

Work Session

Agenda Item #	5
Meeting Date	June 16, 2014
Prepared By	Erkin Ozberk Planner
Approved By	Brian T. Kenner City Manager

Discussion Item	Zoning in the Historic District
Background	<p>The Montgomery County Planning Department has been working since 2008 on the development of a proposal to modernize, clarify, and simplify the 1977 county zoning ordinance, which, over time, has grown unwieldy, outdated and complicated. It is the explicit intent of the Montgomery County Zoning Ordinance Rewrite to make no substantive changes to the permitted development during this transition.</p> <p>Due to a proposed change in zoning by Montgomery County Planning Staff, the Montgomery County Council Planning, Housing and Economic Development (PHED) Committee has asked the Takoma Park City Council to weigh in on a proposed zoning change. Indications are that the Committee will support the City Council's request. The PHED Committee meeting is on July 3, 2014.</p> <p>The proposed change in zoning, impact of the action, and City staff's recommendation are detailed in the accompanying memorandum.</p>
Policy	<p>Coordinate with surrounding jurisdictions to foster and promote comprehensive, environmentally sound development and redevelopment in the community and throughout the region; support higher density retail, commercial, and residential development near transportation routes and hubs, that is environmentally sensitive and of a design and scale appropriate to surrounding neighborhoods and their historic nature.</p> <p>-- <i>Takoma Park Strategic Plan FY 2010 – FY 2015</i></p>
Fiscal Impact	Properties in the Historic District currently and in the future will be impacted by the zoning change which will have a fiscal impact.
Attachments	<ul style="list-style-type: none"> • HCD Memorandum (June 13, 2014) • Correspondence with PHED Committee (June 5, 2014) • Excerpt from Legislative Memo to PHED Committee proposing alternative translations for C-1 zoning in a master plan designated historic district • Resolution Supporting Zoning Translation from C-1 to CRT in Takoma Park Historic District • OTBA Zoning letter to Council
Recommendation	Review and discuss.
Special Consideration	



City of Takoma Park, Maryland
Housing and Community Development Department

Memorandum

To: Brian Kenner, City Manager
From: Sara Anne Daines, HCD Director
Date: June 13, 2014
Subject: Zoning in the Historic District

Background

The Montgomery County Planning Department has been working since 2008 on the development of a proposal to modernize, clarify, and simplify the 1977 county zoning ordinance, which, over time, has grown unwieldy, outdated and complicated. The restrictions and requirements set forth in the zoning ordinance apply to much of Montgomery County, including the City of Takoma Park. The revised zoning code is intended to encourage better, mixed-use development, enhance compatibility, promote sustainability, and create new tools to help achieve goals in community plans. Updates are regularly posted on the project website: www.zoningmontgomery.org

On May 2, 2013, the Montgomery County Planning Board approved, and transmitted to the Montgomery County Council a draft of the revised Zoning Code Text Amendment (ZTA). The items affecting the City of Takoma Park, included the translation of commercial properties zoned Convenience Commercial (C-1). The Montgomery County Planning Board recommended converting all C-1 zoned properties to the Commercial Residential Town (CRT) zone. The conversion was discussed by the PHED Committee twice. On December 13, 2013, the Committee voted to maintain the Planning Board's recommendation for CRT.

Montgomery County Planning staff last updated the City Council on the zoning rewrite on February 4, 2014, and the text was approved on March 4, 2014 by the Montgomery County Council. The District Map Amendment (DMA) was delayed for six months after the ZTA was approved to provide property owners and the public an opportunity to understand and review the approved changes to ensure no existing development rights would be unduly restricted.

Combined, the approved ZTA and DMA will finalize the zoning code rewrite, scheduled for approval October 30, 2014.

PROPOSED CHANGE BY MONTGOMERY COUNTY PLANNING STAFF

At the June 9, 2014 Planning, Housing and Economic Development (PHED) Committee

worksession, Montgomery County Planning staff recommended an alternative translation for the existing C-1 zones in master plan designated historic districts. The proposed change would convert all C-1 zoned property in the Takoma Park Historic District to the Neighborhood Retail (NR) zone, instead of the Commercial Residential Town (CRT) zone as originally supported by the Planning Board. City staff objected to the content and timing of the change and submitted comments for the record. Defining characteristics of the CRT and NR zones are summarized below:

CRT	Intended for small downtown, mixed use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus. (Montgomery County Zoning Ordinance, Council Approved, p. 4-75)
NR	Addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial use. (Montgomery County Zoning Ordinance, Council Approved, p. 4-82)

In addition to the underlying planning zone, all commercial property in the Takoma Park Historic District is subject to the Takoma Park East Silver Spring Commercial Revitalization Overlay Zone (CROZ), established by the 2000 Takoma Park Master Plan. The CROZ encourages a mix of uses, particularly residential, an orientation towards pedestrians and transit users, and flexibility on minimum parking standards. An important tool in achieving much of the revitalization that has occurred in the Takoma Park Historic District since 2000, the overlay remains in the rewritten zoning ordinance with the same intent.

STAFF RECOMMENDATION

Staff recommends the originally proposed translation from C-1 to CRT based on the following three rationale:

- **Proposed change to NR more restrictive than current C-1 zoning.**

It is the explicit intent of the Montgomery County Zoning Ordinance Rewrite to make no substantive changes to the permitted development during this transition. The zoning alternative proposed by the County’s Planning staff is intended for more auto-dependent retail development, and entails a narrow limitation on the proportion of residential development permitted (i.e. 30% cap on residential). This represents a substantive change to the current zoning, contradicting the intent of the Zoning Ordinance Rewrite. Additional currently permitted uses would also not be allowed under an NR designation, including Cultural Institutions, Clinics, and Bed and Breakfasts.

- **Overlay zone controls for size and scale in Takoma Park.**

Assuming the continued applicability of the City’s Commercial Revitalization Overlay

Zone (CROZ), there are no differences in what can be developed in the underlying C-1 (existing), CRT (proposed), and NR (alternatively proposed) zones, in terms of height, density, and scale.

- **CRT zoning does not allow for additional density.**

	Exists Today	Proposed (2013)	Alternative (6/9/14)
Overlay Zone	Takoma Park East Silver Spring Commercial Revitalization Overlay (CROZ)	Takoma Park East Silver Spring (TPESS) Commercial Revitalization Overlay	Takoma Park East Silver Spring (TPESS) Commercial Revitalization Overlay
Base Zone	C-1	Commercial Retail Town (CRT)	Neighborhood Retail (NR)*
Maximum Density**	no FAR defined	0.75 FAR	0.75 FAR
Permitted Height	50'	50'	50'
Residential Limit	not limited	0.25 FAR	30% of developed project

* The TPESS text (approved by County Council on March 5, 2014) was written for the CRT zone only, and does not address the NR zone.

** Density is measured by Floor Area Ratio (FAR), which is the proportion of the property's land area that can be developed. For example, a 2,000 sq. ft. home on a 4,000 sq. ft. lot has an FAR of 0.5.

Overall, City staff supports the CRT translation, as it provides greater consistency, with clearer and more predictable expectations for the community, staff, and developers for what can be built in the zone.

The City of Takoma Park

7500 Maple Avenue
Takoma Park, MD 20912
Telephone: 301.891.7100
Fax: 301.270.8794
www.takomaparkmd.gov



Brian Kenner, City Manager

June 5, 2014

Montgomery County Planning, Housing, and Development (PHED) Committee
Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, MD 20850

RE: Montgomery County Zoning Rewrite: C-1 Translation in Historic Districts

Dear President Rice and PHED Committee Members,

The City was informed by Montgomery County Planning staff on June 2, 2014 that a change to the zoning ordinance translation for the C-1 zones in downcounty historic districts was being recommended. It is the understanding of City staff that the Planning Department's recommendation is for translating all property zoned C-1 in downcounty historic districts to Neighborhood Retail (NR), instead of Commercial Residential Town (CRT), as previously proposed and decided by vote at the December 13, 2013 PHED Committee worksession.

Upon reviewing the impacts and rationale for this revised recommendation, the City of Takoma Park objects to this change in its current form based on the premise that the new NR zone would substantially impact existing permitted land uses and development standards. In addition, as City staff was only notified recently of this potential change more time is needed to fully evaluate all impacts.

In the Takoma Park Historic District, property zoned C-1 constitutes the overwhelming majority of the commercial district, comprising 53 properties over 11.5 acres of land. The change to NR is inconsistent with the intent of recommendations in the Takoma Park Master Plan (2000), which emphasizes a pedestrian oriented, walkable vision. The proposed change to NR was vaguely communicated to City staff with very little time to adequately and thoughtfully respond. The City is awaiting a response from the Montgomery County Planning Department on the planned outreach for communicating this abrupt change in the policy toward the C-1 conversion with affected property owners in Takoma Park and elsewhere in downcounty historic districts.

At this time, City staff has received no written staff report or documentation outlining the proposed change, beyond the enclosed land use comparison chart, furnished 6/3/2014. During a 6/3/2014 conference call with City staff, the rationale provided by the Montgomery County Planning Director for this substantive change stems from differences in permitted land uses. It was expressly communicated to City staff that the guiding principle of the Zoning Ordinance Rewrite is to translate the zones as closely as possible in terms of character and permitted land uses (i.e. “apples to apples”) and the new NR zone more closely resembles the existing C-1 zone, rather than CRT.

The defining characteristics of the NR zone are inconsistent with areas in the Takoma Park Historic District presently in the C-1 zone:

The NR Zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial use. (Montgomery County Zoning Ordinance, Council Approved, p. 4-82)

In contrast,

The CRT zone is intended for small downtown, mixed use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus. (Montgomery County Zoning Ordinance, Council Approved, p. 4-75)

The fundamental difference between the CRT and NR zones are in their respective orientations towards modes of transportation, in particular walkability. The Takoma Park Historic District is served by four Ride On bus lines and one Metrobus line (a WMATA Priority Corridor). The Takoma Metro Station in the District of Columbia is within two blocks of the nearest commercial properties, and within a mile of the furthest commercial properties in the historic district. These properties are linked to the Metro station with recently improved streetscapes and convenient bicycle access. Two of the most actively used Capital Bikeshare stations in Montgomery County (ranked #4 and #9 out of 49 stations countywide) are in the Takoma Park Historic District, surrounded by C-1 zoned properties. Committed to improving the pedestrian and bicycle experience in the Takoma Park, the City is working with the State Highway Administration to add a signalized pedestrian crosswalk in the Historic District and was awarded state funding to improve on-street marked bicycle facilities in the area as well.

The vision for Takoma Old Town is of a village center with traditional small town charm, providing unique stores and services to both nearby neighborhoods and regional visitors. The strengths of the area include the Takoma Metro station, neighborhoods within walking distance, an appealing character, public spaces, and a variety of businesses. (Takoma Park Master Plan, p. 42)

To achieve the vision in the Master Plan, the Takoma Park East Silver Spring Overlay Zone was created in order to encourage mixed use development in Takoma Park's commercial districts, allowing for residential and other additional land uses as well more controls over urban design. Translating the C-1 zone in the Takoma Park Historic District to NR requires corresponding additions to the March 5, 2014 version of the Takoma Park East Silver Spring Overlay Zone (TPESS), to retain existing permitted land uses and development standards that would be prohibited or unavailable in the proposed underlying NR zone. Without these additions to the TPESS text, the translation of the C-1 in Takoma Park Historic District to NR results in a more restrictive zoning than exists today. The list of additions to the TPESS text (Montgomery County Zoning Ordinance, Council Approved, p. 4-116, 4-117) is enclosed, but is preliminary in nature, given the short time with which to analyze the proposed C-1 zoning translation change.

For questions pertaining to the City's position and clarification on details in the enclosures, please contact Sara Ann Daines, Housing and Community Development Director at 301-891-7224 or SaraD@takomaparkmd.gov.

Sincerely,



Brian Kenner
City Manager

cc: Honorable Mayor and City Council Members
Suzanne Ludlow, Deputy City Manager
Sara Anne Daines, Director, Takoma Park Housing and Community Development
Rosalind Grigsby, Community Development Coordinator
Jeff Zyontz, Legislative Analyst, Montgomery County Council
Gwen Wright, Director, Montgomery County Planning Department
Rose Krasnow, Deputy Director, Montgomery County Planning Department
Pam Dunn, Project Manager, Montgomery County Zoning Ordinance Rewrite

enclosures

Required Revisions to text of TPESS Overlay Zone

The following redlined additions to the text of the TPESS overlay zone (Chapter 59 Montgomery County Zoning Ordinance, Council Approved, pp. 4-116, 4-117) are required to ensure consistency with existing permitted land uses and development standards if the underlying C-1 zone in the Takoma Park Historic District translates to NR. These additions are derived from existing text in the Takoma Park East Silver Spring Commercial Revitalization Overlay Zone (Montgomery County Code, Sec. 59-C-4.34).

Section 4.9.12. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone

A. Purpose

The purpose of the TPESS Overlay zone is to:

1. Foster economic vitality and attractive community character in areas needing revitalization.
2. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
3. Substantially conform with the master plan vision for specific existing commercial areas.
4. Provide for the combination of residential with commercial uses.

B. Land Uses

1. Multi-Unit Living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
2. In the CRT and NR zones, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.
3. In the CRT and NR zones, the following uses, as allowed in the underlying zone, are allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:
 - a. Car Wash;
 - b. Filling Station;
 - c. Funeral Home, Undertaker;
 - d. Light Vehicle Sales and Rental (Indoor);
 - e. Light Vehicle Sales and Rental (Outdoor);
 - f. Repair (Major); and

g. Repair (Minor).

4. In the NR zone, the following additional uses are permitted:

a. Clinic (More than 4 Medical Practitioners)

b. Veterinary Office/Hospital, except that there must not be any runs, exercise yards, or other facilities for the keeping of animals in any exterior space, and all interior spaces must be soundproofed.

c. Cultural Institutions

d. Surface Parking for Use Allowed in the Zone

e. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)

f. Bed and Breakfast

5. In the NR zone, Household Living uses are permitted.

C. Development Standards

1. The maximum building height is 30 feet; however, the Planning Board may allow a building height:

~~1~~ a. _____ up to 42 feet for commercial development, and

~~2~~ b. _____ up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

2. The ground entry floor for a project that includes residential uses must be devoted to commercial use unless this requirement is waived by the Planning Board.

3. In the NR zone, there is no proportional limitation for Household Living uses of the total gross floor area on the subject site.

4. Household Living uses must meet the development standards of the applicable underlying zone for minimum setbacks, open space, and lot coverage. The required open space may be adjusted to assure compatibility of uses, or to provide adequate area to accommodate housing, if appropriate.

D. Site Plan

1. Site plan approval under Section 7.3.4 is required for:

a. new construction;

b. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;

c. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the Overlay zone;

- d. a waiver of more than 50% of the off-street parking requirements under Division 6.2;
 - e. conversion of an existing structure to residential use; or
 - f. if required under Section 7.3.4.A.8.
2. During site plan review, the Planning Board may:
 - a. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
 - b. reduce building setbacks to accomplish master plan objectives.
 - c. waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will accomplish the goals of the master plan including revitalization, enhancing the pedestrian environment and encouraging the use of transit.
 3. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Section 4.9.12.D.1.c, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

E. Existing Buildings and Uses

Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the Overlay zone, may continue as a conforming use or building and may be rebuilt, repaired, or reconstructed. Any such building or use may expand up to 1,000 square feet with site plan approval under Section 7.3.4.

Comparison of uses in CRN, CRT, NR and C-1

Use	CRN	CRT	NR	C-1
Agricultural				
Farm Supply, Machinery Sales...	-	-	L	P w/fn
Nursery (Retail)	-	P	P	P
Residential				
All household living uses	P	P	L	SE
Residential Care Facility 9-16 persons	L	P	L	-
Residential Care Facility over 16 persons	L	L	-	-
Civic and Institutional				
Ambulance Rescue Squad (Private)	-	L	P	P
Charitable, Philanthropic Institution	P	P	C	SE
Day Care (over 30)	L	L	P	P
Educational Institution (private)	L	P	P	P
Cultural Institution	L	P	-	-
Hospital	-	L	-	-
Private Club, Service Organization	L	P	-	-
Commercial				
Car Wash	-	C	-	-
Clinic (More than 4 medical Practitioners)	L	P	C	-
Combination Retail	-	C	C	-
Conference Center	-	P	-	-
Drive-Thru	-	L/C	L/C	SE
Filling Station	-	C	C	SE
Funeral Homes	-	L	-	-
Health Clubs and Facilities	L	P	L	P
Hotel, Motel	-	P	-	-
Light Vehicle Sales and Rental (Indoor)	-	L	-	-
Light Vehicle Sales and Rental (Outdoor)	-	L	C	SE

Use	CRN	CRT	NR	C-1
Minor Vehicle Repair	-	L	C	SE
Major Vehicle Repair	-	C	-	-
Medical, Dental Lab	-	P	-	-
Recreation and Entertainment Facility 'Major' (Capacity over 1,000)	-	C	C	SE
Research and Development	-	P	-	-
Restaurant	L	P	P	P
Retail/Service Establishment (5,001-15,000 sf) and (15,001-50,000 sf)	L	P	P	P (most types of retail/service uses)
Retail/Service Establishment (50,000-85,000 sf)	-	L	P	P (most types of retail/service uses)
Retail/Service Establishment (85,001-120,000 sf)	-	L	L	P (most types of retail/service uses)
Retail/Service Establishment (120,000 sf and over)	-	L	C	P (most types of retail/service uses)
Structured Parking	-	P	-	P
Telecom Tower	-	-	C	SE
Industrial				
Artisan Manufacturing and Production	P	P	-	-
Bus/Rail Terminal		L	P	-
Distribution Lines (Above Ground)	-	L	-	-
Dry Cleaning Facility (Up to 3,000 sf)	-	L	L	P
Medical/Scientific Manufacturing and Production	-	L	-	-
Pipeline (Aboveground)	C	C	-	-
Public Util. Structure	C	L	C	
Self-storage	-	C		-
Storage facility	-	L	-	-
Taxi/ Limo Facility	-	L	P	-

memorandum includes all DMA issues that require the Committee's attention. Staff does not expect the Committee to complete its work on June 9. A second PHED worksession is scheduled for July 3. Staff anticipates that the Committee can conclude its worksessions on or before July 10.

Staff is preparing a ZTA to make corrections and clarifications to the new zoning code. ZTAs approved by the Council since the approval of the Rewrite will also be included in this ZTA. That ZTA could include substantive changes as directed by the Committee, or an individual ZTA could be introduced if individual Councilmembers want the Council to consider changes.

Staff identified the following general and specific mapping issues from a review of the record.

1. Alternative translations for the C-1 zone

During the PHED Committee review last fall, the proposed translation of the C-1 zone was discussed twice. Both times, a majority of the Committee voted to retain the Planning Board's recommendation. However, as part of the reexamination of all translations, Planning staff believes the alternative translation more closely matches the maximum potential under the current code.

The current C-1 zone does not have a maximum density in terms of Floor Area Ratio (FAR). Planning staff estimated the potential maximum FAR in order to establish a limit under the new zone. Upon further review, and recalculation of lot coverage to accommodate parking requirements, Planning staff believes a maximum FAR of 0.75 is a better approximation of the maximum potential under the current zone. In addition, the translation below simplifies the current proposal by combining the translations for properties abutting or confronting an R-90, R-60, or R-40 zone vacant or improved with a residential use into one translation. Also, in every translation the maximum total and commercial FAR is the same, and the percentage of residential development is limited to 30 percent of the total FAR for all conversions, providing a more uniform translation of the C-1 zone.

The current C-1 translation is edited to show the alternative:

Where C-1 abuts R-200 or a lower density residential zone, or property is >5 acres or contiguous with 5 or more acres, or property is in a master plan designated historic district convert to NR ~~1-0~~ **0.75 H-45**

Where C-1 abuts R-90, R-60 or R-40 zone convert to CRT ~~0.5~~ **0.75**, C ~~0.5~~ **0.75**, R 0.25, H 35

Where C-1 confronts R-90, R-60 or R-40 zone convert to CRT 0.75, C ~~0.5~~ **0.75**, R 0.25, H ~~45~~ **35**

Where abutting townhouse or denser zone convert to CRT ~~1-0~~ **0.75**, C 0.75, R ~~0.5~~ **0.25**, H 45

In low density residential areas where driving to a neighborhood shopping center is almost assured, C-1 translates to NR, the Neighborhood Retail zone. The development standards regarding access and location of parking are compatible with the predominance of auto use in these areas. Height is allowed up to 45 feet. Homes in the surrounding low density residential zones are allowed a height of up to 50 feet.

For large C-1 properties (5 acres or more), a C-1 translation to NR is also proposed, regardless of the abutting and confronting zones. These large shopping centers include pad sites and drive-thrus that are more compatible with the NR zone. In the DMA as introduced, C-1 properties within a historic district are proposed to translate to either the CRT zone or the NR zone. Planning staff is recommending that, in historic districts, C-1 properties translate to the NR zone only. This change in translation is proposed to more closely match the uses allowed under the C-1 zone. While the form standards under the CRT

translation are preferable, the Historic Preservation Commission (HPC) is well-suited to ensure that form standards similar to those in the CRT zone would be applied where appropriate; however, the HPC cannot regulate the uses allowed within historic structures and, therefore, Staff believes a translation to NR would be a better choice. (The Committee previously considered and rejected the idea of converting all C-1 property to the NR zone.) The City of Takoma Park objects to this alternative (see © 88).

Where C-1 abuts or confronts an R-90 or higher density zone, C-1 translates to the CRT zone, where the building form standards are more pedestrian-oriented to help create a more walkable environment.

Building height is restricted where a C-1 zoned property shares a property line with or is across the street from homes in an R-90, R-60, or R-40 zone. Homes in these residential zones are limited to a maximum height of 35 feet. Where C-1 abuts a townhouse zone or denser area, height is allowed up to 45 feet.

The Building Industry believes that more time to consider this change and the change for C-2 is warranted. They note that the Planning Board has not weighed in on Planning staff's proposal.⁴

2. Alternative translations for the C-2 zone

Planning staff also recommends a simplified alternative translation for the C-2 zone, combining the abutting and confronting conversions and setting the residential FAR equal to 30 percent of the total FAR for the abutting/confronting R-90, R-60 or R-40 zone conversions.

The current C-2 translation is edited to show the alternative now recommended by Planning staff:

Where C-2 abuts R-200 or a lower density residential zone, or is a regional shopping center convert to GR 1.5 H 45

Where C 2 abuts R-90, R-60 or R-40 zone convert to CRT 1.5, C 1.5, R ~~0.75~~ 0.5, H 45

Where C-2 confronts R-90, R-60 or R-40 zone convert to CRT ~~2.0~~ 1.5, C 1.5, R ~~0.75~~ 0.5, H 45

Where C-2 abuts townhouse or more dense zone and is <300' from single-family detached zone convert to CRT 2.25, C 1.5, R 0.75, H 45

Where C-2 abuts townhouse or more dense zone and is >300' from single-family detached zone convert to CRT 2.25, C 1.5, R 0.75, H 75

Staff believes that their recommended translation more accurately reflects the development limits for C-2 property in the current code.

⁴ The Following was received from Steve Elmendorf:

I serve as Legislative Chair of the NAIOP-MD/DC Chapter, an association representing the interests of the commercial real estate community in Montgomery County. As an association, we have had no opportunity to substantively address these proposals or even to inform our membership about them. I do not believe that the Planning Board has reviewed them. I know that the Planning Board has never taken public comment on them. I do not want to debate their merits in this email. I would strongly urge, however, that these proposals be sent to the Planning Board for its formal recommendation, that can be made after the Board has heard from affected property owners. The PHED Committee should not be considering these proposals without such input. Please include this email in the public record on this matter.

Introduced by:

CITY OF TAKOMA PARK, MARYLAND

RESOLUTION 2014-

**SUPPORTING ZONING TRANSLATION FROM C-1 TO CRT IN TAKOMA PARK
HISTORIC DISTRICT**

WHEREAS, the Montgomery County Zoning Ordinance Rewrite is being developed by Montgomery County's Planning Department, to modernize, clarify, and simplify the existing outdated and unwieldy ordinance; and

WHEREAS, the Montgomery County Zoning Ordinance is being rewritten to reflect more sustainable policy goals; and provide the tools necessary to shift from greenfield development to infill, mixed-use development; and

WHEREAS, the City of Takoma Park Housing and Community Development staff has been coordinating with Montgomery County Planning staff on proposed zoning translations that affect properties with City limits; and

WHEREAS, the proposed translation for all properties zoned C-1 in Takoma Park has been Commercial Residential Town (CRT) since 2013; and

WHEREAS, the Montgomery County Planning staff recommends an alternative translation for the C-1 zones in master plan designated historic districts to Neighborhood Retail (NR); and

WHEREAS, the Montgomery County Council Planning, Housing and Economic Development (PHED) Committee discussed the proposed translation of C-1 twice in fall 2013 and voted to retain the Planning Board's recommendation, thus rejecting the idea of converting all C-1 property to the NR zone; and

WHEREAS, the PHED Committee is holding a worksession on July 3, 2014, to deliberate on the alternative zoning recommendation affecting commercial properties in the Takoma Park Historic District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Takoma Park strongly recommends Montgomery County Council PHED Committee maintain the proposed C-1 translation to CRT in the Takoma Park Historic District.

AND BE IT FURTHER RESOLVED that the City Council of the City of Takoma Park strongly recommends Montgomery County Council PHED Committee incorporate revisions to the Takoma Park East Silver Spring (TPESS) Overlay Zone, identified in Exhibit A, attached hereto

and made a part of this Resolution, which are intended to retain existing development rights, controls, and permissions outlined in the current overlay zone.

Adopted this ____ day of June, 2014.

ATTEST:

Jessie Carpenter, CMC
City Clerk



June 13, 2014

City of Takoma Park
7500 Maple Avenue
Takoma Park, MD

Re: Montgomery County Zoning Rewrite: C-1 Translation in Historic Districts

Dear Mayor Williams and Councilmembers Grimes, Male, Seaman, Smith, Stewart, and Schulz,

It has come to the attention of the Old Takoma Business Association (OTBA) that there has been a sudden and unexpected change to the Montgomery County Zoning Ordinance Rewrite. It was the understanding of the OTBA that the Takoma Park Historic District was to be re-classified from C-1 to CRT which, with guidance from the City of Takoma Park City Staff, we understood would not impact the businesses, existing and potential, located in the Takoma Park Historic District. We have now learned that the recommendation from the Montgomery Planning staff to the County Planning, Housing and Development Department (PHED) is to change the zoning code to NR.

Based on the preliminary zoning classification comparison information developed by Montgomery Planning staff, the OTBA objects to the zoning code change to NR in its current form, based on the premise that the new NR zone would substantially impact existing permitted land uses and development standards.

In addition, because this change was made without the usual notifications, the OTBA supports the City of Takoma Park Staff's request to fully evaluate and comment on all impacts before a change of this magnitude is made to the zoning ordinance.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rocco Casagrande", is written over a light green rectangular background.

Rocco Casagrande
President of the Board of Directors
Old Takoma Business Association