Resolution No.:	18-595
Introduced:	July 19, 2016
Adopted:	August 2, 2016

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Floreen

SUBJECT: The City of Gaithersburg's request to reclassify the Johnsons Properties (12201, 12251, 12301, and 12311 Darnestown Road) from the R-200 and NR 0.75, H 45 zones to the City's Mixed Use Development (MXD) zone (Annexation No. X-7067)

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 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. The law defines substantial higher density as exceeding its current allowed density by 50% or more.

2. The Johnson Properties (12201, 12251, 12301, and 12311 Darnestown Road) are within the Maximum Expansion Limits of the City of Gaithersburg.

3. The City of Gaithersburg is being petitioned to annex approximately 23.45 acres of land located at the northwest quadrant of Darnestown Road and Quince Orchard Road. The site is currently classified in the NR 0.75, H 45 zone and the R-200 zone in Montgomery County.

4. The zoning density requested by the Johnson Properties annexation is more than 50% of its current zoning density on the R-200 zoned area; however, because the Council expressly approved the proposed zoning and does not seek to impose the current County zoning for 5 years, it need not and does not reach any conclusion on whether the County may require the retention of its zoning for 5 years.

5. Under the annexation proposal, the Johnson Properties would be reclassified to the City's MXD zone, which allows a mix of residential and commercial uses limited by a Sketch Plan and the City's annexation agreement.

6. The area zoned R-200 (Parcel E) would be allowed 34 units under the current zoning. The applicant's proposed Sketch Plan has 110 units on this area. The plan will have 28 single-family detached dwellings backing to existing single-family dwellings. At least 1 acre of open space will be provided by the plan.

7. In the NR zoned portion of the site, residential uses would be limited under the Sketch Plan to 100,000 square feet of floor area, 10,000 square feet more than current development on the site.

8. The land uses proposed are not substantially different from the land uses allowed in the County.

9. On July 6, 2016, the Montgomery County Planning Board submitted comments to the Council.

10. On July 18, 2016, the Planning, Housing, and Economic Development Committee considered the applicant's revised Sketch Plan, the Planning Board's comments, and the staff memorandum dated July 13, 2016.

11. On August 2, 2016, the County Council reviewed Annexation No. X-7067 as revised, amended the resolution as introduced on July 19, 2016 to add more development standards, and approved the resolution to expressly approve the proposed zoning.

Action

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

> Under the Local Government Article, Section 4-416 of the Annotated Code of Maryland, if the City of Gaithersburg's annexation agreement limits the allowable development to a maximum of 10,000 square feet of additional non-residential floor area and 110 dwelling units (28 single-family detached units and 82 townhouses); provides at least one acre of land for a playing field and park; provides a parking area for park users; and limits non-residential building heights to the height of existing buildings, the District Council approves the reclassification by the City of Gaithersburg of the area within Annexation No. X-7067 from R-200 and NR 0.75, H 45 to Gaithersburg's MXD zone.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council