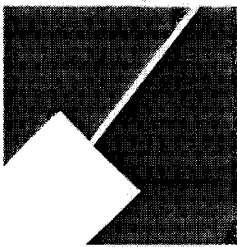


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**MCPB  
Item #1  
11/04/04**

**DATE:** October 28, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Carlton Gilbert, Zoning Supervisor  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To allow a hotel by right in the C-2 zone as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet, under certain circumstances; and allow an increase in building height to accommodate development of a theater complex and hotel at a regional shopping center with a gross leaseable area in excess of 1,200,000 square feet.

**TEXT AMENDMENT:** No. 04-20  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Denis  
**INTRODUCED DATE:** September 28, 2004

**PLANNING BOARD REVIEW:** November 4, 2004  
**PUBLIC HEARING:** November 9, 2004; 1:30 p.m.

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**STAFF RECOMMENDATION:** APPROVAL with modifications

**PURPOSE OF THE TEXT AMENDMENT**

To allow a hotel by right in the C-2 zone as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet, under certain circumstances; and allow an increase in building height to accommodate development of a theater complex and hotel at a regional shopping center with a gross leaseable area in excess of 1,200,000 square feet.

## BACKGROUND

The text amendment will enable redevelopment of two Westfield Shoppingtowns, one at Montgomery Mall in North Bethesda and the other in Wheaton, currently the only two regional shopping centers with a gross leasable area in excess of 1,200,000 square feet. The redevelopment plans for Montgomery Mall include additional retail, a theater complex, and a hotel. A theater complex with a height of 90 feet and hotel up to 130 feet could not be constructed under existing C-2 development standards. The Zoning Ordinance currently permits a hotel in the C-2 Zone only if it is located in a central business district. A theatre is currently permitted in the C-2 Zone. The maximum height in the C-2 Zone for a hotel (or any single use) is three stories or 42 feet and 75 feet for a mixed use development located near a metro station and under certain circumstances.

## ANALYSIS

The proposed text amendment proposes to amend footnote 3 associated with hotel/motel development in the C-2 Zone. The proposed language is as follows:

- 3 *A hotel or motel is a permitted use in the C-2 zone (i) if located in a central business district, or (ii) if located as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet. Additionally, any hotel or motel lawfully existing in the C-2 zone on October 24, 1972, or reclassified to the C-2 zone on (effective date of Takoma Park SMA) is a conforming use and may continue to exist in accordance with the provisions of this chapter in effect prior to October 24, 1972. Any hotel or motel lawfully existing in the C-2 zone on October 24, 1972 may be converted in whole or in part to multi-family residential use provided that: (i) at least 25% of the units are restricted in sales price or rental price to amounts that comply with Montgomery County's Moderately Priced Dwelling Unit ("MPDU") regulations. In the event of conversion in whole or in part to multi-family residential use, the residential use will not be regarded as a nonconforming use and may continue to exist in accordance with the development standards of this Chapter in effect prior to October 24, 1972, which were applicable to hotel or motel uses.*

Additionally, the text amendment proposes to modify language located under Section 59-C-4.351, "Building height", as follows:

(c) To accommodate development at a regional shopping center with a gross leaseable area in excess of 1,200,000 square feet, building height may be increased to: (1) 90 feet for a theater complex, and (2) 130 feet for a hotel. Any increase in building height under this provision must receive site plan approval in accordance with Division 59-D-3.

\* \* \*

The proposed ZTA would permit building height over the normal maximum for theatres and hotels when located at a regional shopping center of at least 1,200,000 square feet of leasable area. The Planning Board, through site plan review, would be required to make specific compatibility findings in order to approve height in excess of the normal 42' height limit for projects in the C-2 Zone. It should be noted that in the case of both regional shopping centers, no increase in FAR is being requested.

### **Policy Basis**

The Zoning Text Amendment seeks to encourage redevelopment in the C-2 Zones where services are provided for both a local and regional market. It ensures compatibility with surrounding uses by requiring that the Planning Board make certain findings before approving for more than the normal building height.

### **C-2 Zone**

*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.*

Staff believes that the proposed changes to the C-2 zone are consistent with the aforementioned purpose of these areas. The proposed language would allow for the orderly development of various retail uses and a hotel use within already existing regional shopping center limits so that these areas can further enhance the economic status of the County and provide convenience to restaurants and retail establishments for hotel guests visiting the premises as well as provide an expanding source of employment opportunities for its citizens.

### **Impacts of the Proposed ZTA**

a. Wheaton

In the case of Westfield Shopping Mall in Wheaton, a 130-foot high hotel could possibly be located without significant visual impacts on the adjoining residential community if located along Veirs Mill Road. Veirs Mill Road is the boundary between the CBD core and the C-2 zone area of the shopping mall, and therefore could be viewed as a transition and an extension of the CBD height controls. Additionally, if this height is applied along Veirs Mill Road, there should be some minimum distance, (500 feet), from the adjoining residentially zoned areas to make sure that the building is not located too close to the existing residentially zoned areas near the Veirs Mill Road/University Boulevard and Veirs Mill Road/Georgia Avenue intersections.

Similarly, it is suggested that a minimum distance of 500-feet from the adjoining residential zones be considered for allowing a maximum building height of 90 feet for a movie theater complex in the shopping mall. This distance would assure that the proposed additional height is located in the central portion of the shopping center site and away from the adjoining residential areas.

b. North Bethesda

Montgomery Mall is bordered by single-family homes in the R-90 Zone to the southeast (across the I-270 freeway interchange), townhouse development in the RT-12.5 Zone to the south (across Democracy Boulevard) and multi-family homes in the R-20, R-30 and the R-H Zones (across Westlake Road). It is noted that the existing Sec. 59-C-4.351 (b) stipulates that a height limit of 75 feet to accommodate mixed commercial and residential development must be at least 300 feet from any single family residential use. No such clause accompanies proposed Sec. 59-C-4.351 (c).

It appears that Sec. 59-C-4.351(b) sets a base setback for 75 feet and that 59-C-4.351(c) should include a setback that is correspondingly greater for 90 and 130 feet, and also applied to multi-family development. This would tend to, in the case of Montgomery Mall, push the proposed hotel towards the northeast quadrant of the property, and towards the interchange of I-270 and the Fernwood bridge, which would increase its visibility to the I-270 and I-495 freeways, and to the corporate headquarters within Rock Spring Park.

Staff believes that the proposed text amendment could be approved with minimal impact to the surrounding areas if several amendments are made to the proposal. First, as mentioned for both locations, some separation distance should be established between the buildings and adjoining residentially zoned properties. Staff recommends that a distance of 500 feet be maintained from the residential properties for both the theatre and hotel uses. Additionally, language should be included that requires a hotel to be oriented towards a major highway or freeway. As such, the Planning Board could provide input on the exact location of the building based on compatibility findings as well as the proposed language. The specific text is provided in Attachment 1.

It should be further noted that the Department of Public Works and Transportation (DPWT) has expressed some concerns about the need for additional right-of-way for the Montgomery Mall site, along Westlake Terrace to accommodate a future transit station in this vicinity. DPWT staff will attend the Planning Board hearing on Thursday to discuss their concerns and the possible relation to the proposed text amendment.

## **RECOMMENDATION**

The staff recommends approval of the proposed text amendment with modifications to allow a hotel by right in the C-2 zone as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet, under certain circumstances; and allow an increase in building height to accommodate development of a theater complex and hotel at a regional shopping center with a gross leaseable area in excess of 1,200,000 square feet.

Attachment 1 depicts the proposed text amendment as submitted.

GR

### **Attachments**

1. Proposed Text Amendment 04-20 (with staff modifications)