



Zoning Text Amendment No. 17-02, Overlay Zone – Regional Shopping Center



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Completed: 6/8/17

Description

ZTA 17-02 would allow residential uses in the Regional Shopping Center (RSC) Overlay Zone; and allow additional height in the Overlay zone to accommodate development of residential buildings or multi-use buildings with residential units. The proposed ZTA would implement the recommendations of the Planning Board Draft Rock Spring Master Plan.

Summary

Staff recommends approval, as introduced, of ZTA 17-02 to allow residential uses in the Regional Shopping Center (RSC) Overlay Zone; and allow additional height in the Overlay zone to accommodate development of residential buildings or multi-use buildings with residential units, implementing the recommendations of the Planning Board Draft Rock Spring Master Plan. Any impact of the additional height to surrounding neighborhoods would be mitigated by the current setback provisions for buildings above 45 feet (a minimum setback of 3 feet for each 1 foot of building height over 45 feet when the structure is adjacent to vacant or residentially improved property in an Agricultural, Rural Residential, or Residential zone).

Background/Analysis

On April 10, 2017, the Planning Board transmitted the Draft Rock Spring Master Plan to the County Executive. In addition to the Master Plan, the Board transmitted a zoning text amendment (ZTA) for the Regional Shopping Center Overlay Zone for introduction and consideration by the County Council.

Sector Plan

Based on established development patterns and the existing road network, the Rock Spring Master Plan area has three distinct clusters that present different challenges and opportunities for growth and improvement. Today, the clusters are distinct and separate from one another, but over time, the area has the potential to become connected and cohesive. The Plan seeks to advance the evolution of Rock Spring as a community that offers more amenities for employees as well as existing and future residents.

The overarching land use and urban design goals include:

- Establish a redevelopment framework that provides a greater mix of uses and amenity options for businesses and their employees, as well as residents, both in the short and long term.
- Strengthen the viability of existing uses.
- Create opportunities for infill or redevelopment of single-use commercial areas and surface parking lots with a greater mix of uses and public spaces that will reshape Rock Spring into a well-integrated community.

With these goals in mind, the Plan envisions future consideration of additional uses, including a residential or hotel component at the Westfield Montgomery Mall site zoned GR 1.5, H 45' (base zone).

In addition to its base zoning of General Retail (GR), the Regional Shopping Center (RSC) Overlay Zone also applies to the Westfield Montgomery Mall site. The purpose of the RSC is to provide flexible development standards to facilitate certain uses compatible with a regional shopping center and provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers. The Overlay Zone outlines certain uses that may be permitted as part of a regional shopping center and includes development standards. Currently, residential uses and their development standards within a regional shopping center are not specifically listed in the RSC Overlay Zone although the use is permitted in the underlying GR zone. The Plan recommends confirming the existing GR zoning and amending the RSC Overlay Zone to clarify that residential uses are allowed in the RSC Overlay Zone. Modification of the Overlay zone will also allow additional height up to 150 feet to accommodate development of apartment buildings or multi-use buildings with apartments above the ground floor. ZTA 17-02 further clarifies that all parking must adhere to the requirements under Division 6.2 (Parking, Queuing, and Loading) of the Zoning Ordinance. Westfield Montgomery Mall, which is within the boundaries of the Rock Spring Master Plan supports ZTA 17-02. The Overlay Zone would also apply to Westfield's Wheaton Mall.

Staff has no objection to ZTA 17-02, given the intent when establishing the RSC Overlay was to mirror the land uses allowed in the previous Zoning Ordinance (prior to October 30, 2014) for regional shopping centers located in the C-2 zone (now the GR zone with the RSC Overlay applied to it). Residential uses were encouraged when developed with commercial uses near Bus Transit Centers and Metro stations. Also, the RSC Overlay zone (as well as the C-2 zone standards for regional shopping center in the previous Zoning Code) currently permits a hotel up to 130 feet in height but requires additional setback provisions for buildings above 45 feet when the structure is adjacent to vacant or residentially improved property in an Agricultural, Rural Residential, or Residential zone (a minimum setback of 3 feet for each 1 foot of building height over 45 feet). The ZTA request to allow up to 150 feet for apartment buildings or multi-use buildings with apartments above the ground floor would also be required to meet the additional setback provisions thereby minimizing any impact to adjacent residential neighborhoods.

Attachments

1. Amended ZTA No. 17-02 as introduced

ATTACHMENT 1

Zoning Text Amendment No.: 17-02
Concerning: Overlay Zone – Regional
Shopping Center
Draft No. & Date: 1-5/16/17
Introduced: May 16, 2017
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: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow residential uses in the Regional Shopping Center (RSC) Overlay Zone; and allow additional height in the Overlay zone to accommodate development of residential buildings or multi-use buildings with residential units; and
- generally amend the provisions of the Regional Shopping Center (RSC) Overlay zone

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

ARTICLE 59-4. “Development Standards for Euclidean Zones”
Section 59.4.9. “Overlay Zones”
Section 59. 4.9.11. “Regional Shopping Center (RSC) Overlay Zone”

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:

Sec. 1. ARTICLE 59-4 is amended as follows:

DIVISION 4.9. Overlay Zones

* * * *

Section 4.9.11. Regional Shopping Center (RSC) Overlay Zone

B. Land Uses

The following uses are permitted as part of a regional shopping center:

1. Hotel, Motel
2. The following Recreation and Entertainment Facility use: theater complex
3. Combination Retail
4. Retail/Service Establishment (85,001 - 120,000 SF)
5. Retail/Service Establishment (120,001 SF and Over)
6. Residential

C. Development Standards

1. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:
 - a. 90 feet for a building that includes a theater complex[, and];
 - b. 130 feet for a Hotel, Motel; and
 - c. 150 feet for an apartment building or a multi-use building with residential use.
2. Any portion of a building over 45 feet in height must be set back from an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each 1 foot of building height over 45 feet.

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28 **E. Parking**

29 **1. Requirement**

- 30 a. The parking requirement for a regional shopping center is 4
31 parking spaces for each 1,000 square feet of gross leasable area.
32 b. The parking requirement for separate [standing] office and
33 professional [buildings] uses, and for any residential use, is
34 under Division 6.2.

35 * * *

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

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39 This is a correct copy of Council action.

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42 Linda M. Lauer, Clerk of the Council