



MCPB
Item #3
07/14/05

DATE: July 8, 2005
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
 Rose Krasnow, Chief, Development Review *RK*
 Carlton Gilbert, Zoning Supervisor *CG*
FROM: Nkosi Yearwood and Karen Kumm, Community-Based Planning
 Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendments
PURPOSE: To amend the Zoning Ordinance based on recommendations from the Shady Grove Sector Plan. Specifically, to allow "wholesale trades limited to sales or rental of products intended for industrial or commercial users" as a permitted use in the I-3 zone under certain circumstances.

TEXT AMENDMENT: 05-09
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: June 14, 2005

PLANNING BOARD REVIEW: July 14, 2005
PUBLIC HEARING: July 18, 2005, 1:30 PM

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENTS

To amend the Zoning Ordinance based on recommendations from the Shady Grove Sector Plan. Specifically, to allow "wholesale trades limited to sales or rental of products intended for industrial or commercial users" as a permitted use in the I-3 zone under certain circumstances.

BACKGROUND

On March 14, 2005, as part of the Draft Shady Grove Sector Plan Amendments, the PHED Committee recommended approval to rezone the Roberts Oxygen Company property, located at 17011 Railroad Street, Parcel 747 (within Oakmont Industrial Park and adjacent to the Town of Washington Grove), from the I-1 zone to the I-3 zone. The property is developed with an industrial facility that manufactures oxygen tanks for medical uses and also includes rental space for the storage of landscape maintenance trucks.

The PHED Committee supported the rezoning with the approval of the property owner and with the owner's understanding that the use would be grandfathered into the I-3 zone and would be allowed to continue in accordance with the standards of the I-1 zone. The property owner also agreed to honor the 42-foot building height limitation and 50-foot building setback (for the purposes of achieving a landscape buffer from the adjacent residential property) as depicted in the sector plan for those industrial properties located adjacent to Washington Grove.

ANALYSIS

The current use category of Roberts Oxygen, wholesale trades limited to sales or rental of products intended for industrial or commercial users, is permitted in the I-1 zone but not in the I-3 zone.

Using the I-3 zone creates a ceiling on the amount of development on the Roberts Oxygen property. Under the existing I-1 zone, there is no FAR limitation. The goal of the proposed text amendment is to grandfather the existing use into the I-3 zone and to create a conforming use. Pursuant to the text amendment, the existing use could expand under the standards of the I-1 zone except that the building height and setbacks must conform to the recommendations of the applicable master plan or sector plan. In this case, the building height would be limited to 42 feet and the minimum building setback would be 50 feet. Any expansion of the use would require approval of a site plan. The table below depicts a comparison of the applicable development standards of the I-1 and I-3 zones with those recommended in the Draft Shady Grove Sector Plan.

COMPARISON OF APPLICABLE DEVELOPMENT STANDARDS: I-1/I-3/DRAFT SHADY GROVE SECTOR PLAN			
Development Standards	I-1 Zone	I-3 Zone	Sector Plan Rec.
Building height	3 stories or 42 feet*	100 feet	42 feet adjacent to Washington Grove
Minimum green area (Percent of gross tract area)	10	35	None
Maximum density (FAR)	None	0.50	None

Minimum setback	10 feet from any street r-o-w if on a master plan; or not less than the setback required in the adjoining residential zone	Setbacks vary (ranging from 25 to 200 feet from adjoining residentially zoned property)	50 feet for landscaped buffer
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** May be increased to 10 stories or 120 feet for development of an employment center with open space preservation. Must be in accordance with a master or sector plan and must be developed in accordance with the site plan procedures set forth in Division 59-D-3*

For the Oakmont Industrial Park properties located adjacent to the Town of Washington Grove, the Draft Shady Grove Sector Plan recommends a minimum setback of 50 feet (for establishing a landscaped buffer) and a maximum building height of 42 feet. The proposed text amendment will ensure that any modifications to the existing Roberts Oxygen use (wholesale trades limited to sales or rental of products intended for industrial or commercial users) will be consistent with the building height and setback of any redevelopment of the property as a permitted use in the I-3 zone. Site plan approval will be required both for the existing use (a requirement of the text amendment) and any redevelopment of the property once it is reclassified to the I-3 zone (site plan approval is a standard requirement in the I-3 zone). As such, the recommendations of the Shady Grove Sector Plan will be implemented at that time.

RECOMMENDATION

The staff recommends that the proposed text amendment to address Shady Grove Sector Plan recommendations be approved as submitted.

Attachments 1 depicts the proposed amendment as proposed.

Attachments

1. Zoning Text Amendment No. 05-09
2. Sector Plan Map depicting the Robert’s Oxygen site
3. Draft Shady Grove Sector Plan text for Oakmont Industrial Park