overlay zone.
- (f) Allow for multi-family residential uses as a part of a mixed-use development in certain situations, in combination with retail uses.

**59-C-18.132. Regulations.**

(a) **Land uses.**

(1) The following uses are permitted in the U.S. 29/Cherry Hill Road Employment Area overlay zone:

- (A) All permitted and special exception uses allowed in the underlying zones are allowed in the U.S. 29/Cherry Hill Road Employment Area overlay zone, except as specifically modified [and set forth in] by this overlay zone.

27 (i) The following additional retail commercial uses are  
28 permitted:  
29 Beauty supply stores.  
30 Computer and computer supply stores.  
31 Electronics stores.  
32 Express or mailing offices.  
33 Food and beverage stores.  
34 Music stores.  
35 Office supply stores.  
36 Pet supply stores.  
37 Shoe stores.  
38 Theaters, indoor.

39 (ii) The following additional commercial uses are permitted:  
40 Eating and drinking establishment, excluding a drive-in,  
41 Delicatessen,  
42 Cafeteria,  
43 Snack Bar,  
44 Ice Cream Parlor,

45 (iii) The following additional cultural, entertainment or  
46 recreational use is permitted:

47 \* \* \*

48 (iv) The following additional manufacturing and industrial,  
49 service, and transportation/communication/utility uses  
50 are permitted where the underlying base zone is I-2:

51 \* \* \*

52 (v) [[The following additional retail commercial use]] A  
53 grocery store is permitted where the underlying base  
54 zone is I-1.]]:  
55 Grocery store.]]

56 (vi) [[The following additional residential use is permitted,  
57 where]] Where the underlying base zone is I-1, multi-

58 family residential uses are permitted under 59-C-  
59 18.132(b)(7)[[and the use is part of a mixed-use  
60 development that also includes principally commercial or  
61 retail commercial uses on the ground floor:  
62 Multi-family residential]].

63 (2) The following uses are prohibited in the U.S. 29/Cherry Hill Road  
64 Employment Area overlay zone:

65 \* \* \*

66 (b) **Development standards.** Development will proceed under the standards of  
67 the underlying zones, except as modified by the provisions of this overlay  
68 zone.

69 (1) **Setbacks.**

70 (A) Where the overlay zone adjoins, or is separated only by a public  
71 road from residentially zoned land that is recommended for  
72 residential use and development in the Fairland Master Plan, all  
73 buildings must be set back at least 100 feet from such  
74 residential land. All parking and maneuvering areas must be set  
75 back at least 50 feet from such residential land and be  
76 appropriately screened from such adjoining uses.

77 (B) Any building that devotes 50 percent or more of its gross floor  
78 area to a retail commercial use must be located at least 200 feet  
79 from the boundary of the overlay zone, unless a waiver is  
80 granted by the Planning Board. The 200 foot building setback  
81 requirement must [not] not be [reduced below] reduced below  
82 [[at least]] 150 feet. The parking and maneuvering areas for  
83 such a building must be located at least 100 feet from the  
84 boundary of the overlay zone. A setback is not required from

85 lot lines, zoning lines, utility rights-of-way or road rights-of-  
86 way within this overlay zone.

87 (C) Where the overlay zone adjoins residentially zoned land that  
88 adjoins US 29 or a service road that adjoins US 29, and the  
89 residentially zoned land is not used or recommended for  
90 residential use and development in the Fairland Master Plan,  
91 the following setback and screening requirements apply:

92 (i) A setback is not required from the overlay zone  
93 boundary; however, notwithstanding the preceding sub-  
94 paragraph (B) above, buildings and parking areas must be  
95 setback at least 50 feet from US 29 or a service road that  
96 adjoins US 29[,] and

97 (ii) Screening and landscaping requirements must be  
98 established by the Planning Board through site plan  
99 review. The parking facility setback and screening  
100 requirements of Section 59-E-2.81 and 59-E-2.9 do not  
101 apply.

102 (2) **Retail commercial area.**

103 ~~[(A)]~~Where the underlying base zone is not ~~[[other than the]]~~ C-6  
104 ~~[[Zone]]~~ or is C-6 and develops under Section 59-C-  
105 18.132(b)(6)(B):

106 ~~[(i)]~~(A) the cumulative square footage of retail commercial  
107 uses permitted on land classified in each particular base  
108 zone within the boundaries of the overlay zone must [not

109 exceed] be equal to or less than a total of 50,000<sup>1</sup> gross  
 110 square feet; ~~[[and]]~~  
 111 ~~[[ii]]~~(B) development of retail commercial use cannot  
 112 exceed 15,000<sup>1</sup> square feet on any individual lot; and  
 113 ~~[[iii]]~~(C) [no] except for a grocery store, a single tenant,  
 114 free-standing structure that devotes 50 percent or more of  
 115 its gross floor area to a retail commercial use [may  
 116 exceed a total of] must be equal to or smaller than 10,000  
 117 gross square feet.

118 ~~[[B)~~ Subsection (A) also applies where the underlying base zone is  
 119 C-6, and when development occurs [pursuant to] under Section  
 120 59-C-18.132(b)(6)(B).~~]]~~

121 (3) **Height limit.** A retail building must [not exceed] be equal to or less  
 122 than 40 feet in height, excluding parapets.

123 (4) **Coverage limitation.** Where the underlying base zone is other than  
 124 C-6, the coverage standards for principally retail buildings will be as  
 125 follows:

126 (A) Green area must encompass at least 35 percent of the lot area.

127 (B) Off-street parking [is not allowed to] must occupy [more than]  
 128 45 percent or less of the lot area, except that in unusual  
 129 circumstances the Planning Board may waive this requirement  
 130 at the time of site plan approval upon a finding that a more  
 131 compatible arrangement of uses would result.

132 \* \* \*

133 (6) **Retail commercial development.**

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<sup>1</sup> Any square footage devoted: (i) to an eating and drinking establishment use, excluding a drive-in, and (ii) where the underlying base zone is I-1, to a grocery store, is in addition to this amount.

- 134 (A) Where the underlying base zone is C-6 and the principal use of  
135 the C-6 zoned property is a retail commercial use, then the  
136 standards of the C-6 Zone will apply[,] and, in addition:  
137 (i) [no] a single retail use within a multiple tenant  
138 principally retail use structure [may be less than a gross  
139 floor area of ] must be at least 10,000 square feet of gross  
140 floor area.  
141 (ii) [no more than] only one principally retail commercial use  
142 [can] may exceed a gross floor area of 100,000 square  
143 feet.  
144 (B) Where the underlying zone is C-6 and the principal use of the  
145 C-6 property is other than retail commercial use, then the  
146 standards of the overlay zone will apply.

147 (7) **Multi-family residential development.**

148 Where a development includes multi-family dwelling units, the  
149 following standards must be satisfied:

- 150 (A) The development must have a mix of uses including a  
151 minimum of 65 percent gross floor area for [[that includes  
152 commercial or retail commercial]] residential uses.  
153 (B) [[At least 65 percent of the FAR of the development must be  
154 for residential use, and the]] The ground floor must principally  
155 be for commercial or retail commercial uses; however, the  
156 ground level may also include:  
157 (i) incidental non-commercial uses, such as lobbies, loading  
158 areas, and parking access; and  
159 (ii) a maximum of 10 percent of the total number of  
160 residential units in the building.



- 161                   (C) The building height must be equal to or less than 75 feet,  
162                               excluding parapets and mechanical equipment.
- 163                   (D) Except as provided in subsection (E), the maximum FAR of the  
164                               mixed-use building is 1.0 FAR, of which the maximum FAR  
165                               for residential use is .75 FAR; and
- 166                   (E) The maximum 1.0 FAR and the maximum 0.75 FAR of  
167                               residential must be increased to accommodate the construction  
168                               of moderately priced dwelling units and any density bonus  
169                               authorized under Chapter 25A.
- 170 (c) **Trip reduction guidelines.** Within the overlay zone, compliance with the  
171 special trip reduction guidelines under Section 59-C-5.436[,] satisfies and  
172 represents full compliance with the requirements and[/or] goals for traffic  
173 mitigation/management.
- 174 (d) **Site plan.**
- 175                   (1) Any retail commercial development in the U.S. 29/Cherry Hill Road  
176 Employment Area overlay zone must be approved under the site plan  
177 review provisions of Division 59-D-3, except where the cumulative  
178 redevelopment [does not exceed] is 20 percent or less of the existing  
179 gross floor area.
- 180                   (2) For uses other than retail, site plan review is required only where it is  
181 required in the [underlying] underlying zone.

182 \* \* \*

183                   **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
184 date of Council adoption.

185

186 This is a correct copy of Council action.

187

188 \_\_\_\_\_

189 Linda M. Lauer, Clerk of the Council



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

MEMORANDUM

TO: Greg Russ, Planner Coordinator, Functional Planning and Policy Division

VIA: Khalid Afzal, Master Planner Supervisor, Area 2 Planning Division  
JK Glenn Kreger, Chief, Area 2 Planning Division KA

FROM: Nancy Sturgeon, <sup>ns</sup> Master Planner, Area 2 Planning Division

DATE: June 7, 2013

SUBJECT: ZTA No. 13-05

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Recommendation

Staff in the Area 2 Planning Division recommends approval of Zoning Text Amendment (ZTA) No. 13-05, which proposes revisions to the US 29/Cherry Hill Road Employment Area Overlay Zone including:

- allow additional residential and retail uses where the underlying zone is I-1; and
- establish development standards for the additional uses.

Background

The US 29/Cherry Hill Road area (bounded by US 29, Cherry Hill Road, the Federal Research Center, and the Paint Branch stream valley park) has been home to light industrial and service uses, back offices, public sector facilities, and heavy industrial. The area was identified as the Montgomery Industrial Park in the 1981 Master Plan for the *Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak*, with uses that included the International Fabricare Institute, Contee Sand and Gravel, and the Montgomery County Sludge Composting Facility (the latter two now known respectively as Percontee and Site 2). The 1981 Plan recommended continued industrial land use and zoning in this area. "Public policy discourages premature development which would preclude sand and gravel extraction... followed by restoration of the mined area for development purposes. This approach looks on mineral resource development as an interim use of land." (page 122)

The 1997 *Fairland Master Plan* recommended the US 29/Cherry Hill Road Employment Area Overlay Zone (Section 59-C-18.13 of the Zoning Ordinance) for the purpose of allowing certain uses and limiting other uses permitted in the underlying base zones (I-1, I-2, I-3, I-4) within the area. The Plan also recommended a new commercial zone, C-6 (low-density, regional commercial), for 42 acres of I-3 land on Cherry Hill Road that was developed as retail a center.

The 1997 Plan provided the following rationale for the Overlay Zone:

*The employment area has the potential to be a modern employment center with a diversity of uses in a park-like setting, but the existing zoning pattern and allowable uses hinders coordinated development. A strategy to guide future development, such as creating a special district through an overlay zone, could unify the area by permitting supportive services, such as restaurants and banks. Another benefit of specifying uses would be flexibility so that, for example, the owners of the I-2 property could pursue other options than heavy industrial at some point in the future. There is also an opportunity within the Technology Park, given its location within the planning area near US 29, the configuration of lots, and the existing industrial road network, to create a retail commercial area under commercial zoning that could serve both the employment area and the surrounding communities.*  
(page 76)

In 2005, the overlay zone was amended to allow research, development and related activities where the underlying base zone is I-2 (59-C-18.132). This text change supported the County's interest in utilizing its Site 2 property as a life sciences, education, and research center.

#### Master Plan Update

A Master Plan update is underway for the area covered by the US 29/Cherry Hill Road Employment Area Overlay Zone. Planning Board worksessions are scheduled in June and July on the May 2013 Public Hearing Draft of the *White Oak Science Gateway Master Plan*. The draft Master Plan encourages reinvestment and redevelopment in three activity centers. The largest of these centers is the North White Oak/Cherry Hill Road Center (referred to in the 1997 Plan as the "US 29/Cherry Hill Road Employment Area"), which is roughly the same area covered by the Overlay Zone. The draft Plan recommends that this entire area (with the exception of a property recommended for the LSC Zone) be rezoned from I-1, I-2, I-3, and I-4 to several CR zones, which allow mixed-use developments. This recommendation is based on stakeholders' interest in seeing the area transform from industrial, office, and service uses to a more diverse mix that includes retail, housing, and additional employment opportunities in technology and, possibly, life sciences.

Several properties in this area have recently been purchased by an entity that is interested in redevelopment that is consistent with the vision of the draft Master Plan. One of these sites is the nearly 20-acre block bounded by Industrial Parkway, Tech Road, and Old Columbia Pike that includes a one-story building with leasable flex space and the vacant American Postal Workers Union (APWU) building. The draft Plan specifically references the recent acquisition: "This is a highly visible location along US 29, as well as a gateway to this node between two primary roads. Redevelopment of this entire block, including the former APWU building, would be a significant improvement and would complement the Westech Village Corner project, across Tech Road from this site." (page 41) The draft Plan recommends that this block, currently zoned I-1, be rezoned to CR-1.0, C-0.75, R-0.75, H-75

“to accommodate redevelopment plans of new owners of these parcels. These areas could redevelop with either all residential or all commercial but are more likely to become mixed-use with residential above retail, which the proposed CR Zone will accommodate.” (page 46)

### Conclusion

This area is slowly evolving. Over thirty years ago, the 1981 Master Plan preserved this area for a variety of industrial uses, including the sludge composting facility. The 1981 Plan specifically cited a public policy to support mineral extraction (at the Contee site), while also recognizing that such uses are, ultimately, temporary. Fifteen years ago, the 1997 *Fairland Master Plan* recognized that the area had significant enough employment that supportive uses (such as restaurants and banks) should be permitted. The 1997 Plan also acknowledged that the owners of the I-2 properties may want to pursue options other than heavy industrial use in the future. The 1997 Overlay Zone (and the 2005 text amendment) was an incremental step in a gradual transition in land use from strictly industrial to a more diverse mix of commercial uses.

ZTA No. 13-05 provides for another incremental change in the land uses permitted in this area. Approval of this ZTA will allow property owners that are interested in pursuing plans for a mixed-use residential/retail project to proceed in advance of the Sectional Map Amendment that will implement the proposed zoning recommendations in the draft White Oak Science Gateway Master Plan. The recommendations in the draft Plan represent the next phase of land use planning and set the stage for a transformation of this area. The Plan’s recommendations for the North White Oak/Cherry Hill Road Center are intended to spur reinvestment and support the County’s goals for its Site 2 property as well as the surrounding area.

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