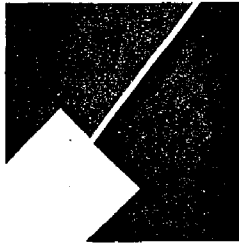


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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**MCPB
Item #11
01/19/06**

DATE: January 13, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development review *RK*
Carlton Gilbert, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone under certain circumstances; and generally amend provisions related to the TS-R and TS-M zones

TEXT AMENDMENT: No. 05-22
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmembers Denis and Perez
INTRODUCED DATE: December 13, 2005
PLANNING BOARD REVIEW: January 19, 2006
PUBLIC HEARING: January 24, 2006; 1:30 p.m.

STAFF RECOMMENDATION: TRANSMITTAL OF COMMENTS to the County Council

PURPOSE OF THE TEXT AMENDMENT

To allow property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone under certain circumstances; and generally amend provisions related to the TS-R and TS-M zones

BACKGROUND

Under current zoning regulations, the TS-R and TS-M zones generally are eligible for properties outside of the Central Business Districts, with these zones being transitional in nature for the edges of the CBD's. The TS-M zone is permitted in an area designated as a Transit Station Development Area, which by definition is outside of a Central

Business District Zone; the TS-R zone is also permitted for property located within 1500 feet of a metro station. The zoning ordinance as currently written precludes a TS-M application for property within a CBD, even if the property adjoins another property outside a CBD that is eligible for the TS-M zone. In situations where there are such properties, separate reclassification/development applications must be filed rather than the properties being joined for purposes of a single development project.

The proposed zoning text amendment would address such situations by allowing the TS-M zone to be used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone or separate only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.

ANALYSIS

The zoning text amendment proposes to allow property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone if the property is adjacent to property outside of the CBD Zone that is eligible for classification in the TS-M zone. The analysis below discusses the purpose and intent and the development standards of the two zones and the master plan guidance on the impacts of the proposed text amendment throughout the County.

Purpose/Intent of the CBD and TS-M Zones

Section 59-C-6.212 provides the intent of the CBD Zones. Among other provisions, these zones are designed to accomplish the following:

- (a) To **encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan** approved under Chapter 56 **by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan** and the site plan or combined urban renewal project plan is approved on review by the Planning Board.
- (b) To **permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities** in central business districts to meet the needs and requirements of workers, shoppers and residents.
- (c) To **encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.**
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.

- (e) To promote improved pedestrian and vehicular circulation.
- (f) To assist in the development of adequate residential areas for people with a range of different incomes.
- (g) To encourage land assembly and the most desirable use of land in accordance with a sector plan. The proposed eligibility requirements for these procedures are as follows:

TS-M zones are intended to be used in transit station development areas, and/or for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan. Also, in order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, ***some of the specific restrictions which regulate, in some other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.***

The intent of both the CBD and TS-M zones is to provide flexible development standards in order to allow more innovative development patterns that provide desirable relationships between the buildings and circulation systems within these areas and the adjacent surrounding properties located outside of the CBDs and transit station areas, with all being in accordance with the approved and adopted master or sector plans.

Development Standards—CBD vs TS-M

Minimum Area/Density

The minimum lot area in the CBD Zones for optional method projects is 22,000 square feet while that of the TS-M Zone is 40,000 square feet. The maximum density of development in the CBD Zones for optional method projects is 8 (CBD-3) but next to TS-M is generally a CBD-1 or 2, which is capped at 3.0 FAR and 5.0 FAR, respectively. Maximum FAR for the TS-M zone is 3.0.

Public Use/Recreation Space

The minimum public use space required in the optional methods of development for the CBD zones is 20 percent of the net lot area. The TS-M zone requires that a minimum of 10 percent of the net lot area be devoted to public use space but requires that active and passive recreation entail a minimum of 25 percent of the net lot area for projects that provide a residential component totaling 50 or more dwelling units.

Building Height

The maximum building height permitted in the CBD-1 and 2 zones (optional method development) ranges from 60 feet to 200 feet, with the greater heights being based on master or sector plan recommendations or other criteria—all of which must be evaluated by the Planning Board. Building height in the TS-M zone must also be established through review by the Planning Board (during review of the site plan).

Development Process: CBD Vs. TS-M

The TS-M zone requires approval of a development plan and a site plan. The development plan is submitted as part of an application for the reclassification of land into the zone. Approval of the rezoning application includes the approval of the plan. The development plan requires approval by the County Council. The site plan is a more detailed plan, approved by the Planning Board after the reclassification of the property to TS-M and must be consistent with the development plan.

The development process in the CBD zones (under the optional method of development provisions) requires submittal and approval of a project plan and a site plan. The project plan is similar to a development plan, except that it is not a requirement for the approval of a rezoning application but a precondition for the use of the optional method of development. Again, the site plan is a more detailed plan, but in this case, must be consistent with the approved project plan.

Under the current zoning regulations, a joint development project that includes a CBD zoned site and an adjacent proposed TS-M zoned property must obtain approval by the Planning Board of a project plan for the CBD parcel and a reclassification by the County Council for the proposed TS-M site (including approval of a development plan). Approval of either of these plans would seem to necessitate discussion of the other as part of the process. After approval of these plans, a joint site plan could be developed and submitted for approval by the Planning Board.

The proposed text amendment would permit the CBD parcel to be included in the reclassification of the adjacent parcel to the TS-M zone (including the submittal of a joint development plan). If adopted for reclassification, a combined site plan could be submitted to the Planning Board for approval.

Master Plan Guidance

The usual progression of zoning intensity is from CBD zones to the TS-M or TSR to lower density residential zones on the periphery of the CBDs. The reverse order of intensity is unusual but would not have negative impacts on any of the Central Business Districts or the surrounding residential communities. The zoning text amendment conditions of specific distance from a Metro transit station and adjacency to a public right-of-way further restrict the application of this amendment. The Approved and Adopted 1994 Sector Plan for the Bethesda

Central Business District and the 1998 Sector Plan for Friendship Heights support the use of the TS-M zone adjacent to the Central Business District zones in three instances.

1. On the GEICO site in Friendship Heights, TS-M zoned land separates R-60/TDR zoned land from CBD-1 and CBD-2 zones; public rights-of-way separate the TS-M from the CBD zoned land. The GEICO property has not redeveloped and has preliminary plan approval. This situation is most similar to the public parking lot 31 case.
2. The Chevy Chase Center in Friendship Heights has TS-M zoned land separating CBD-1 land from an R-60 neighborhood. Development is approved for this site and is under construction.
3. In the Bethesda CBD, parking lot 31 is zoned R-60/TS-M. The intent of the Sector Plan was that development on the TS-M would be a transition between the CBD and the single-family neighborhood to the south. Combining the confronting property zoned CBD-1, across Woodmont Avenue, under the TS-M designation, will have no impact on the adjoining CBD properties.

RECOMMENDATION

The staff recommends approval of the zoning text amendment to allow property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone under certain circumstances; and generally amend provisions related to the TS-R and TS-M zones. **Staff further believes that this amendment could also apply to the TS-R zone for the same rationale set forth in the staff analysis, and mainly because it would allow flexibility to consider transitional projects on the edge of a CBD under a single zoning application when the split zoned properties are a single development project.** This ZTA would simply make properties eligible for filing a local map amendment to seek rezoning approval and does not grant any additional entitlement rights; the burden will remain on an applicant to satisfy all of the requirements to have a rezoning application approved. It would also promote good public policy where the circumstances warrant a unified zone and zoning process for a development project. The intent provisions of both the CBD and transit station zones encourage innovative design schemes that place emphasis on master and sector plan recommendations, especially in mitigating impacts to surrounding non-CBD or transit station areas. The development standards and permitted uses of both types of zones are comparable. In fact, as stated in the Community-Based Planning comments, the usual progression of intensity places the transit station zones as transitional areas between the CBDs and the non-CBD residential areas. With this in mind, there should be no negative impacts to surrounding areas by allowing the transit station zone provisions on an adjoining CBD Zone. Staff anticipates that this provision would only be used when a joint project is proposed that includes an existing CBD zone and a

property outside of the CBD that is eligible for the TS-M or TS-R zone so that a single development process could be used.

Should the Council not agree with staff's additional recommendation, Attachment 1 depicts the proposed text amendment as modified by staff for minor plain language changes on page 3 under the "Intent" provision of the Transit Station Development Zones but does not modify the language to incorporate the TS-R Zone.

GR

Attachments

1. Proposed Text Amendment 05-22 as amended by staff
2. Community-Based Planning Memorandum and Affected Master or Sector Plan Area Maps