

MCPB  
Item #3  
6/30/05

DATE June 24, 2005

TO: Montgomery County Planning Board

VIA: John Carter, Chief  
Community-Based Planning Division  
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Development Review DivisionCarlton Gilbert, Zoning Supervisor *CG*FROM: Marilyn Clemens  
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REVIEW TYPE: Zoning Text Amendment

PURPOSE: To amend the Zoning Ordinance to reduce the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet, and to permit the transfer of density within a Housing Resource Area as designated in a relevant master plan or sector plan.

TEXT AMENDMENT: No. 05-08  
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
INTRODUCED BY: District Council at the request of the Planning Board  
INTRODUCED DATE: May 26, 2005PLANNING BOARD REVIEW: June 30, 2005  
PUBLIC HEARING: July 12, 2005; 7:30 p.m.

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RECOMMENDATION: APPROVAL

This Zoning Text Amendment includes the following two modifications to the Zoning Ordinance:

1. Reduce the minimum lot size from 22,000 to 18,000 square feet in all CBD Zones to qualify for the Optional Method of Development.

2. Expand the ability to transfer density between lots within a "Housing Resource Area" in the CBD Zones to provide for housing, ancillary retail and arts uses. The transfer of density is presently allowed between adjacent lots or between lots separated by a public street. This amendment would allow transfer of density between lots anywhere within a "Housing Resource Area."

## **PURPOSE**

The proposed text amendment was established to implement several recommendations in the proposed Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. Specifically, the text amendment is intended to accomplish the following:

- Increase the opportunity for the use of the Optional Method of Development for projects to provide additional density near existing transportation resources and other public facilities in the CBD's
- Increase opportunities to provide needed public amenities and facilities in CBD's
- Increase opportunities to provide housing, including affordable housing, in the Woodmont Triangle
- Increase opportunities for existing retail business owners to take advantage of the Optional Method of Development
- Provide consistency with the lot requirements in the TS-R Zone (requires a minimum lot size of 18,000 square feet instead of 22,000 square feet)

The Optional Method of Development was established over thirty years ago. Larger properties were considered necessary to achieve the public amenities and facilities to support greater density. One-half acre (22,000 square feet) was considered a reasonable minimum requirement to qualify for the Optional Method of Development. The proposed reduction in the minimum lot size to qualify for the Optional Method of Development would assist in meeting the goal of creating a mixed-use neighborhood in the Woodmont Triangle. Property owners have already pointed out the difficulty of combining lots to meet the existing requirement of 22,000 square feet. The reduction in the minimum lot size would increase the opportunity for Optional Method of Development projects to provide housing in the Woodmont Triangle.

## **THE REVIEW PROCESS**

The Planning Board recommended the inclusion of the proposed Text Amendment to the Zoning Ordinance as part of the implementation of the Woodmont Triangle Amendment. On May 12, 2005, the Planning Board approved the transmittal of the proposed text amendment to the District Council for introduction.

On May 10, 2005, the County Council held a public hearing on the Woodmont Triangle Amendment and continued the hearing until July 12, 2005. The public hearing for the proposed Text Amendment also will be heard at that time.

## ANALYSIS

### Minimum Lot Size

The CBD areas of Montgomery County contain lots as small as 1,000 square feet. In the Woodmont Triangle, the average lot size is 5-6,000 square feet. Many of these properties were once zoned R-60 (6,000 square foot lots) when the area was predominately a neighborhood of single-family homes. Reducing the minimum lot size would decrease the number of lots necessary to be combined to qualify for the Optional Method of Development.

**Impact on Central Business Districts** – This text amendment to reduce the lot size to qualify for the Optional Method of Development would provide additional opportunities in three of the CBD's. The location of existing 18,000 square foot lots adjacent to neighborhoods of single-family homes has been examined carefully. Eight additional properties would presently qualify for the Optional Method of Development in Bethesda, eleven in Silver Spring, six in Wheaton, and none in Friendship Heights. The attachments show the present location of lots in each of the CBD's that have not been redeveloped and contain between 18,000 and 22,000 square feet.

- **Bethesda CBD:** In the Bethesda CBD, the lots that are presently between 18,000 and 22,000 square feet are shown on the attached map (Attachment 2). Only two of these lots are located next to an adjacent residential neighborhood. The Sector Plan for the Bethesda CBD contains height limits (page 39) that are intended to address compatibility with adjacent residential neighborhoods. The text of the Sector Plan also provides guidelines for density and land use to protect the residential neighborhoods located on the periphery of the CBD.
- **Silver Spring CBD:** In relationship to the adjacent single-family neighborhoods, the lots along Spring Street and Cedar Street at the northern edge of the core are already 22,000 square feet or greater, and they are currently developed with office and retail uses. Along the eastern boundary of the CBD, three lots have between 18,000 and 22,000 square feet in the Fenton Street Village area that would not presently qualify for the Optional Method of Development. The single-family neighborhoods to the east are protected by measures in the Fenton Village Overlay Zone, sections 59-C-18.19 and 59-C-18.192, containing guidelines and height restrictions regarding compatibility. The lots along the western boundary of the CBD and adjacent to the District of Columbia are already larger than 22,000 square feet. The attached map (Attachment 3) of the Silver Spring CBD shows eleven properties that would presently qualify for the Optional Method of Development with a minimum of 18,000 square feet.
- **Wheaton CBD:** The enclosed map (Attachment 4) of the Wheaton CBD shows lots between 18,000 and 22,000 square feet. All of the six properties indicated on the map are in the Wheaton Retail Preservation Overlay Zone, and they are currently developed in general retail, restaurant or service use. The Optional Method of Development is presently not permitted in the Wheaton Overlay Zone.

The existing lots in the Wheaton CBD located adjacent to single family residential neighborhoods already qualify with the minimum 22,000 square feet necessary to develop under the Optional Method of Development.

- **Friendship Heights:** All of the areas in Friendship Heights located adjacent to the existing residential neighborhoods have been developed or have approved plans in place. This text amendment would not impact Friendship Heights.

The Planning Board included in the Woodmont Triangle Amendment the recommendation to reduce the minimum lot size for the Optional Method of Development from 22,000 to 18,000 square feet. The proposed reduction will increase the use of the Optional Method of Development in the Woodmont Triangle District, provide opportunities for additional housing, and increase the amenities. Eighteen thousand square feet is already the minimum lot size to develop in the TS-R Zone, providing a common baseline for urban developments.

**Minimum Lot Size and Public Use Space** - In the Optional Method of Development, each project provides public use space and amenities necessary to support the additional density. Optional Method of Development projects are required to provide a minimum of 20 percent of their net lot area for public use. An important consideration in determining the minimum lot size for the Optional Method of Development is the amount of public use space to be gained.

The importance of requiring a minimum of 18,000 square feet to qualify for the Optional Method of Development is that 20 percent of 18,000 square feet provides a minimum of 3,600 square feet of public use space. The fountain plaza outside the Barnes and Noble bookstore in Bethesda is an example of this size of public space. Staff believes that if the minimum lot size were reduced below 18,000 square feet, the minimum 20 percent of the lot area required for public use space would be insufficient in size to be useful to the public.

### **Transfer of Density**

The transfer of density is presently allowed between any lots (but not transferred to any property that confronts a one-family residential zone) located within the South Silver Spring Overlay Zone when the density is transferred from a building demolished prior to August 24, 2002 that exceeds the standard method of development floor area of the overlay zone. In the other CBD Zones, the transfer of density is only allowed between adjacent lots or between lots separated by a public street. The proposed Text Amendment would expand the ability to transfer density between any lots within a "Housing Resource Area". The transfer would be limited to projects that provide housing, ancillary retail and arts uses. The property to which a development credit is transferred must not abut or confront a one-family residential zone. The "Housing Resource Area" must be designated in a master or sector plan. To expand the use of this provision, amendments to other sector or master plan areas would be required to designate specific "Housing Resource Areas."

The Woodmont Triangle Amendment designated a "Housing Resource Area." Property owners would be able to transfer density between lots located anywhere within the designated "Housing Resource Area" of the Woodmont Triangle. As an example, a lot with an existing small-scale retail building could transfer any unused density to another lot. This would allow a property owner to retain an existing small-scale retail building and take advantage of a transfer of unused density as part of a combined development that includes housing. The transfer of density must be for mixed-use developments including housing, ancillary retail and arts uses. The transfer of density must be approved as part of a project plan, preliminary plan and site plan.

## **ISSUES**

**Lot Size** - Some property owners believe that the lot size could be further reduced from 18,000 square feet to decrease the need to combine lots. The proposed reduction in lot size will best foster the provision of useful public use space, provide consistency with the lot size in the TS-R Zone, and retain the existing goal of encouraging assembly of properties in CBD's.

**Transfer of Density** - The staff has not received any comments or concerns about the transfer of density proposed in the text amendment.

## **RECOMMENDATION**

The reduction in the minimum lot size for the Optional Method of Development will have a positive impact on the CBD's. It will help provide housing and ancillary retail and will support the arts in the Woodmont Triangle area of Bethesda. Allowing the transfer of density within the "Housing Resource Area" of the Woodmont Triangle will also facilitate the development of housing, and the retention of existing general retail, restaurants and services. The staff recommends that Zoning Text Amendment No. 05-08 be approved as submitted

### **Attachments:**

1. Zoning Text Amendment No. 05-08
2. Map of the Bethesda CBD
3. Map of the Silver Spring CBD
4. Map of the Wheaton CBD
5. Planning Board Transmittal Letter to County Council