

Resolution No.: 18-338
Introduced: November 17, 2015
Adopted: December 1, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Leventhal at the request of the City of Gaithersburg

SUBJECT: Approval of the City of Gaithersburg's request to reclassify the WHM LLC and Darnestown Valley Petroleum WHM LLC property (12130, 12140, and 12110 Darnestown Road) from the NR 0.75, H 45 zone to the City's Mixed Use Development (MXD) zone (Annexation No. X-7089)

Background

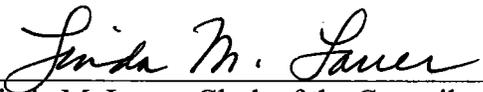
1. The Local Government Article, Section 4-416 of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification that permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council. The law defines substantial higher density as exceeding its current allowed density by 50% or more.
2. The WHM LLC and Darnestown Valley Petroleum WHM LLC property is within the Maximum Expansion Limits of the City of Gaithersburg.
3. The City of Gaithersburg is proposing to annex approximately 8.28 acres of land located at the southeastern quadrant of Darnestown Road and Quince Orchard Road. The site is currently classified in the NR 0.75, H 45 zone in Montgomery County. The maximum density allowed under its current zoning is a Floor Area Ratio of .75.
4. Under the annexation proposal, the WHM LLC and Darnestown Valley Petroleum WHM LLC property would be reclassified to the City's MXD zone, which allows a mix of residential and commercial uses consistent with its current zoning. The proposed zoning would allow the same density. The approval of the proposed zoning by the County Council is not required.
5. On November 12, 2015, the Montgomery County Planning Board recommended approval consistent with the recommendations of the November 12, 2015 Planning Staff report.
6. On December 1, 2015, the County Council reviewed Annexation No. X-7089 and agreed with the Planning Board's conclusion that Council approval was not required.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

The Council acknowledges the authority of the City of Gaithersburg to approve Annexation No. X-7089 and rezone the property MXD.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council