

Resolution No.: 17-218
Introduced: July 12, 2011
Adopted: July 19, 2011

**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: Approval of the City of Rockville's request to reclassify the Burgundy Park (BP) Associates Limited Partnership property from I-2 to MXE zoning (Annexation Petition ANX2011-00140)

Background

1. Article 23A, Section 9(c) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council.
2. The City of Rockville is proposing to annex approximately 3.12 acres of land located east of the intersection of Southlawn Drive, 1300-1314 East Gude Drive and 14803, 14805 and 14809 Southlawn Lane, part of Lot 12, Block B – Burgundy Park (BP); known as Burgundy Park Center. The site is currently classified in the I-2 zone in Montgomery County. The BP Property is partially in Rockville. The portion in Rockville is zoned Light Industrial (I-L). Neither zone is consistent with the current retail, office, and restaurant use of the property.¹ The Council is asked to approve the City's Mixed Use Employment (MXE) zone, which is consistent with its current use but is substantially different from its current zoning. No additional development is proposed.
3. The Upper Rock Creek Master Plan acknowledged and supported the annexation of BP property by the City of Rockville.
4. The BP Property is within the Maximum Expansion Limits of the City of Rockville.

¹ The Center was developed when a range of retail uses was permitted.

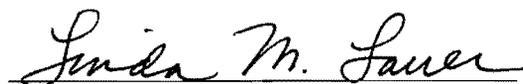
5. Under the annexation proposal, the BP property would be reclassified to the City's MXE Zone, which allows a mix of residential and commercial uses. No new development of the site is proposed. The change to the MXE zone would constitute a land use for the property substantially different than specified for the property in the Upper Rock Creek Master Plan and therefore the express approval of the County Council is required immediately to dispense with the current zoning limitations on the property.
6. On June 2, 2011, the Montgomery County Planning Board voted to recommend that the Council approve the City's request to change the property's current zoning. The Board recommendation was consistent with the recommendations of the June 9, 2011 Planning Staff report and the recommendation of the County Executive.
7. On July 11, 2011, the Planning, Housing, and Economic Development Committee reviewed the annexation petition and indicated support for the requested reclassification.
8. On July 19, 2011, the County Council reviewed Annexation Petition ANX2011-00140 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee. The Council concluded that the proposed reclassification of the BP Property from the I-2 to the MXE zone should be approved.

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:

In accordance with the provisions of Article 23A Section 9(c) of the Annotated Code of Maryland, the District Council approves the reclassification by the City of Rockville of the BP Property from the County's Heavy Industrial (I-2) zone to the City's Mixed Use Employment (MXE) zone.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council