

Public Hearing

MEMORANDUM

March 6, 2009

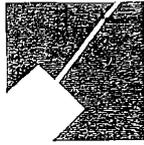
TO: County Council

FROM: ^{MM} Marlene Michaelson, Senior Legislative Analyst

SUBJECT: **Action:** Corrective Map Amendments: (G-871), Rosemont Section of the Gaithersburg Vicinity Master Plan; (G-872), Sieling Property at 14668 Southlawn Lane in Rockville; and (G-869), Darnestown Road and Seneca Road in Darnestown

The Planning Board has submitted three Corrective Map Amendments (G-871, G-872, and G-869) for approval (attached on © 1-13). Corrective Map Amendment G-871 would change a boundary in the Rosemont Section of the Gaithersburg Vicinity Master Plan to show the correct delineation between Montgomery County and the City of Gaithersburg. Corrective Map Amendment G-872 corrects a zoning boundary between the County and the City of Rockville in the Upper Rock Creek planning area, and recommends rezoning one property impacted by this change. Corrective Map Amendment G-869 corrects mapping errors in the Potomac Subregion Master Plan.

The corrective map amendments are limited to the corrections identified in the attached letter from the Planning Board and the Planning Department memorandum, and may not be used as a vehicle for additional zoning changes. **As a reminder, the same ex parte rules that apply to sectional map amendments and local map amendments also apply to corrective map amendments. Therefore, Councilmembers should not engage in off-the-record communications.**



MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

January 16, 2009

The Honorable Phil Andrews
 President
 Montgomery County Council
 Stella B. Werner Council Office Building
 100 Maryland Avenue
 Rockville, Maryland 20850

RECEIVED
 MONTGOMERY COUNTY
 CHAIRMAN
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SUBJECT: Corrective Map Amendments Nos. G-871, G-872 and G-869

Dear Mr. Andrews:

During 2007, planning staff recommended that the Planning Board initiate several Corrective and Local Map Amendments to amend technical mapping errors and incorrect municipal boundaries. One of the Local Map Amendments, (G-870) reclassification of a split-zoned property in Darnestown, has already been resolved by the County Council. Another Local Map Amendment (G-868) reclassification from the C-4 to the C-1 Zone for 3.77 acres at 14119 Travilah Road and 14000 Piney Meeting House Road, North Potomac, will be filed shortly with the Hearing Examiner.

The latter case (G-868) is a result of a mistake made in a Local Map Amendment in 1990 and brought to light 17 years later. Rather than have to repeat this exercise, planning staff examined all sectional map amendments, local map amendments, instances of split zoning, and changes in zoning due to annexations that occurred in the Potomac Subregion, the Agricultural Reserve, and all areas abutting municipalities since 1980. This was not part of an approved work program and was done on an intermittent basis. Two minor errors in the boundaries of Poolesville and Laytonsville that did not require corrective amendment were the only other mapping errors discovered.

The Planning Board requests that the attached three Corrective Map Amendments be implemented and is pleased to transmit comments on each to the County Council.

1. **Corrective Map Amendment No. G-871:** Rosemont Section of the Gaithersburg Vicinity Master Plan (including Rosemont Drive, Edgewood Drive, Hampton Drive, Henry Drive). The Amendment corrects the boundary to show the area is in Montgomery County and not the City of Gaithersburg.
2. **Corrective Map Amendment No. G-872:** Classification from the I-2 Zone to the I-1 Zone, Sieling Property; 14668 Southlawn Lane, Rockville. The Amendment corrects the City of Rockville municipal boundary to show this property in unincorporated Montgomery County and reclassifies the property from the I-2 Zone to the I-1 Zone in conformance with the Upper Rock Creek Area Master Plan.



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3. **Corrective Map Amendment G-869:** The Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion. The Amendment adjusts the Rural Village Center Overlay zoning boundaries to correct a mapping error and to correspond with property boundaries and the Potomac Subregion Master Plan.

If you have any questions on any of the above items, please contact Callum Murray at 301.495.4733.

Sincerely,



Royce Hanson
Chairman

Corrective Map Amendment No. G-871:

Correct the boundary line demarcating the City of Gaithersburg and Montgomery County, including the Rosemont subdivision south of MD 355 and several parcels along the north side of MD 355 near South Westland Drive and Central Avenue.

Background and Analysis

The Rosemont section of Gaithersburg is located north of I-370 and west of MD 355. The frontage of MD 355 in this area is in the City of Gaithersburg and is occupied by several churches. Rosemont Elementary School, located at 16400 Alden Avenue, was annexed into the City of Gaithersburg in 1990. Most of the small subdivision of Rosemont remains in the County's jurisdiction and includes about 90 single-family homes. Side streets in Rosemont that intersect with MD 355 include South Westland Drive, Rosemont Drive, and Virginia Drive. Other streets in the subdivision are Edgewood Drive, Eugene Drive, Henry Drive, Hampton Drive, and Rose Anne Place. Rosemont is one of several enclaves of land that is within the County's jurisdiction, but it is completely surrounded by the City of Gaithersburg. It is within the boundaries of the Approved and Adopted 1985 *Gaithersburg Vicinity Master Plan*.

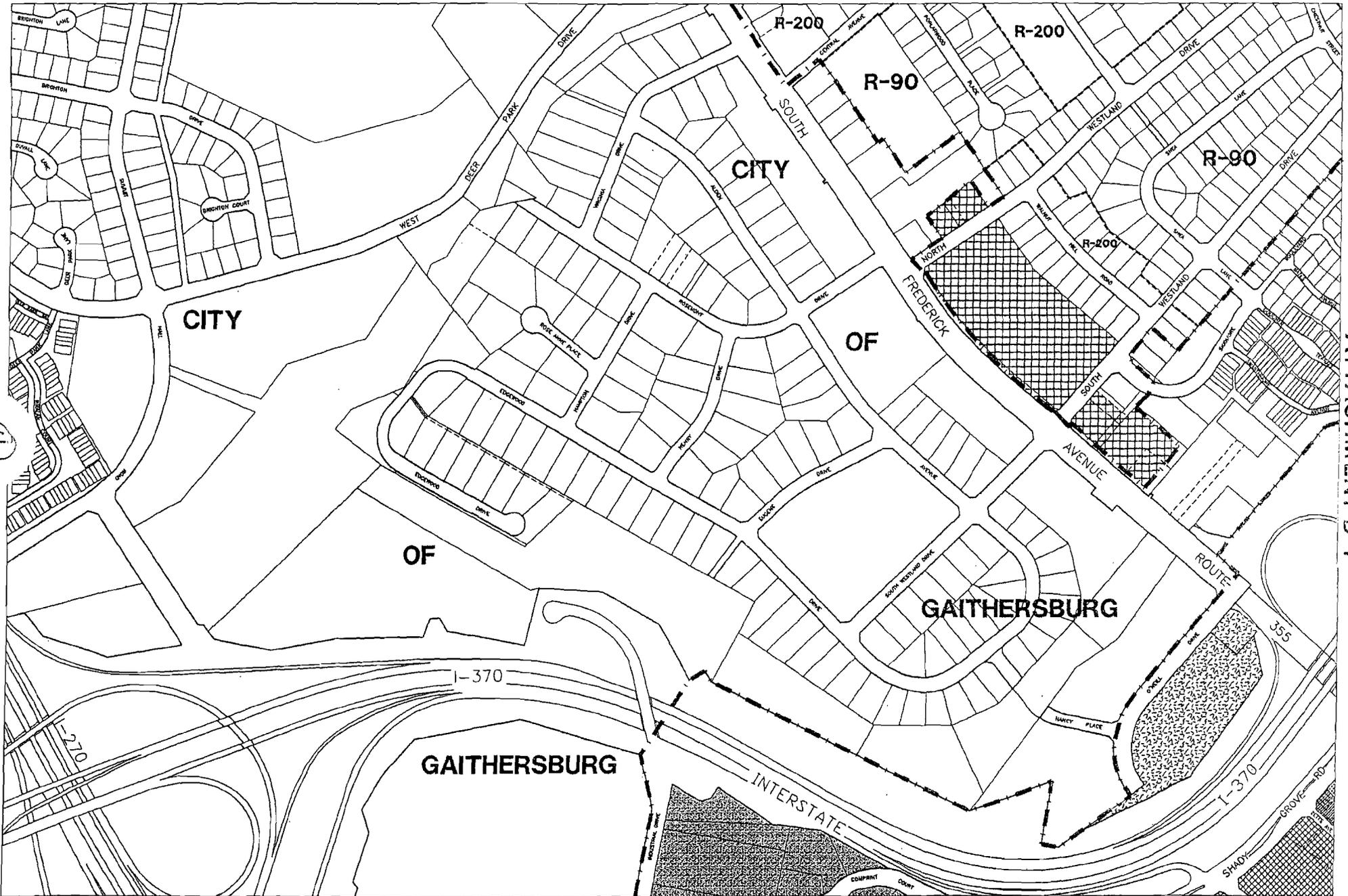
On June 11, 1996, the County Council approved Sectional Map Amendment G-725 (Resolution Number 13-559), a comprehensive rezoning application to implement the zoning recommendations in the 1990 *Shady Grove Study Area Master Plan*. The official zoning maps are not coterminous with Master Plan boundaries and zoning sheets for a Sectional Map Amendment (SMA) often include areas that are not part of the SMA. When SMA G-725 for the *Shady Grove Study Area Master Plan* was processed, Rosemont was included on two of the zoning sheets and an error appears to have been made at this time. Rather than maintaining the outermost edge, or perimeter boundary line for the City of Gaithersburg as well as the enclave area, the municipal boundary line demarcating the County/City line around the island of Rosemont was inadvertently omitted. Therefore, the zoning maps mistakenly show the Rosemont area in the City of Gaithersburg rather than in the County's jurisdiction.

In addition to the Rosemont error, the municipal boundary needs to be changed in several other areas due to annexations of land from the County into the City of Gaithersburg. Several annexations on the north side of MD 355 (X-156, X-169, X-170, X-171, X-176, X-179) have not been reflected on the County's official zoning maps. The boundary between the City and the County will be corrected in these areas and County zoning designations will be removed for land that has been annexed into the City of Gaithersburg. The attached maps show the existing zoning and the recommended changes per Corrective Map Amendment G-871.

Conclusion and Recommendation

In order to correct the official zoning sheets, the Planning Board recommends that Corrective Map Amendment G-871 be approved to amend the jurisdictional boundary between the County and the City of Gaithersburg, including the Rosemont section and parcels on the north side of MD 355 at South Westland Drive and Central Avenue.

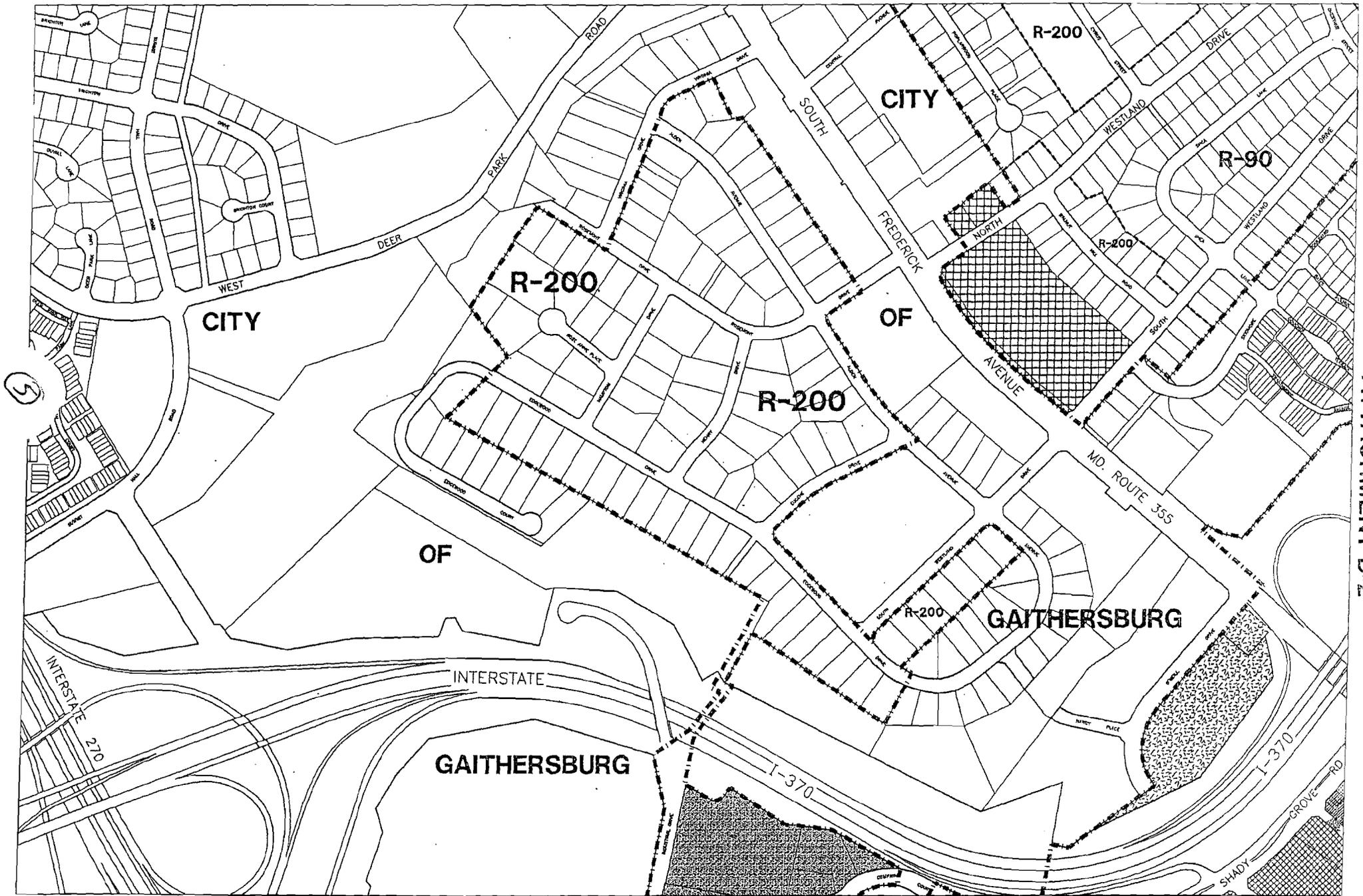
The zoning maps will be corrected to show that Rosemont is in the County's jurisdiction and several parcels along the north side of MD 355 are in the City of Gaithersburg.



ATTACHMENT D-1

EXISTING ZONING MAP: CITY OF GAITHERSBURG AND COUNTY JURISDICTIONAL AREAS

--- CITY OF GAITHERSBURG BOUNDARY



CORRECTIVE MAP AMENDMENT G-871: CITY OF GAITHERSBURG AND COUNTY JURISDICTIONAL AREAS
 --- CITY OF GAITHERSBURG BOUNDARY

Corrective Map Amendment No. G-872:

Reclassify the Sieling Property, 14668 Southlawn Lane, Rockville from the I-2 to the I-1 Zone. The amendment corrects the City of Rockville municipal boundary to show this property in unincorporated Montgomery County and reclassifies the property from the I-2 Zone to the I-1 Zone in conformance with the Upper Rock Creek Area Master Plan.

Background and Analysis

The Montgomery County Council, sitting as the District Council, approved the Upper Rock Creek Area Master Plan on February 24, 2004. The Maryland-National Capital Park and Planning Commission adopted the plan on April 21, 2004. To implement the plan's zoning recommendations, the Montgomery County Planning Department prepared Sectional Map Amendment G-827. The Montgomery County Planning Board filed the Sectional Map Amendment (SMA) on July 23, 2004. The District Council considered the SMA on October 26, 2004 and granted it with a single technical change, finding that the SMA was necessary to implement the land use and development policies outlined in the Upper Rock Creek Area Master Plan.

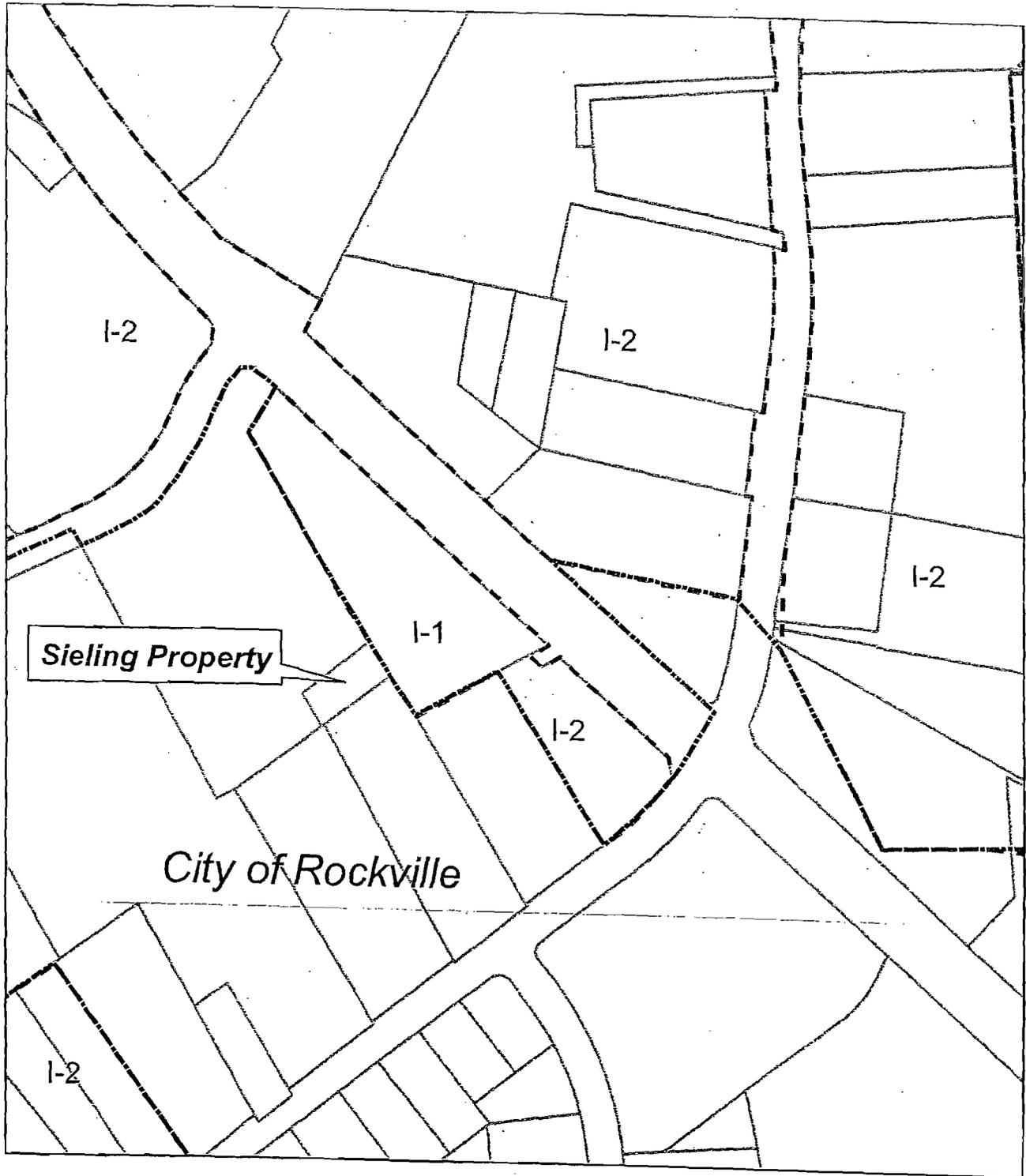
The SMA reclassified 879 acres to implement the Master Plan's recommendations and re-classified a further 28 acres to adjust zoning boundaries to place lots entirely in a single zone.

Chapter 59-H-10.1 states that, "[t]he purpose of a corrective map amendment is to enable the District Council in lieu of a comprehensive sectional map amendment to correct technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as the result of mapping, surveying, or other technical information."

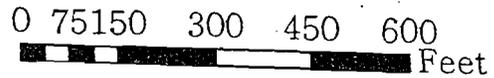
Planning staff have corresponded with Mr. Bruce Sieling, owner of an unrecorded parcel at 14668 Southlawn Lane. Mr. Sieling, who was attempting to confirm the zoning of his property, had been told that it was in the City of Rockville. However, the city had no information on the property, even though its own geographic information systems maps showed that the municipal boundary placed his property within the city limits. Mr. Sieling reported that he had never paid taxes to the city for the property. The tax assessor's records for the property indicate that it is not within the city limits.

Several successful annexation petitions for inclusion in the city by individual property owners have created an intricate municipal boundary in the Gude Drive-Southlawn Lane area. Maps prepared for SMA G-516, which implemented recommendations of the 1985 Upper Rock Creek Area Master Plan, show the Sieling property outside the city and in the I-2 Zone. The city annexed three lots adjacent to the Sieling property in 2000; the boundary line drawn to include the annexed area appears inadvertently to have shown the Sieling property in the city. The Planning Department and the Planning Board relied on the boundary in preparing and filing G-827. The District Council relied on it in reviewing and approving the SMA.

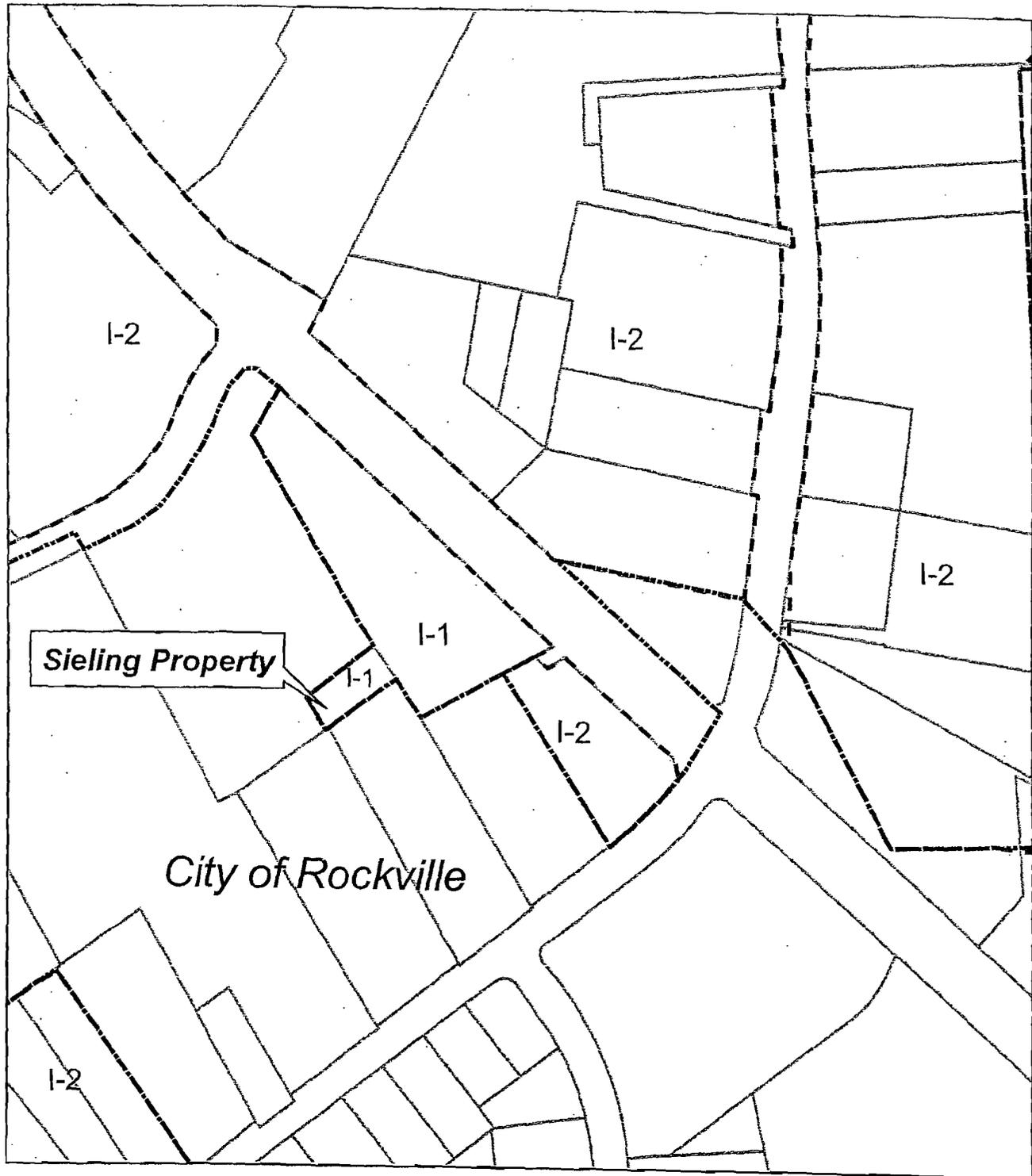
G-872 Existing Zones



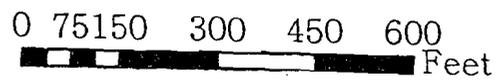
-  City of Rockville (as shown on City and County zoning maps)
-  Zone boundaries
-  Property lines



G-872 Proposed Zones



- Corrected Rockville City Limits
- - - Zone boundaries
- Property lines



Corrective Map Amendment No. G-869:

This Amendment pertains to the Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion. The proposed Corrective Map Amendment adjusts the Rural Village Center Overlay zoning boundaries to correct a mapping error and to correspond with property boundaries and the Potomac Subregion Master Plan.

Background and Analysis

Staff undertook a review of zoning boundaries for the entire 66 square miles of the Potomac Subregion, focusing on split-zoned properties, and also reviewed sectional and local map amendments granted since 1980. The review was undertaken on a periodic basis while fulfilling other work program requirements.

On March 5, 2002, the County Council, sitting as the District Council, approved the Potomac Subregion Master Plan by Resolution No.14-1170. On April 11, 2002, the Full Commission adopted the approved Potomac Subregion Master Plan by Resolution M-NCPPC No. 02-05. On October 15, 2002, the County Council approved Sectional Map Amendment (SMA) G-800, with three technical changes, by Resolution No. 14-1468. The SMA application covered approximately 40,583 acres, and reclassified approximately 890 acres, with the remaining acreage reconfirmed as currently zoned.

The Sectional Map Amendment implemented thirteen zoning recommendations proposed by the Potomac Subregion Master Plan, including recommendations for the Rural Village Center Overlay Zone, which was superimposed on properties in the C-1, R-200, RE-2 and RC Zones, centered on the intersection of Darnestown Road (MD28) and Seneca Road (MD112) in Darnestown. The SMA, prepared on newly digitized maps, also made a total of forty-one (41) corrective map amendments in the Subregion to adjust zoning boundaries to correspond to property lines. Property owners and the Darnestown Citizens Association supported the Sectional Map Amendment.

The Potomac Subregion Master Plan contemplated that the Rural Village Center Overlay Zone would retain and enhance the commercial crossroads character of Darnestown through compatible scale, massing, siting, and setbacks for new and expanded uses, encourage a variety of uses that would serve the needs of the local community, provide opportunities for new and existing business expansion while keeping the commercial area compact and low density, and create a pedestrian friendly commercial area through streetscape design.

The Master Plan recommended that septic capacity from portions of residentially zoned properties adjacent to commercial properties be permitted to allow businesses the flexibility to expand following site plan review and public hearings. The areas of potential septic capacity were derived from engineering studies performed by Benning and Associates, Inc. and commissioned by the Darnestown Citizens Association. A series of graphics was then prepared with alternative zoning scenarios. These alternatives later became the source of two mapping errors.

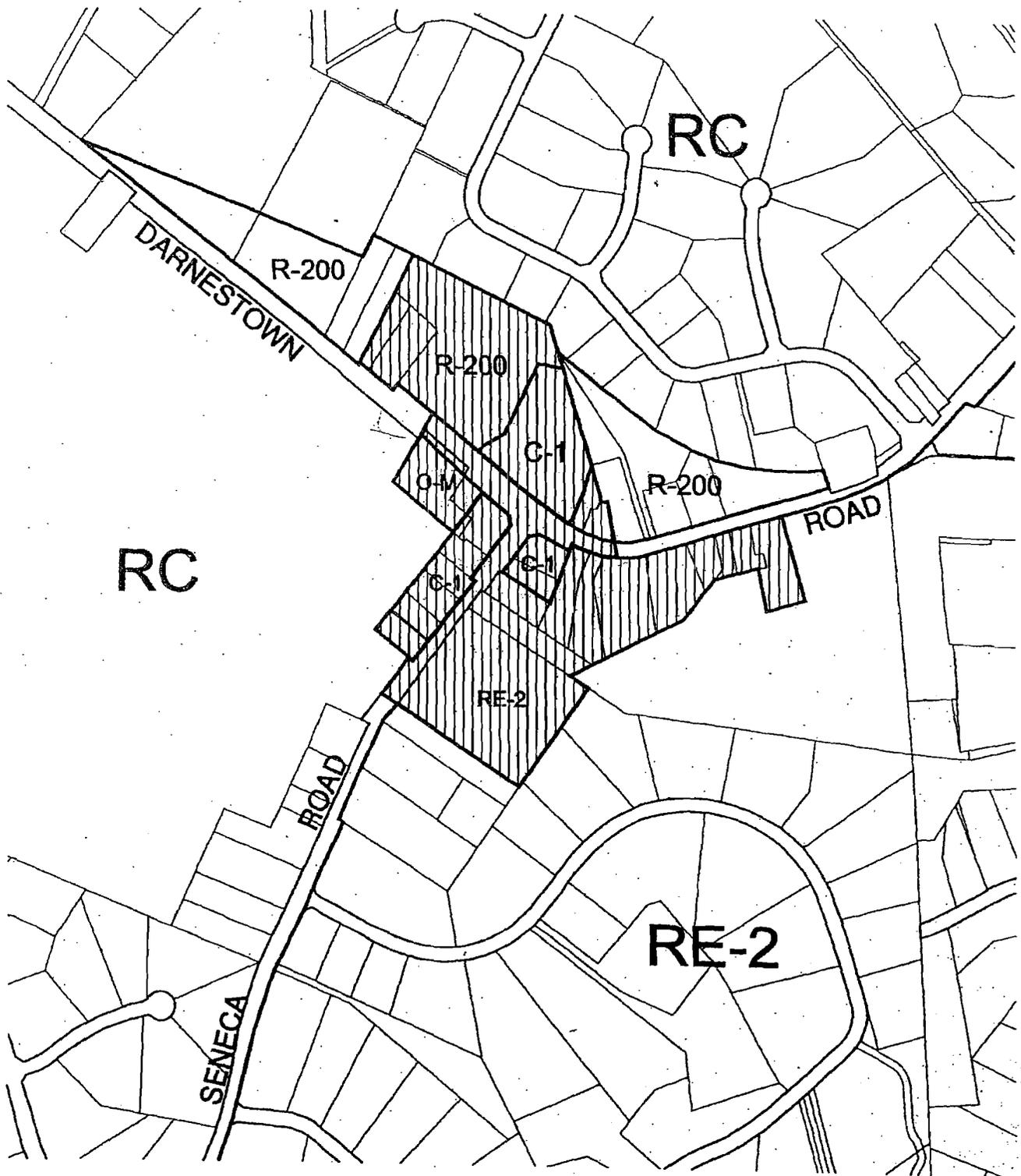
Attachment B-1 Map 25, Page 100, Potomac Subregion Master Plan –
Darnestown Rural Village Center
Attachment B-2 G-869 Existing Zoning
Attachment B-3 G-869 Proposed Zoning

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ATTACHMENT B-1

Darnestown Rural Village Center

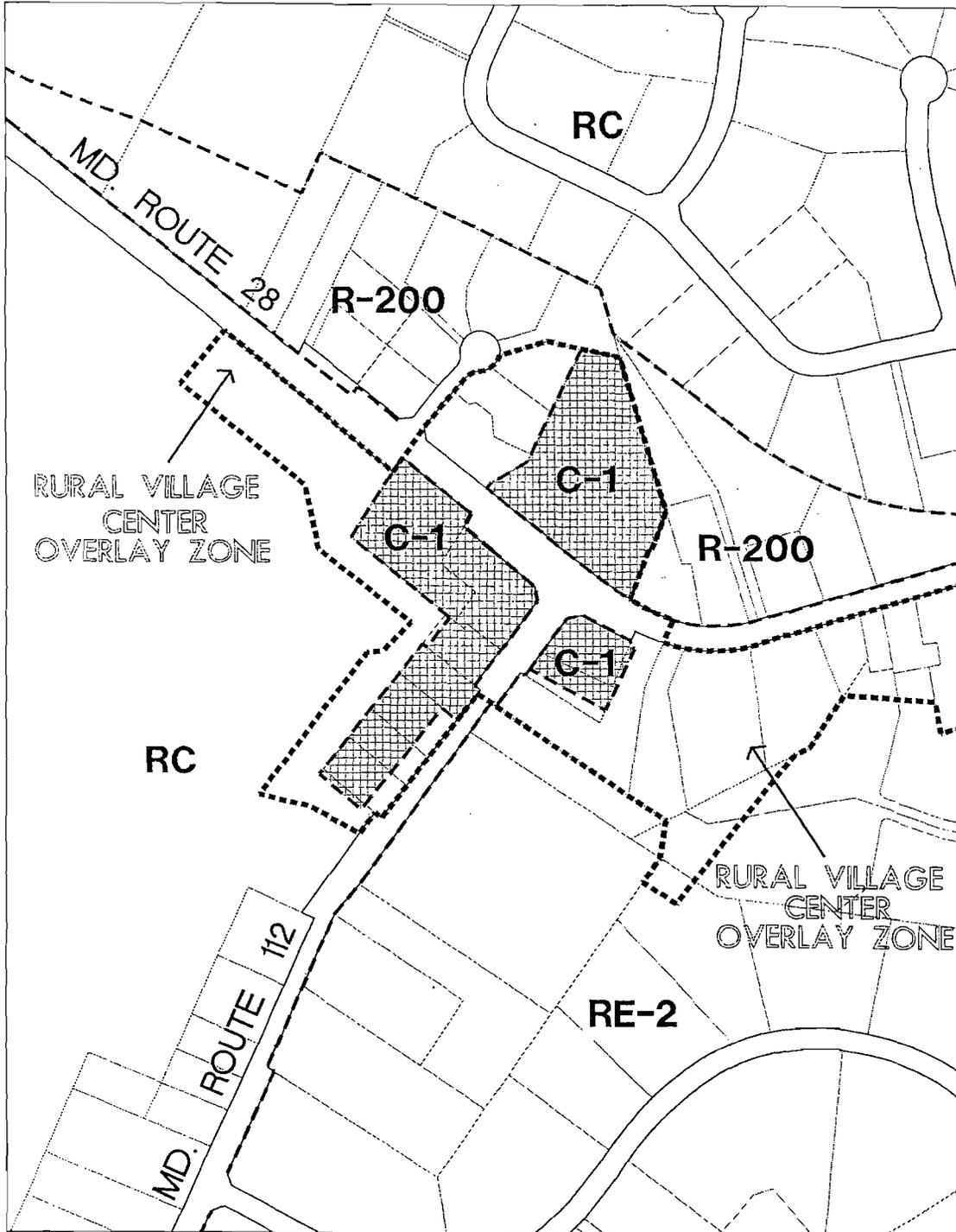
Map 25



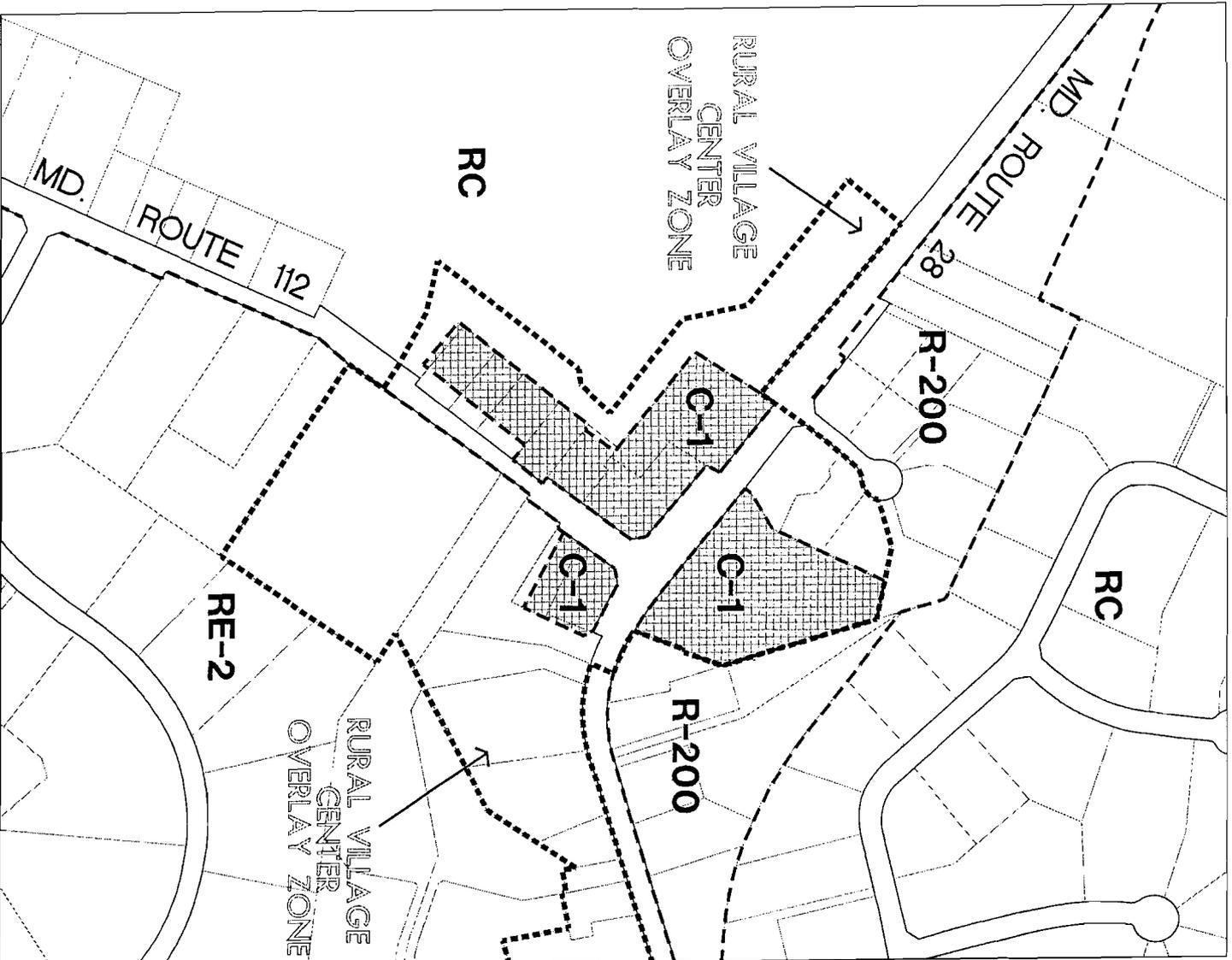
 Darnestown Rural Village Center


Not To Scale

G-869 EXISTING ZONING



G-869 PROPOSED ZONING



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