

PHED Committee #1  
April 4, 2016

**MEMORANDUM**

March 31, 2016

TO: Planning, Housing, and Economic Development Committee  
FROM: Jeff Zyontz,  Senior Legislative Analyst  
SUBJECT: Zoning Text Amendment 15-11, Employment Office (EOF) Zone – Limited Uses

Zoning Text Amendment (ZTA) 15-11, introduced on November 3, 2015, would allow additional limited uses in the Employment Office (EOF) zone. Council President Floreen is the lead sponsor of ZTA 15-11. Councilmember Hucker is a co-sponsor.

Currently, vehicle sales and vehicle repair are not permitted land uses in the EOF zone. ZTA 15-11 would allow these uses on sites of at least 10 acres in size that are located outside of Metro Station Policy Areas.

The Council held a public hearing on January 12, 2016. The Planning Board and Planning Staff recommended denial of ZTA 15-11. In their opinion, an owner who wants to use their property for vehicle sales and vehicle repair should request a zoning change to do so. The Planning Board noted that the intent of the zone was for office and employment activity combined with limited residential and neighborhood commercial uses. Currently, the GR zone allows vehicle sales and vehicle repair as a limited use. In the NR zone, outdoor vehicle sales requires conditional use approval.

The County Executive testified in favor of ZTA 15-11. The Executive pointed out the Mile One property at the Auto Park on Route 28 and said the following:

The ZTA is entirely sensible when viewed in the context of EOF zoned properties...that are not in a desirable office location but are ideally situated for other types of commercial development...requiring Mile One to go through a piecemeal rezoning process for a modest redevelopment project would be onerous in terms of both time and cost to MileOne without advancing any legitimate land use objective...any significant new development would be required to go through the site plan process with the Planning Board which will afford ample opportunity for community and abutter input.

A representative for MileOne spoke in favor of ZTA 15-11.

## Background

The purpose of the EOF zone is as follows:

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.<sup>1</sup>

The uses proposed as limited uses have the following definitions:

### Light Vehicle Sales and Rental (Indoor)

1. Defined

Light Vehicle Sales and Rental (Indoor) means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.<sup>2</sup>...

### Light Vehicle Sales and Rental (Outdoor)

1. Defined

Light Vehicle Sales and Rental (Outdoor) means the sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving, outside of a building. Light Vehicle Sales and Rental (Outdoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Outdoor) includes outdoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.<sup>3</sup>...

### Repair (Major)

1. Defined

Repair (Major) means an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Section 3.5.13.D, Repair (Commercial Vehicle)).<sup>4</sup>

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<sup>1</sup> Montgomery County Code, Section 59.4.6.1.E.

<sup>2</sup> Montgomery County Code, Section 59.3.5.12.B.

<sup>3</sup> Montgomery County Code, Section 59.3.5.12.C.

<sup>4</sup> Montgomery County Code, Section 59.3.5.13.

## Issues

*Would ZTA as proposed allow vehicle sales and repair in areas where it would be incompatible?*

As proposed, the ZTA would allow vehicular sales and repair near metro stations (but outside of metro station policy areas) and abutting residential communities. Both of these concerns can be addressed by additional limits on where the new uses could be located:

- 1) Replace “not within a metro station policy area” with “at least 3,000 feet from a Metrorail Station”;
- 2) Add a restriction that the use may not be located abutting any area used for household living (detached single-family homes); and
- 3) Add a requirement that the site abuts both a right-of-way classified as a freeway (I-495, I-270, and State Route 200 - the ICC) and an arterial road.

There are 5 EOF zoned areas in the County that satisfy these three criteria. There are more than 10 separate parcels within these areas that include 43.6 acres of land. Three of the 10 parcels are in public ownership. There are 7 privately owned parcels in 30.2 acres that meet the proposed criteria.

These additional criteria would remove most, if not all, of the compatibility concerns that the Council may have with allowing more outdoor auto sales. **If the Council believes that expanding the opportunity for outdoor vehicle sales in the EOF zone is in the public interest, then this alternative would have the least unintended consequences.**

Planning Staff developed a GIS application to review standards with the Committee. (Staff would like to acknowledge the work of Jay Mukherjee on this effort.) The GIS application is online at <http://arcg.is/21Je9ie>. Please note that, once in the application, the viewer must click on the content button on the left hand side to see all the available layers. To see the location of alternatives in the list of layers, the upper layers must be clicked off. The layer that shows residential use will take time to display.

The Committee will be able to see where property is zoned EOF and how various alternative limitations would change where the new uses might be allowed.

*Would allowing vehicle sales and repair fit within the purpose of the EOF zone?*

The essence of the EOF zone is that it is a zone suitable for offices. Staff has not noted a trend to suggest that auto sales and repair make an area more suitable for offices. If the Council thought vehicular sales was a desirable land use, it could have zoned such areas GR. As the Planning Board suggests, floating zones are an option for the property owners who want this use without an amendment to the code.

Within the 3 proposed land use additions, indoor vehicle sales is the least objectionable to the Planning Board. If indoor car sales is compatible with development in Bethesda, there should not be a question that it is compatible in the EOF zone.

**The Council could allow indoor vehicle sales and delete the other proposed uses without any impact to offices uses. If the Council wants to include outdoor sales and repair as an allowed use**

**in the EOF zone in an even more conservative way, those uses could be allowed only as a conditional use.**

Allowing outdoor car sales on an additional 43.6 acres of land on 10 parcels will not throw the County's land use scheme into chaos; however, there is an existing process to allow outdoor storage. Any applicant in a non-residential zone may seek a local zoning map amendment to the GRF zone. A demand for outdoor car sales that exceeds the supply on a County-wide basis would be a significant reason to approve ZTA 15-11, but those facts are not apparent in the record.

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Zoning Text Amendment No.: 15-11  
Concerning: Employment Office  
(EOF) Zone – Limited  
Uses

Draft No. & Date: 2 - 11/23/15  
Introduced: November 3, 2015  
Public Hearing: January 12, 2016  
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**

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Lead Sponsor: Council President Floreen  
Co-sponsor: Councilmember Hucker

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow additional limited uses in the EOF zone;
- establish standards for limited uses the EOF zones; and
- generally amend the provisions for the EOF zone.

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

DIVISION 59-3.1.    “Use Table”  
Section 59-3.1.6.    “Use Table”  
DIVISION 59-3.5.    “Commercial Uses”  
Section 59-3.5.12.  “Vehicle/Equipment Sales and Rental”  
Section 59-3.5.13.  “Vehicle Service”

**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 59-3.1 is amended as follows:**

2    **Division 3.1. Use Table**

3    \* \* \*

4    **Section 3.1.6. Use Table**

5    The following Use Table identifies uses allowed in each zone. Uses may be  
6    modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	* * *	Commercial/Residential			Employment				Industrial		
			CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *												
VEHICLE/EQUIPMENT SALES AND RENTAL	3.5.12											
Heavy Equipment Sales and Rental	3.5.12.A					L					P	P
Light Vehicle Sales and Rental (Indoor)	3.5.12.B			L	P	P			<u>L</u>	P	P	
Light Vehicle Sales and Rental (Outdoor)	3.5.12.C			L	P	L	C		<u>L</u>	P	P	
VEHICLE SERVICE	3.5.13											
* * *												
Repair (major)	3.5.13.E			C	C	L		C	<u>L</u>	P	P	P
* * *												

7  
8           **Sec. 2. DIVISION 59-3.5 is amended as follows:**

9    **Division 3.5. Commercial Uses**

10   \* \* \*

11   **Section 3.5.12. Vehicle/Equipment Sales and Rental**

12   \* \* \*

13   **B. Light Vehicle Sales and Rental (Indoor)**

14       **1.     Defined**

15           Light Vehicle Sales and Rental (Indoor) means a building for the  
16           indoor sales, rental, or leasing of light equipment and vehicles,  
17           including vehicles for hauling and moving. Light Vehicle Sales and  
18           Rental (Indoor) includes the repair of vehicles and equipment for sale,  
19           rent, or lease as an incidental use if conducted indoors. Light Vehicle  
20           Sales and Rental (Indoor) includes indoor storage of vehicles for  
21           sale[,] and an accessory car wash for vehicles and equipment for sale,  
22           rent, or lease.

23       **2.     Use Standards**

24           a.     Where Light Vehicle Sales and Rental (Indoor) is allowed as a  
25           limited use, and the subject lot abuts or confronts a property  
26           zoned Agricultural, Rural Residential, or Residential Detached  
27           that is vacant or improved with an agricultural or residential  
28           use, it must satisfy the following standards:

29                   [a] i.    Access to the site from a street with a residential  
30                               classification is prohibited.

31                   [b] ii. Site plan approval is required under Section 7.3.4.

32           b.     In the EOF zone, the tract on which a Light Vehicle Sales and  
33           Rental (Indoor) use is allowed must also be:

34                   i.     less than 10 acres in size; and

35                   ii.    located outside of a Metro Station Policy Area.

36   **C.   Light Vehicle Sales and Rental (Outdoor)**

37       **1.     Defined**

38           Light Vehicle Sales and Rental (Outdoor) means the sales, rental, or  
39           leasing of light equipment and vehicles, including vehicles for hauling  
40           and moving, outside of a building. Light Vehicle Sales and Rental

41 (Outdoor) includes the repair of vehicles and equipment for sale, rent,  
42 or lease as an incidental use if conducted indoors. Light Vehicle Sales  
43 and Rental (Outdoor) includes outdoor storage of vehicles for sale[,]  
44 and an accessory car wash for vehicles and equipment for sale, rent, or  
45 lease.

46 **2. Use Standards**

47 a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a  
48 limited use, and the subject lot abuts or confronts a property  
49 zoned Agricultural, Rural Residential, or Residential Detached  
50 that is vacant or improved with an agricultural or residential  
51 use, it must satisfy the following standards:

- 52 i. Access to the site from a street with a residential  
53 classification is prohibited.
- 54 ii. Vehicles must be stored or parked only on a hard surface  
55 that is constructed of material resistant to erosion, is  
56 adequately treated to prevent dust emission, and is  
57 surrounded by a raised curb. The parking and storage  
58 area must be set back 15 feet from any right-of-way, 15  
59 feet from any lot line abutting land in an Agricultural,  
60 Rural Residential, or Residential Detached zone, and 3  
61 feet from any other lot line.
- 62 iii. There must be a minimum of 20 feet between access  
63 driveways, and all driveways must be perpendicular to  
64 the curb or street line.
- 65 iv. When such use occupies a corner lot, an access driveway  
66 is prohibited within 20 feet from the intersection of the  
67 rights-of-way, and cannot exceed 30 feet in width.

- 68 v. Product displays, parked vehicles, and other obstructions,  
69 which would adversely affect visibility at intersections or  
70 to driveways, are prohibited.
- 71 vi. In the CRT zone, site plan approval is required under  
72 Section 7.3.4.
- 73 b. In the EOF zone, the tract on which a Light Vehicle Sales and  
74 Rental (Outdoor) use is allowed must also be:
  - 75 i. less than 10 acres in size; and
  - 76 ii. located outside of a Metro Station Policy Area.
- 77 c. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a  
78 conditional use, it may be permitted by the Hearing Examiner  
79 under all applicable limited use standards[,] and Section 7.3.1,  
80 Conditional Use.

81 **Section 3.5.13. Vehicle Service**

82 \* \* \*

83 **E. Repair (Major)**

84 **1. Defined**

85 Repair (Major) means an establishment where general vehicle repair  
86 and service is conducted, including engine and transmission  
87 replacement or rebuild, body, and paint shops. Repair (Major) does  
88 not include repair or services for commercial vehicles or heavy  
89 equipment (see Section 3.5.13.D, Repair (Commercial Vehicle)).

90 **2. Use Standards**

- 91 a. Where Repair (Major) is allowed as a limited use, and the  
92 subject lot abuts or confronts a property zoned Residential that  
93 is vacant or improved with a residential use, it is subject to the  
94 following standards:

- 95                   i.     All buildings must be set back a minimum of 100 feet
- 96                             from the abutting residential lot line.
- 97                   ii.    All parking and storage for vehicles must be set back a
- 98                             minimum of 50 feet from the abutting residential lot line.
- 99                   iii.   The minimum site is 20,000 square feet if not fully
- 100                            contained in a structure.
- 101                   iv.    Access to the site from a street with a residential
- 102                            classification is prohibited.
- 103                b.    In the EOF zone, the tract on which a Repair (Major) use is
- 104                            allowed must also be:
- 105                            i.     less than 10 acres in size; and
- 106                            ii.    located outside of a Metro Station Policy Area.
- 107                c.    Where Repair (Major) is allowed as a conditional use, it may be
- 108                            permitted by the Hearing Examiner under all limited use standards
- 109                            and Section 7.3.1, Conditional Use.

110   \*   \*   \*

111                **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the

112   date of Council adoption.

113

114   This is a correct copy of Council action.

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116   \_\_\_\_\_

117   Linda M. Lauer, Clerk of the Council

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**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**OFFICE OF THE CHAIR**

January 11, 2016

**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. 15-11

**BOARD RECOMMENDATION**

The Montgomery County Planning Board of the Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 15-11 at our regular meeting on January 7, 2016. By a vote of 5:0, the Planning Board recommends denial of the text amendment to allow Light Vehicle Sales and Rental (Indoor and Outdoor) and Vehicle Service Repair (major) as limited uses in the Employment Office (EOF) zone, if each use is located on a tract less than 10 acres in size and located outside of a Metro Station Policy Area. The Board has concerns with permitting vehicle sales or rental facilities and major vehicle repair in a zone that is intended for office and employment activity with limited residential and neighborhood commercial uses. A more appropriate method for providing an alternative to development under the restrictions of the EOF zone would be to request a change in zoning to an applicable floating zone that allows these uses either as permitted or with limited standards.

Currently, Light Vehicle Sales and Rental (Indoor or Outdoor) and Vehicle Service Repair (major) are not permitted in the EOF zone. The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout. Currently under the Employment zones, the GR zone allows indoor light vehicle sales and rental as a permitted use and outdoor sales as a limited use. No other Employment Zone allows the indoor sales use as a permitted or limited use. Under the NR zone, outdoor sales require conditional use approval. Currently under the Employment zones, only the GR zone allows major repair of vehicles as a limited use. Under the LSC zone, this use requires conditional use approval.

The Honorable Nancy Floreen  
January 11, 2016  
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In summary, the Planning Board believes that indoor auto sales/rental and repair uses, in some instances, could be compatible with other uses allowed in EOF, but outdoor auto sales/rental and major repair uses (especially if the repair use is not fully contained in a structure) are not appropriate. The Board further believes that a more appropriate method for providing an alternative to development under the restrictions of the EOF zone would be to request a change in zoning to an applicable floating zone (in this case, the GRF zone).

On a case by case basis, a floating zone can provide flexible applicability to respond to changing economic, demographic, and planning trends that occur between a comprehensive District or Sectional Map Amendment. Floating zones were established to ensure protection of established neighborhoods by establishing compatible relationships between new development and existing neighborhoods, providing development standards and general compatibility standards to protect the character of adjacent neighborhoods and allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

#### 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, January 7, 2016.

  
Casey Anderson  
Chair

CA:GR



**Zoning Text Amendment (ZTA) No. 15-11, Employment Office (EOF) Zone – Limited Uses**

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*GR*

Gregory Russ, Planner Coordinator, FP&P, [gregory.russ@montgomeryplanning.org](mailto:gregory.russ@montgomeryplanning.org), 301-495-2174

*PD*

Pamela Dunn, Chief, FP&P, [pamela.dunn@montgomeryplanning.org](mailto:pamela.dunn@montgomeryplanning.org), 301-650-5649

Completed: 12/18/15

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**Description**

ZTA No. 15-11 would allow additional limited uses in the Employment Office (EOF) zone and establish standards for those additional limited uses in the EOF zones. Specifically, the ZTA would allow Light Vehicle Sales and Rental (Indoor and Outdoor) and Vehicle Service Repair (major) as limited uses in the EOF zone, if each use is located on a tract less than 10 acres in size and located outside of a Metro Station Policy Area. All other limited use standards currently associated with these three uses would remain in effect.

**Summary**

Staff recommends denial of ZTA No. 15-11 to allow additional limited uses in the Employment Office (EOF) zone and establish standards for those additional limited uses in the EOF zones. Staff has concerns with permitting vehicle sales or rental facilities and major vehicle repair in a zone that is intended for office and employment activity with limited residential and neighborhood commercial uses (a maximum of 30% retail/service uses). A more appropriate method for providing an alternative to development under the restrictions of the EOF zone would be to request a change in zoning to an applicable floating zone (in this case, the GRF zone) that allows these uses either as permitted or with limited standards.

**Background/Analysis**

Currently, Light Vehicle Sales and Rental (Indoor or Outdoor) and Vehicle Service Repair (major) are not permitted in the EOF zone. The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.

Use Definitions and Limited Use Standards

**Light Vehicle Sales and Rental (Indoor)** means a building for the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if

conducted indoors. Light Vehicle Sales and Rental (Indoor) includes indoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.

Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, access to the site from a street with a residential classification is prohibited and site plan approval is required.

Currently under the Employment zones, the GR zone allows indoor light vehicle sales and rental as a permitted use. No other Employment Zone allows this use as a permitted or limited use.

**Light Vehicle Sales and Rental (Outdoor)** is defined similarly to indoor sales, except for the inclusion of outdoor storage of vehicles for sale. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a limited use and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- i. Access to the site from a street with a residential classification is prohibited.
- ii. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be set back 15 feet from any right-of-way, 15 feet from any lot line abutting land in an Agricultural, Rural Residential, or Residential Detached zone, and 3 feet from any other lot line.
- iii. There must be a minimum of 20 feet between access driveways, and all driveways must be perpendicular to the curb or street line.
- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles, and other obstructions, which would adversely affect visibility at intersections or to driveways, are prohibited.
- vi. In the CRT zone, site plan approval is required under Section 7.3.4.

Currently under the Employment zones, only the GR zone allows Light Vehicle Sales and Rental (Outdoor) as a limited use. Under the NR zone, this use requires conditional use approval.

Under the Vehicle Service category (Section 3.5.13.), **Repair (Major)** means an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment. Where Repair (Major) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Residential that is vacant or improved with a residential use, all buildings must be set back a minimum of 100 feet from the abutting residential lot line; parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential lot line; the site must be a minimum of 20,000 square feet if the use is not fully contained in a structure; and access to the site from a street with a residential classification is prohibited.

Currently under the Employment zones, only the GR zone allows major repair of vehicles as a limited use. Under the LSC zone, this use requires conditional use approval.

### Uses Allowed in the EOF Zone

Section 3.1.6. (Use Table), depicts a number of commercial/service uses as permitted or limited uses in the EOF zone including Restaurants, Hotel, Motel, Clinics, Medical, Dental Laboratory, Office, Research and Development, Structured Parking, Surface Parking for Use Allowed in the Zone, Conference Center, Health Clubs and Facilities, Retail/Service Establishment (up to 30% of gross floor area on the subject site), and Minor (Vehicle) Repair (subject to certain setback, lot size and access requirements when abutting or confronting property zoned Agricultural, Rural Residential, or Residential). As introduced, the ZTA would allow automobile sales/rental and major auto repair establishments on EOF zoned properties all over the County under the current and proposed limited use standards. The proposed additional standards would limit the size of a tract to less than 10 acres and would limit property locations to outside of Metro Station Policy Areas.

Overall, Staff has concerns with permitting vehicle sales or rental facilities in a zone that is intended for office and employment activity with limited residential and neighborhood commercial uses (a maximum of 30% retail/service uses). Staff believes that indoor auto sales/rental and repair uses, in some instances, could be compatible with other uses allowed in EOF, but outdoor auto sales/rental and major repair uses (especially if the repair use is not fully contained in a structure) are not appropriate. Staff further believes that a more appropriate method for providing an alternative to development under the restrictions of the EOF zone would be to request a change in zoning to an applicable floating zone (in this case, the GRF zone).

On a case by case basis, a floating zone can provide flexible applicability to respond to changing economic, demographic, and planning trends that occur between a comprehensive District or Sectional Map Amendment. Floating zones were established to ensure protection of established neighborhoods by establishing compatible relationships between new development and existing neighborhoods, providing development standards and general compatibility standards to protect the character of adjacent neighborhoods and allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

Should the County Council decide to allow the subject uses in the EOF zone, Staff suggest that either more standards be provided to limit where outdoor auto sales/rental and repair uses could be located in the EOF zone (for example, only located adjacent to zones that allow this use as a permitted or limited use) or only allow the outdoor auto sales/rental and repair uses as conditional uses.

### GIS Data on EOF Properties

Attachment 2 includes 10 maps and a table depicting 349 EOF zoned properties (totaling over 484 acres), each less than 10 acres in size and located outside of the Metro Station Policy Areas. The table and maps also list the zones that are closest in location to the EOF zones. Although the adjacent uses and zones vary throughout the County, the data depicts that a number of the EOF zoned properties (approximately 47%) abut or confront property in a residential zone or use. The table further indicates the uses that are located on the EOF zoned properties including offices, apartments, vacant land, retail, parking, warehouses, detached residences, agriculture, industrial uses, and open space/recreation, with a majority of the acreage devoted to office use.

### Conclusion

Based on the analysis above, Staff recommends denial of ZTA 15-11. Staff has concerns with permitting vehicle sales or rental facilities and major vehicle repair in a zone that is intended for office and employment activity but believes that, on a case by case basis, an alternative to development under the restrictions of the EOF zone would be to request a change in zoning to an applicable floating zone (in this case, the GRF zone).

### **Attachments**

1. ZTA No. 15-11 as introduced
2. GIS information of EOF zoned properties based on parameters of the ZTA

**Testimony on Behalf of County Executive Isiah Leggett on  
ZTA 15-11, Employment Office (EOF) Zone – Limited Uses**

**January 12, 2016**

Good afternoon Council President Floreen and Members of the County Council. My name is Mike Smith, Development Ombudsman in the County Executive’s office, and I am testifying on behalf of County Executive Ike Leggett in support of ZTA 15-11.

The Auto Park concept, with multiple dealerships and service centers in a central location with good access and visibility from major roads, has been successful for MileOne, and provides significant economic benefits to the County. MileOne has over 500 employees at its dealerships and service centers in the Auto Park, including many high-paying technician positions.

ZTA 15-11 proposes very modest expansion of limited uses in EOF Zone that would allow MileOne to expand its sales and service facilities to a parcel located adjacent to the Auto Park that MileOne purchased in 2013. This property is also adjacent to the Intercounty Connector to the south and a self-storage/rental truck facility to the east.

The ZTA is entirely sensible when viewed in the context of the particular characteristics of EOF-zoned properties like the property that are not in a desirable location for office uses but are ideally situated for other types of commercial development. The property’s location offers few, if any, of these amenities desired by today’s office tenants, and it is not likely that the property would be developed for office use in the foreseeable future.

Instead, MileOne believes the property is ideal to expand its auto –dealership and service facilities and continue to contribute to the economic vitality of East County.

We acknowledge that the Planning Board recommends that rezoning properties through the local map amendment process to a zone that permits auto-related uses by right is the preferred approach to allowing these uses on EOF-zoned properties. However, requiring MileOne to go through a piecemeal rezoning process for a modest redevelopment project would be onerous in terms of both time and cost to MileOne, without advancing any legitimate land use objectives.

If the use was permitted in the EOF Zone as proposed in the ZTA, any significant new development would be required to go through the site plan approval process with the Planning Board which will afford ample opportunity for community and abutter input. Further, the ZTA retains the enhanced setback and compatibility requirements applicable to all limited auto sales and service uses, which will ensure compatibility with surrounding uses and properties. These requirements would be implemented as a condition of site plan review and approval, in addition to addressing any community concerns. Finally, the ZTA would not allow greater density or height on the property than is currently allowed under its EOF zoning.

We also acknowledge the Planning Board’s concerns with the scope of the properties that would be affected by the ZTA, and we understand that the applicability of the ZTA could be more

narrowly defined in a manner that would still allow Mile One to achieve its objectives for the property. MileOne has expressed its desire to engage with staff on such appropriate changes to the ZTA.

In summary, this ZTA will allow MileOne to increase its employment at the Auto Park and continue to be an economic driver in the East County, without adversely impacting the surrounding community or frustrating the County's land use policies and goals. We ask for your support of ZTA 15-11. Thank you for the opportunity to testify.

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Testimony of Scott Wallace on behalf of MileOne Automotive  
ZTA 15-11  
January 12, 2016

My name is Scott Wallace with the law firm of Linowes and Blocher. I represent MileOne Automotive, the owner and operator of seven auto dealerships and service centers in the Montgomery Auto Park, labeled in blue on the aerial photograph I provided you.

MileOne strongly supports ZTA 15-11, which will permit auto sales and repair facilities as limited uses in the EOF Zone. The ZTA would allow Mile One to expand its facilities to a parcel located adjacent to the Auto Park that MileOne purchased in 2013, labeled as "MileOne Vehicle Storage" on the aerial.

MileOne has several hundred employees at its dealerships and service centers in the Auto Park. In the mid-1970s MileOne began actively supporting an automotive repair training program at Montgomery College to help meet its need for skilled technicians and promote workforce training opportunities in the County. Since its inception, MileOne has employed a substantial number of graduates from the training program and looks forward to continuing this partnership with the College.

The ability to expand its dealership and service facilities is critical to MileOne's ability to thrive and grow at the Auto Park and continue to contribute to the economic vitality of the County. For this reason, in late 2013 MileOne purchased the adjacent property, which was being used at the time as a Pepsi distribution warehouse.

The Property is adjacent to the Auto Park to the north and west, the Intercounty Connector to the south, and a self-storage/rental truck facility to the east. Locating automobile sales and services on the Property would be a natural extension of, and entirely compatible with, the adjacent auto sales and service related uses in the Auto Park.

MileOne is currently using the Property for storage of inventory vehicles and employee parking. Although serving an immediate need for vehicle storage, the Property is ideally suited for sales and service facilities because it has direct internal access from the dealerships through MileOne's currently occupied property, thereby avoiding any additional operational traffic on Briggs Chaney Road.

We understand that the Planning Board recommends the rezoning process instead of the ZTA to allow auto sales and services on EOF-zoned properties like MileOne's.

It is our position that requiring a lengthy and costly rezoning will not advance any land use objectives or goals. First, the ZTA would not allow greater density or height on the Property than is currently allowed under its EOF zoning. Further, any significant redevelopment of the property would require site plan approval by the Planning Board. The ZTA retains enhanced setback requirements applicable to all limited auto sales and service uses, which will ensure compatibility with surrounding uses and properties. These standards would be reviewed and implemented by the Planning Board at site plan. In summary, for a property like MileOne's, requiring both the rezoning and site plan process for development with auto-related uses would essentially result in redundant regulatory process.

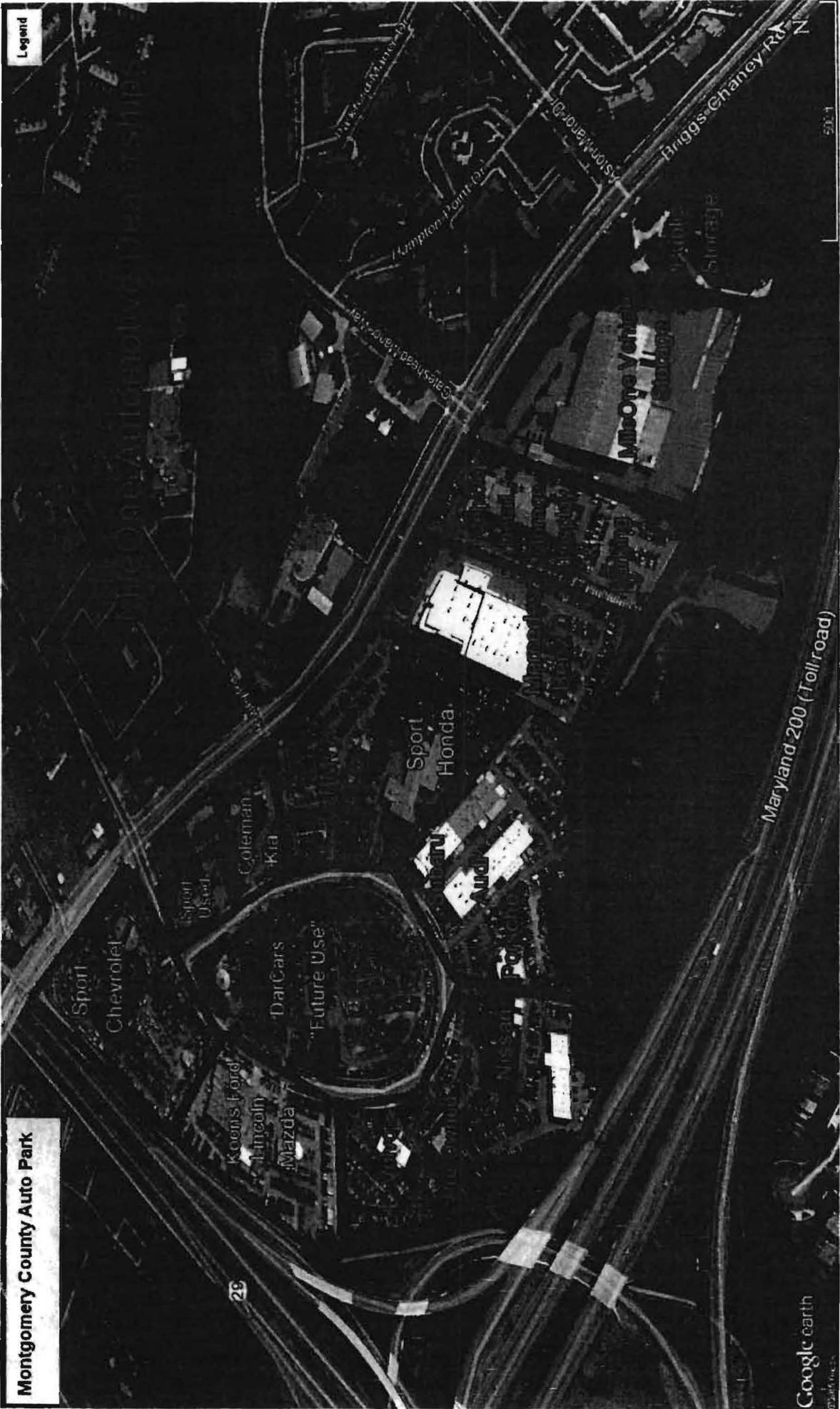
We do understand that the Planning Board has requested the Council consider narrowing the scope of the properties that the ZTA would apply to and MileOne is of course willing to work with staff on this point.

To conclude, we believe the ZTA if approved will further the County's planning and economic development goals, and will foster the long-term productive use of the Property to the benefit of MileOne, the County's workforce and the surrounding community.

Thank you.

Legend

Montgomery County Auto Park



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