

Public Hearing

MEMORANDUM

May 18, 2010

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney *JLZ*

SUBJECT: Public Hearing - Zoning Text Amendment 10-04,
C-2 Zone – Automobile Filling Stations

On March 16, 2010 Zoning Text Amendment (ZTA) 10-04 was introduced by the District Council at the request of the County Executive. The ZTA would allow an automobile filling station as a permitted use in the C-2 zone if it is in a regional shopping center. Currently, filling stations are allowed in the C-2 zone only through the special exception process. The Executive believes that this ZTA would:

- 1) allow regional shopping centers to better meet the needs of their customers by enabling them to provide a broader range of services on site;
- 2) stimulate the revitalization of our shopping centers that are located in the C-2 zone; and
- 3) encourage additional capital investment in the County's shopping malls.

The public hearing on ZTA 10-04 was initially scheduled for April 20, 2010, but the Council announced continuance of the hearing to May 20, 2010 at 7:30 p.m. before the public hearing was held on April 20.

The Planning Staff report provided the following background:

ZTA 10-04, if approved, would have immediate application at Westfield Wheaton Shopping Center; Westfield Montgomery Mall; and White Flint Mall. The White Flint Mall is located within the White Flint Sector Plan where, under the recently approved sector plan, the shopping mall would be rezoned from the C-2 zone to the newly adopted CR zone. The SMA is anticipated to be considered by the Council sometime in May [public hearing May 18]. Automobile filling stations are allowed in the CR zone only by special exception.

In the case of Westfield Wheaton and Westfield Montgomery, both are, at some boundary points, either adjacent to or confronting residentially zoned property (see Attachment 3). Public input in the facility design and layout process traditionally has

been paramount, particularly when an automobile filling station is proposed in the vicinity of residential property. Under the ZTA, the potential physical, environment, and operational impacts associated with an automobile filling station and their relationship to the neighboring residential communities would go unexamined.

Planning Board recommended disapproval of ZTA 10-04 for the following reasons:

- 1) as a permitted use, an automobile filling station would not be subject to an analysis of the inherent/non-inherent adverse impacts of the use on a particular site;
- 2) under ZTA 10-04 there would be no public input or authority designated to help mitigate impacts concerning the location of buildings and gas pumps relative to its neighbors and overall site; and
- 3) there would be no analysis to determine if another filling station could be supported.

The Planning, Housing, and Economic Development Committee has not scheduled a worksession on this ZTA as of the date of this memorandum.

This Packet Contains

ZTA 10-04

Executive's transmittal letter

© number

1 – 3

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Zoning Text Amendment No: 10-04
Concerning: C-2 Zone – Automobile
Filling Stations
Draft No. & Date: 1 – 3/15/10
Introduced: March 16, 2010
Public Hearing:
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: The District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow automobile filling stations located in a regional shopping center as a permitted use in the C-2 zone.

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

DIVISION 59-C-4 COMMERCIAL ZONES
Section 59-C-4.2 Land Uses

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 that text 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-4 is amended as follows:**

2 **DIVISION 59-C-4. COMMERCIAL ZONES.**

3 * * *

4 Sec. 59-C-4.2. Land uses.

5 No use is allowed except as indicated in the following table:

6 **-Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones
7 indicated, subject to all applicable regulations.

8 **-Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special
9 exceptions under article 59-G.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Countr y Inn
* * *												
(e) Services:												
Ambulance or rescue squads, privately supported, nonprofit.	P	P	SE		P	P	P	P	P			
Ambulance or rescue squads, publicly supported.	P	P	P		P	P	P	P	P	P		
Animal boarding place.					SE		P ²¹					
Appliance repair shops.					P	P	P	SE		P		
Automobile filling stations. ¹¹					SE	P*/S E	SE	SE		SE		
* * *												

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11 * When located in a regional shopping center.

12 * * *

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

16 This is a correct copy of Council action.

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19 _____
Linda M. Lauer, Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

MEMORANDUM

March 4, 2010

TO: Nancy Floreen, President
Montgomery County Council, sitting as the District Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Introduction of Zoning Text Amendment

I would like to request that you introduce for the District Council's consideration the attached Zoning Text Amendment that is designed to enhance the ability of our regional shopping centers to meet the needs of their customers and to assist in the redevelopment of our regional shopping malls that are located in the C-2 zone.

The attached Zoning Text Amendment will allow by right an automobile filling station in the C-2 zone if the filling station is in a regional shopping center. There are three regional shopping malls in the County's jurisdiction: Westfield Wheaton Shopping Center; Westfield Montgomery Mall, and White Flint Mall. As such, this Zoning Text Amendment will have minimal impact on the County's overall land-use policies.

The implementation of the attached Zoning Text Amendment will:

- allow our regional shopping centers to better meet the needs of their customers by enabling them to provide a broader range of services on site;
- stimulate the revitalization of our shopping centers that are located in the C-2 zone; and
- encourage additional capital investment in the County's shopping malls.

As part of the County's efforts to look for opportunities to upgrade its existing large-scale physical developments, I am requesting that the County Council, sitting as the District Council, adopt the attached Zoning Text Amendment.

Attachment

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