



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Items 6 & 7
05/05/05

DATE: April 29, 2005
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor *CG*
FROM: *HJ* Nkosi Yearwood and Karen Kumm, Community-Based Planning
Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendments
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan . Specifically, amend the Light Industrial (I-1) zone to require streetscape provisions in the zone; and amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.

TEXT AMENDMENT: 05-05 and 05-06
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: April 5, 2005

PLANNING BOARD REVIEW: May 5, 2005
PUBLIC HEARING: May 10, 2005, 1:30 PM

STAFF RECOMMENDATION: APPROVAL with modifications (for both applications)

PURPOSE OF THE TEXT AMENDMENTS

To amend the Zoning Ordinance language based on recommendations from the Draft Shady Grove Sector Plan. The Sector Plan includes recommendations for two text amendments as follows:

1. ZTA No. 05-05: Amend the Light Industrial (I-1) zone to require streetscape provisions in the zone;
2. ZTA No. 05-06: Amend the Research and Development (R&D) zone to allow an existing building materials and supply use, wholesale and retail, to be grandfathered as a permitted use; and provide for site plan review for standard method development in the R&D zone.

BACKGROUND

ZTA 05-05

The Draft of the Shady Grove Plan recommends improving the visual character of MD 355, the Oakmont Industrial Park and Crabbs Branch Office Park with streetscape provisions that will improve the pedestrian safety and overall character of the street. Specifically, pedestrians are forced either to walk in the street, as in the Oakmont instance, or along MD 355 where the sidewalk abuts the road. This amendment will require streetscape improvements for all I-1 zoned property.

ZTA 05-06

The Planning Board Draft of the Shady Grove Sector Plan recommends rezoning the existing Great Indoors property, located along Shady Grove Road, from I-1 (Light Industrial) to R&D (Research and Development) and I-3 (Technology and Business Park) using the optional provisions. To avoid creating a nonconforming use and building size under the R&D zone for the Great Indoors (this use not permitted in the R&D zone), a text amendment is required to allow the existing building materials and supplies use as a grandfathered use in the R&D zone.

The Draft Plan also recommends the development of the Shady Grove Technology Corridor using the Research and Development (R&D) and I-3 zone as the implementation measure. Site plan review is required only in the R&D optional method of development and not in the standard method of development. In order to achieve the objectives of the Sector Plan and to encourage better site design for the Technology Corridor, staff recommends requiring site plan review for the standard method of development in the R&D zone. This requirement will ensure a character that can compete in the market place and attract quality R&D businesses.

The proposed text amendments were reviewed by the Planning Board on February 24, 2005, for transmittal to the County Council for introduction. Since that time, minor modifications (plain language and stylistic) were made to the text by the Zoning Screening Committee.

ANALYSIS

ZTA 05-05

This amendment will require streetscape improvements for all I-1 zoned property in accordance with County road design standards and Sector and Master Plan guidance for street rights-of-way to improve pedestrian safety, access and convenience. Streetscape improvements will be triggered at the time of preliminary and/or site plan approval. Site plan is required in the I-1 zone for buildings that are more than 3 stories or 42 feet in height and automobile sales and businesses, such as car dealerships.

The Shady Grove Planning Area has a significant amount of I-1 zoned land, approximately 544 acres. The Crabbs Branch Office Park, along Crabbs Branch Way and near Gude Drive, is developed under I-1 zoning, as is the MD 355 Corridor and the Oakmont Industrial area. Other light industrial properties are in the Fairland, Silver Spring, Upper Rock Creek, Germantown areas and in portions of the AirPark.

The streetscape requirement must achieve continuous sidewalks, street tree plantings, lighting or other improvements and must be consistent with the recommendations and guidelines of the relevant approved master or sector plan and approved streetscape plans.

ZTA 05-06

The current use category of the Great Indoors, building materials and supply, wholesale and retail, is permitted in the I-1 zone but not the R& D zone. Under the I-3 zone, a building materials and supplies use is allowed if the use existed prior to June 6, 1989.

Using the R&D and I-3 zones creates a ceiling on the amount of development on the Great Indoors property, should the site redevelop. Under the existing I-1 zone, there is no FAR limitation. The goal of the proposed text amendment is to grandfather the use into the R&D zone and to create a conforming use.

The following chart illustrates the amount of development allowed under each zoning category:

Great Indoors Land Area	Existing development (square feet)	R& D standards	I-3 standards
13.65 acres	210, 200 square feet @ 0.35 FAR (I-1 standard)	178, 508 sq. ft (@ .3 FAR) <i>standard method</i>	297, 514 sq. ft (@ .5 FAR) <i>standard method</i>
		297, 514 sq. ft. (@ .5 FAR) <i>optional method</i>	

RECOMMENDATION

The staff recommends that proposed ZTA Nos. 05-05 and 06, to address Shady Grove Sector Plan recommendations, be approved as modified slightly to make plain language text changes.

Attachments 1 and 2 depict the proposed amendments as modified by staff.

Attachments

1. Zoning Text Amendment No. 05-05
2. Zoning Text Amendment No. 05-06
3. Transmittal Letter from Planning Board to Tom Perez, Council President