



July 10, 2012

Montgomery County Civic Federation Comments to Planning Board on ZTA 12-09,
Hotels in the PD Zones--Item 10 on the Board's agenda for July 12, 2012

A majority of members of the MCCF Executive Committee having voted in favor of this position, the Montgomery County Civic Federation respectfully urges the Planning Board to recommend Council disapprove ZTA 12-09, legislation which would allow hotels in the PD (Planned Development) Zones if the density of the zone is 44 dwelling units per acre or greater, for the following reasons.

1) At the same time that the Zoning Ordinance Re-Write project is attempting to remedy the undesirable complexity of the current county zoning ordinance, this ZTA stands as an example of the way in which such complexity is inserted into the ordinance. This is a ZTA which, by the sponsor's own admission, has been introduced to allow the owner of a single property to develop that property in a manner not allowed by the zoning in place, zoning which the Council approved in order to create housing on the site (in not one but three separate actions). This ZTA is the essence of "spot zoning," no matter how many other properties in the county may fall within the ambit of the legislation..

2) A primary purpose of the PD zone is to encourage creation of housing. The Purpose section of the PD zone (Sec.59-C-7.1.) reads, in part, "It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities. It is furthermore the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types."

This ZTA would allow a developer to build a hotel in lieu of housing on a qualifying PD zoned property.

3) This ZTA would allow more than just a simple swapping of hotel rooms for dwelling units. Hotel operations frequently include more than just guest rooms. They also include related commercial uses such as restaurants, bars, and rental space for social events such as wedding receptions and bar mitzvahs or for corporate meetings and seminars.

MCCF Comments to Planning Board on
ZTA 12-09, Hotels in PD Zone
July 10, 2012
Page 2.

These other related uses often found in hotels (restaurants, bars, rental meeting space) are the very kind of commercial uses on which the prior Council that created the PD zone placed a restriction, in their wisdom, and allowed only if two standards were met:

- 1) that such commercial (or industrial) use should be recommended in the applicable master plan for the property in the PD zone; and
- 2) that such use be determined to be compatible with existing and planned future adjacent development.

Deleting the requirement for master plan recommendation for hotels in the PD zone, as suggested by Planning Department staff, would remove one of the two critical standards in law designed to safeguard neighboring properties from inappropriate commercial or industrial uses on an adjacent PD zoned property, leaving the inadequate insurance of the compatibility finding as a protection.

For the reasons stated above the MCCF, therefore, respectfully urges the Planning Board to recommend the Council disapprove ZTA 12-09. Thank you.

sent via email from Jim Humphrey, Chair, MCCF Planning & Land Use Committee
(301)652-6359 - email: theelms518@earthlink.net