

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

February 22, 2005

MEMORANDUM – Zoning Text Amendment

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JXC*
Community-Based Planning Division

FROM: Karen Kumm Morris (301/495-4554) *KKM*
Community-Based Planning Division

Gregory Russ
Development Review Division

47 N’kosi Yearwood
Community-Based Planning Division

SUBJECT: Zoning Text Amendment No. 05-02 Introduced by the District Council at the Request of the Planning Board; Amend the Zoning Ordinance to Establish a New Transit Oriented Mixed-Use Zone Shady Grove Sector Plan and Other Transit Station Areas

RECOMMENDATIONS

The staff recommends approval to transmit comments to the County Council concerning the recently introduced Zoning Text Amendment for a new Transit Station Zone (TOMX 2.0). This new zone is intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. The following items summarize the comments:

1. Revisions to the table of permitted uses - The following uses should be included in the use table of the TOMX 2.0 Zone:
 - a. Group Day Care and Child Day Care should be permitted uses instead of Special Exceptions
 - b. Advanced technology and biotechnology research and development uses should be added to the use table

2. Work Force Housing - The staff recommends the requirement of 10 percent of all housing located on publicly owned land to be work force housing. This requirement would produce approximately 452 units of work force housing in addition to approximately 960 MPDUs.

3. Transfer of Development Rights - Allow the use of TDRs in the Planned Development (PD) Zone and the Residential Mixed-Use (RMX-2C) Zone. The use of transfer of development rights in each of these zones would produce approximately 164 TDRs.

INTRODUCTION

The Planning Board recommended the introduction of a Zoning Text Amendment for a new Transit Station Zone to implement the Shady Grove Sector Plan on January 27, 2005. The County Council recently introduced the proposed Zoning Text Amendment and requested additional comments from the Planning Board. A copy of the Zoning Text Amendment and the staff report is enclosed.

ANALYSIS

During the last hearing to introduce the TOMX 2.0 Zone, the Planning Board suggested changes to the table of permitted uses. During the recent work sessions, the PHED Committee of the County Council requested that the Planning Board consider methods to incorporate requirements for work force housing and transfer of development rights in the new TOMX 2.0 Zone. The following paragraphs address these issues.

Revisions to the Table of Permitted Uses

Recommendations - The following uses should be included in the use table of the TOMX 2.0 Zone:

- Group Day Care and Child Day Care should be permitted uses instead of Special Exceptions
- Advanced technology and biotechnology research and development uses should be added to the use table

Discussion – The Planning Board discussed the list of permitted uses on January 27, 2005. The Planning Board recommended that Group Day Care and Child Day Care be permitted uses instead of Special Exceptions.

In addition, the Screening Committee recently recommended that advanced technology and biotechnology research and development uses be added to the use table. These uses are part of the recommendations in the Technology Corridor and Metro Station Neighborhoods in the Shady Grove Sector Plan. These uses are also important in the Twinbrook Sector Plan area.

Work Force Housing

Recommendation - The staff recommends the requirement of 10 percent of all housing located on publicly owned land to be work force housing. This requirement would produce approximately 452 units of work force housing in addition to approximately 960 MPDUs.

Discussion - The County Council has requested that the Planning Board identify options to include work force housing in the Shady Grove Sector Plan. The County Council defines work force housing for the Shady Grove Sector Plan area as housing that can be purchased or rented by individuals or families that earn up to 120 percent of the medium income (\$100,875 in 2002) in Montgomery County. In addition, the County Council requested that any options for work force housing incorporate the following:

- Additional work force housing should not increase the amount of housing already proposed in the Sector Plan
- Work force housing should not reduce the number of moderately priced dwelling units
- Work force housing should be a minimum of 10 percent of the total housing in each project

Options for Consideration

- Require 10 percent as part of any agreement with a private developer on publicly owned land - 452 dwelling units of work force housing
- Requirement of 10 percent for approval of all projects in Shady Grove - 670 dwelling units of work force housing
- Requirement of 10 percent for approval of the Optional Method of Development in the TOMX 2.0 Zone - 395 dwelling units of work force housing

Table: Publicly Owned Land and Housing by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	MPDUs (15%)	Work Force (10%)
Jeremiah Park	PD-15	640	96	64
Metro West				
- WMATA	TOMX 2.0	865	130	87
Metro South	TOMX 2.0	908	137	91
Metro North				
- WMATA	TOMX 2.0	854	129	86
- DPWT	TOMX 2.0	1220	183	122
- MCPS	TOMX 2.0	12	0	2
Totals		4499	675	452

Conclusions - The staff recommends the use of a requirement on publicly owned land for work force housing. All of the options require legislation (Chapter 25A or a new Chapter 25B) to include work force housing. In addition, a method to monitor the price of housing, and to establish time limits will be required. An implementing agency should also be identified. The staff is presently working on a comprehensive examination of work force housing in Montgomery County. A table of Housing Affordability Statistics is enclosed for information. The initial work will be completed within the next two months. Amendments to the zones should wait until this comprehensive examination is completed.

Transfer of Development Rights

Recommendation – Allow the use of TDRs in the Planned Development (PD) Zone and the Residential Mixed-Use (RMX-2C) Zone. The use of transfer of development rights in each of these zones would produce approximately 164 TDRs.

Discussion - The Planning Board considered the use of transfer of development rights during the preparation of the Shady Grove Sector Plan. Supporting the preservation of agricultural and rural open space in Montgomery County is a major consideration in the preparation of all master plans.

Options for Consideration

- Allow the use of transfer of development rights in all neighborhoods zoned for Planned Development (PD) or Residential Mixed-Use (RMX-2C) - 164 TDRs
- Requirement of 10 percent for approval of the Optional Method of Development in the TOMX 2.0 Zone - 395 TDRs
- Both of the above options - 559 TDRs

Table: Transfer of Development Rights by Neighborhood in Shady Grove

Neighborhood	Zone	Total Housing	TDRs (10%)
Jeremiah Park	PD-15	640	64
Casey 7	PD-18	300	30
Metro East	PD-15 and 35	362	37
Old Derwood	PD-22	22	3
The Grove	RMX-2C	300	30
Totals		1624	164

Conclusions - The Planned Development (PD) Zone provides an incentive of 10 percent for the provision of transfer of development rights. The Residential Mixed-Use (RMX-2C) Zone also includes an incentive for including the transfer of development rights although this incentive must be included in the Shady Grove Sector Plan and Sectional Map Amendment. The TOMX 2.0 Zone would need to be modified to include an option for the use of transfer of development rights. The Planning Board did not include the use of transfer of development rights in the TOMX 2.0 Zone. The areas designated for the TOMX 2.0 Zone include several competing priorities as listed in the following:

- Cost of providing MPDUs in high-rise structures
- Cost of relocating the County Service Park
- Need to relocate the existing Metro surface parking facilities into new parking structures
- Requirement to construct a new street system in the Metro neighborhoods
- Requirement for amenities and facilities in the approval of the Optional Method of Development in the TOMX 2.0 Zone
- Requirement to fund a new community center

The staff recognizes that identifying additional locations for receiving areas for the use of transfer of development rights should be a priority in each master plan and sector plan. The Shady Grove Sector Plan includes the use of transfer of development rights. Staff has begun an examination of the sending and receiving areas for the use of transfer of development rights as part of a rural initiative.

JAC:ha: a:\carter4\PHED TOMX Zone

Attachments:

- Table of Housing Affordability Statistics
- MPDU Condominium Fee Analysis
- Staff Report, dated January 20, 2005