



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 2
06/06/02

DATE: May 31, 2002
TO: Montgomery County Planning Board
FROM: Michael Ma, Development Review Division *Ma*
REVIEW TYPE: Zoning Text Amendment

PURPOSE To delete provision allowing mixed commercial and residential development in the C-2 zone within 1,500 feet of a Central Business District Metro Station

TEXT AMENDMENT: No. 02-04

REVIEW BASIS: Advisory to the County Council, sitting as the District Council, Chapter 59, Zoning Ordinance

INTRODUCED BY: Councilmember Ewing

INTRODUCED DATE: April 9, 2002

PLANNING BOARD REVIEW: June 6, 2002

PUBLIC HEARING: June 11, 2002, 1:30 p.m.

STAFF RECOMMENDATION: DENIAL.

PURPOSES OF THE TEXT AMENDMENT

To delete provisions in Sections 59-C-4.2 and C-4.35 of the Zoning Ordinance that permit residential development in conjunction with commercial uses in the C-2 zone on sites within 1,500 feet of a Central Business District Metro station.

BACKGROUND

Previous Zoning Text Amendment 01-08

The Planning Board reviewed and recommended approval of Zoning Text Amendment (ZTA) 01-08 with modifications on October 1, 2001. The ZTA was approved by the Council and was adopted in November 2001.

- The purpose of ZTA 01-08 is to permit residential development in the C-2 zone on sites that are:
 1. located in a Central Business District (CBD);
 2. within 1,500 feet of a Metro station; and
 3. recommended for residential development by the sector plan.
 Site Plan review is required for any development under this provision.
- The maximum building height in the C-2 zone was increased from 3 stories or 42 feet to 75 feet to accommodate mixed commercial and residential development, provided:
 1. The residential component consists of a minimum of 60% of the overall FAR, and
 2. The development is at least 300 feet from any one-family residential use.
- The maximum floor area of buildings was increased from FAR 1.5 to 2.5 for a mixed commercial and residential project provided:
 1. the commercial FAR does not exceed 1.0 FAR; and
 2. the ground floor is commercial, except for uses incidental to the residential use, such as lobbies and loading areas.

In addition to the three location requirements listed under the first bullet above, the original ZTA also included a fourth requirement: the site must be adjacent to a public parking garage. This requirement was removed by the Council to encourage residential development in a CBD by making this provision available to more properties.

PROPOSED ZONING TEXT AMENDMENT 02-04

ZTA 02-04 was introduced in response to concerns raised by some residents and civic associations in the Bethesda area about the potential development allowed by the new provisions under ZTA 01-08. One of the main concerns is the maximum building height, which was raised from three stories or 42 feet to 75 feet for mixed residential and commercial development.

The proposed ZTA would delete provisions in Sections 59-C-4.2 and C-4.35 of the Zoning Ordinance that permit residential development in conjunction with commercial uses in the C-2 zone on sites within 1,500 feet of a Central Business District Metro Station. A copy of the proposed ZTA is attached (Attachment 1).

ANALYSIS

C-2 Zone

The C-2 zone is intended to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. Bethesda and Wheaton are the only two

Central Business Districts that have C-2 zoned properties located within 1,500 feet of a Metro station.

C-2 zoned properties in Bethesda

The 1994 Bethesda CBD Sector Plan depicted C-2 zoning predominately located in the areas south of Hampden Lane between Woodmont Avenue and Arlington Road (see attached map—Attachment 2). The new provisions that permit residential development are applicable to the properties within 1,500 feet of the Metro station.

C-2 zoned properties in Wheaton

The attached map of the 1990 Sector Plan for the Wheaton CBD (Attachment 2) predominately depicts one large area of C-2 zoning in close proximity to the Metro station. This area is located west of Veirs Mill Road and northwest of University Boulevard and encompasses the Westfield Shopping Center and office complex.

Bethesda Sector Plan

Staff continues to support the new provisions under ZTA 01-08 as approved. Encouraging the development of housing is a major goal of the Bethesda Sector Plan. This text amendment also responds to the goal of the County Council to provide opportunities for affordable housing near Metro stations.

Staff recognizes that future development under the new provision may include a building height over the guideline of 42 feet described in the Bethesda Sector Plan. Any proposed building higher than 42 feet or three stories, however, must be located at least 300 feet from any one-family dwelling as required by the new provision (Section 59-C-4.351(b)(2)). Such development must also obtain a site plan approval by the Planning Board. The Planning Board will examine the compatibility of the project and consistency with the Sector Plan during the review of the Site Plan as intended in ZTA 01-08.

CONCLUSION

The staff continues to support the provisions in Sections 59-C-4.2 and C-4.35 of the Zoning Ordinance that permit residential development in conjunction with commercial uses in the C-2 zone on sites within 1,500 feet of a central business district Metro station. These provisions will encourage residential development in a central business district and introduce a mix of uses within walking distance of a metro station. Therefore, staff recommends DENIAL of the proposed ZTA 02-04.

Attachments

1. Proposed Text Amendment
2. Zoning Maps for Bethesda and Wheaton CBDs

Zoning Text Amendment No: 02-04
Concerning: Residential and commercial
uses in C-2 zone
Draft No. & Date: 1 – 4/09/02
Introduced: April 9, 2002
Public Hearing: June 11, 2002; 1:30 PM
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: Councilmember Ewing

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- deleting provision allowing mixed commercial and residential development in the C-2 zone within 1,500 feet of metro station.

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

DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
Section 59-C-4.35	“C-T zone—Purpose and development standards”
Section 59-C-4.350	“Purpose
Section 59-C-4.351	“Building height”
Section 59-C-4.352	“Floor area”

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

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

[Single boldface brackets] indicate text that is deleted from existing law by the 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-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

59-C-4.2. Land uses.

* * *

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Coun try Inn
(a) Residential:												
Apartment hotels. ¹												
Boarding houses.			P			P						
Dwellings.	p ⁶	p ⁶ / SE	p ^{2,32}		SE	p ⁴⁰ / SE	SE	SE		SE		p ⁴

40 In a hotel or motel lawfully existing in the C-2 zone on October 24, 1972. [or within 1,500 feet of a Metro station located in a Central Business District provided: (1) the sector plan district in which the property is located is recommended for residential development, and (2) the development complies with the Section 59-D-3 site plan review requirements.]

59-C-4.35. C-2 zone—Purpose and development standards.

59-C-4.350. Purpose.

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. [A further purpose of this zone is to promote the effective use of transit facilities in Central Business Districts by encouraging housing with commercial uses in close proximity to Metro stations located in Central Business Districts.]

1 **59-C-4.351. Building height.**

2 The maximum building height at any point measured from the finished grade is 3 stories
3 or 42 feet, except that the height may be increased to 5 stories or 60 feet if the building
4 satisfies all of the following criteria [as follows]:

5 [(a) To 5 stories or 60 feet if the building satisfies all of the following criteria:]

6 [1.] (a) The building is an expansion of a use that either:

7 [(i)] 1. Existed on November 23, 1976; or

8 [(ii)] 2. Received site plan approval in accordance with division 59-D-3 between
9 November 23, 1976, and March 26, 1985, for the purpose of attaining the
10 increased height allowed by this section.

11 [2.] (b) The roof elevation of the expansion does not exceed the roof elevation of the
12 existing or approved use as specified by paragraph [(1)] (a) above. Elevation is
13 measured from sea level.

14 [3.] (c) The expansion receives site plan approval in accordance with division 59-D-3,
15 [;or]

16 [(b) To 75 feet to accommodate mixed commercial and residential development,
17 provided:

18 1. The residential component consists of a minimum of 60% of the overall
19 FAR, and

20 2. The development is at least 300 feet from any one-family residential use.]

21 **59-C-4.352. Floor area.**

22 The gross floor area of buildings shall not exceed FAR 1.5, [, except that the FAR may be
23 increased to a maximum of 2.5 FAR for a mixed commercial and residential project
24 provided: (1) the commercial FAR does not exceed 1.0 FAR, and (2) the ground floor is
25 commercial, except for uses incidental to the residential use, such as lobbies and loading
26 areas.]

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

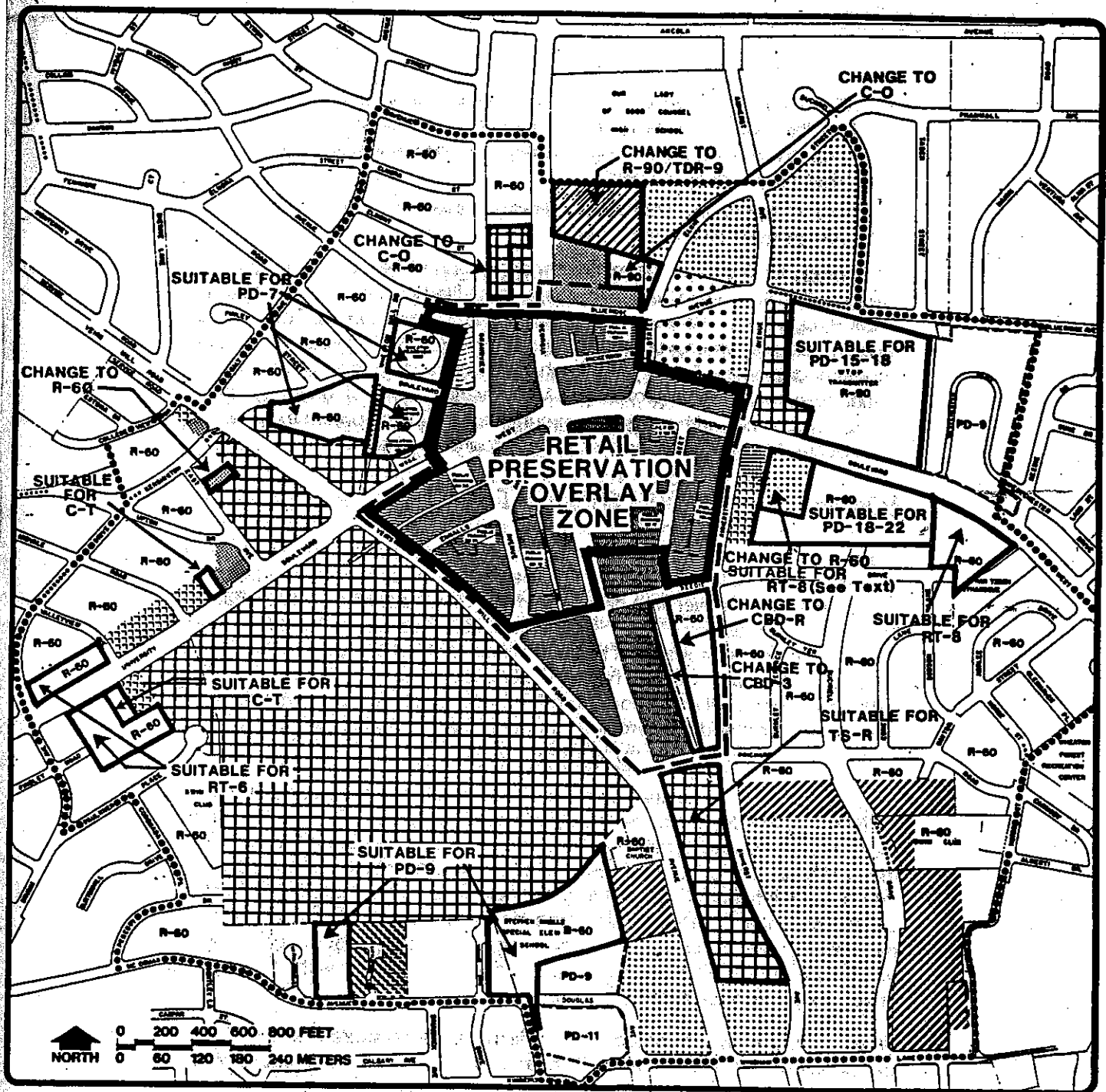
This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council

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PROPOSED ZONING PLAN

R-90 R-90 One Family	R-20 Low Density Apartment	C-1 Local Commercial
R-60 R-60 One Family	PD-9 P.D. Planned Development Zone	C-2 General Commercial
RT-8 Townhouse	O-M Office Building Moderate Intensity	CBD-1 Central Business District
RT-12.5 Townhouse	C-O High Density Office	CBD-2 Central Business District
R-30 Medium Density Apartment	C-T Commercial Transition Zone	CBD-3 Central Business District
WHEATON		----- Sector Plan Boundary
		----- Central Business District Boundary
		----- Dedicated Street Not Constructed



SEPT.
1990

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SECTOR PLAN

KW
PLANNING AREA