

MEMORANDUM

June 21, 2012

TO: Planning, Housing, and Economic Development Committee
FROM: Jeff Zyontz,  Legislative Attorney
SUBJECT: Zoning Text Amendment 12-08, Transit Station Zones – Minimum Size

Zoning Text Amendment (ZTA) 12-08, sponsored by Councilmember Floreen, was introduced on April 24, 2012.

Currently, the minimum area required for any development in a Transit Station zone is 18,000 square feet; however, a smaller parcel may be approved for either the TS-R or TS-M zones if: (1) the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan, (2) the parcel is located adjacent to or confronting another parcel either classified in or under application for either zone, and (3) the combined parcels are subject to a single development plan; or (4) the parcel is within a Central Business District and immediately adjoins or is separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.

Provision (3) requires at least 2 parcels to allow a development of less than 18,000 square feet. In the opinion of Councilmember Floreen, if the code allows 2 lots to total less than 18,000 square feet, the code should also allow a development on one lot with less than 18,000 square feet.

The Planning Board recommended approval of ZTA 12-08 as submitted. Planning Staff found that there are currently 6 properties that would be affected by ZTA 12-08:

In staff's opinion, approval of ZTA 12-08 would allow the impacted properties to rezone and develop consistent with the future land use goals adopted for these sites in the 1994 Bethesda CBD Sector Plan which include low density office and multi-family residential uses. Without the ZTA, it becomes difficult (if not almost impossible) for several of the properties to redevelop since most of the surrounding sites have already rezoned (and therefore have approved development plans) and developed as TS-R projects. The only other option is to maintain either the existing incompatible single-family residence or continue the adaptive office use of the single-family detached structures—neither equates to providing the best options for fulfilling the land use recommendations of the sector plan. Also, the rezoning process, which includes approval of a development plan, along

with the required approval of a site plan, further ensures that a project is compatible in layout and design with adjacent properties already classified as TS-R or TS-M.

The Council held a public hearing on June 12. One resident spoke in favor of ZTA 12-08 as introduced. There was no opposition.

Staff recommends approval of ZTA 12-08 to correct an anomaly in the code.¹

<u>This Packet Contains</u>	<u>© number</u>
ZTA 12-08	1 – 2
Planning Board Recommendation	3 – 4
Planning Staff Recommendation	5 – 6

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¹ The following dialogue is from an episode of “House”:

Stacy Warner: Why does this matter to you?
Dr. Gregory House: It’s an anomaly. Anomalies bug me.
Stacy Warner: Then you’re going to suffer.

Unlike the “House” episode, suffering is not required.

Zoning Text Amendment No.: 12-08
Concerning: Transit Station Zones –
Minimum Area
Draft No. & Date: 1 – 4/12/12
Introduced: April 24, 2012
Public Hearing: June 12, 2012
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 Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the conditions for reducing the minimum lot size of any development in the TSR and TSM zones.

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

DIVISION 59-C-8. Transit Station Development Area Zones.
Section 59-C-8.4. Development standards.

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by 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:

1 **Sec. 1. DIVISION 59-C-8 is amended as follows:**

2 DIVISION 59-C-8. Transit Station Development Area Zones.

3 * * *

4 **Sec. 59-C-8.4. Development standards.**

	TS-R	TS-M
59-C-8.41. Minimum area.		
The minimum area required for any development (in square feet) is[[:]];:	18,000	40,000
however, a smaller parcel may be approved for either the TS-R or TS-M zones if: (1) the parcel is: (A) designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan[, (2)]; <u>and</u> (B) [the parcel is] located adjacent to or confronting another parcel either classified in or under application for either zone[, and (3) the combined parcels are subject to a single Development Plan, or (4)]; <u>or</u> (2) the parcel is within a Central Business District and immediately adjoins or <u>is</u> separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.		

5 * * *

6 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
 7 date of Council adoption.

8

9 This is a correct copy of Council action.

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12 _____
 Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

MONTGOMERY COUNTY PLANNING BOARD

The Maryland-National Capital Park and Planning Commission

June 6, 2012

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: Zoning Text Amendment No. 12-08

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 12-08 at our regular meeting on May 31, 2012. By a vote of 5:0, the Planning Board recommends approval of the text amendment as introduced.

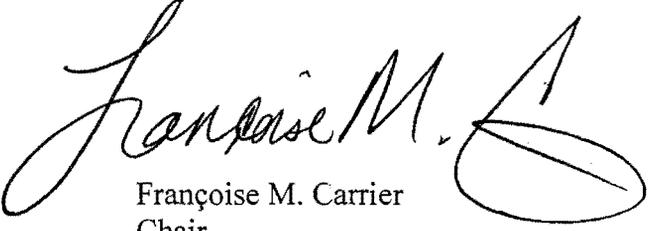
ZTA 12-08 revises the conditions for reducing the minimum lot size of any development in the Transit Station, Residential (TS-R) and Transit Station, Mixed (TS-M) zones. Specifically, the ZTA would allow a parcel that is smaller than the required minimum size to be approved for either the TS-R or TS-M zone if the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan and is located adjacent to or confronting another parcel either classified in or under application for either zone. The existing Zoning Ordinance language requires the adjacent or confronting parcels to be combined in a single development plan. ZTA 12-08 would eliminate this requirement.

GIS research indicates six properties within the Bethesda CBD Sector Plan would be affected by ZTA 12-08. Five of the properties are zoned R-60 and range in size from 5,000 square feet to 7,320 square feet. Two of the properties include single-family houses converted to offices and three properties continue as single-family homes. The sixth property, located along Hampden Lane, is zoned R-10 and is used as a three-story multi-family residential building. On each property, a TS-R zoning designation exists along at least one adjacent boundary.

In the Board's opinion, approval of ZTA 12-08 would allow the impacted properties to rezone and develop consistent with the future land use goals adopted for these sites in the 1994 Bethesda CBD Sector Plan which include low density office and multi-family residential uses. Without the ZTA, it becomes difficult (if not almost impossible) for several of the properties to redevelop since most of the surrounding sites have already been rezoned (and therefore have approved development plans) and developed as TS-R projects. The rezoning process, which includes approval of a development plan along with the required approval of a site plan, further ensures that a project is compatible in layout and design with adjacent properties already classified as TS-R or TS-M.

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, at its regular meeting held in Silver Spring, Maryland, on Thursday, May 31, 2012.


Françoise M. Carrier
Chair

FC:GR

Zoning Text Amendment (ZTA) No. 12-08, Transit Station Zones – Minimum Area

- Gregory Russ, Planner Coordinator, Functional Planning & Policy Division, gregory.russ@montgomeryplanning.org, 301-495-2174
- Mary Dolan, Chief, Functional Planning & Policy Division, mary.dolan@montgomeryplanning.org 301-495-4552

Completed: 05/24/12

Description

ZTA 12-08 revises the conditions for reducing the minimum lot size of any development in the Transit Station, Residential (TS-R) and Transit Station, Mixed (TS-M) zones. Specifically, the ZTA would allow a parcel that is smaller than the required minimum size to be approved for either the TS-R or TS-M zone if the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan and is located adjacent to or confronting another parcel either classified in or under application for either zone. The existing Zoning Ordinance language requires the adjacent or confronting parcels to be combined in a single development plan. ZTA 12-08 would eliminate this requirement.

This change is proposed to enable smaller properties in these zones to develop consistent with the intent of master and sector plans.

Summary/Analysis

Staff recommends approval of ZTA 12-08 as introduced to allow a parcel that is smaller than the required minimum size to be approved for either the TS-R or TS-M zone if the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan and is located adjacent to or confronting another parcel either classified in or under application for either zone.

The minimum area required for a development is 18,000 square feet in the TS-R zone and 40,000 square feet in the TS-M zone. However, the Zoning Ordinance allows a project of less than the minimum development size if at least two parcels are combined that are:

- (A) designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan;
- (B) located adjacent to or confronting each other and either classified in or under application for one of the two zones, and
- (C) the combined parcels are part of a single Development Plan

The existing language does not require that the combined parcels meet the minimum area for development. ZTA 12-08 would allow development of a single parcel that is less than 18,000 square feet in the TS-R zone or 40,000 square feet in the TS-M zone as long as the parcel meets A and B above.

It should be noted that the Zoning Ordinance also allows a smaller minimum area for a development in these zones if the parcel is within a Central Business District and immediately adjoins or is separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone. This provision remains unchanged under ZTA 12-08.

Master/Sector Plan Impacts (Area 2)

As shown on the attached maps (Attachment 2) for Area 2 of the County, there are a total of 6 existing sites (5 within the White Flint Sector Plan and 1 within the Shady Grove Sector Plan that are zoned TS-R and/or TS-M). All of these sites exceed 18,000 square feet. There is one pending rezoning to TS-R (Privacy World/Glenmont Metro center) that encompasses 30+ acres. There are no additional properties recommended for TS-R/TS-M in the relevant Master or Sector Plans within the Area 2 Planning Area and the proposed ZTA will not impact the existing sites that are under the TS-R/TS-M zoning designations.

Master/Sector Plan Impacts (Area 1)

Attachment 2 also includes maps depicting the existing TS-R and TS-M zoned sites located in the Bethesda and Friendship Heights Sector Plans. There are no additional properties recommended for TS-R/TS-M within the Friendship Heights Sector Plan. The attached chart and map (Attachment 2) indicate six properties within the Bethesda CBD Sector Plan affected by ZTA 12-08. Five of the properties are zoned R-60 and range in size from 5,000 square feet to 7,320 square feet. Two of the properties include single-family houses converted to offices and three properties continue as single-family homes. The sixth property, located along Hampden Lane is zoned R-10 and is used as a three-story multi-family residential building. On each property, a TS-R zoning designation exists along at least one adjacent boundary.

Conclusion

In staff's opinion, approval of ZTA 12-08 would allow the impacted properties to rezone and develop consistent with the future land use goals adopted for these sites in the 1994 Bethesda CBD Sector Plan which include low density office and multi-family residential uses. Without the ZTA, it becomes difficult (if not almost impossible) for several of the properties to redevelop since most of the surrounding sites have already rezoned (and therefore have approved development plans) and developed as TS-R projects. The only other option is to maintain either the existing incompatible single-family residence or continue the adaptive office use of the single-family detached structures—neither equates to providing the best options for fulfilling the land use recommendations of the sector plan. Also, the rezoning process, which includes approval of a development plan, along with the required approval of a site plan, further ensures that a project is compatible in layout and design with adjacent properties already classified as TS-R or TS-M.

GR/MD/kr

ATTACHMENTS

1. ZTA 12-08 as introduced
2. GIS & Sector Plan Maps/Chart of TS-R and TS-M Properties