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TECHNICAL STAFF REPORT

Petition Accepted on November 20, 2013
Planning Board Meeting of December 12, 2013
County Council Hearing to be scheduled

Case No./Petitioner: **ZRA-147 – Marsha S. McLaughlin, Director, Department of Planning and Zoning**

Request: Zoning Regulation Amendment to amend Section 127.4.A, the Purpose Statement of the TOD District, to note that the district may allow for the beneficial use of an undeveloped TOD District parcel prior to the assembly of parcels for a larger TOD Development, and may allow light industrial uses as part of the nonresidential use mix, subject to certain criteria, and to amend Section 127.4.B, Uses Permitted As A Matter Of Right, to add "Industrial Uses, Light" as a permitted use, subject to certain criteria.

***Department of Planning and Zoning Recommendation*:** **APPROVAL**

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes two revisions to the TOD District section in the Zoning Regulations. Each proposed revision is generally described as follows:**

  1. The first revision is to the TOD District Purpose Statement. New text is proposed to emphasize that exceptional TOD developments are best achieved through assembling larger parcels of land around a central transit facility and creating a long term plan for the overall development, so fractional TOD developments are not encouraged. Also, text is proposed to recognize that due to the likely extended development period for such a large TOD area, the use of some land for interim uses may be considered. The amendment also adds the potential for light industrial uses to be included in the mix of uses, if such uses are well separated from the areas immediately around a MARC station, where the higher density core would first be established and extended outward over time.

  2. The second revision is to the list of uses permitted as a matter of right in the TOD District, and adds Light Industrial uses, as a permitted use. Qualifying text is included to ensure that such uses are principally indoor uses rather than such outdoor uses like storage yards, that they are adjacent to other similar existing uses, that they do not include residential uses, that they have appropriate road access, and that they are appropriately separated from the central core of the overall TOD development.

I. DESCRIPTION OF PROPOSAL

- **The subsections proposed to be amended and the amendment text is attached as Exhibit A (CAPITALS indicates text to be added).**

II. EXISTING REGULATIONS

- **The TOD District regulations were first established in the 2004 Comprehensive Zoning Plan, and similarly to the other US Route 1 Corridor districts created at that time, it has undergone a number of revisions over the years, a number of which were efforts to improve the district requirements to better fit the practicalities of this somewhat specialized zoning district.**

  The first revisions were shortly thereafter in the 2005 Continuation of the Comprehensive Zoning Plan, and were relatively minor adjustments in the setback requirements.

- **A number of years later in 2009, ZRA 104 was proposed to again adjust the setback requirements and to make the amenity area requirement somewhat more specific, but only the setback requirement changes were adopted.**

- **Along with almost all of the other zoning districts, in 2010 the TOD District regulations were amended to add the small wind energy system use category as both an accessory use and a Conditional Use with ZRA 129.**

- **ZRA 140 in early 2013 was adopted to establish new regulations applicable only to TOD development projects of 50 or more acres to encourage well-designed multi-use centers; to add multi-family dwellings as a permitted use subject to certain criteria; and to revise the commercial use regulations concerning the building-type limitations for such uses and concerning drive-through service limitations for such uses.**

- **In the recently effective 2013 Comprehensive Zoning Plan, the TOD District was amended to include a number of changes to the Purpose Statement; to make minor changes to the permitted uses section; to establish a minimum residential density; to again make minor adjustments to the setback requirements; and to expand the amenity area requirements to be much more specific.**

III. BACKGROUND INFORMATION

A. <u>Scope of Proposed Amendments</u>

- **As noted in the petition, these proposed changes are anticipated to be potentially applicable only to the largest TOD Districts. The TOD area for which this amendment is principally intended is the North Laurel TOD, which due to its shape has areas at its edges that are relatively far from the likely location of a future MARC station.**

III. BACKGROUND INFORMATION

Although the Dorsey TOD also has areas located relatively far from the MARC station, it is anticipated that the provisions of this amendment are far less likely to be utilized there because of the great extent of light industrial development in the vicinity, because the western areas of that TOD area already have office and light industrial development, and because much of the northeast area is not planned to include light industrial uses.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- **The proposed amendment is in general concurrence with the *PlanHoward 2030* Policy 5.4 to "Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development…", and especially its Implementing Action for zoning review to consider more flexibility for uses within TOD District areas.**

- **By providing an opportunity for adding an appropriate light industrial use in an area which is not directly fronting on US 1 and is already an area with viable existing light industrial uses, the amendment is in harmony with Policy 5.5 to "Proactively consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities."**

  The amendment is also in harmony with the *PlanHoward 2030* Policy 6.4 to "Ensure that the County continues to capture future job and business growth opportunities.", and its Implementing Action concerning the Zoning Regulations and concerning Commercially and Industrially Zoned Properties

B. Relation to the Zoning Regulations

- **By providing more opportunity for economic development in allowing appropriate types of TOD District light industrial transitional uses within the longstanding industrial character of the Route 1 Corridor, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County."**

V. RECOMMENDATION *APPROVAL*

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA- 147 as described above, be APPROVED.

Marsha S. McLaughlin 11/20/2015
Marsha S. McLaughlin, Director Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

ZRA 147 – Exhibit A

Petitioner's Proposed Text

SECTION 127.4: TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are

redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES MAY ALSO BE APPROPRIATE WITHIN THE MIX OF TOD NONRESIDENTIAL USES IF PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT, CLOSER TO THE MARC STATION.

B. Uses Permitted as a Matter of Right

13. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING; THE PROPOSED DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.