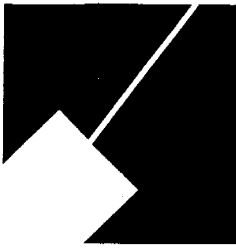


M-NCPPC



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

MCPB
Item #3
12/02/04

DATE: November 24, 2004
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To add "Educational institution, private" as a use permitted by right in the I-1 zone

TEXT AMENDMENT: No. 04-23
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Perez and Silverman
INTRODUCED DATE: October 19, 2004

PLANNING BOARD REVIEW: December 2, 2004
PUBLIC HEARING: November 23, 2004; 1:30pm

STAFF RECOMMENDATION: DENIAL

PURPOSE OF THE TEXT AMENDMENT

To add "Educational institution, private" (PEI) as a use permitted by right in the I-1 zone

BACKGROUND

The Zoning Text Amendment likely would have the most immediate application for the Newport School, which is interested in relocating into leased space on land classified as I-1.

ANALYSIS

I-1 Zone

Light industrial uses generally involve small to medium scale industrial activities including, but not limited to, research and development, warehousing and storage activities, light manufacturing and assembly of products, and other similar uses. Light industrial uses usually

generate less heavy truck traffic and have fewer adverse environmental effects on surrounding areas, as compared to heavy industrial uses. Staff has concerns with potentially permitting private educational institutions in the vicinity of a number of the uses allowed by right in the I-1 Zone. Staff believes that the intensity of a number of the permitted uses (in particular, manufacturing uses) could be inappropriate next to a private school.

Zones Where PEIs are Currently Permitted

Currently PEIs are permitted by special exception approval only in the one-family residential and multiple-family (except R-H Zone) zones and the agricultural zones and are permitted by right in the C-T, O-M, C-O, C-P, C-2, C-5 and C-6 commercial zones, most CBD Zones and the RMX Zones.

Community-Based Planning Comments

This ZTA has the potential to impact needed employment land in the I-270 Corridor. Of immediate concern are properties in the Shady Grove Sector Plan (SGSP) vicinity. The SGSP was recently forwarded to the County Council for public hearing on November 4 with work sessions to be scheduled thereafter. In the SGSP Planning Board Draft, properties that are currently zoned I-1 would be rezoned to a new mixed use/transit-serviceable zone. The rezoning as a part of the Sectional Map Amendment would enable redevelopment of industrial properties within walking distance of the SG Metro to a new walkable, mixed residential community. Portions of the SGSP are retained as I-1 in order to facilitate relocation of County Service Park uses (specifically Ride-On bus) where there is a compelling need to remain proximate to the Metro station.

Other locations such as Germantown (I-270 at Middlebrook Road) retain I-1 zoning and have recently been developed as car dealerships, thus extinguishing the employment yield needed to justify the future Corridor Cities Transitway. A private school allowed by right would further diminish employment yields.

In general, Community-Based Planning believes that industrial properties are in short supply, particularly in the down-County area and further feel that it is not appropriate to use remaining I-1 property for uses that could currently locate in other zones whether by special exception or by right.

RECOMMENDATION

The staff recommends denial of the proposed text amendment to allow private educational institutions as a use permitted by right in the I-1 zone. Staff believes that there currently exist a number of zones that could accommodate private schools without the potential impact to employment property in the I-1 Zone. Should the County Council decide to approve the proposed text amendment, staff suggests that location of private schools be limited to within existing structures as of the date of this zoning text amendment. This approach is consistent with language in the Zoning Ordinance that allows universities and colleges providing teaching and research facilities to locate in the I-1 Zone only if located in a building existing as of the

effective date of the text amendment (in that case, as of May 25, 1998). Again, staff believes that the eroding of potential employment property in the I-1 Zone should not be permitted to accommodate a private school when there already exists a number of other zones that could accommodate the use.

Attachment 1 depicts the proposed text amendment as submitted.

GR

Attachments

1. Proposed Text Amendment 04-23
2. Table of Land Uses for Industrial Zones