

Resolution No.: 16-1427
Introduced: July 13, 2010
Adopted: July 13, 2010

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: White Flint Sectional Map Amendment (G-889)

OPINION

Sectional Map Amendment G-889 was filed by the Maryland-National Capital Park and Planning Commission and is a comprehensive rezoning application for the purpose of implementing the zoning recommendations contained in the Approved and Adopted White Flint Sector Plan. The SMA application covers approximately 430 acres. The area proposed for reclassification consists of approximately 265 acres proposed for new zoning classifications. The remaining acreage is to be reconfirmed as currently zoned.

The District Council approved the White Flint Sector Plan on March 23, 2010. The Sector Plan sets forth the specific land use and zoning objectives for the development of the White Flint area and was subject to extensive and detailed review by the District Council. Following the transmittal of the fiscal impact analysis of the White Flint Sector Plan by the County Executive, the District Council held public hearings on October 20 and 22, 2009 wherein testimony was received from interested parties.

Sectional Map Amendment (SMA) G-889 was filed on May 14, 2010 by the Montgomery County Planning Board to implement the specific zoning recommendations of the White Flint Sector Plan. The Council held a public hearing on the SMA for the White Flint Sector Plan on May 18, 2010. The Planning, Housing, and Economic Development (PHED) Committee held a worksession on the SMA on June 28, 2010 and presented its recommendations to the County Council on July 13, 2010.

The Council considered the comments of one property owner in support of the SMA, two requests for changes from property owners, and one recommended change from the Planning Board. Federal Realty Investment Trust (FRIT) expressed concern that the acreage for their property in the SMA (all of SMA Index Area 3 and the portion of SMA Index Area 2 not owned by the State Highway Administration) is less than the size of their property as calculated by surveys prepared by FRIT engineers. Planning Department staff have indicated that their

estimate of acreage is only an estimate and that they would defer to detailed engineering surveys for a more precise calculation of acreage, provided that the boundaries of the area are the same as shown in the SMA. In approving the Zoning Maps, the District Council is approving the boundary lines, not an acreage amount.

The Council considered the request of Leonard Greenberg and the Rockville Pike Partnership to change their zoning from the Sector Plan recommended Commercial-Residential-4, C-3.5, R-3.5, H-300, to CR-4, C-4, R-3.5, H-300, which would enable them to build the entire property as a commercial development, instead of requiring mixed-use development to achieve the total density. The Council saw no reason to deviate from the Sector Plan recommended zoning for this property and the Sector Plan policy of requiring each CR property to have a mix of uses to obtain the full density.

Finally, the Council considered the request of the Mr. Morrison to rezone his property to the Residential Townhouse (RT) zone. The RT zone may be applied by Local Map Amendment or by Sectional Map Amendment only if the property owner requests the change in zoning as part of the SMA process. The Planning Board received a letter from Mr. Morrison, owner of Outlot A, Parcel N388 in the Hillery Way Block, requesting the change to the RT zone **after** they submitted the SMA to the Council. Planning Department staff indicated that had the letter been received earlier, they would have had no substantive reason to deny the request. **Since the rezoning was recommended in the Sector Plan, the Committee believes the SMA should be revised to allow this rezoning.**

The Council considered the Sectional Map Amendment at a worksession held on July 13, 2010. The Council supported the Sectional Map Amendment with the amendment set forth in this opinion. The Council finds that Sectional Map Amendment Application G-889 is necessary to implement the land use and development policies expressed in the Approved and Adopted White Flint Sector Plan.

The evidence of record for Sectional Map Amendment G-889 consists of all record materials compiled in connection with the County Council public hearings on the Planning Board Draft of the White Flint Sector Plan, dated October 20 and 22, 2009, and all record materials compiled in connection with the public hearing held by the Council on May 18, 2010 on Sectional Map Amendment G-889.

For these reasons, and because to grant this application will aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, this application will be GRANTED.

Action

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 resolution:

1. Application No. G-889, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment covering the area of the White Flint Sector Plan consisting of approximately 430 acres, more or less, is GRANTED. Approximately 265 acres are rezoned as a result of this action. The remaining acreage is to be reconfirmed as currently zoned.
2. The following areas are reclassified as part of this action, consistent with the recommendations in the White Flint Sector Plan.

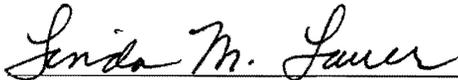
Table 1: Parcels to be Rezoned

| Area # | Existing Zoning | Proposed Zoning | Acres |
|----------------------------|------------------------|-----------------------------|--------------|
| 1 | C-2 | CR-2 C-1.5 R-0.75 H-100' | 1.8 |
| 2 | C-2 | CR-3 C-1.5 R-2.5 H-200' | 22.5 |
| 3 | C-2 | CR-4 C-3.5 R-3.5 H-300' | 5.5 |
| 4 | C-2,R-90,O-M | CR-3 C-1.5 R-2.5 H-70' | 3.6 |
| 5 | TS-R,C-2 | CR-4 C-2.0 R-3.5 H-250' | 11.3 |
| 6 | C-2,TS-R | CR-4 C-3.5 R-3.5 H-300' | 12.5 |
| 7 | R-90,C-2 | CR-3 C-2.5 R-1.5 H-200' | 5.6 |
| 8 | R-H,C-2,I-4 | CR-3 C-1.5 R-2.5 H-200' | 19.7 |
| 9 | I-4 | CR-3 C-1.5 R-2.5 H-200' | 9.3 |
| 10 | TS-M | CR-4 C-3.5 R-3.5 H-300' | 12.1 |
| 11 | TS-M,R-90 | CR-4 C-2.0 R-3.5 H-250' | 15.6 |
| 12 | TS-M,I-1 | CR-3 C-1.5 R-2.5 H-250' | 4.4 |
| 13 | I-1 | CR-3 C-1.5 R-2.5 H-200' | 2.1 |
| 14 | TS-M,C-2 | CR-4 C-3.5 R-3.5 H-300' | 5.4 |
| 15 | TS-M,C-2 | CR-4 C-3.5 R-3.5 H-300' | 8.7 |
| 16 | TS-M,C-2 | CR-4 C-2.0 R-3.5 H-250' | 3.6 |
| 17 | C-2,I-1 | CR-3 C-1.5 R-2.5 H-200' | 18.9 |
| 18 | C-2 | CR-3 C-1.5 R-2.5 H-100' | 3.8 |
| 19 | R-90 | CR-3 C-1.5 R-2.5 H-200' | 4.6 |
| 20 | R-90 | CR-3 C-1.5 R-2.5 H-100' | 1.7 |
| 21 | C-2 | CR-3 C-1.5 R-2.5 H-150' | 0.6 |
| 22 | C-2 | CR-4 C-3.5 R-3.5 H-300' | 3.7 |
| 23 | C-2 | CR-4 C-3.5 R-2.0 H-250' | 10.8 |
| 24 | C-2 | CR-3 C-1.5 R-2.5 H-200' | 44.2 |
| 25 | C-2,R-90 | CR-2.5 C-1.25 R-2.0 H-70' | 4.8 |
| 26 | R-90 | CR-1.5 C-0.25 R-1.5 H-50' | 2.6 |
| 27 | TS-M | CR-3 C-1.5 R-2.5 H-100' | 1.4 |
| 28 | TS-M | CR-4 C-3.5 R-3.5 H-300' | 3.0 |
| 29 | C-O | CR-4 C-3.5 R-3.5 H-150' | 1.1 |
| 30 | C-O | CR-4 C-3.5 R-3.5 H-250' | 1.4 |
| 31 | C-O | CR-3 C-2.5 R-1.5 H-150' | 2.8 |
| 32 | O-M | CR-2.5 C-2.0 R-1.25 H-150' | 2.6 |
| 33 | O-M | CR-1.25 C-1.0 R-0.75 H-100' | 1.1 |
| 34 | C-2,R-90 | CR-1.0 C-0.75 R-0.5 H-50' | 1.4 |
| 35 | R-90 | RT-12.5 | 2.0 |
| 36 | C-2 | CR-0.5 C-0.25 R-0.25 H-50' | 0.7 |
| 37 | C-T | CR-1.5 C-0.25 R-1.5 H-50' | 7.8 |
| Total Change Acres: | | | 264.7 |

Table 2: Locations for Zoning Line Adjustments

| Corrective SMA Designation | Parcel I.D. | Notes |
|----------------------------|--------------------|--|
| Item A | Parcel 614 | Existing zoning map shows this property as a right-of-way and with no zoning classification. Research in the land records indicated that the property is privately owned, is not a public right-of-way and zoning classification should be indicated. |
| Item B | Parcel 736 | The outline of the Local Map Amendment granted for PD-9 zoning obscured the property lines. |
| Item C | Parcel N269 | Existing zoning map shows this project as right-of-way with no zoning classification. Research in the land records indicates that the property is owned by SHA, but it is not a public right-of-way and, therefore, the zoning classification should be shown. |

This is a correct copy of Council action.


 Linda M. Lauer, Clerk of the Council