



White Oak Science Gateway Master Plan Sectional Map Amendment G-966



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Completed: 09-11-14

Staff Recommendation

Support Council approval of Sectional Map Amendment (SMA) G-966, which will implement the recommendations of the approved and adopted *White Oak Science Gateway Master Plan*, with an effective date of October 31, 2014 for the SMA.

Summary

Sectional Map Amendment G-966 follows the approval and adoption of the *White Oak Science Gateway Master Plan* and will implement, through the Sectional Map Amendment process, the Master Plan's zoning recommendations. The SMA was filed with the County Council on August 1, 2014 and the District Council Public Hearing is scheduled for September 23, 2014.

Background

On July 29, 2014, the District Council approved the *White Oak Science Gateway Master Plan* by Resolution 17-1204. On July 31, 2014, the Maryland-National Capital Park and Planning Commission adopted the approved plan by Resolution 14-28 and the Montgomery County Planning Board approved the request to file the Sectional Map Amendment with the County Council. On August 1, 2014, the Montgomery County Planning Board filed SMA G-966 with the County Council, sitting as the District Council, to implement the zoning changes recommended by the approved and adopted *White Oak Science Gateway Master Plan*. Approval of SMA G-966 is an important step toward implementing the goals, objectives, and recommendations of the Master Plan.

The *White Oak Science Gateway Master Plan* area encompasses approximately 3,000 acres generally bounded by the Capital Beltway (I-495) on the south, Northwest Branch Stream Valley Park on the west, US 29 (Columbia Pike) and Cherry Hill Road on the north, and Prince George's County on the east. This SMA proposes zoning reclassifications for about 862 acres and confirms existing zones for the remainder of the area. The reclassified areas include approximately 49 acres in the Life Sciences Center (LSC) Zone, approximately 708 acres in the Commercial Residential (CR) Zone, approximately 80 acres in the Commercial Residential Town (CRT) Zone, approximately 24 acres in the Commercial Residential Neighborhood (CRN) Zone, 0.3 acres in the Employment Office Zone (EOF) and approximately 1 acre in the Neighborhood Retail (NR) Zone. The US 29/Cherry Hill Road Employment Area Overlay Zone will be removed from approximately 710 acres.

On March 5, 2014, the County Council adopted a new County zoning ordinance through Zoning Text Amendment (ZTA) 13-04. On October 30, 2014, the new zoning ordinance becomes effective and replaces the current ordinance. On July 15, 2014, the District Council approved District Map Amendment (DMA) G-956, which will implement the new zoning code classifications for the entire County, with an effective date of

October 30, 2014. Staff suggests that the Planning Board recommend to the County Council that the effective date of SMA G-966 be October 31, 2014, which addresses the concern raised in Larry Gordon's letter of July 15, 2014 (see Attachment 4).

There are no pending local map amendments within the boundaries of the *White Oak Science Gateway Master Plan* area.

Contents of the Sectional Map Amendment

SMA G-966, filed with the Council on August 1, 2014, includes three sets of zoning map books. The SMA books include an index map indicating the boundaries of the *White Oak Science Gateway Master Plan*. Each SMA book delineates the existing and proposed zoning boundaries and includes zoning maps at the scale of one inch to 200 feet. The affected pages of the zoning maps are: 212NE02, 213NE01, 213NE02, 214NE01, 214NE02, 214NE03, 215NE01, 215NE02, 215NE03, 216NE02, and 216NE03.

Recommended Rezoning

The *White Oak Science Gateway Master Plan* provides a framework for reinvestment by leveraging White Oak's assets and establishing the foundation upon which the area can evolve into a community that offers more opportunities to live, work, and play locally. SMA G-966 proposes to rezone certain properties to the Commercial Residential (CR) Zones. Each CR zone includes four components: an overall maximum floor area ratio (FAR); a maximum commercial FAR (C); a maximum residential FAR (R); and a maximum building height (H). All four components are shown on the proposed zoning sheets for each property that is recommended for CR zoning.

Attachment 1 lists the SMA's proposed zoning reclassifications and Attachment 2 is an SMA index map that shows the location of each area proposed for rezoning. The area numbers listed in the left column of Attachment 1 correlate with the properties shown on Attachment 2. Attachments 1 and 2 also show the recommended removal of the US 29/Cherry Hill Road Employment Area Overlay Zone (Area #30), which encompasses approximately 710 acres of land within the *White Oak Science Gateway Master Plan* area. The proposed zoning for the area that had been covered by the overlay zone is CR and LSC, consistent with the Master Plan recommendations. The acreages shown in Attachment 1 are for general information purposes. The exact acreage of parcels being rezoned should be taken from the large scale zoning sheets in the SMA book.

As recommended by the Master Plan and shown on Attachment 3, SMA G-966 will divide the site formerly occupied by the National Labor College (NLC) into several zoning classifications: CRT-1.5, C-1.0, R-0.75, H-75 for the eastern portion (Area #20); CRN-0.25, C-0.0, R-0.25, H-45 for the western portion (Area #28); and CRT-1.75, C-0.5, R-1.5, H-85 for the NLC private driveway adjacent to the Holly Hall property (Area #22).

Conclusion

Staff recommends the Planning Board support the Council in approving SMA G-966 (with an effective date of October 31, 2014), which will implement the zoning recommendations of the approved and adopted *White Oak Science Gateway Master Plan*.

Attachments

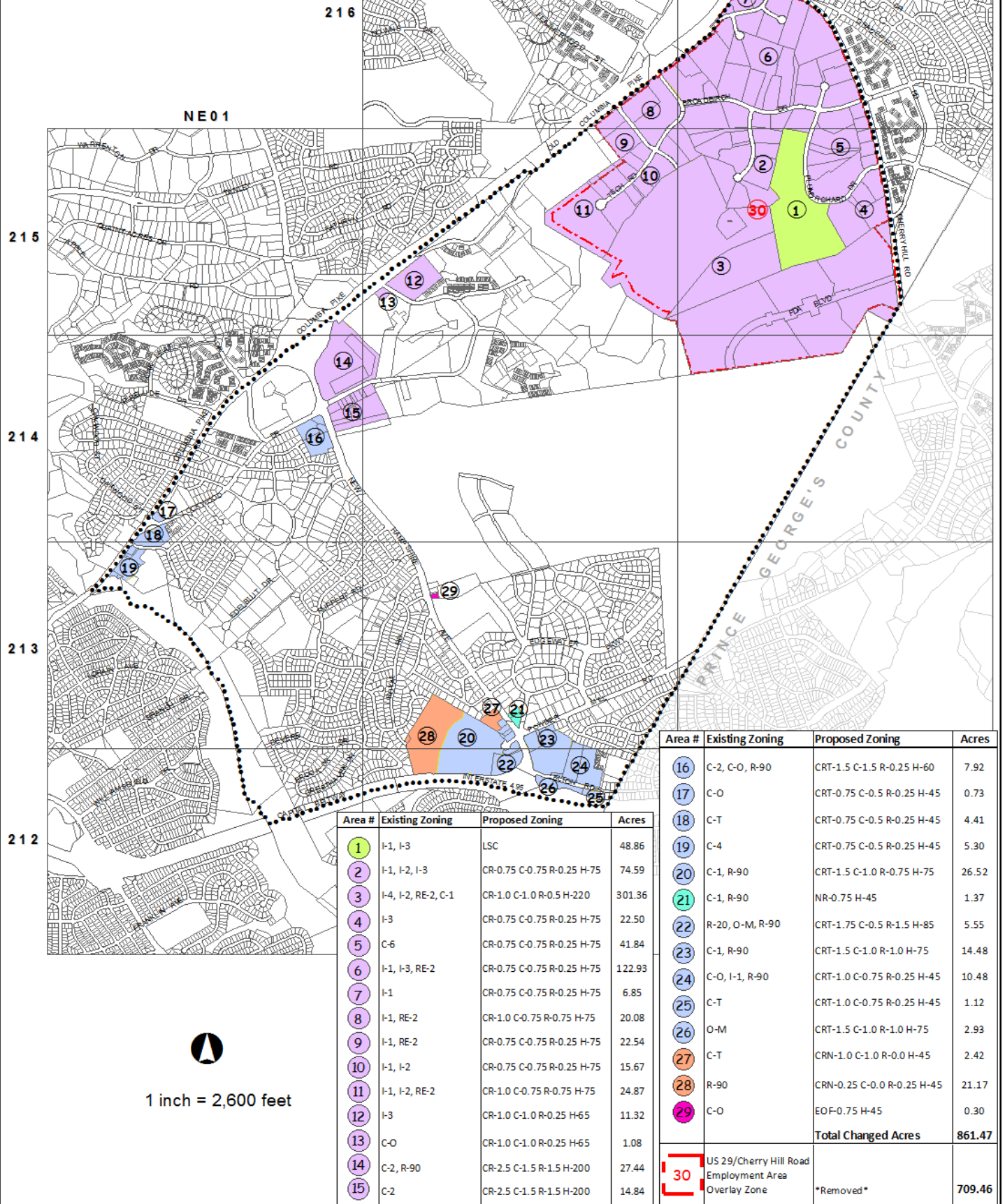
- Attachment 1 Proposed Zoning Reclassifications
- Attachment 2 Index Map for Sectional Map Amendment
- Attachment 3 Metes and Bounds Description for National Labor College Site
- Attachment 4 July 15, 2014 Letter from Larry Gordon

ATTACHMENT 1 – PROPOSED ZONING RECLASSIFICATIONS

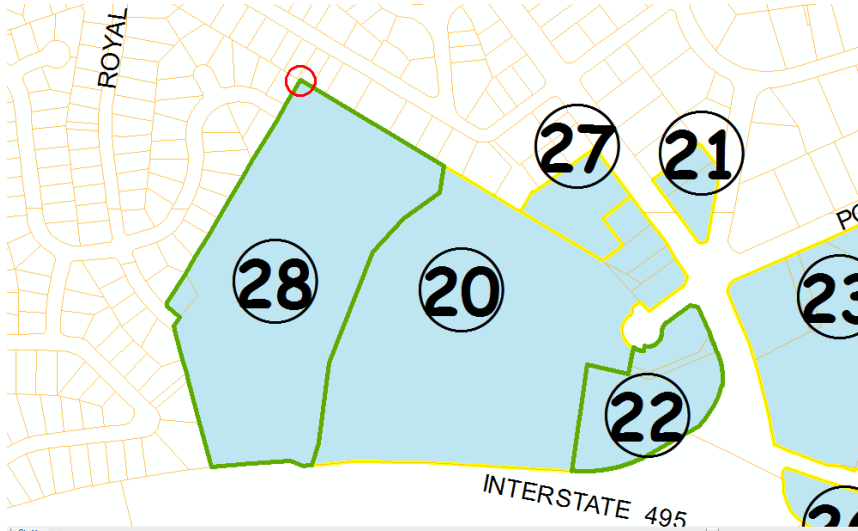
| Area # | Existing Zoning | Proposed Zoning | Acres |
|---------------|---|----------------------------|---------------|
| 1 | I-1, I-3 | LSC | 48.86 |
| 2 | I-1, I-2, I-3 | CR-0.75 C-0.75 R-0.25 H-75 | 74.59 |
| 3 | I-4, I-2, RE-2, C-1 | CR-1.0 C-1.0 R-0.5 H-220 | 301.36 |
| 4 | I-3 | CR-0.75 C-0.75 R-0.25 H-75 | 22.50 |
| 5 | C-6 | CR-0.75 C-0.75 R-0.25 H-75 | 41.84 |
| 6 | I-1, I-3, RE-2 | CR-0.75 C-0.75 R-0.25 H-75 | 122.93 |
| 7 | I-1 | CR-0.75 C-0.75 R-0.25 H-75 | 6.85 |
| 8 | I-1, RE-2 | CR-1.0 C-0.75 R-0.75 H-75 | 20.08 |
| 9 | I-1, RE-2 | CR-0.75 C-0.75 R-0.25 H-75 | 22.54 |
| 10 | I-1, I-2 | CR-0.75 C-0.75 R-0.25 H-75 | 15.67 |
| 11 | I-1, I-2, RE-2 | CR-1.0 C-0.75 R-0.75 H-75 | 24.87 |
| 12 | I-3 | CR-1.0 C-1.0 R-0.25 H-65 | 11.32 |
| 13 | C-O | CR-1.0 C-1.0 R-0.25 H-65 | 1.08 |
| 14 | C-2, R-90 | CR-2.5 C-1.5 R-1.5 H-200 | 27.44 |
| 15 | C-2 | CR-2.5 C-1.5 R-1.5 H-200 | 14.84 |
| 16 | C-2, C-O, R-90 | CRT-1.5 C-1.5 R-0.25 H-60 | 7.92 |
| 17 | C-O | CRT-0.75 C-0.5 R-0.25 H-45 | 0.73 |
| 18 | C-T | CRT-0.75 C-0.5 R-0.25 H-45 | 4.41 |
| 19 | C-4 | CRT-0.75 C-0.5 R-0.25 H-45 | 5.30 |
| 20 | C-1, R-90 | CRT-1.5 C-1.0 R-0.75 H-75 | 26.52 |
| 21 | C-1, R-90 | NR-0.75 H-45 | 1.37 |
| 22 | R-20, R-90, O-M | CRT-1.75 C-0.5 R-1.5 H-85 | 5.55 |
| 23 | C-1, R-90 | CRT-1.5 C-1.0 R-1.0 H-75 | 14.48 |
| 24 | C-O, I-1, R-90 | CRT-1.0 C-0.75 R-0.25 H-45 | 10.48 |
| 25 | C-T | CRT-1.0 C-0.75 R-0.25 H-45 | 1.12 |
| 26 | O-M | CRT-1.5 C-1.0 R-1.0 H-75 | 2.93 |
| 27 | C-T | CRN-1.0 C-1.0 R-0.0 H-45 | 2.42 |
| 28 | R-90 | CRN-0.25 C-0.0 R-0.25 H-45 | 21.17 |
| 29 | C-O | EOF-0.75 H-45 | 0.30 |
| | | Total Changed Acres | 861.47 |
| 30 | US 29/Cherry Hill Road Employment Area Overlay Zone | *Removed* | 709.46 |

ATTACHMENT 2

SECTIONAL MAP AMENDMENT FOR WHITE OAK SCIENCE GATEWAY MASTER PLAN



ATTACHMENT 3 – METES AND BOUNDS



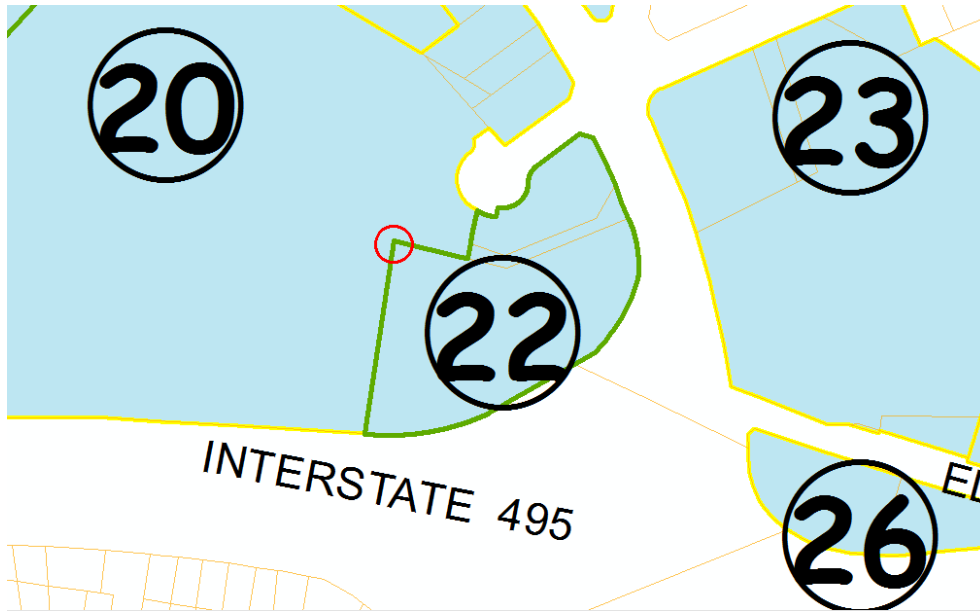
Metes and bounds description for split zone block #28 – Western Portion of National Labor College Site

Beginning at an XY coordinate recognized as NAD_1983_StatePlane_Maryland_FIPS_1900_Feet

From point - X: 1317100.689' Y: 494504.814'

| | |
|----------------------------------|--------------------|
| Thence - Direction: S 59-14-48 E | Distance: 678.205' |
| Thence - Direction: S 10-44-32 W | Distance: 107.375' |
| Thence - Direction: S 53-42-33 W | Distance: 180.391' |
| Thence - Direction: S 42-48-2 W | Distance: 185.341' |
| Thence - Direction: S 21-25-49 W | Distance: 478.583' |
| Thence - Direction: S 7-18-10 W | Distance: 324.817' |
| Thence - Direction: S 16-58-17 W | Distance: 95.398' |
| Thence - Direction: S 87-41-12 W | Distance: 15.903' |
| Thence - Direction: S 82-26-47 W | Distance: 20.65' |
| Thence - Direction: N 67-26-59 W | Distance: 56.79' |
| Thence - Direction: S 86-17-16 W | Distance: 159.744' |
| Thence - Direction: S 84-20-57 W | Distance: 159.795' |
| Thence - Direction: N 15-1-45 W | Distance: 591.188' |
| Thence - Direction: N 37-52-18 E | Distance: 42.538' |
| Thence - Direction: N 50-12-36 W | Distance: 70.318' |
| Thence - Direction: N 0-23-41 E | Distance: 14.924' |
| Thence - Direction: N 32-57-36 E | Distance: 139.641' |
| Thence - Direction: N 30-48-44 E | Distance: 72.068' |
| Thence - Direction: N 30-39-26 E | Distance: 111.237' |
| Thence - Direction: N 30-53-8 E | Distance: 76.881' |
| Thence - Direction: N 30-53-8 E | Distance: 97.236' |
| Thence - Direction: N 30-51-24 E | Distance: 100.332' |
| Thence - Direction: N 30-48-44 E | Distance: 69.938' |
| Thence - Direction: N 30-48-44 E | Distance: 197.82' |
| Thence - Direction: N 30-48-43 E | Distance: 65.69' |
| Thence - Direction: N 30-48-44 E | Distance: 117.017' |

ATTACHMENT 3



Metes and bounds description for split zone block #22

Beginning at an XY coordinate recognized as NAD_1983_StatePlane_Maryland_FIPS_1900_Feet

From point - X: 1318199.480' Y: 492927.320'

| | | | |
|-------------|---------------------------------|--------------------|------------------|
| Thence - | Direction: S 76-51-13 E | Distance: 169.709' | |
| Thence - | Direction: N 12-5-17 E | Distance: 110.417' | |
| Curve left | Chord - Direction: S 72-21-17 E | Distance: 42.99' | Radius: 75' |
| Thence - | Direction: N 11-4-33 E | Distance: 18.83' | |
| Curve left | Chord - Direction: N 50-50-4 E | Distance: 86.087' | Radius: 56' |
| Curve right | Chord - Direction: N 27-2-2 E | Distance: 44.511' | Radius: 50' |
| Thence - | Direction: N 53-27-52 E | Distance: 118.56' | |
| Thence - | Direction: S 76-6-37 E | Distance: 31.86' | |
| Thence - | Direction: S 24-46-20 E | Distance: 115.874' | |
| Thence - | Direction: S 21-10-57 E | Distance: 80.72' | |
| Curve right | Chord - Direction: S 9-3-26 E | Distance: 135.306' | Radius: 262.497' |
| Curve right | Chord - Direction: S 30-2-40 W | Distance: 191.815' | Radius: 372.43' |
| Thence - | Direction: S 60-17-51 W | Distance: 268.659' | |
| Curve right | Chord - Direction: S 80-17-58 W | Distance: 283.38' | Radius: 530.858' |
| Thence - | Direction: N 8-24-9 E | Distance: 434.197' | |

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July 15, 2014

By Email

Hon. Nancy Floreen, PHED Committee Chair
Hon. Mark Elrich, PHED Committee Member
Hon. George Leventhal, PHED Committee Member
Hon. Cherri Branson, District 5 Council Member
and Members of the County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Draft White Oak Master Plan,
July 14, 2014 Staff Report to the PHED Committee

Dear Ms. Floreen, Messrs. Elrich and Leventhal, Ms. Branson and Councilmembers,

This letter is transmitted on behalf of the DARCARS Automotive Group ("DARCARS") and Eastern Diversified Properties, Inc. ("EDP"), owners and/or operators of five (5) automobile sales/service/storage properties located in Proposed Zoning Area 11 of the White Oak Plan and one (1) property located in Area 10. (See, Tax Map provided as Attachment "A")

As you are aware from previous letters we have transmitted, DARCARS/EDP has expressed several concerns with the Draft Master Plan and the timing of the follow-up Sectional Map Amendment rezoning ("SMA"). (See, Staff Report at Circle Pages 9 through 14)

1. Exemptions from Staging (Staff Report at Pages 11-12):

Staff is recommending reinsertion of language that had been inadvertently dropped from the Draft Master Plan to allow for termination of Trip Reduction Agreements. We fully support this recommendation and request that the PHED Committee and full Council adopt Staff's recommendation.

Staff is also recommending that, if staging requirements are added to the Plan, auto-related uses previously made exempt from TPAR and LATR requirements until July 26, 2016 (by Council Resolution No. 17-222) maintain their exemption. Again, we fully support this recommendation and request that the PHED Committee and full Council adopt Staff's recommendation.

2. Proposed Zoning for Area 11 (Staff Report at Pages 3-4):

Staff is recommending rezoning the 300-acre Area 11 portion of the Plan (which includes 5 DARCARS/EDP Properties) to the "commercial and industrial zones recommended in the Zoning Ordinance rewrite conversion, but with the heights and

densities recommended in the Master Plan." Staff further recommends, "creation of a new overlay zone that would make all existing uses allowed as a permitted use (similar to the existing overlay zone)." As applied to the DARCARS/EDP Properties, this would convert their existing I-1 zoning to the new I-M zone with a to-be-determined Overlay zone (and drop the CR-0.75 zone that has been recommended for these Properties in the Draft Plan for several years).

While we appreciate Staff's efforts, we are opposed to the Staff recommendation for the following reasons:

- A. The previously recommended CR-0.75 zone with a 75 foot height limitation works for DARCARS/EDP's short and long term objectives for its five (5) Properties;
- B. The provisions of the new I-M zone do not equate to those of the CR zone. For example, "office" use is not restricted in the CR zone, while it is limited to 35% of total FAR in the I-M zone. Further, I-M zone building height is capped at 50-feet, while the previously recommended CR zone allows for 75-feet.
- C. Despite Staff's clear intention to avoid adverse impacts on existing businesses and uses, there is no guarantee that the final Overlay zone will achieve these objectives. Moreover, different property owners in Area 11 might well have competing interests and objectives, that cannot be ameliorated in the Overlay. Further, the Cherry Hill Road Overlay zone that has applied to this area for some 20 years has been anathema to DARCARS/EDP -- preventing or restricting their plans to modernize existing dealerships. Given this history, any proposed Overlay zone is understandably of concern to DARCARS/EDP.
- D. Creation of a new Overlay zone will require full due process at the Planning Board and Council levels, which is a lengthy and often times costly process for participants. Drafting, vetting and approving an acceptable version of the envisioned Overlay is highly unlikely to occur within the Council's timeframe for adopting the White Oak SMA.

Accordingly DARCARS/EDP requests that their Master Plan - recommended and ensuing SMA rezoning classification remain as CR-0.75.

3. Timing of the SMA and Applicability of Grandfathering Under the New Zoning Ordinance (Z.O. Sec. 7.7.1):

The District Map Amendment ("DMA") was adopted by the District Council earlier today, but will not become effective until October 30, 2014. The grandfathering

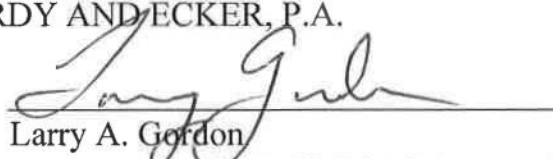
provisions of the New Zoning Ordinance apply to zoning in effect on October 29, 2014. Because the developed properties in the White Oak Plan (including the DARCARS/EDP Properties) have not been developed under the zones recommended for them in the White Oak Plan, rezoning through an SMA that precedes the DMA effective date will deprive these properties of intended and necessary grandfathering protections.

We request that the Council not act on the White Oak SMA until October 31, 2014. Alternatively, should the Council act sooner, we request that the SMA not become effective until October 31, 2014, (the day after the DMA and New Zoning Ordinance become effective.)¹

Thank you for your careful consideration of DARCARS/EDPs' requests.

Respectfully submitted,
SHULMAN, ROGERS, GANDAL
PORDY AND ECKER, P.A.

By:



Larry A. Gordon
Attorneys for the DARCARS Automotive Group
and Eastern Diversified Properties, Inc.

Attachment

cc: By Email

Hon. Phil Andrews
Hon. Roger Berliner
Hon. Nancy Navarro
Hon. Craig Rice
Hon. Hans Riemer
Ms. Tedi Osias

Mr. Dale Tibbits
Ms. Patty Vitale
Ms. Sonya Healy
Ms. Marlene Michaelson
Mr. Glenn Orlin
Mr. Jeffrey Zyontz

Mr. Glenn Kreger
Ms. Nancy Sturgeon
Mr. John R. Darvish
Mr. John Darvish, Jr
Mr. Jamie Darvish
Mr. Hamid Fallahi
Mr. Dan Noell

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¹ In a Council election year, Section 22-206(d) of Land Use Article, Md. Ann. Code imposes a moratorium on zoning law amendments by the Council from November 1 until the new Council is seated.

ATTACHMENT 4

