



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #2
3/27/03

DATE: March 21, 2003
TO: Montgomery County Planning Board
VIA: Joe Davis, Chief, Development Review
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow a health club in the C-T zone under certain circumstances.

TEXT AMENDMENT: No. 03-03
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Floreen
INTRODUCED DATE: February 25, 2003
PLANNING BOARD REVIEW: March 27, 2003
PUBLIC HEARING: April 8, 2003

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

- Permit a health club in the C-T zone as a permitted use under certain circumstances.

BACKGROUND

The Bethesda Sport & Health Club, located at 4400 Montgomery Avenue, has been in operation since 1979 under a special exception (Case No. S-682) originally approved as "commercial recreational or entertainment establishment" but subsequently determined by the Board of Appeals to be, in fact, approved and operating as a "racquetball, squash, and handball" facility "augmented to include indoor tennis".

In 1999, Bethesda Sport & Health Club sought to modify its special exception to reduce the space required for under-utilized racquetball and tennis courts and to redesign the Club's interior spaces. The Board of Appeals ruled that at least 51% of the floor area of the special exception

(granted under Section 59-G-2.45) must be maintained in court sports activities. Bethesda Sport & Health has, therefore, been unable to modify its operations to satisfy the demands of its current and potential membership which includes much less demand for racquet sports and more membership requests for space associated with overall conditioning typically associated with health clubs. The effect of ZTA 03-03 would be to allow existing racquet sport facilities operating in the C-T zone by special exception approval to augment such facilities to permit health club-type services. A health club is currently not permitted in the C-T zone.

ANALYSIS

The proposed text amendment would allow a health club by right in the C-T zone, with a footnote as follows:

- * On a site approved by special exception before (ZTA effective date) for use as a racquet ball, squash, indoor tennis, and handball court facility. The reuse and interior remodeling of an existing building to accommodate a health club, which is on a site approved by special exception before (ZTA effective date) for use as a racquet ball, squash, indoor tennis, and handball court facility, is not subject to site plan review.

The zoning text amendment would have very limited applicability since it would only apply to facilities already existing and operating under special exception approval in the C-T zone. In fact, the Bethesda Sport & Health location at 4400 Montgomery Avenue is the only site in Montgomery County zoned C-T which has current special exception approval to operate as a racquetball, squash, handball, and tennis facility. The proposed footnote also eliminates the site plan review requirement since all renovations to the site will be inside of the existing structure. The Department of Permitting Services (DPS) will review any internal building modifications as well as parking facility improvements, should more parking spaces be necessary or proposed.

C-T Zone

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings that, singly or in groups, provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area.

Some permitted uses in the C-T Zone include: ambulance and rescue squads, banks and financial institutions, charitable or philanthropic institutions, child day care facilities, clinics, duplicating services, private educational institutions, elderly day care facilities, fire stations, general offices, places of religious worship and publicly owned or publicly operated uses. The proposed inclusion of a health club in the Commercial, transitional (C-T) zone appears consistent with the existing permitted uses and the purpose of the

zone. This is especially the case since the use would only apply to facilities already existing and operating under special exception approval in the C-T zone. The overall size of the facility is limited by the developmental standards of the C-T zone. Accordingly, the footprint, floor area and height of the existing building will not and cannot increase in size since it has been built to the maximum density allowed. Only interior areas of the existing structure will change from racquet/court to fitness uses.

Master and Sector Plan Conformance

The Community-Based Planning Division reports that the proposed text amendment would not affect the goals and objectives of any master and sectors plans. The 1994 Bethesda Central Business District Sector Plan discusses the area along Montgomery Avenue under section 4.8, "The Montgomery Triangle Corridor." It describes the uses and mentions a "sports" club. There is no other specific discussion of the site or its use. There are urban design guidelines for the area including mitigation of any adverse impacts on the neighborhood to the south of the Montgomery Avenue. The Health Club is not proposing to change the exterior of its building. The special exception approval required landscaping and opaque fencing along the south of the property to address urban design guidelines.

RECOMMENDATION

The staff supports the proposed text amendment to allow a health club use, under certain circumstances, as a permitted use in the C-T zone subject to minor technical modifications.

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 03-03 (as amended by staff)
2. Community-Based Planning Memorandum

ATTACHMENT 1

Zoning Text Amendment No: 03-03
Concerning: Health club – C-T zone
Draft No. & Date: 1 – 2/12/03
Introduced: February 25, 2003
Public Hearing: April 8, 2003; 1:30 PM
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 for the purpose of:

- allowing a health club in the C-T zone under certain circumstances.

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 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:

1 **Sec. 1. Division 59-C-4 is amended as follows:**

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

3 * * *

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

5 * * *

| | C-T | O-M | C-O | C-P | C-1 | C-2 | C-3 | C-4 | C-5 | C-6 | H-M | Country Inn |
|---|-----|-----------------|-----------------|-----------------|-----------------|-----|-----|-----|-----|-----|-----|-------------|
| (f) Cultural, entertainment and recreational: | | | | | | | | | | | | |
| * * * | | | | | | | | | | | | |
| Health club. | P* | P ³⁴ | P ³⁴ | P ³⁴ | P ⁵⁴ | P | P | P | | P | | |

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7 * * *

8 34 In the O-M, C-O and C-P zones, a health club is permitted only within an
 9 office building. A health club is not to exceed 10 percent of the gross floor
 10 area of the building and must not exceed 10,000 square feet in size.

11 * * *

12 * A health club is a permitted use in the C-T zone only ~~[[O]]~~ on a site approved
 13 by special exception before (ZTA effective date) for use as a racquet ball,
 14 squash, indoor tennis, and handball court facility. The reuse and interior
 15 remodeling of an existing building to accommodate a health club, which is
 16 on a site approved by special exception before (ZTA effective date) for use
 17 as a racquet ball, squash, indoor tennis, and handball court facility, is not
 18 subject to site plan review.

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

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22 This is a correct copy of Council action.

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26 Mary A. Edgar, CMC

27 Clerk of the Council

MEMORANDUM

DATE: March 20, 2003

TO: Greg Russ, Zoning Analyst, Development Review Division

FROM: Marilyn Clemens, Planner Coordinator, Community Based Planning

RE: Zoning Text Amendment #03-03
Health Club – C-T Zone

The 1994 Bethesda Central Business District Sector Plan discusses the area along Montgomery Avenue under section 4.8, "The Montgomery Triangle Corridor." It describes the uses and mentions a "sports" club. There is no other specific discussion of the site or its use.

There are urban design guidelines for the area including mitigation of any adverse impacts on the neighborhood to the south of the Montgomery Avenue. The Health Club is not proposing to change the exterior of its building. Should they reconfigure or expand the parking, however, it might have implications for run off. Lastly, the urban design guidelines call for a "...sign-impervious screen incorporating landscaping and fencing in a buffer area at least ten feet wide along the rear lot line." If no buffer or fence is in place, reconfiguration of the parking lots would require implementation of these measures.

Cbp/mc/russports