



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #13
01/11/07

DATE: January 2, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Ralph Wilson, Acting Zoning Supervisor *RDW*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the purpose provision and development standards of the
Planned Residential Community (PRC) zone to allow development
to occur on smaller tract areas of 25 acres

TEXT AMENDMENT: No. 06-27
REVIEW BASIS: Advisory to the County Council sitting as the District
Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Knapp
INTRODUCED DATE: December 12, 2006

PLANNING BOARD REVIEW: January 11, 2007
PUBLIC HEARING: January 16 2007; 1:30pm

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To amend the purpose provision and development standards of the Planned Residential Community (PRC) zone to allow development to occur on smaller tract areas of 25 acres

BACKGROUND

- On August 13, 2001, as part of the first phase of the Comprehensive Zoning Ordinance Review, the Planning Board transmitted to the County Council recommendations concerning senior housing opportunities in the County. The main emphasis was to expand the zones where senior housing could be permitted by right and to propose the use of a floating zone for larger senior housing projects. Staff's recommendation was to provide an alternative zone for large projects, those incorporating 25 or more acres of land. This entailed either modifying the PRC Zone or developing a new zone that is

similar to the PRC Zone for this purpose. The Planning Board recommendation to the Council included modifying the PRC Zone, rather than developing a new PRC zone.

- The County Council determined that the revisions to the PRC Zone proposed by the Planning Board were not related to the main purpose of the comprehensive zoning ordinance rewrite and were not reflected in the title of the ZTA, or in the published notice of the public hearing. For this reason, the PRC proposal was withdrawn and reintroduced on April 16, 2002 as a separate text amendment (ZTA 02-05).
- On July 30, 2002, the County Council adopted ZTA 02-05. ZTA 02-05 revised the development standards for the Planned Retirement Community (PRC) zone to reduce the required minimum lot area from 750 to 25 acres and modified the required uses. The purpose of the smaller acreage and fewer required uses was to make the PRC zone available for campus-like senior housing development that was typically too large for a special exception request for senior housing in one-family residential zones.
- On June 13, 2006, ZTA 06-18 was introduced to clarify and to modify certain provisions of the PRC zone that were not adjusted at the time of the reduction in tract size from 750 acres to 25 acres. During the review process, a potential developer of a 25-acre tract of land requested that certain I-4 uses be allowed in the 25-acre PRC zone if the I-4 uses are located within 3,000 square feet of an airport and are shown on a development plan. The I-4 property is known as the "Webb Tract" which includes 134 acres of I-4 zoned property currently undeveloped and located on Snouffer School Road, north of the Montgomery County Airpark.
- On October 9, 2006, the PHED Committee held a worksession on ZTA 06-18. At the worksession, it was discovered that changes that were adopted in 2002 to accommodate the smaller acreage requirements inadvertently were not codified. The PHED Committee recommended that the development standards for the smaller PRC be codified. The Committee also recommended that a phrase be added to the purpose clause (as recommended by the Planning Board) that would reflect consideration of the size of the development (in acres) and the use of the property when determining whether day-to-day services and public facilities should be provided on-site or off-site. The Committee was not in favor of including modifications to various setback and other regulations related to I-4 uses as requested by the ZTA sponsor.
- Due to inactivity by the Council in office at the time, ZTA 06-18 lapsed. ZTA 06-27, which is now under consideration, includes the PHED Committee recommendations and the changes as adopted by the Council in 2002. ZTA 06-27 mainly reflects a separation in the development regulations for PRC developments of 750 acres or greater versus PRC developments less than 750 acres.
- Currently, Leisure World is the only development in the County that is under the PRC zone, and it served as the framework for the current PRC zone standards. Leisure World includes over 750 acres of development.

ANALYSIS

Purpose Clause

The proposed modifications to the purpose clause is as follows:

59-C-7.41. Purpose.

The purpose and intent of the P-R-C zone is to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the [planning board] Planning Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments [shall be] are limited to areas [which] that have adequate highway access, public water and sewer, and [shall provide the area of land required to furnish the development with necessary] public services [including school sites if needed].

Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided.
[They shall] Such developments must be [so] designed [as] to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

With the 750-acre Leisure World development, the purpose clause called for the provision of most of the recreational, medical, retail, commercial and similar services required by the residents to be within the boundaries of the PRC Zone, including a provision for all land necessary for public services. The proposed language changes reflect the smaller tract sizes of 25 acres or greater and therefore suggest that the uses and services/facilities be “accessible and “available” to support the proposed development. **Staff supports these modifications, including the additional language of the purpose clause concerning the size of the development (in acres) and the use of the property when determining whether day-to-day services and public facilities should be provided on-site or off-site.**

Setbacks

59-C-7.45. Setbacks.

- (a) In a development of 750 acres or more, [All] all buildings and structures [shall] must be set back at least as follows:
- ([a]1) Along not more than 40 percent of the length of the tract boundary the setback [shall] must be at least 50 feet.
- ([b]2) Along the remainder of the tract boundary the setback shall be at least 100 feet.
- ([c]3) Notwithstanding the above:
- ([1]A) There [shall be] is no minimum setback requirement for an entrance gate house, and
- ([2]B) Along any portion of the tract boundary adjoining land owned or occupied by a public utility the setback may be reduced to not less than 10 feet.
- (b) In a development of less than 750 acres, all buildings and structures must be set back at least as follows:
- (1) Not less than the setback of the adjacent zone.
- (2) Additional setback must be provided from adjacent one family residential development if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.

In developments less than 750 acres, concerns about the impact of taller buildings being located adjacent to single-family residential neighborhoods located outside of the PRC development were ameliorated by requiring 2 feet of additional setback for each foot of building above 35 feet. For developments of 750 acres or larger, the setbacks were not changed.

Green Area

Green area is proposed as follows:

59-C-7.462. Green area.

- (a) In a development of 750 acres or more, not [Not] less than 65 percent of the gross area [shall] must be devoted to green area.
- (b) In a development of less than 750 acres, not less than 50 percent of the gross area must be devoted to green area.

The proposed reduction of green area for parcels of less than 750 acres from 65% to 50% is consistent with the 50% green area requirement for similar, medium density range development in the Planned Development (PD) Zone. The 65% green area was established for the 750-acre Leisure World development.

Height of buildings

59-C-7.47. Height of buildings.

(a) In a development of 750 acres or more:

(1) *No building except a church tower may exceed 100 feet in height.*

~~[(b)]~~ (2) *At least 65 percent of the total number of dwelling units must be contained in buildings not more than 35 feet in height.*

~~[(c)]~~ (3) *No residential building over 39 feet in height may be located within 500 feet of any boundary line of the planned retirement community.*

(b) In a development of less than 750 acres, no building except a church tower may exceed 100 feet in height.

The text amendment adopted in 2002 requires any building over 39 feet in height within a PRC development of 750 acres or more to be set back a minimum of 500 feet from the PRC boundary. For smaller PRC developments, the setback is determined by the setback of the adjacent zone; or if the adjacent property is zoned one-family residential, 2 feet of additional setback for each foot of building above 35 feet is required.

RECOMMENDATION

Staff recommends approval of ZTA 06-27, as introduced. As recommended by Staff: (1) PRC development may occur on a site of 25 acres or less; (2) the size of the PRC development must be considered when determining the services and public facilities that must be provided; (3) building height, density, and setback standards are established for PRC sites of 25 acres or less; and (4) fewer uses are required on site for PRC sites less than 750 acres. For the most part, these revisions correct the codifying errors that occurred in 2002.

GR

Attachments

1. Proposed Text Amendment 06-27
2. Planning Board recommendation and staff report for ZTA 06-18

ATTACHMENT 1

Zoning Text Amendment No: 06-27
Concerning: Planned Retirement
Community (P-R-C) Standards
Draft No. & Date: 1 – 12/12/06
Introduced: December 12, 2006
Public Hearing: 1/16/07; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the purpose provision and development standards of the Planned Retirement Community (P-R-C) zone to allow development to occur on smaller tract areas; and
- generally amend the P-R-C zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-7	"PLANNED UNIT DEVELOPMENT ZONES"
Section 59-C-7.4	"Planned retirement community zone"
Section 59-C-7.41	"Purpose"
Section 59-C-7.421	"Required uses"
Section 59-C-7.422	"Permitted uses"
Section 59-C-7.423	"Special exception use"
Section 59-C-7.43	"Minimum area of tract"
Section 59-C-7.44	"Age of residents and residential densities"
Section 59-C-7.441	"Age-restricted section"
Section 59-C-7.442	"Age-unrestricted section"
Section 59-C-7.443	"The maximum density permitted"
Section 59-C-7.45	"Setbacks"
Section 59-C-7.46	"Coverage limitations"
Section 59-C-7.461	"Buildings"
Section 59-C-7.462	"Green area"
Section 59-C-7.47	"Height of buildings"
Section 59-C-7.48	"Roads, parking, and school sites"
Section 59-C-7.481	"Off-street parking"
Section 59-C-7.482	"Roads"
Section 59-C-7.483	"Dedication of land for school sites"
Section 59-C-7.49	"Procedures for application and approval and limitation on

filing”

EXPLANATION:

Boldface indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * ** indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-7 is amended as follows:

DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.

* * *

59-C-7.4. Planned retirement community zone.

59-C-7.41. Purpose.

The purpose and intent of the P-R-C zone is to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the [planning board] Planning Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments [shall be] are limited to areas [which] that have adequate highway access, public water and sewer, and [shall provide the area of land required to furnish the development with necessary] public services [including school sites if needed]. Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. [They shall] Such developments must be [so] designed [as] to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

* * *

59-C-7.421. Required uses. A planned retirement community must contain the following:

(a) In a development of 750 acres or more:

Dwelling units.

Retail commercial center, limited to the uses permitted in the C-1 zone and occupying not more than 1 ½ percent of the gross area, including off-street parking.

Necessary accessory buildings and uses, [may include] including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities.

One or more of the following recreational, educational and cultural facilities:

Golf course, 18 holes.

Lake.

Clubhouse.

Swimming pool.

Auditorium or meeting hall or both.

Bowling green.

Shuffleboard court.

Medical facilities, including an out-patient clinic.

(b) In a development of less than 750 acres:

Dwelling units.

Meeting rooms.

Recreational facilities, such as, a swimming pool, shuffleboard court, golf course, or similar facilities designed to meet the passive and active recreation requirements of the planned retirement community residents, consistent with the size of the project.

59-C-7.422. Permitted uses. The following uses are also permitted, provided that a development plan amendment is required for any use that is not shown on a development plan approved in accordance with Division D-1, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit:

Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying not more than 5 acres of land.

Home occupation in the age-unrestricted section regulated by section 59-C-7.442, subject to the regulations of the following zones:

- (a) The [RT-60] R-60 zone in the case of a detached dwelling unit;
- (b) The RT-6 zone in the case of a townhouse or one-family attached dwelling unit; or
- (c) The R-30 zone in the case of a multiple-family dwelling unit.

A development plan amendment, in accordance with division 59-D-1, is not required for a home occupation.

Day care facility for senior adults and persons with disabilities.

Hospital.

Life care facility.

Nursing home or similar convalescent facility.

Recreational, educational and cultural facilities not otherwise required by this section which are not inconsistent with the purposes of this zone.

Public utility buildings and structures.

Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.

Temporary helistop.

Any transitory use in accordance with Section 59-A-6.13.

Retail commercial [center] uses, limited to the uses permitted in the C-1 zone [and occupying not more than 1 ½ percent of the gross area, including off-street parking] to mainly serve the residents of the development.

[Sites for places] Places of worship

One or more [of each] of the following recreational, [educational] and [cultural] medical facilities [facilities, which shall be available on a reasonable basis for the exclusive use of the residents, of the area restricted to permanent residents who are 50 years of age and over their guests and reasonably to others designated by any party holding title to such facilities, in trust or otherwise]:

Golf course[,18 holes].

[Lake.]

Clubhouse.

Swimming pool.

[Auditorium or meeting hall or both.

Bowling green.

Shuffleboard court.]

Medical facilities, including an out-patient clinic.

In the age-unrestricted area, other uses permitted in accordance with the provisions of the following zones [; provided that a development plan amendment is required for any use that is not shown on a development plan approved in accordance with Division D-1, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit]:

- (1) In an area designated by the approved development plan for detached dwelling units, the R-60 Zone, as provided in Section C-1.31;
- (2) In an area designated by the approved development plan for townhouse or one- family attached dwelling units, the RT-6 Zone, as provided in Section C-1.71; or
- (3) In an area designated by the approved development plan for multiple-family dwelling units, the R-30 Zone, as provided in Section C-2.3.

59-C-7.423. Special exception use. [Cable communications system, subject to the provisions of sections 59-A-6.9 and 59-G-2.10.1.] In the age-unrestricted area, special exception uses may be allowed in accordance with the provisions of divisions 59-G-1 and 59-G-2, utilizing the following standards:

(a) In areas designated by the approved development plan for one-family detached units, uses allowed in the R-60 Zone, as shown in Section 59-C-1.31.

(b) In areas designated by the approved development plan for one-family attached or townhouse units, uses allowed in the RT-6 Zone, as shown in Section 59-C-1.71.

(c) In areas designated by the approved development plan for multiple family units, uses allowed in the R-30 Zone, as shown in Section 59-C-2.3.

If the use is not located in, and subordinate to, the residential use of a dwelling unit, a development plan amendment, in accordance with division 59-D-1, is required to permit the use.

59-C-7.43. Minimum area of tract.

Each P-R-C zone [shall] must have [an] a gross tract area of at least 25 acres; except, that a lesser area may be added to an existing P-R-C zone if contiguous thereto and in compliance with the provisions of this section.

59-C-7.44. Age of residents,[and] residential densities, and MPDU.

(a) A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988, as may be subsequently amended. The

number of dwelling units must not exceed 10 per acre, except as further provided in Section 59-C-7.44(b)(3).

(b) A planned retirement community of 750 acres or more may include a section in which ~~[(a)]~~ there is no restriction upon the age of residents.~~[(b) the]~~The facilities listed in section 59-C-7.421(a) are not required in this age-unrestricted section and ~~[(c)]~~ land must be dedicated for public school sites. **(1)[59-C-7.441.] Age-restricted section.** An area containing not less than 60 percent of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988, as may be subsequently amended. The number of dwelling units in that part of the planned retirement community shall not exceed 10 per acre of land constituting the age-restricted section, including the retail commercial center, and the associated off-street parking, except as further provided in section 59-C-7.443.

(2) [59-C-7.442.] Age-unrestricted[Unrestricted] section. The number of dwelling units in the area not included in the age-restricted section ~~[shall]~~ must not exceed 6 dwelling units per acre of land constituting the unrestricted section, except as further provided for in section 59-C-7.44~~[3]~~(b)(3).

(3)[59-C-7.443. The maximum density permitted] Moderately priced dwelling units (MPDUs) must be provided in each section (age-restricted and unrestricted) ~~[may be increased by one dwelling unit per acre for each moderately priced dwelling unit included in the respective development plans,]~~ in accordance with chapter 25A of this Code, as amended, including provisions for density bonus [provided that the total increase does not

exceed 22 percent of the number of dwelling units permitted by section 59-C-7.441 or 59-C-7.442, whichever is applicable]. The requirement to provide moderately priced dwelling units does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption in 1974 of [chapter] Chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any property added to the age-restricted area after [(April 4, 1994)] will be subject to the provisions of Chapter 25A of this Code.

59-C-7.45. Setbacks.

(a) In a development of 750 acres or more, [All] all buildings and structures [shall] must be set back at least as follows:

[(a)1] Along not more than 40 percent of the length of the tract boundary the setback [shall] must be at least 50 feet.

([b]2) Along the remainder of the tract boundary the setback shall be at least 100 feet.

[(c)3] Notwithstanding the above:

[(1)A] There [shall be] is no minimum setback requirement for an entrance gate house, and

[(2)B] Along any portion of the tract boundary adjoining land owned or occupied by a public utility the setback may be reduced to not less than 10 feet.

(b) In a development of less than 750 acres, all buildings and structures must be set back at least as follows:

(1) Not less than the setback of the adjacent zone.

(2) Additional setback must be provided from adjacent one family residential development if the building or structure proposed is higher

than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.

59-C-7.46. Coverage limitations.

59-C-7.461. Buildings. [For] In a development of 750 acres or [mor] more, not more than 15 percent of the gross area [shall] may be covered by residential buildings.

59-C-7.462. Green area.

(a) In a development of 750 acres or more, not [Not] less than 65 percent of the gross area [shall] must be devoted to green area.

(b) In a development of less than 750 acres, not less than 50 percent of the gross area must be devoted to green area.

59-C-7.47. Height of buildings.

(a) In a development of 750 acres or more:

(1) No building except a church tower may exceed 100 feet in height.

[(b)] (2) At least 65 percent of the total number of dwelling units must be contained in buildings not more than 35 feet in height.

[(c)] (3) No residential building over 39 feet in height may be located within 500 feet of any boundary line of the planned retirement community.

(b) In a development of less than 750 acres, no building except a church tower may exceed 100 feet in height.

59-C-7.48. Roads, parking and school sites.

59-C-7.481. Off-street parking. Off-street parking [shall] must be provided in accordance with the requirements of article 59-E.

59-C-7.482. Roads. Interior roads not dedicated to public use [shall] must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and [shall] must be paved and maintained in good repair.

59-C-7.483. Dedication of land for school sites. Such land as may be required for sites for public schools in the age-unrestricted section referred to in subsection 59-C-7.442, if any, [shall] must be dedicated in accordance with the requirements of the subdivision regulations.

59-C-7.49. Procedures for application and approval and limitation on filing.

- (a) Application and development plan approval [shall] must be in accordance with the provisions of division 59-D-1.
- (b) Site plans [shall] must be submitted and approved in accordance with the provisions of division 59-D-3.
- (c) No application for the reclassification of land in the P-R-C zone [shall] may be accepted within 50 years after the land was classified in this zone.
- [(d) Partial-cost developer participation, as may be provided in an adopted annual growth policy, is allowed in the P-R-C zone.]

* * *

Sec. 2. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

July 13, 2006

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Planning Board on Zoning Ordinance Text Amendment No. 06-18

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Ordinance Text Amendment No. 06-18 at its regular meeting on July 13, 2006. By a vote of 5-0, the Board recommends the following comments be transmitted to the County Council for their consideration on the proposed text amendment:

- The Board opposes the zoning text amendment if the provision for allowing I-4 uses in the PRC Zone is not eliminated from the proposal. The Board does not believe that I-4 uses are appropriate in a planned residential community. The Planning Board is in agreement with the modifications to the text amendment as recommended in the technical staff report, with one exception—The Board recommends changing the phrase “adequate highway access” (in the purpose clause) to “adequate road access”.
- The Planning Board has grave reservations about any ZTA that would facilitate residential development adjacent to an airport. Commissioner Bryant expressed concern with equating the merits of this text amendment with a specific tract of land that is currently not zoned PRC.

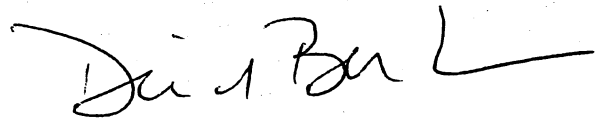
The proposed zoning text amendment would amend the purpose provision and development standards of the Planned Residential Community (PRC) zone to clarify that development to occur on smaller tract areas of 25 acres; to allow in the PRC zone all uses

permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1.

The subject Zoning Text Amendment (ZTA 06-18) was introduced to clarify and to modify certain provisions of the PRC zone that were not adjusted at the time of the reduction in tract size from 750 acres to 25 acres. In addition, a potential user of the minimum 25-acre tract provisions initially requested to allow I-4 uses in the PRC zone if the uses are located within 3,000 square feet of an airport and are shown on a development plan. The potential property is referred to as the "Webb Tract" which includes 134 acres of I-4 zoned property currently undeveloped and located on Snouffer School Road, northwest of the Montgomery County Airpark. Land use policy and planning around the airpark has emphasized the importance of compatibility and safety by creating parkland at either end of the runway and non-residential zoning adjacent to the airport. The Webb tract is the last undeveloped parcel of significant size near the airport. In light of an expected local map amendment to rezone the Webb Tract, it is imperative that decision makers be aware that applying a residential zone to this property will reverse a long-standing land use policy for parcels around the airport and for this property specifically. If this land use policy is altered, the viability of the airport at this location may become a consideration for the County.

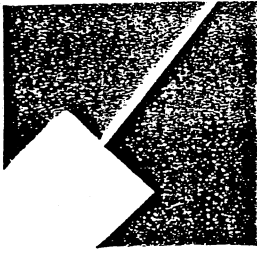
CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on a motion by Vice-Chair Perdue, seconded by Commissioner Wellington, with Commissioners Robinson, Bryant and Wellington, Vice-Chair Perdue and Chairman Berlage voting in favor of the motion, at its regular meeting held in Silver Spring, Maryland, on Thursday, July 13, 2006.



Derick Berlage
Chairman

DB:gr



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.orgMCPB
Item #12
07/13/06

DATE: July 10, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the purpose provision and development standards of the Planned Residential Community (PRC) zone to allow development to occur on smaller tract areas of 25 acres; to allow in the PRC zone all uses permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1

TEXT AMENDMENT: No. 06-18
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Knapp
INTRODUCED DATE: June 13, 2006

PLANNING BOARD REVIEW: July 13, 2006
PUBLIC HEARING: July 18, 2006; 1:30pm

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

To amend the purpose provision and development standards of the Planned Residential Community (PRC) zone to allow development to occur on smaller tract areas of 25 acres; to allow in the PRC zone all uses permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1

BACKGROUND

- On August 13, 2001, as part of the first phase of the Comprehensive Zoning Ordinance Review, the Planning Board transmitted to the County Council recommendations concerning senior housing opportunities in the County. The main emphasis was to expand the zones where this use could be permitted by right and to propose the use of a floating zone for larger projects. Staff's recommendation was to provide an alternative zone for large projects, those incorporating 25 or more acres of land. This entailed either modifying the PRC Zone or developing a new zone that is similar to the PRC Zone for this purpose. The Planning Board recommendation to the Council included modifying the PRC Zone.
- The County Council determined that the revisions to the PRC Zone proposed by the Planning Board were not related to the main purpose of the rewrite and were not reflected in the title of the ZTA or in the published notice of the public hearing. As such, the PRC proposal of the Comprehensive Zoning Ordinance Review was withdrawn and reintroduced as a separate text amendment (ZTA 02-05—introduced on April 16, 2002).
- On July 30, 2002, the County Council adopted ZTA 02-05 (Ordinance No. 14-52). The text amendment revised the development standards for the Planned Retirement Community (P-R-C) zone to reduce the required minimum lot area from 750 to 25 acres and modified the required uses. The purpose of the smaller acreage and fewer required uses was to make the PRC zone available for campus like senior housing development typically too large for a special exception request for senior housing in the one-family residential zones.
- The subject Zoning Text Amendment (ZTA 06-18) was introduced to clarify and to modify certain provisions of the PRC zone that were not adjusted at the time of the reduction in tract size from 750 acres to 25 acres. In addition, a potential user of the new minimum 25-acre tract provisions initially requested to allow I-4 uses in the PRC zone if the uses are located within 3,000 square feet of an airport and are shown on a development plan. The potential property is referred to as the "Webb Tract" which includes 134 acres of I-4 zoned property currently undeveloped and located on Snouffer School Road, north of the Montgomery County Airpark.
- Currently, Leisure World is the only development in the County that is under the PRC zone and served as the framework for the current text of the PRC zone. Leisure World includes over 750 acres of development.
- Although the Webb tract is not germane to the text amendment, it should be noted that the owners of this property have signaled their intention to rezone the property to the PRC zone. As such, staff has provided some preliminary comments from Community-Based Planning as Attachment 3 to this memorandum.

ANALYSIS

Purpose Clause

The proposed modifications to the purpose clause is as follows:

59-C-7.41. Purpose.

*The purpose and intent of the P-R-C zone is to provide for the establishment of a **planned** retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the [p] Planning [b] Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments **shall** be limited to areas which have adequate [highway] access, public water and sewer, and [shall provide the area of land required to furnish the development with necessary] availability of public services [including school sites if needed]. They shall be so designed as to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.*

With the 750-acre Leisure World development, the purpose clause called for the provision of most of the recreational, medical, retail, commercial and similar services required by the residents to be within the boundaries of the PRC Zone, including a provision for all land necessary for public services. The proposed language changes reflect the smaller tract sizes of 25 acres or greater and therefore suggests that the uses and services/facilities be "accessible and "available" to support the proposed development. Staff supports, in concept, the intent of these modifications, but recommends that additional language be provided in the purpose clause that reflects consideration of the size of the development (in acres) and the use of the property when determining whether day-to-day services and public facilities should be provided on-site or off-site. Staff further recommends that the phrase "adequate highway access" remain in the purpose clause to minimize any ambiguity in interpreting that the preference of uses of this type should be located along or near major roadways. This language does not require that direct access be provided on a major highway (as the term is used in master/sector plans).

Permitted Uses

59-C-7.422. Permitted uses. *The following uses are also permitted:*

* * *

Hospital.

Life care facility.

Nursing home or similar convalescent facility.

Recreational, educational and cultural facilities not otherwise required by this section which are not inconsistent with the purposes of this zone.

Public utility buildings and structures.

Roof-top mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.

All uses permitted in the I-4 Zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1.

Temporary helistop.

Any transitory use in accordance with Section 59-A-6.13.

* * *

The inclusion of I-4 zone uses is inappropriate for the PRC zone since the purpose and intent of this zone is to provide housing and support uses for a retirement community. A majority of the I-4 light industrial uses do not provide support services for residential uses. Staff recommends eliminating this section from the text amendment. Staff further recommends the removal of the "industrial" reference in Subsection 59-C-7.441 (Age-restricted section). As discussed above, the potential user of this provision has also agreed that this language is not appropriate in the PRC zone (see Attachment 2).

Green Area

Green area is proposed as follows:

59-C-7.462. Green area.

- (a) For development of 750 acres or more, [N] not less than 65 percent of the gross area shall be devoted to green area.*
- (b) For development of less than 750 acres, not less than 50 percent of the gross area shall be devoted to green area.*

The proposed reduction of green area for parcels of less than 750 acres from 65% to 50% is consistent with the 50% green area requirement for similar, medium density range development in the Planned Development (PD) Zone. The 65% green area was established for the 750-acre Leisure World development.

Height of buildings

59-C-7.47. Height of buildings.

- (a) No building except a church tower may exceed ~~[100]~~ 135 feet in height.
- (b) *[At least 65 percent of the total number of dwelling units must be contained in buildings not more than 35 feet in height.]*
- ~~[(c)]~~ No residential building over 39 feet in height may be located within ~~[500]~~ 100 feet of any boundary line of the planned retirement community.

The text amendment proposes that building heights be increased from 100 feet to 135 feet and that residential building setbacks be decreased from 500 feet to 100 feet for buildings over 39 feet in height. The rationale for the increase in building heights includes allowing more green space potential and greater flexibility in the clustering of development. With the reduction in minimum tract area from 750 acres to 25 acres, there is a need to also reduce the setback requirement for buildings taller than 39 feet. Staff, however, has concerns with the impact of taller buildings being located adjacent to single-family residential neighborhoods located outside of the PRC development. To ameliorate this concern, staff recommends that any increase in residential building height above 50 feet (maximum building height in any one-family residential zone), increase the 100-foot setback requirement at a ratio of one foot of setback for each additional foot of height. The resulting proposal would increase the overall setback for a building of 135 feet in height from 100 feet to 185 feet.

COMMUNITY-BASED PLANNING COMMENTS

Impact on Existing PRC Property--Leisure World--Comments from Georgia Avenue Team

Sect C-7.41 Purpose

The recommended language deletes "highway" from access requirement as well as "provision of land to furnish the development with necessary public services..".

Deleting the term highway removes an important guidance from the text for location of PRC zones. While it is plausible that smaller properties (25 acres) could be located on small, interior streets away from highways without significant impact on the local community, and therefore it might be appropriate to not have the highway access requirement for such properties, rezoning of larger properties to PRC zone has the potential to create significant impact on the surrounding residential areas and therefore should be guided by the "adequate highway access" language in the purpose clause. The language could be modified to state: "Adequate highway access should be evaluated based on the size and the proposed use of the properties in the PRC zone." The same comment applies to the proposed change for schools, and public services (from "shall provide the area of land required to furnish the development with the necessary public services" to availability of public services). This change could shift responsibility for public services from the developer to the county. Language similar to adequate highway

access mandating a review of adequate services based on the size and use of the property would be preferable. Staff has addressed these recommendations in the purpose clause analysis above.

Sect 59-C-7.422 Permitted Uses

The change recommends that, "all uses permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport..." would not have an impact on the Leisure World area in Team 5 planning area. As stated in the analysis above, this will be eliminated from the subject proposal.

Sect. 59-C-7.47 Height of Buildings

The ZTA proposes that building height may be increased from 100 feet to 135 feet and that the residential buildings setbacks be decreased from 500 feet to 100 feet.

Presently, Leisure World is the largest site in the county zoned and developed under the PRC zone. Although the Leisure World property is all built up and there is no vacant land left, it is possible that an amendment to the current approved plans of Leisure World in the future could create new areas of potential development. In that case, the change from a maximum building height of 100 feet to 135 feet, combined with the proposed reduction in the minimum setback from the property line from 500 feet to 100 feet would have significant visual impact on the adjoining residential areas inside and outside the Leisure World community. As stated in the analysis above, staff recommends that any increase in residential building height above 50 feet (maximum building height in any one-family residential zone), increase the 100-foot setback requirement at a ratio of one foot of setback for each additional foot of height.

CITIZEN CONCERNS

To date, staff has received 12 letters in opposition to the proposed text amendment. All six letters are from users of the Airpark located adjacent to the Webb tract. The main concerns pertain to: possible violation of FAA regulations if high rise housing is permitted on the Webb tract; noise mitigation issues for potential residents of the Webb tract; and safety concerns with housing being located in close proximity to the airport. All of these issues pertain to site-specific impacts of high-rise residential development on the Webb tract and would be more appropriately addressed at the time of local map amendment.

RECOMMENDATION

As amended herein, staff supports the proposed text amendment to amend the purpose provision and development standards of the Planned Residential Community (PRC) zone and to allow development to occur on smaller tract areas of 25 acres. However staff does not recommend approval to allow in the PRC zone all uses permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1. A majority of the I-4 uses are not appropriate in

residential retirement communities. As stated within the staff report, the requestor of this provision no longer believes that this language is necessary.

Attachment 1 depicts the proposed text amendment as modified by staff. Underlining indicates text that is added to existing laws by the original text amendment. [Single boldface brackets] indicate text that is deleted from existing law by the original text amendment. Double underlining indicates text that is added to the text amendment by amendment (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

GR

Attachments

1. Proposed Text Amendment 06-18 (as amended by staff)
2. Email from Norman Dreyfuss regarding deletion of I-4 Uses; Email from Bob Spalding
3. Community-Based Planning Comments on the Webb tract
4. Citizen Comments

ATTACHMENT 1

Zoning Text Amendment No: 06-18
Concerning: PRC Development Standards
Draft No. & Date: 1 - 6/6/06
Introduced: 6/13/06
Public Hearing: July 18, 2006; 1:30 p.m.
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- amending the purpose provision and development standards to allow development to occur on smaller tract areas. While the minimum tract area was previously reduced from 750 acres to 25 acres, the purpose clause and the other development standards were not adjusted to allow development to occur on smaller tract areas;
- allowing all uses permitted in the I-4 zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1; and
- generally amend the PRC zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-7
Section 59-C-7.41
Section 59-C-7.422
Section 59-C-7.44
Section 59-C-7.441
Section 59-C-7.46
Section 59-C-7.462
Section 59-C-7.47

"PLANNED UNIT DEVELOPMENT ZONES"
"Purpose"
"Permitted uses"
"Age of residents and residential densities"
"Age-restricted section"
"Coverage limitations"
"Green area"
"Height of buildings"

EXPLANATION:

Boldface indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council
for that portion of the Maryland-Washington Regional District in Montgomery County,
Maryland, approves the following ordinance:*

Sec. 1. DIVISION 59-C-7 is amended as follows:

Sec. 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.

* * *

59-C-7.4. Planned retirement community zone.

59-C-7.41. Purpose.

The purpose and intent of the P-R-C zone is to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof, in accordance with the comprehensive development plan approved by the [p] Planning [b] Board and so designed as to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments shall be limited to areas which have adequate [highway] highway access, public water and sewer, and [shall provide the area of land required to furnish the development with necessary] availability of public services [including school sites if needed]. Consideration shall be given to the size of the development (in acres) and the use of the site when determining whether day-to-day services and public facilities should be provided on-site or off-site. They shall be so designed as to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries.

* * *

59-C-7.422. Permitted uses. The following uses are also permitted:

* * *

Hospital.

Life care facility.

Nursing home or similar convalescent facility.

Recreational, educational and cultural facilities not otherwise required by this section which are not inconsistent with the purposes of this zone.

Public utility buildings and structures.

Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room may be installed under the guidelines contained in Sec. 59-A-6.14.

[[All uses permitted in the I-4 Zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1.]]

Temporary helistop.

Any transitory use in accordance with Section 59-A-6.13.

* * *

59-C-7.44. Age of residents and residential densities.

A planned retirement community of [750] 25 acres or more may include a section in which (a) there is no restriction upon the age of residents, (b) the facilities listed in section 59-C-7.42 1 are not required and (c) land must be dedicated for public school sites.

59-C-7.441. Age-restricted section. An area containing not less than 60 percent of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated in accordance with the provisions of the Fair Housing Amendments Act of 1988, as may be subsequently amended. The number of dwelling units in that part of the planned retirement community shall not exceed 10 per acre of land constituting the age-restricted section, including the retail commercial center[[, industrial,]] and the associated off-street parking, except as further provided in section 59-C-7.443.

* * *

59-C-7.46. Coverage limitations.

* * *

59-C-7.462. Green area.

- (a) For development of 750 acres or more, [N] not less than 65 percent of the gross area shall be devoted to green area.
- (b) For development of less than 750 acres, not less than 50 percent of the gross area shall be devoted to green area.

59-C-7.47. Height of buildings.

- (a) No building except a church tower may exceed [100] 135 feet in height.
- (b) [At least 65 percent of the total number of dwelling units must be contained in buildings not more than 35 feet in height.]
- [(c)] No residential building over 39 feet in height may be located within [500] 100 feet of any boundary line of the planned retirement community. Any increase in residential building height above 50 feet must increase the 100-foot setback requirement at a ratio of one foot of setback for each foot of height above 50 feet.

* * *

Sec. 2. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Russ, Gregory

From: Jolene Zangardi [jolene@idigroup.com]
Sent: Thursday, July 06, 2006 3:10 PM
To: Russ, Gregory
Cc: "sharon.suarez."@mncppc-mc.org; kathleen@idigroup.com; ivega@idigroup.com; 'Sears, Barbara A. - BAS'
Subject: PRC ZTA

Norman Dreyfuss
Executive Vice President and Chief Operating Officer
The IDI Group Companies

Sends the following:

This is to confirm that we understand and agree that the provisions permitting 14 uses in the PRC should be deleted from the proposed ZTA because of incompatibility with the purposes and other uses intended by the PRC zone. Please call me at (301) 598-2100 should you have any questions.

Russ, Gregory

From: Spalding, Bob [bspalding@millerandsmith.com]
Sent: Wednesday, July 05, 2006 10:36 AM
To: Russ, Gregory
Cc: Krasnow, Rose; Sturgeon, Nancy; Edwards, Sue; Ellison, Chuck
Subject: PRC Text Amendment

Greg,

In case you had not heard, IDI has terminated their contract to purchase the Webb Tract from Miller and Smith. However, Miller and Smith will continue to pursue the changes to the PRC Zone and the rezoning of the property. Please let me know if you have any follow-up questions / recommendations from last week's meeting.

Thanks,
Bob

Robert J. Spalding, AICP
Miller and Smith, Inc.
3401 Greensboro Drive
Suite 300
McLean, VA 22102

bspalding@millerandsmith.com
voice - 703-821-2500 ext. 185
fax 703-394-6616

7/7/2006

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

July 7, 2006

M-NCPPC

MEMORANDUM

TO: Greg Russ, Zoning Analyst, Development Review Division

FROM: Sue Edwards, I-270 Team Leader, Community Based Planning *me*
Division
Nancy Sturgeon, Planner Coordinator, Community Based Planning
Division *NS*

SUBJECT: Zoning Text Amendment 06-18

This zoning text amendment (ZTA 06-18) involves changes to the Planned Retirement Community (P-R-C) Zone. As introduced by the County Council on June 13, 2006, this zoning text amendment seeks to revise certain aspects of the P-R-C Zone in order for it to be applied to a piece of property in the Gaithersburg Vicinity Master Plan area. Under "Permitted uses" (59-C-7.422) in the P-R-C Zone, the proposed ZTA (lines 31 to 33) would add the following language: "All uses permitted in the I-4 Zone provided such uses are located within 3,000 feet of an airport and are shown on a development plan approved by the District Council pursuant to Division 59-D-1". This proposed language is a reference to the Webb Tract, a 134-acre property in the I-4 Zone located on Snouffer School Road near the Montgomery County Airpark. (See Figure 1.)

Airpark Land Use Policy and Webb Tract Background

The Montgomery County Airport is operated by the County Revenue Authority, which must maintain compliance with Federal Aviation Administration (FAA) regulations for both navigational safety and the protection of people and property on the ground. For over 40 years, land use policy and planning around the Airpark has emphasized the importance of compatibility and safety by creating parkland at either ends of the runway and non-residential zoning adjacent to the airport. The Webb Tract is the last undeveloped parcel of significant size near the airport. The current owners of the Webb Tract, residential builders Miller and Smith, have indicated their support for the proposed ZTA and their plans to apply for rezoning of the property from I-4 to the P-R-C Zone. In light of an expected Local Map Amendment to rezone the Webb Tract, it is imperative that decision makers be aware that applying a residential zone to this property will reverse a long-standing land use policy for parcels around the airport and for this property specifically. If this land use policy is altered, the viability of the airport at this location may become a consideration for the County.

The airport operates without a control tower to guide landings, which are governed by the pilot's visual perception of the airport runway, radio communications with other pilots as well as airport personnel on the ground, and observation of federal aviation laws. As land around the airport developed, adjustments to flight operations were made to minimize direct flights over residential neighborhoods. These maneuvers were described in the 1985 *Gaithersburg Vicinity Master Plan* and are still in effect today: *"Pilots taking off toward the northwest usually make a tight, 20-degree right turn over Snouffer School Road in order to avoid overflight of the existing residential area. This atypical flight path, known as the 'Gibson turn' (or 'noise abatement turn') was established as residential development began to appear around the airport."* (page 37) This atypical turn essentially has flights making a U-turn over the Webb Tract, rather than going straight off the runway, which would quickly place planes at low elevations over residences. Due to these flight operations, the impact of the Airport on the Webb Tract is greater than other parcels in the area. (See Figure 2.)

When the Airpark was established at its current location off Woodfield Road in 1960, the land immediately surrounding the Airport to the north and south was rezoned from rural residential (R-R, which became R-200) to industrial. In 1965, the County Council reclassified 43 acres on the east side of Woodfield Road from R-R to I-1, stating that due to the proximity of the land to the airport: *"the subject tract cannot reasonably and economically be expected to be developed as single family residential and it will provide a logical 'rounding out' of light industrial zoning surrounding the Airpark."* (Resolution #5-2001, County Council Opinion.)

The 1971 *Gaithersburg Vicinity Master Plan* discussed the Airpark, specifically mentioning that the property to the northwest of the airport (i.e., the Webb Tract) was still a concern: *The control of development off the northwest end of the runway still remains of concern. Because of the noise and hazard factors and interference with radio and TV operation associated in such a location, no residential uses should be authorized. Therefore, the Plan recommends that uses be limited to appropriate public or semipublic uses, as shown on the Plan.* (page 21)

In 1978, the owners of the Webb Tract submitted an application for a sewer service category change to permit development of a residential subdivision. The sewer service application was denied due to concerns for the safety of future residents living adjacent to the airpark. The property owners pursued other options, including rezoning the property to light industrial, which occurred through the 1985 *Gaithersburg Master Plan* process.

The 1985 *Gaithersburg Vicinity Master Plan* and its Technical Appendix had a lengthy discussion of the Airpark and its influence upon land uses in the area. It recommended non-residential land use in areas most affected by airport noise.

The Plan created a new light industrial zoning category, the I-4 Zone, for properties impacted by the Airpark and the Sectional Map Amendment applied the I-4 Zone to land north and south of the airport runway (which had been zoned I-1 and I-2) and to the Webb Tract (which had been zoned R-200).

In September 1991, the Planning Board approved a Preliminary Plan (#1-86225) for the Webb Tract for 1.2 million square feet of light industrial uses in the I-4 Zone, conditioned upon a number of phased road improvements. In 1994 the Planning Board granted an extension to the Preliminary Plan, but it eventually expired. In July 2004, the Planning Board approved another Preliminary Plan (#1-04018) for the Webb Tract for 1.2 million square feet of light industrial development with numerous conditions, including the widening of Snouffer School Road.

Proposed Changes to the P-R-C Zone

Purpose Clause

The zoning text amendment proposes changes to the Purpose clause of the P-R-C zone that alter the intent of a planned retirement community from that of a self-sufficient development to one where day-to-day services must merely be "accessible" to residents. The purpose clause, with the proposed text change in parenthesis, would read: *"The purpose and intent of the P-R-C zone is to provide for the establishment of a planned retirement community type of development, (accessible to or) providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents thereof...including a maximum of safety, convenience and amenity for the residents of the development."*

This text change removes the emphasis on the planned retirement community as a self-sufficient development. If residents of the retirement community have to seek services off-site, additional traffic will be generated. Age-restricted residential projects typically generate less traffic when recreational, medical, retail, and other services are provided within the project. Without such services on-site within the P-R-C property, residents would need to use area roadways to travel to services, which would make the traffic generation of the retirement community no different than a non-age restricted residential development.

The purpose clause for the P-R-C Zone currently states: *"Such developments shall be limited to areas which have adequate highway access, public water and sewer..."* The proposed text amendment would remove the word "highway" and simply state that the development should have "adequate access." This modification causes concern because "adequate access" is ambiguous and open to interpretation. In addition, it may lead to a P-R-C project that has minimal alternatives to the automobile since transit routes are typically planned on or near

major highways or arterial roads rather than ones that are classified as primary or secondary.

Green Area

The zoning text amendment, as introduced, proposes to reduce the green area requirement for development of less than 750 acres to 50 percent of the gross area. In sites as small as 25 acres, residential buildings, parking lots, vehicular and pedestrian surfaces occupy a greater proportion of the site area and diminish the opportunity for on-site recreation or amenities. In such constrained properties, there is perhaps a greater need for meaningful green area as a counterpoint to the developed portions of the property.

Building Height

The ZTA proposes that building height in the P-R-C Zone be increased from 100 feet to 135 feet and that the residential building setbacks be decreased from 500 feet to 100 feet. With the proposed zoning text amendment, a senior residential development with buildings as tall as 135 feet (12 stories) could be constructed adjacent to single-family neighborhoods, conservation areas, or parkland. The impact of high buildings should be ameliorated by increases, not decreases, in setbacks from adjacent uses. Any increases in height should have a commensurate increase in setback to minimize the effect of tall buildings on adjacent uses.

Placing tall buildings - whether at 100 feet or 135 feet - near an airport is extremely problematic for the safety of existing residents in the area, potential future residents of the proposed buildings, as well as pilots and passengers.

Application in the I-270 Corridor Planning Area

Should the reference to permitting all I-4 Zone uses in the P-R-C Zone "provided such uses are located within 3,000 feet of an airport" be removed, the text amendment has the potential to apply to an array of residential and commercial properties in the I-270 Corridor, including major employment centers, underutilized retail properties, and other redevelopment sites. Since the P-R-C is a floating zone and can be applied for through the Local Map Amendment process, substantial projects could be approved without a comprehensive review through a master plan revision. Community consultation would take place only when a specific Local Map Amendment was filed.

Community Concerns

The Mid-County Citizens Alliance and East Village Homes Corporation held a public meeting on June 26, 2006 to hear a presentation from IDI Group Companies, the developers of Leisure World, for a retirement community concept

for the Webb Tract. Between 75-100 residents attended to unanimously support senior housing on the Webb Tract. Discussion and audience comments did not focus on the provisions of the zoning text amendment, but the community clearly indicated their preference for residential use of the Webb Tract.

In addition to the Preliminary Plan (#1-04018) for light industrial development of the Webb Tract that was approved by the Planning Board on July 15, 2004, the property was discussed as a possible site to relocate all or a part of the County Service Park in order to redevelop land around the Shady Grove Metro station, as proposed by the approved and adopted 2006 *Shady Grove Sector Plan*.

The community organized in opposition to the potential relocation of the County Service Park to the Webb Tract and were particularly concerned about and opposed to the public school bus depot. The Council resolution adopting the Shady Grove Sector Plan stated: *"The agencies that have facilities in or near the County Service Park will be issuing Request for Proposals to determine whether there are viable locations to relocate these facilities. The Shady Grove Sector Plan does not present a preference for one site or another and the Council recommends that there be a full exploration of all alternatives, including publicly owned land. These facilities may relocate in part or in entirety to one or more locations or may not relocate at all. It is the Council's understanding that the Airpark North site (the Webb tract) is not a suitable location for the relocation of the MCPS bus depot."*

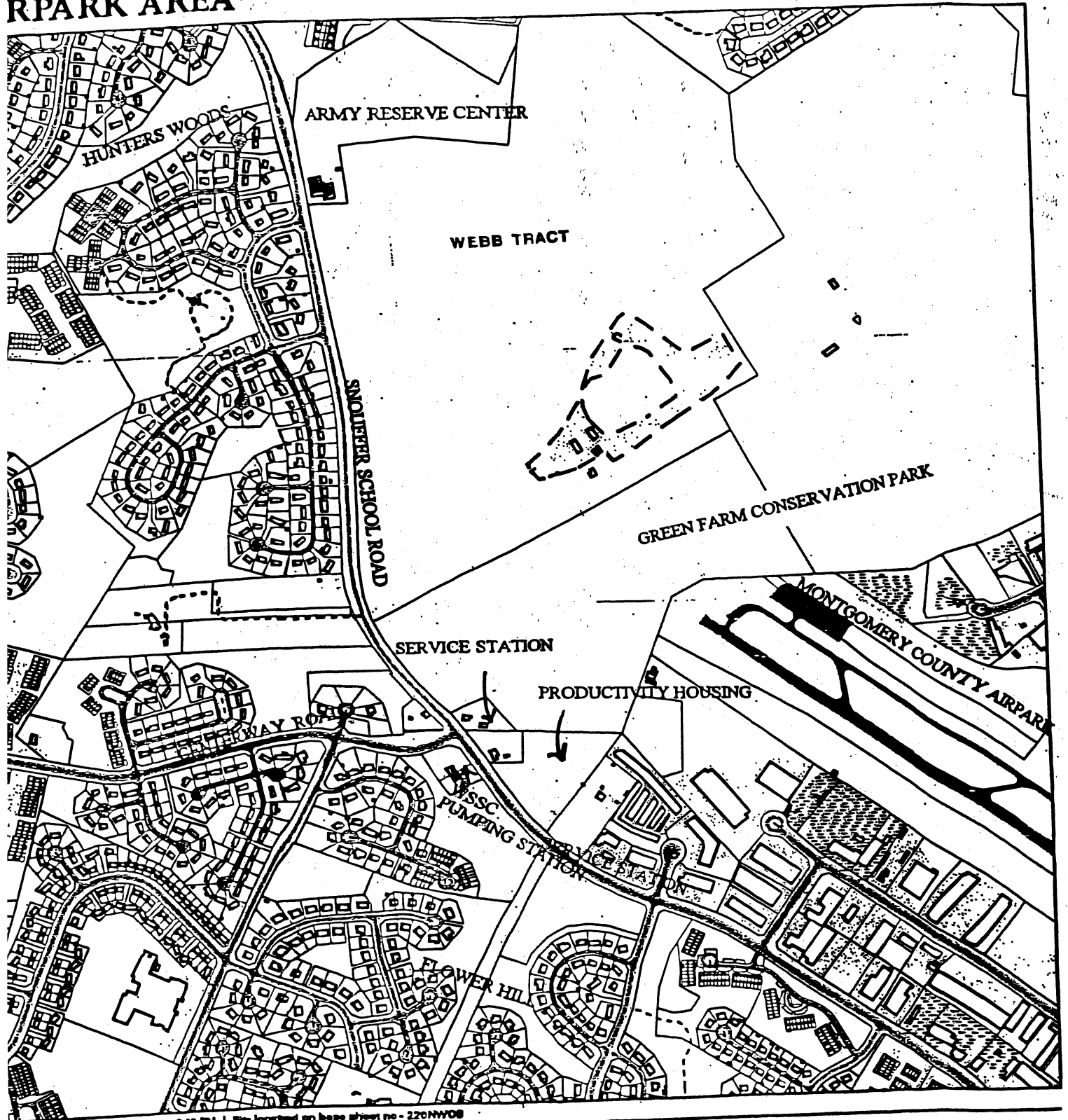
The residential neighborhoods that surround the Webb Tract – East Village to the north (part of Montgomery Village) and Hunter's Woods to the west (across Snouffer School Road) believe that light industrial uses, including the County Service Park, are inappropriate adjacent to their communities, and that residential development of the Webb Tract is more compatible.

Conclusion

Community-Based Planning understands that the specific concerns raised herein regarding the proposed changes to the P-R-C Zone have been addressed in suggested modifications that will be presented to the Planning Board as part of ZTA 06-18. Staff of the I-270 Corridor Team felt it was important for the Planning Board to have some background information about the initial property where the modified P-R-C Zone may be applied. The owners of the Webb Tract have indicated that they will apply for a Local Map Amendment to rezone the property from I-4 to P-R-C. This potential rezoning raises a number land use compatibility issues, as well as concerns regarding the health, safety, and welfare of existing and future residents near the airport. The long-term viability and existence of the airport at this location may be compromised if residential development is approved and constructed on the Webb Tract.

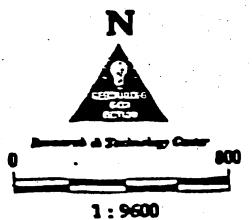
FIGURE 1

ITY MAP FOR RPARK AREA







Map compiled on July 26, 2000 at 3:19 PM | Site located on base sheet no - 220NW08

NOTICE
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1 : 9600

**MONTGOMERY COUNTY
REVENUE
AUTHORITY**

 1982 60 Ldn Contour
 1991 CONTOURS
 1996 CONTOURS
 FLIGHT TRACKS

OFF AIRPORT LAND USE


RESIDENTIAL
COMMERCIAL RECREATIONAL
INDUSTRIAL
AIRPORT PROPERTY LINE

NOISE MEASUREMENT LOCATIONS

■ LONG-TERM LOCATION

● SHORT-TERM LOCATION

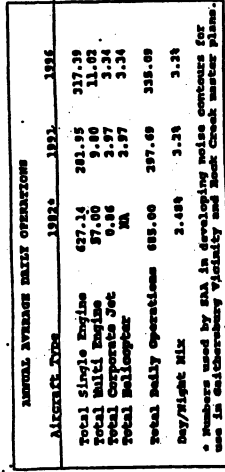


2000 1000 0 2000

SCALE IN FEET

HARRIS MILLER MILLER & HANSON INC.

THE LPA GROUP INCORPORATED
HANIFIN ASSOCIATES, INC.



Land Areas Exposed To Aircraft Noise	Acres Exposed to Noise Levels Ldn Noise Levels (in dB)				
	Existing (1991) Land Use Category	55-60	60-65	65-70	Total
Residential		0.9	0.0	0.0	0.9
Commercial & Industrial		41.4	8.8	0.4	50.6
Recreational & Open Space		113.9	16.6	0.0	130.5
Total		156.2	25.4	0.4	182.0
Future (1996)					
Land Use Category	55-60	60-65	65-70	Total	
Residential	2.2	0.0	0.0	2.2	
Commercial & Industrial	42.5	11.2	0.4	54.1	
Recreational & Open Space	127.0	22.0	0.2	149.2	
Total	171.7	33.2	0.6	205.5	

MCP-Chairman

From: Dan Hayes [dhayes@exactlyn.net.com]
Sent: July 07, 2006 11:18 AM
To: MCP-Chairman; councilmember.leventhal@montgomerycountymd.go
Cc: sinkellis@aol.com
Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

I am writing to express my **OPPOSITION** to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a user of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

Violates FAA regulation. Development of high-rise housing on the Webb tract would interfere with the approach/departure safety paths to the Airpark runway and would violate FAA regulations governing airport safety.

Noise. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.

Safety. To enhance the chances for survival of aircraft occupants in the event of an emergency off-airport landing, preservation of open land near airports is a mandatory safety compatibility objective. Construction of high density housing within a few hundred yards of an active runway is a very bad decision - for flyers and residents.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation

Respectfully,

Dan Hayes
12704 Goodhill Rd, Aspen Hill, Md, 20906

07/07/2006

MCP-Chairman

From: Arjan Plomp [arjan@plompvanbergen.com]
Sent: July 07, 2006 11:16 AM
To: councilmember.leventhal@montgomerycountymd.gov; MCP-Chairman
Cc: sinkellis@aol.com
Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

Dear Council Member Leventhal and Chairman Berlage,

I am writing to express my OPPOSITION to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a user of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

Violates FAA regulation. Development of high-rise housing on the Webb tract would interfere with the approach/departure safety paths to the Airpark runway and would violate FAA regulations governing airport safety.

Noise. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.

Safety. To enhance the chances for survival of aircraft occupants in the event of an emergency off-airport landing, preservation of open land near airports is a mandatory safety compatibility objective. Construction of high density housing within a few hundred yards of an active runway is a very bad decision - for flyers and residents.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation,
Sincerely,

Alexander J Plomp
18117 Dark Star Way
Boyd's, MD 20841

07/07/2006

MCP-Chairman

From: Sinkellis@aol.com
Sent: July 07, 2006 2:45 PM
To: MCP-Chairman
Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

Dear Montgomery County Planning Board Chair Berlage:

I am co-president of the Montgomery County Airport Association, the group that represents the interests of users of the Montgomery County Airpark. In that capacity and on my own behalf I am writing to express my OPPOSITION to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a user of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

- Air Navigation Hazards. Development of high-rise housing on or very near the approach/departure paths to the Airpark's runway may interfere with safety zones established for air operations and thereby affect the utility of the Airpark. Obstacles (such as residential buildings) on the approach path can be particularly hazardous in poor weather/visibility conditions. The proposed development may conflict with FAA safety requirements but we cannot know that until the developer files required notice with the FAA.
- Noise. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.
- Safety. Construction of high density housing within a few hundred yards of an active runway is a very bad decision—for flyers and residents. Aircraft occupant survival in the event of an emergency off-airport landing is likely enhanced by open land or less densely developed land in the critical path and the survival of persons on the ground is almost certainly enhanced by lower density development in areas close to airport runways.

PLEASE OPPOSE ZTA 06-18

Thank you for your consideration.

Sincerely yours,

Steven A. Inkellis
President, MCAA
11304 Old Club Rd.
Rockville, MD 20852

07/07/2006

-Chairman

Piotr Kulczakowicz [go62onair@hotmail.com]
July 07, 2006 12:50 PM
MCP-Chairman
sinkellis@aol.com
OPPOSED TO Zoning Text Amendment (ZTA) 06-18

ect:

Mr. Berlage

I am writing to express my OPPOSITION to ZTA 06-18. The proposed text amendment intended to permit the development of housing on the Webb tract. I am a resident of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

It violates FAA regulation. Development of high-rise housing on the Webb tract would interfere with the approach/departure safety paths to the Airpark runway and would violate FAA regulations governing airport safety.

It is unsafe. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently divided between the two parties.

It is unsafe. To enhance the chances for survival of aircraft occupants in the event of an emergency off-airport landing, preservation of open land near airports is a mandatory safety compatibility objective. Construction of high density housing within a few hundred yards of an active runway is a very bad decision - for flyers and residents.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation

Piotr Kulczakowicz
4701 Willard Ave Apt 1719
Chevy Chase MD 20815

Steven T. Bushby
Leader, Mechanical Systems and Controls Group
Building and Fire Research Laboratory
National Institute of Standards and Technology
Gaithersburg, MD 20899-8631 USA

tel: (301) 975 5873
fax: (301) 975-8973
email: steven.bushby@nist.gov

MCP-Chairman

From: Steven T. Bushby [steven.bushby@nist.gov]
Sent: July 07, 2006 2:40 PM
To: councilmember.leventhal@montgomerycountymd.gov; MCP-Chairman
Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

Dear Councilman Leventhal and Chairman Berlage:

I am writing to express my **OPPOSITION** to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a pilot and a user of the Montgomery County Airpark. As such I have personal knowledge of the impact of the proposed development and I will be directly effected. I strongly oppose the development of housing on the Webb tract for the following reasons:

1) Such a development will create a serious safety problem. Construction of high density housing near an active runway is dangerous to both the occupants of an aircraft and also to people on the ground. In the event of an emergency on takeoff or landing this becomes a life-threatening issue. The danger is more than just the effects of a direct impact. Fire from ruptured fuel tanks could threaten hundreds of people in the housing complex.

2) Noise complaints will become a serious problem. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.

3) There will be an adverse impact on business. Montgomery County Airpark plays a very important role in providing convenient transportation to business travelers who want to avoid the congestion of the major airports and automobile traffic in this area. There will also be a negative impact on local aviation related businesses that have already been harmed by the needless restrictions imposed as part of the Washington Air Defense Identification Zone.

4) Development of high-rise housing on the Webb tract would interfere with the approach/departure safety paths to the Airpark runway and would violate FAA regulations governing airport safety. Increases in the minimum altitudes for instrument approaches could render the airport almost useless for anything other than fair weather hobbyists.

5) This proposal is inconsistent with the county plans to locate high density housing near metro stations and public transportation centers and to protect our diminishing open areas in the county.

I can't think of a worse place in the county to build a high density housing neighborhood. The interests of the citizens of the county need to take precedence over the profit potential of a particular developer. I urge you to oppose ZTA 06-18.

Thank you for your cooperation

Steven T. Bushby
 608 Dew Wood Dr
 Berwood MD

7/07/2006

MCP-Chairman

From: Meredith Saini [meredith@sainiaviation.com]
Sent: July 07, 2006 4:33 PM.
To: MCP-Chairman; councilmember.leventhal@montgomerycountymd.gov
Cc: Steve Inkellis
Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

Attention:

George Leventhal, President, Montgomery County Council
Derick Berlage, Chairman, Montgomery County Planning Board
cc: Steve Inkellis, Montgomery County Airport Association

OPPOSED TO Zoning Text Amendment (ZTA) 06-18

I am writing to express my **OPPOSITION** to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a full-time flight instructor at Montgomery County Airport and oppose the development of housing on the Webb tract for the following reasons:

- **Air Navigation Hazards.** Development of high-rise housing on or very near the approach/departure paths to the Airport's runway may interfere with safety zones established for air operations and thereby affect the utility of the Airport. Obstacles (such as residential buildings) on the approach path can be particularly hazardous in poor weather/visibility conditions. The proposed development may conflict with FAA safety requirements but we cannot know that until the developer files required notice with the FAA.
- **Noise.** Airport operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents -- with the Planning Board and Council permanently between the parties.
- **Safety.** Construction of high density housing within a few hundred yards of an active runway is a very bad decision -- for flyers and residents. Aircraft occupant survival in the event of an emergency off-airport landing is likely enhanced by open land or less densely developed land in the critical path and the survival of persons on the ground is almost certainly enhanced by lower density development in areas close to airport runways.

I would be happy to take you, Mr. Leventhal and Mr. Berlage, on a flight over the proposed development site so that you can see first hand what we are dealing with here. Please feel free to call me anytime at 301-996-8883 to make arrangements, and, most importantly...

PLEASE OPPOSE ZTA 06-18!

Thank you for your cooperation.

Meredith Saini, CFI-IA
Co-President, Montgomery County Airport Association
Principal, Saini Aviation Ventures, LLC
4525 Maple Ave.
Bethesda, MD 20814

07/07/2006

MCP-Chairman

From: John Stalick [jstalick@pmas.com]
Sent: July 07, 2006 3:14 PM
To: MCP-Chairman
Subject: OPPOSE ZTA 06-18

I am writing to express my **OPPOSITION** to ZTA 06-18. The proposed text amendment is intended to permit **the** development of housing on the Webb tract. I am a resident of the County and a user of the Airpark, and **oppose** the development of housing on the Webb tract for the following reasons:

- **Air Navigation Hazards.** Development of high-rise housing on or very near the approach/departure paths to the Airpark's runway may interfere with safety zones established for air operations and thereby affect **the** utility of the Airpark. Obstacles (such as residential buildings) on the approach path can be particularly hazardous in poor weather/visibility conditions. The proposed development may conflict with FAA safety requirements but we cannot know that until the developer files required notice with the FAA.
- **Noise.** Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.
- **Safety.** Construction of high density housing within a few hundred yards of an active runway is a very bad decision--for flyers and residents. Aircraft occupant survival in the event of an emergency off-airport landing is likely enhanced by open land or less densely developed land in the critical path and the survival of persons on the ground is almost certainly enhanced by lower density development in areas close to airport runways.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation

Sincerely yours,

John R Stalick
3805 Canal Bridge Ct
Potomac, MD 20854
301-526-3807

MCP-Chairman

From: John stalick [jstalick@pmas.com]
Sent: July 07, 2006 3:14 PM
To: MCP-Chairman
Subject: OPPOSE ZTA 06-18

I am writing to express my OPPOSITION to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a resident of the County and a user of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

- Air Navigation Hazards. Development of high-rise housing on or very near the approach/departure paths to the Airpark's runway may interfere with safety zones established for air operations and thereby affect the utility of the Airpark. Obstacles (such as residential buildings) on the approach path can be particularly hazardous in poor weather/visibility conditions. The proposed development may conflict with FAA safety requirements but we cannot know that until the developer files required notice with the FAA.
- Noise. Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.
- Safety. Construction of high density housing within a few hundred yards of an active runway is a very bad decision—for flyers and residents. Aircraft occupant survival in the event of an emergency off-airport landing is likely enhanced by open land or less densely developed land in the critical path and the survival of persons on the ground is almost certainly enhanced by lower density development in areas close to airport runways.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation

Sincerely yours,

John R Stalick
3805 Canal Bridge Ct
Potomac, MD 20854
301-526-3807

07/07/2006

MCP-Chairman

From: Scott Silverman [fleet-man@msn.com]
 Sent: July 07, 2006 4:27 PM
 To: MCP-Chairman
 Cc: Wendy Carter; sinkellis@aol.com
 Subject: OPPOSED TO Zoning Text Amendment (ZTA) 06-18

I am writing to express my **OPPOSITION** to ZTA 06-18. The proposed text amendment is intended to permit the development of housing on the Webb tract. I am a user of the Airpark, and oppose the development of housing on the Webb tract for the following reasons:

- **Air Navigation Hazards.** Development of high-rise housing on or very near the approach/departure paths to the Airpark's runway may interfere with safety zones established for air operations and thereby affect the utility of the Airpark. Obstacles (such as residential buildings) on the approach path can be particularly hazardous in poor weather/visibility conditions. The proposed development may conflict with FAA safety requirements but we cannot know that until the developer files required notice with the FAA.
- **Noise.** Airpark operators have been working with the community for years to establish flight procedures to mitigate noise impacts. Those procedures cannot be maintained if housing is developed on the Webb tract. High density housing on the Webb tract will set in motion decades of conflict between airport users and neighboring residents - with the Planning Board and Council permanently between the parties.
- **Safety.** Construction of high density housing within a few hundred yards of an active runway is a very bad decision—for flyers and residents. Aircraft occupant survival in the event of an emergency off-airport landing is likely enhanced by open land or less densely developed land in the critical path and the survival of persons on the ground is almost certainly enhanced by lower density development in areas close to airport runways.

PLEASE OPPOSE ZTA 06-18

Thank you for your cooperation

I. Scott Silverman

4704 Flower Valley Drive

Rockville, MD 20853

07/07/2006

-Chairman

Bob Gawler [treborav8@starpower.net]

July 07, 2006 3:36 PM

MCP-Chairman

OPPOSED TO Zoning Text Amendment (ZTA) 06-18

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sion - for flyers and residents.

PLEASE OPPOSE ZTA 06-18

nk you for your cooperation

ert K. Gawler

0 Westlake Terr #1110

esda, MD 20817

-330-6753

MCP-Chairman

From: Charles Kengla [chuck.kengla@verizon.net]
Sent: July 07, 2006 3:50 PM
To: councilmember.levenithal@montgomerycountymd.gov; MCP-Chairman
Subject: Zoning Text Amendment (ZTA) 06-18

Gentlemen:
I am a Montgomery County resident, voter and pilot who flies out of Montgomery County Airpark. I urge you to reject the subject proposed zoning amendment due to the adverse effect it would have on continued safe operation at Montgomery County Airpark. To build multiple 12-story buildings directly under the flight path of arriving and departing aircraft, and only 900 feet from the end of the runway, is a breathtakingly bad idea. The danger to those in the air and on the ground in the event of an emergency on takeoff or landing is obvious. The prospect of unending noise complaints and various legal actions by residents of these new buildings is very unappealing. And from the standpoint of Montgomery County interests, it seems quite ill-advised to place at risk the economic benefits that now flow to the county from the vibrant activity that now occurs in the 3rd busiest airport in the state of Maryland. I ask that you oppose this amendment.

Charles A. Kengla
3714 Victory Lane
Potomac, MD 20854
chuck.kengla@alum.mit.edu