

Action

MEMORANDUM

March 27, 2009

TO: County Council

FROM: Marlene Michaelson,  Senior Legislative Analyst

SUBJECT: 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 © 10-26). Corrective Map Amendment (CMA) 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. CMA 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. CMA G-869 corrects mapping errors in the Potomac Subregion Master Plan. **The Planning, Housing, and Economic Development (PHED) Committee recommends approval of all three CMAs.**

The CMAs 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. No testimony was submitted at the public hearing or via written correspondence.**

G-871: Rosemont Section of the Gaithersburg Vicinity Master Plan

This CMA corrects the boundaries between the County and the City of Gaithersburg in the Gaithersburg Vicinity Area. The first change involves a group of 90 homes in the Rosemont section of Gaithersburg that was inadvertently shown as within the City's boundaries. It is actually part of an enclave of land within the County's jurisdiction that is surrounded by the City

(see © 15). The other changes will reflect annexations of land by the City that have not yet been changed on the County's zoning maps.

The PHED Committee recommends approval. A resolution/opinion approving the SMA is attached on © 1-3.

G-872: Sieling Property at 14668 Southlawn Lane in Rockville

At the time the Council reviewed the Upper Rock Creek Master Plan, the Planning Board and Council were under the mistaken assumption that the Sieling property was within the City of Rockville and, therefore, did not consider zoning changes that were being applied to the adjacent property. The Council discussed the fact that properties west of Gude Drive contained primarily light industrial uses, making the I-1 zone preferable to the I-2 zone, which would have allowed heavier industrial uses. The Sieling property is west of Gude Drive (see © 18). Land to the north, west, and south of this property is in the City of Rockville in their IL (Light Industrial) zone, which is similar to the I-1 zone. The H&S Leasing property, directly east of the Sieling property, was rezoned from I-2 to I-1 in the Upper Rock Creek Sectional Map Amendment for the reasons listed above. The 0.3 acre Sieling property is now surrounded by incompatible zoning, eliminating the possibility of assembly. The Planning Board concluded that, had the Council realized the property was within the County during its review of the Upper Rock Creek Master Plan, it would have recommended I-1 zoning for this property, and therefore believes that this change in zoning corrects a technical error.

The PHED recommends approval. A resolution/opinion approving the SMA is attached on © 4-6.

G-869: Darnestown Road and Seneca Road in Darnestown

The Potomac Master Plan recommended a Rural Village Center Overlay zone for the commercial center in Darnestown. The Overlay Zone restricts some of the commercial uses allowed in the underlying C-1 and O-M zone, and also allows commercial property owners in the Village Center to use adjacent residentially zoned properties for septic fields. The Sectional Map Amendment (SMA) contained two mapping errors that made the boundaries of the Overlay Zone inconsistent with the recommendations in the Master Plan. In one case, an RE-2 property adjacent to a commercial use in the Village Center was inadvertently not included in the Overlay zoned area; in another case, RE-2 properties subject to the Overlay Zone have since been developed and can no longer provide septic capacity for an adjacent use and, therefore, should no longer be included in the area with the Overlay zone. This CMA corrects the boundaries of the overlay zone so that they are consistent with the Master Plan. A map displaying the properties to be added and removed from the overlay zone is shown on © 24. The revised boundaries are shown on © 26.

The PHED recommends approval. A resolution/opinion approving the SMA is attached at © 7-9.

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Resolution No.:
Introduced: March 31, 2009
Adopted:

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: Corrective Map Amendment Application No. G-871 for Amendment to the Zoning Map, County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located within Montgomery County, Opinion and Resolution on Application

OPINION

Corrective Map Amendment Application G-871 was filed on January 16, 2009 by the Maryland-National Capital Park and Planning Commission to correct boundary errors in the official Zoning Map. On June 11, 1996 the County Council approved Sectional Map Amendment G-725, a comprehensive rezoning to implement the zoning recommendations in the 1990 Shady Grove Study Area Master Plan. The official Zoning Map inadvertently omitted a boundary line demarcating the boundary between the City of Gaithersburg and Montgomery County in the Rosemont area of Shady Grove. The Corrective Map Amendment corrects the official Zoning Map to show the correct boundary lines. The Corrective Map Amendment also updates the boundaries between the City and County to show annexations of land by the City that have occurred since the last Sectional Map Amendment.

Corrective Map Amendment Application G-871 was the subject of a public hearing held by the District Council on March 10, 2009. No testimony was submitted. The Corrective Map Amendment and the recommendations of the Planning Board were carefully considered by the Planning, Housing, and Economic Development (PHED) Committee at a worksession held on March 23, 2009 and by the District Council at a worksession held March 31, 2007. The Corrective Map Amendment was submitted as technical in nature and only for the purpose of correcting boundary errors in the official Zoning Map.

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, as filed.

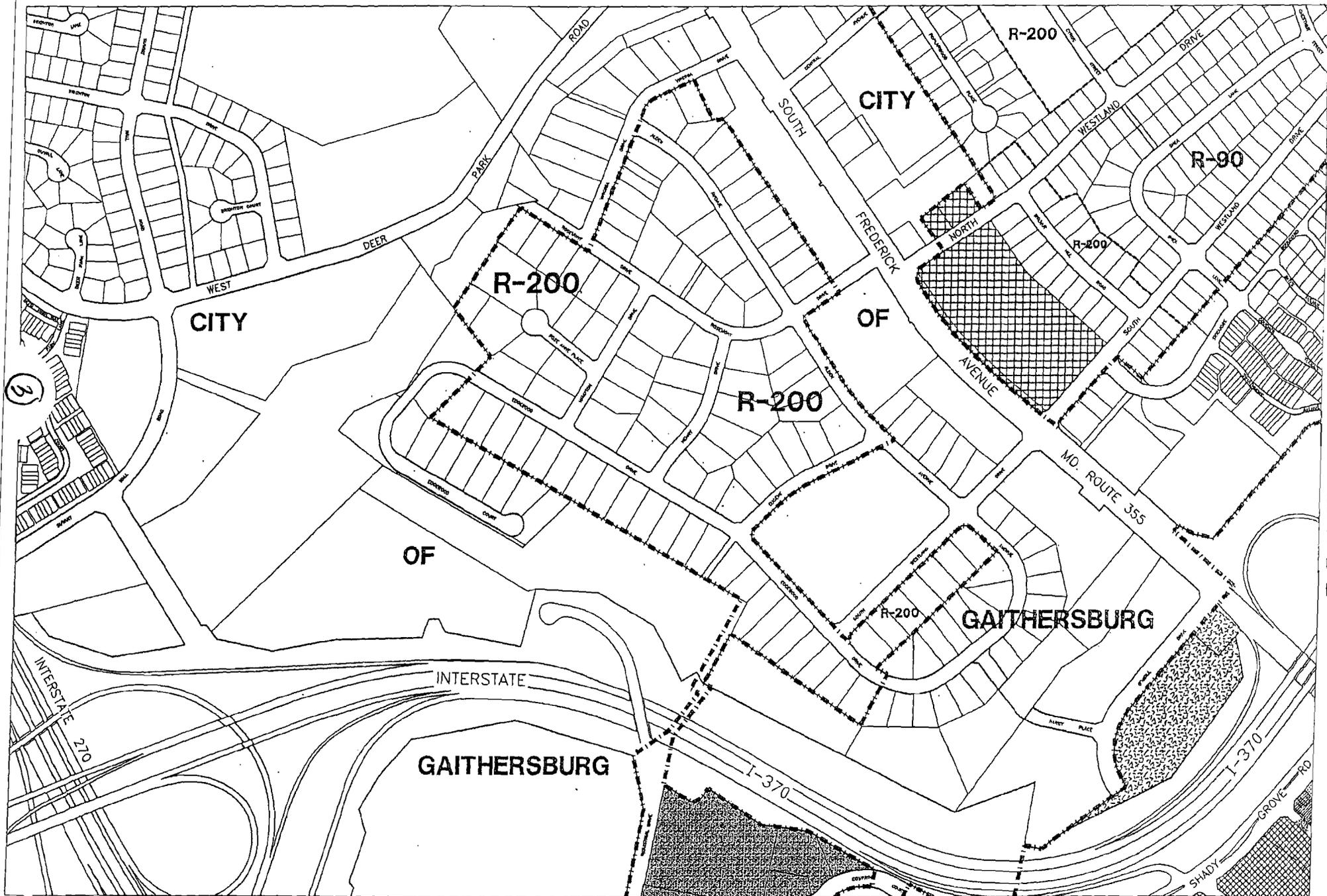
Action

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:

Application No. G-871, requested by the Maryland-National Capital Park and Planning Commission, for the Corrective Map Amendment to correct boundary errors in the official Zoning Map for the Shady Grove area, is approved as filed.

This is a correct copy of Council action.

Linda Lauer, Clerk of the Council



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

Resolution No.:
Introduced: March 31, 2009
Adopted:

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: Corrective Map Amendment Application No. G-872 for Amendment to the Zoning Map, County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located within Montgomery County, Opinion and Resolution on Application

OPINION

Corrective Map Amendment Application G-872 was filed on January 16, 2009 by the Maryland-National Capital Park and Planning Commission to correct boundary and zoning errors in the official Zoning Map. On July 23, 2006 the District Council approved Sectional Map Amendment G-827 to implement the recommendations of the Upper Rock Creek Area Master Plan. The official Zoning Map incorrectly indicated that the Sieling Property was in the City of Rockville and did not display a zone for this property. The Corrective Map Amendment corrects the official Zoning Map to show the property within the County boundaries and to change the zoning from I-2 to I-1.

At the time the Council reviewed the Upper Rock Creek Master Plan, the Planning Board and Council were under the mistaken assumption that the Sieling property was within the City of Rockville and, therefore, did not consider zoning changes that were being applied to the adjacent property. The Council discussed the fact that properties west of Gude Drive contained primarily light industrial uses, making the I-1 zone preferable to the I-2 zone, which would have allowed heavier industrial uses. The Sieling property is west of Gude Drive and is zoned I-2. Land to the north, west, and south of this property is in the City of Rockville in their IL (Light Industrial) zone, which is similar to the I-1 zone. The H&S Leasing property, directly east of the Sieling property, was rezoned from I-2 to I-1 in the Upper Rock Creek Sectional Map Amendment for the reasons listed above. The 0.3 acre Sieling property is now surrounded by incompatible zoning, eliminating the possibility of assembly. The Planning Board and District Council concluded that, had the Council realized the property was within the County during its review of the Upper Rock Creek Master Plan, it would have recommended I-1 zoning for this property, and therefore believes that this change in zoning corrects a technical error.

Corrective Map Amendment Application G-872 was the subject of a public hearing held by the District Council on March 10, 2009. No testimony was submitted. The Corrective Map Amendment and the recommendations of the Planning Board were carefully considered by the

Planning, Housing, and Economic Development (PHED) Committee at a worksession held on March 23, 2009 and by the District Council at a worksession held March 31, 2007. The Corrective Map Amendment was submitted as technical in nature and only for the purpose of correcting a boundary error and the zoning for the impacted property in the official Zoning Map.

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, as filed.

Action

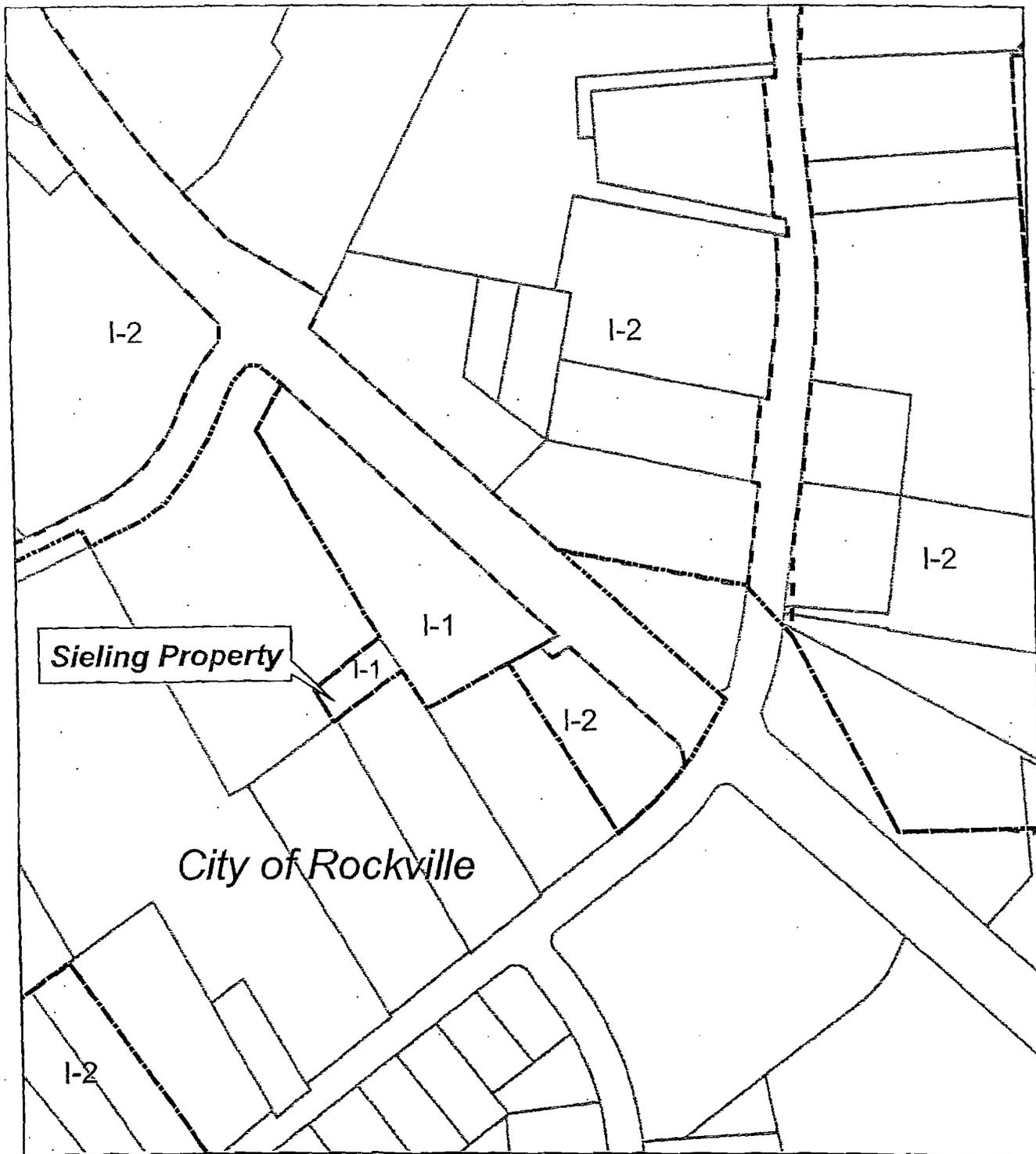
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Application No. G-872, requested by the Maryland-National Capital Park and Planning Commission, for the Corrective Map Amendment to correct a boundary error and change the zoning on the impacted property (the Sieling property) from I-2 to I-1, is approved as filed.

This is a correct copy of Council action.

Linda Lauer, Clerk of the Council

G-872 Proposed Zones



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

0 75 150 300 450 600 Feet



Resolution No.:
Introduced: March 31, 2009
Adopted:

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: Corrective Map Amendment Application No. G-869 for Amendment to the Zoning Map, County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located within Montgomery County, Opinion and Resolution on Application

OPINION

Corrective Map Amendment Application G-869 was filed on January 16, 2009 by the Maryland-National Capital Park and Planning Commission to adjust the boundaries of the Rural Village Overlay zoning in the Darnestown area of the Potomac Subregion planning area on the official Zoning Map. On October 15, 2002 the District Council approved Sectional Map Amendment G-800 to implement the recommendations of the Potomac Subregion Master Plan. The official Zoning Map did not correctly follow the boundaries recommended in the Potomac Subregion Master Plan for the Rural Village Overlay zone, and development that has occurred since the 2002 Sectional Map Amendment removes the need for the Overlay Zone on certain properties. The Corrective Map Amendment corrects the official Zoning Map to display the correct boundaries for the Rural Village Overlay Zone.

The Potomac Master Plan recommended a Rural Village Center Overlay zone for the commercial center in Darnestown. The Overlay Zone restricts some of the commercial uses allowed in the underlying C-1 and O-M zone, and also allows commercial property owners in the Village Center to use adjacent residentially zoned properties for septic fields. The Sectional Map Amendment (SMA) contained two mapping errors that made the boundaries of the Overlay Zone inconsistent with the recommendations in the Master Plan. In one case, an RE-2 property adjacent to a commercial use in the Village Center was inadvertently not included in the Overlay zoned area; in another case, RE-2 properties subject to the Overlay Zone have since been developed and can no longer provide septic capacity for an adjacent use and, therefore, should no longer be included in the area with the Overlay zone. The Corrective Map Amendment corrects the boundaries of the overlay zone so that they are consistent with the Master Plan.

Corrective Map Amendment Application G-869 was the subject of a public hearing held by the District Council on March 10, 2009. No testimony was submitted. The Corrective Map Amendment and the recommendations of the Planning Board were carefully considered by the Planning, Housing, and Economic Development (PHED) Committee at a worksession held on

March 23, 2009 and by the District Council at a worksession held March 31, 2007. The corrective map amendment was submitted as technical in nature and only for the purpose of correcting the boundaries of the Rural Village Overlay Zone in the official Zoning Map.

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, as filed.

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:

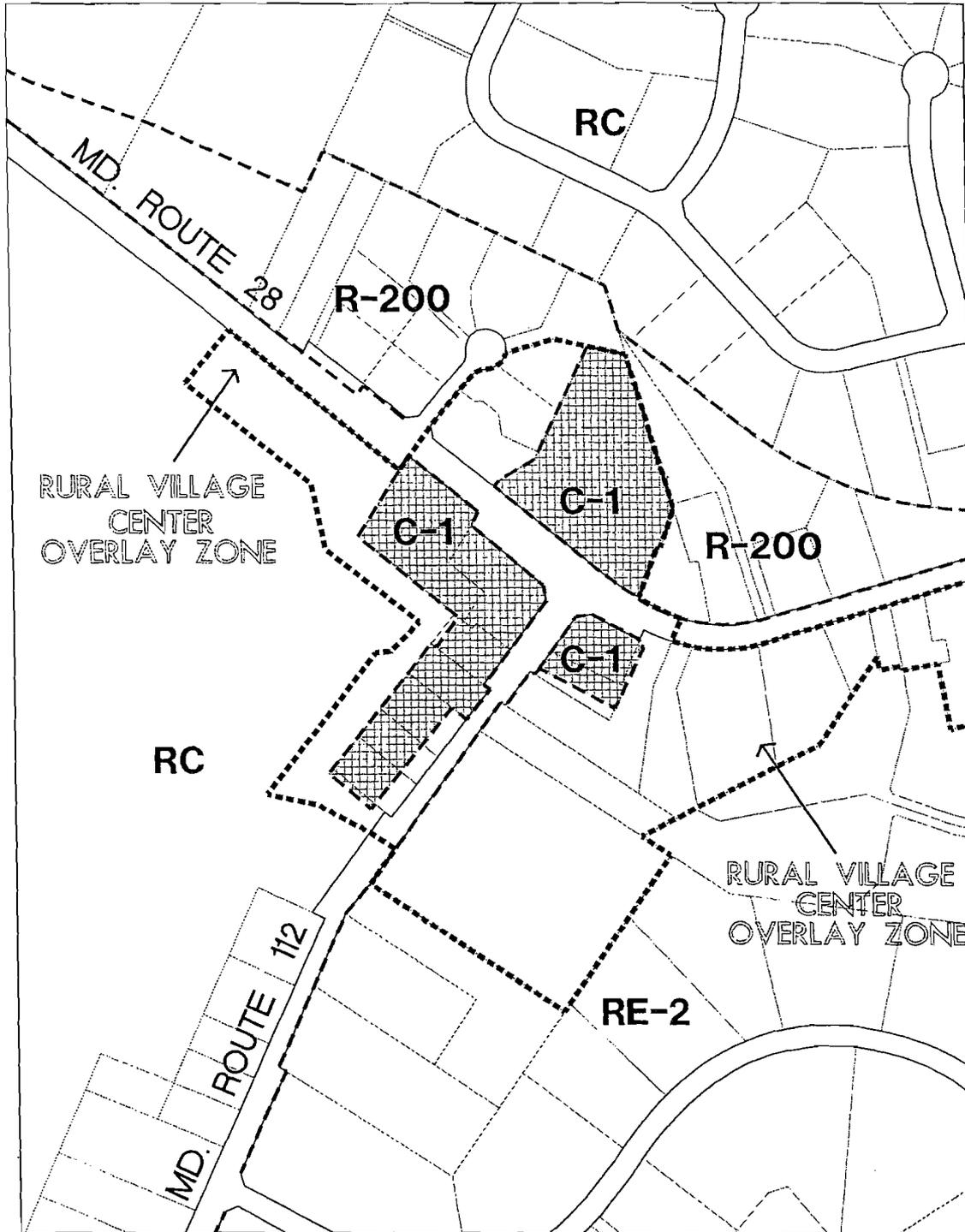
Application No. G-869, requested by the Maryland-National Capital Park and Planning Commission, for the Corrective Map Amendment to correct the boundaries of the Rural Village Overlay Zone, is approved as filed.

This is a correct copy of Council action.

Linda Lauer, Clerk of the Council

ATTACHMENT B-3

G-869 PROPOSED ZONING



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January 16, 2009

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

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.

The Honorable Phil Andrews
January 16, 2009
Page Two

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.

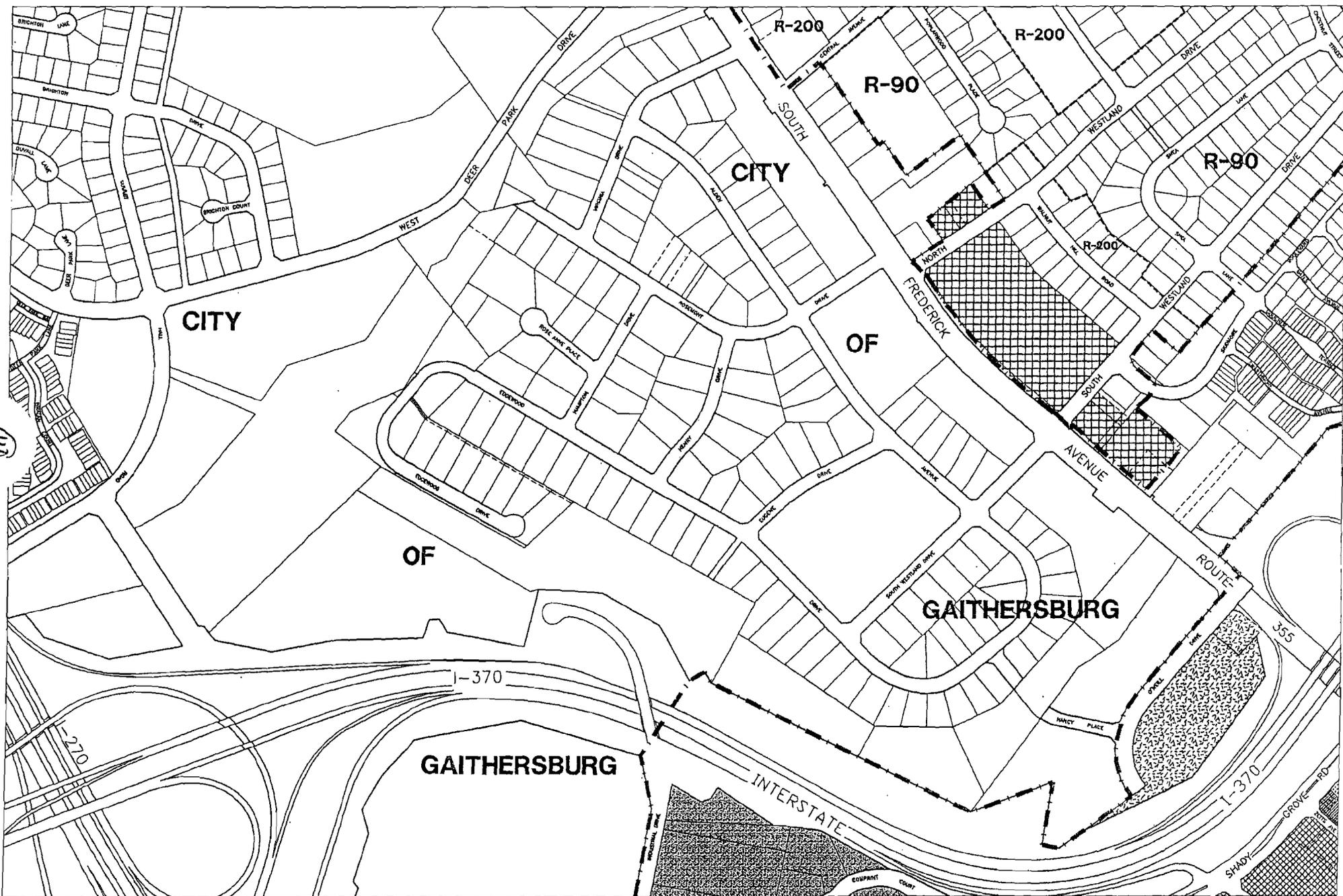
Conclusion and Recommendation

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
Attachment D-2

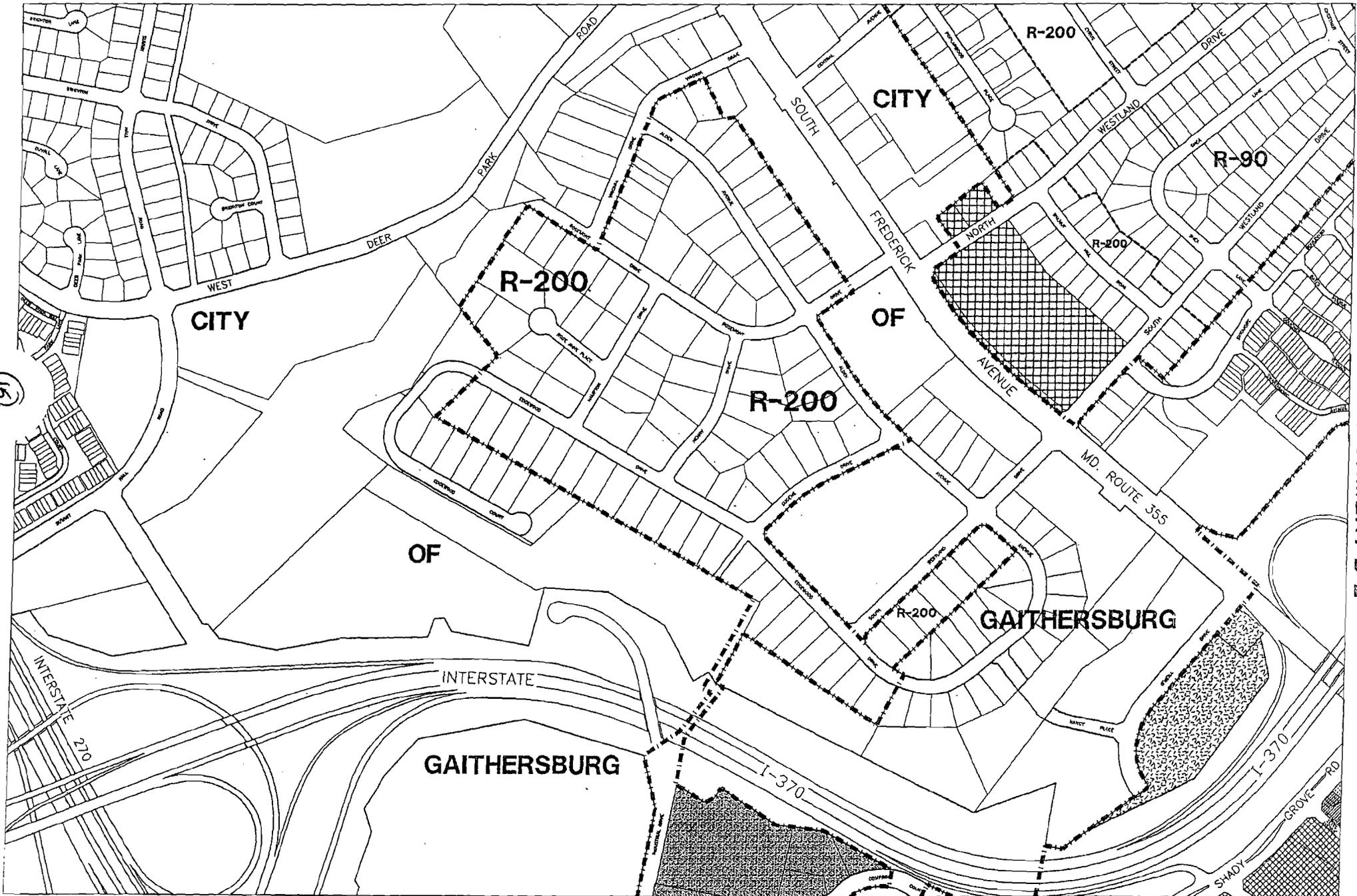
G-871 Existing Zoning
G-871 Corrective Map Amendment



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.

The current official zoning sheets for the County show no zoning for the Sieling property. The 2004 Upper Rock Creek Area Master Plan evaluated the property immediately to the east of the Sieling parcel, the H & S Leasing property, and recommended it for the I-1 Zone, relying for its rationale in part on a special study completed in 1999 for the Gude Drive-Southlawn Lane industrial area. The study concluded that the portion of the study area west of Gude Drive, which includes the H & S Leasing and Sieling properties, was predominantly light industrial in character. The Plan noted that "the relatively small size of the property and the likely difficulties of assembling land in this area, combined with the fact that redevelopment in the I-2 Zone is likely to be incompatible with surrounding uses, all lead to the conclusion that the property should be rezoned to a light industrial use." (page 34)

The Sieling property presents the same issues. It is small, just 0.31 acres. With the reclassification of the H & S Leasing property to the I-1 Zone, it is now surrounded on all sides by land in light industrial zones, which eliminates the potential for assembly. The surrounding properties are in warehouse or other light industrial uses, as is the Sieling property. Mr. Sieling is anxious to resolve the issue via the Corrective Map Amendment.

Conclusion and Recommendation

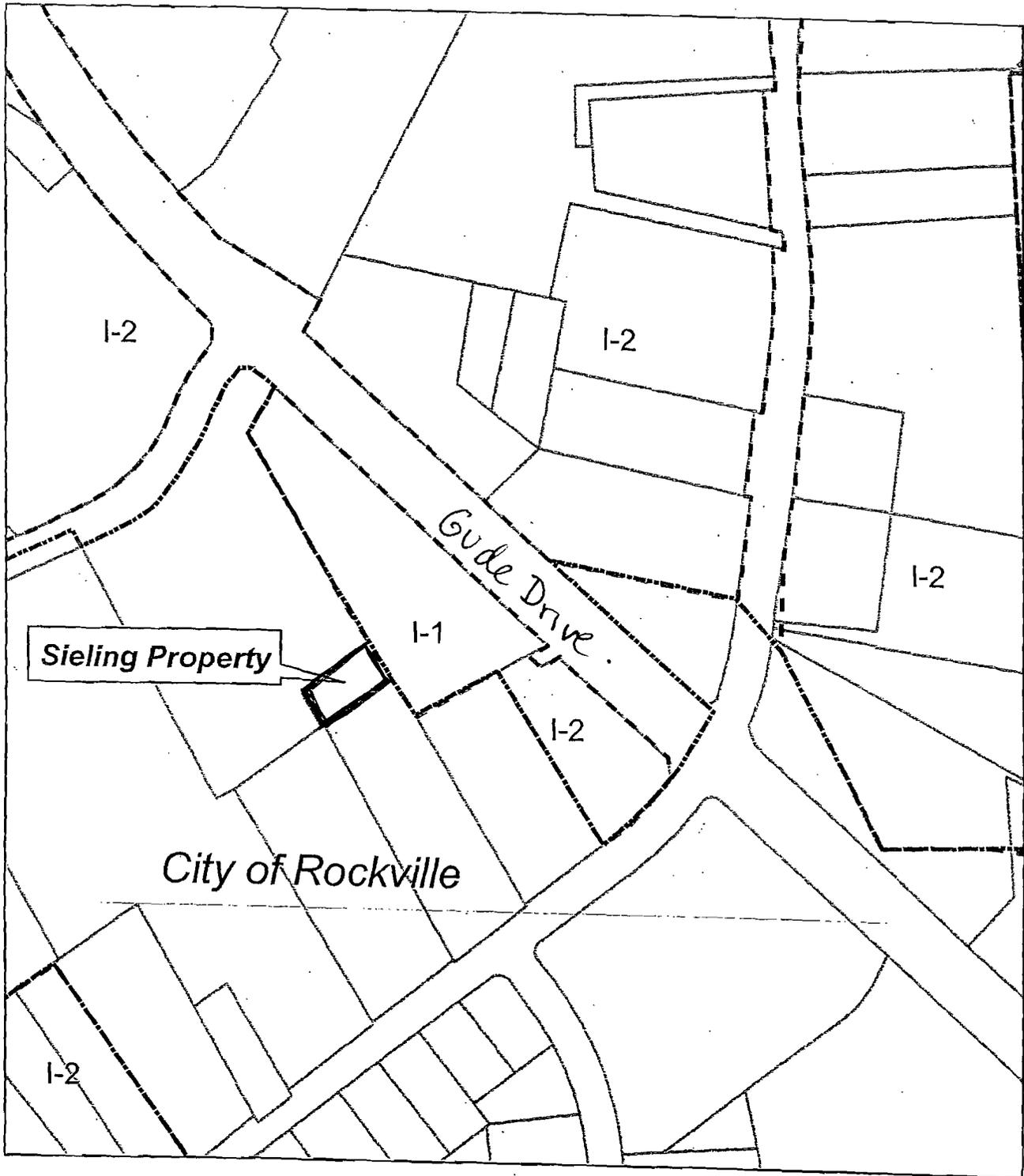
These facts strongly suggest that Planning Department staff would have recommended the property for the I-1 Zone as part of its evaluation of the H & S Leasing property, had the staff known at the time that the property was located outside the City of Rockville in Montgomery County. A reasonable assumption is that the Planning Board would have recommended the reclassification to the District Council and that the District Council would have approved it. The Planning Board therefore recommends that a Corrective Map Amendment include this property in the unincorporated portion of Montgomery County and reclassify the property from the I-2 Zone to the I-1 Zone.

The Planning Board recommends approval of the I-1 Zone for the following reasons:

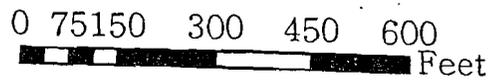
1. Sectional Map Amendment G-827 erroneously shows the municipal boundary of the City of Rockville to include the Sieling property and as a result shows no county zone for the property;
2. Correct depiction of the boundaries would have resulted in a recommendation of the I-1 Zone for the property in the 2004 Upper Rock Creek Area Master Plan, for the reasons cited above;
3. The Corrective Map Amendment process is the appropriate vehicle to correct technical errors.

Attachment E-1 G-872 Existing Zones
Attachment E-2 G-872 Proposed Zones

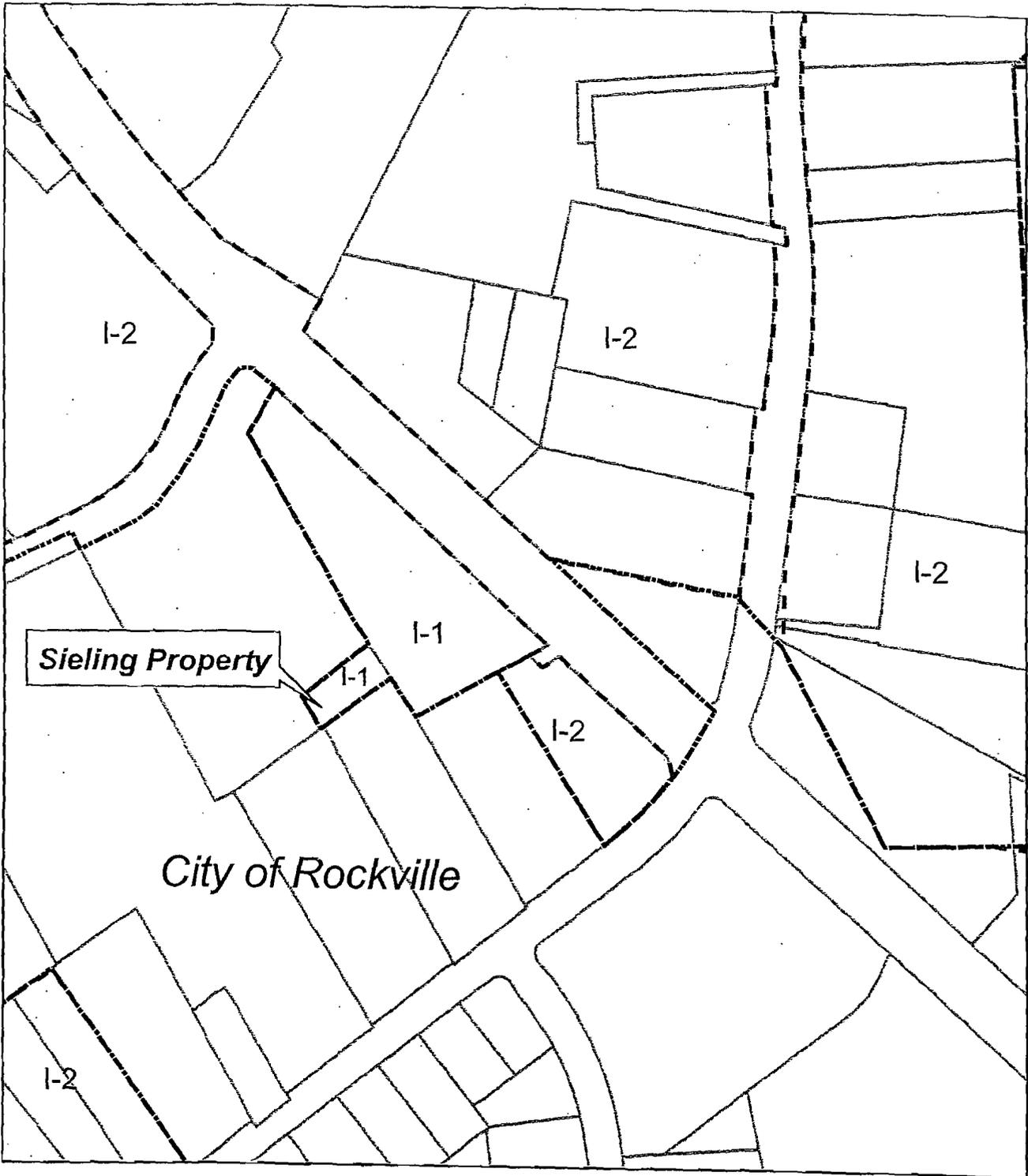
G-872 Existing Zones



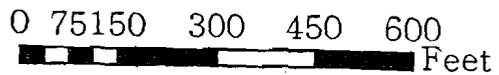
- · - · - City of Rockville (as shown on City and County zoning maps)
- - - Zone boundaries
- ▭ Property lines



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.

The owners of Parcels P708 and P655, the Metropolitan Washington Orthodox Seniors Housing, Inc., filed a petition (S-2648) on May 23, 2005, to operate a residential facility (assisted living) for senior adults. The petition was granted approval by the Board of Appeals on December 21, 2005. Planning staff later realized that the boundary of the Rural Center Overlay Zone on the existing zoning map did not correspond with Map 25 on Page 100 of the Potomac Subregion Master Plan, and that Parcels 708 and 655 had been omitted, due to a mapping error. Planning staff indicated to the property owner and legal representative their intent to file a Corrective Map Amendment to rectify this, to which the owner and representative indicated no objection.

The Overlay Zoning boundary should also be corrected on the southeast side of Darnestown Village, where it has been overtaken by events. On January 24, 2002, Plat Nos. 617-12 and 617-13 were recorded for property owned by William M. Rickman to the southeast of Darnestown Village. The plats displayed various ingress/egress and forest conservation easements, septic restriction lines, and locations for septic fields for detached single-family homes. The plats did not indicate areas for septic capacity for adjacent properties and the owner was under no obligation to do so. Within a very short space of time, the property was subdivided, sold to Equity Homes, and sold again to individual homeowners, with dwellings constructed in 2003 and 2004. The possibility of generating septic capacity from these properties has been removed and had Community-Based Planning staff noted the terms of the Plat when it was recorded, the proposed Overlay Zoning boundary would have been amended at that time.

A Corrective Map Amendment is necessary to rectify these two technical errors. Attachment B-1 is Map 25 from Page 100 of the Potomac Subregion Master Plan and depicts the Darnestown Rural Village Center. Attachment B-2 is a section of the existing zoning map. Attachment 3 illustrates the proposed corrections, which are as follows:

1. Portions of Lots 2, 3, and 4, Block D, and Lot 5, Block B, Darnestown Knolls Subdivision, remain as RE-2, with the Overlay Zone removed.
2. Parcels P708 and P655, 14124 and 14116 Seneca Road, Darnestown – include in Overlay Zone.

The total area of the correction is approximately 1.42 acres deleted, and 8.29 acres added to the Overlay Zone, out of a present total gross area of 29.74 acres. There will be no change to any Master Plan proposals as a consequence of the Corrective Map Amendment.

Conclusion and Recommendation

The proposed classifications should properly have been included with Sectional Map Amendment G-800 in October 2002. The Planning Board recommends approval for the following reasons:

1. There were technical errors in Sectional Map Amendment G-800.
2. The proposed technical adjustments to zoning classification boundaries are proper to correct the errors.
3. The proposed zoning pattern conforms to the land use recommendations of the Master Plan.

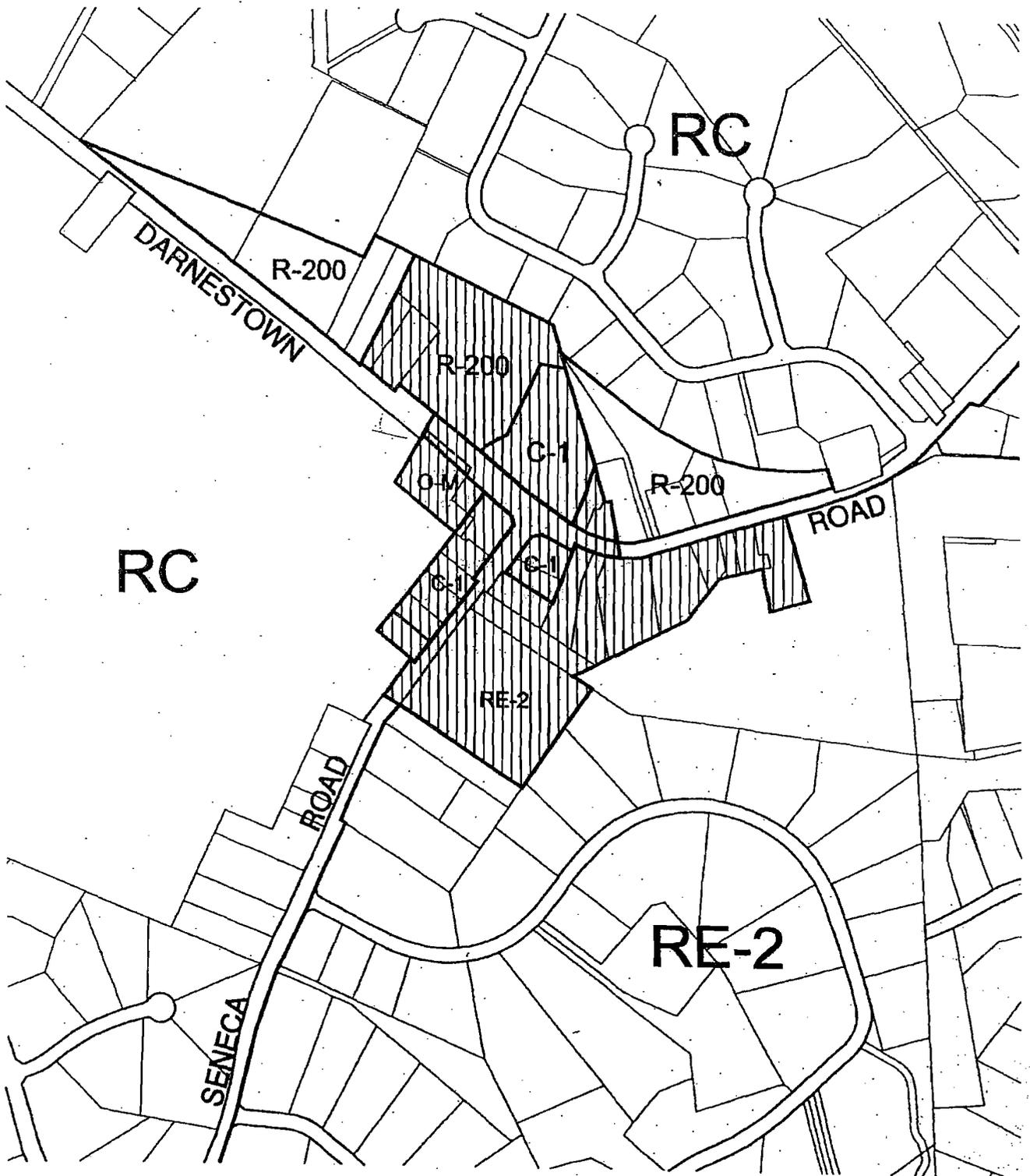
Attachment B-1 Map 25, Page 100, Potomac Subregion Master Plan –
Darnestown Rural Village Center
Attachment B-2 G-869 Existing Zoning
Attachment B-3 G-869 Proposed Zoning

RH:CM:ha: G:\Murray\CorrectiveMapAmendments

ATTACHMENT B-1

Darnestown Rural Village Center

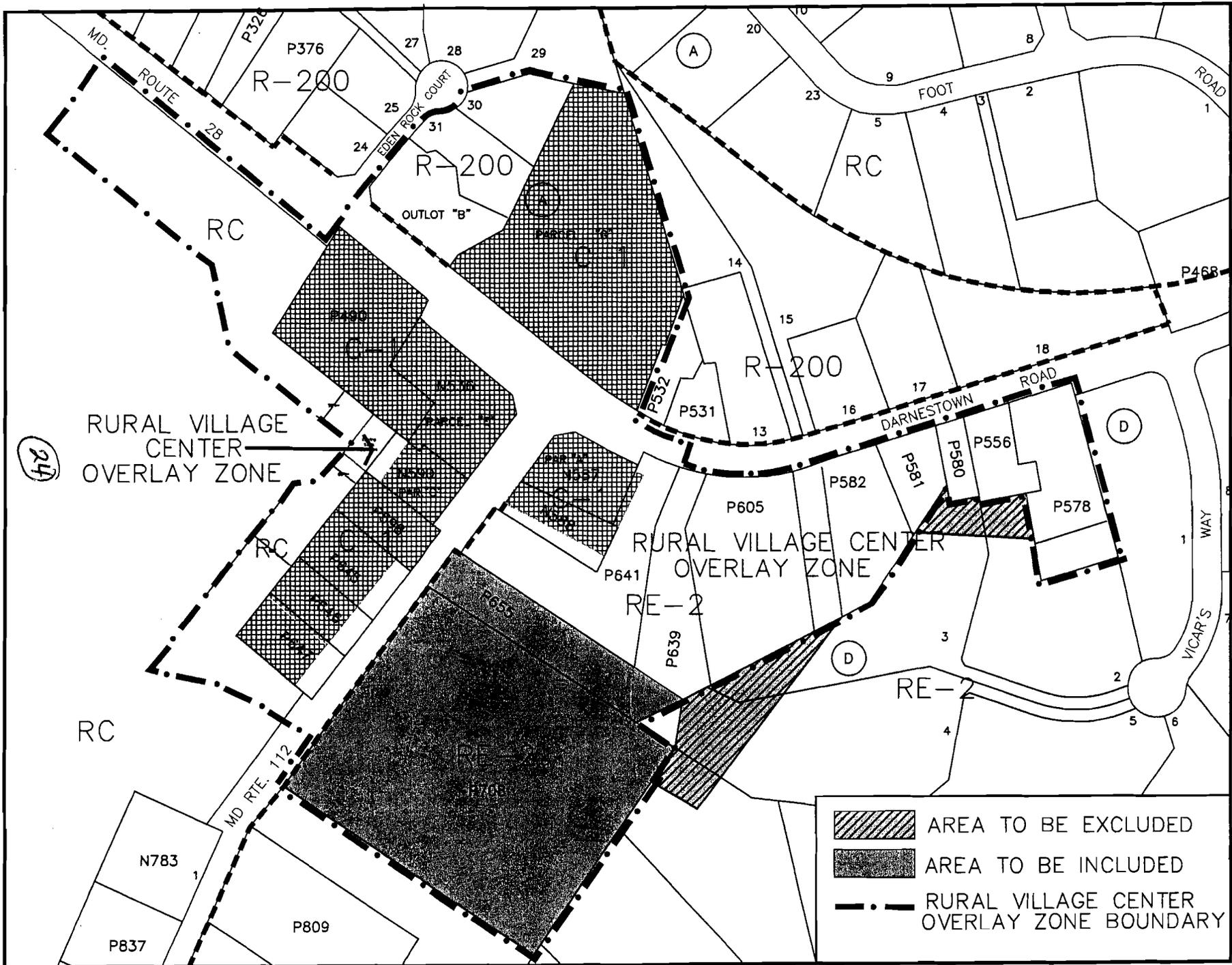
Map 25



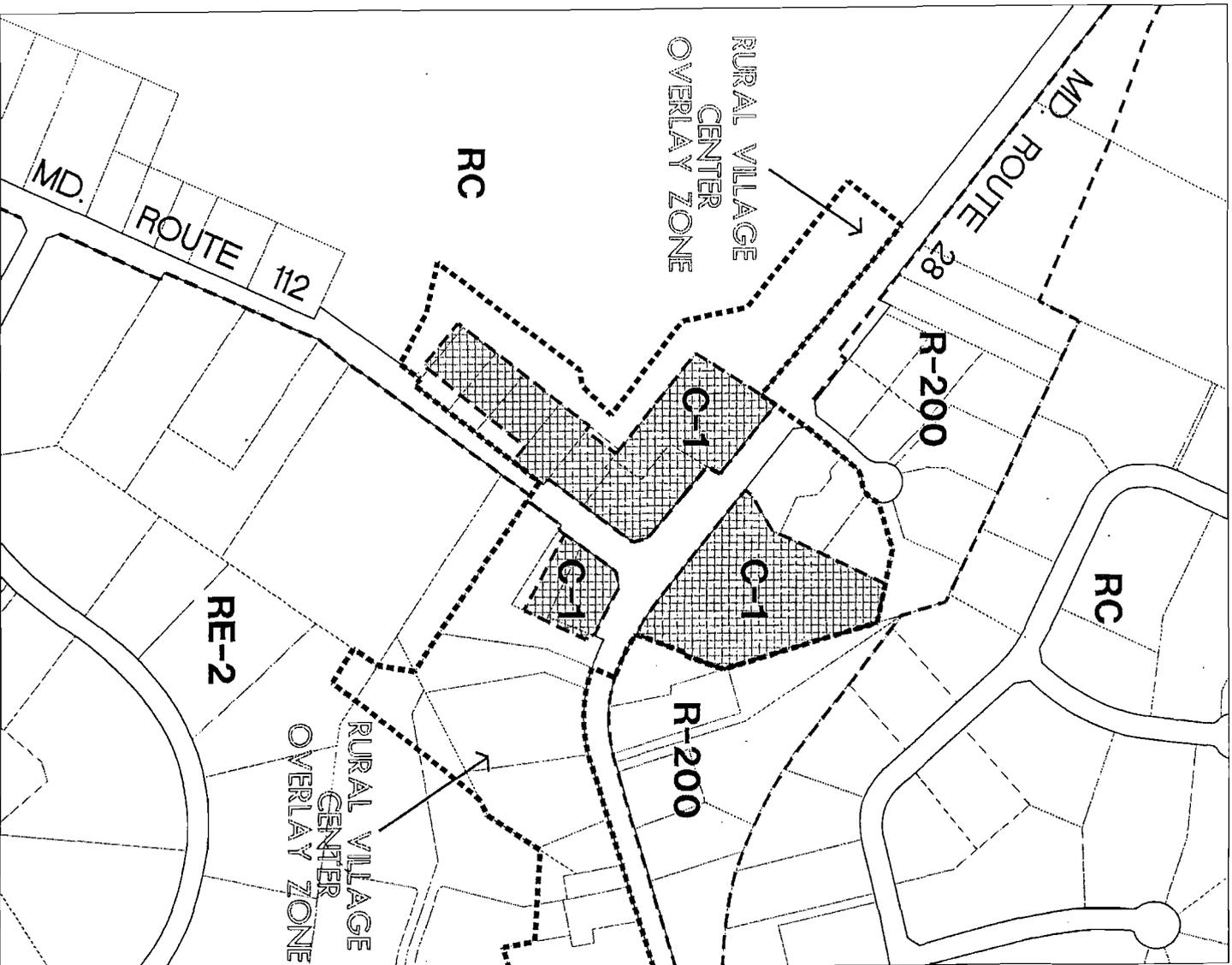
Darnestown Rural Village Center



Not To Scale

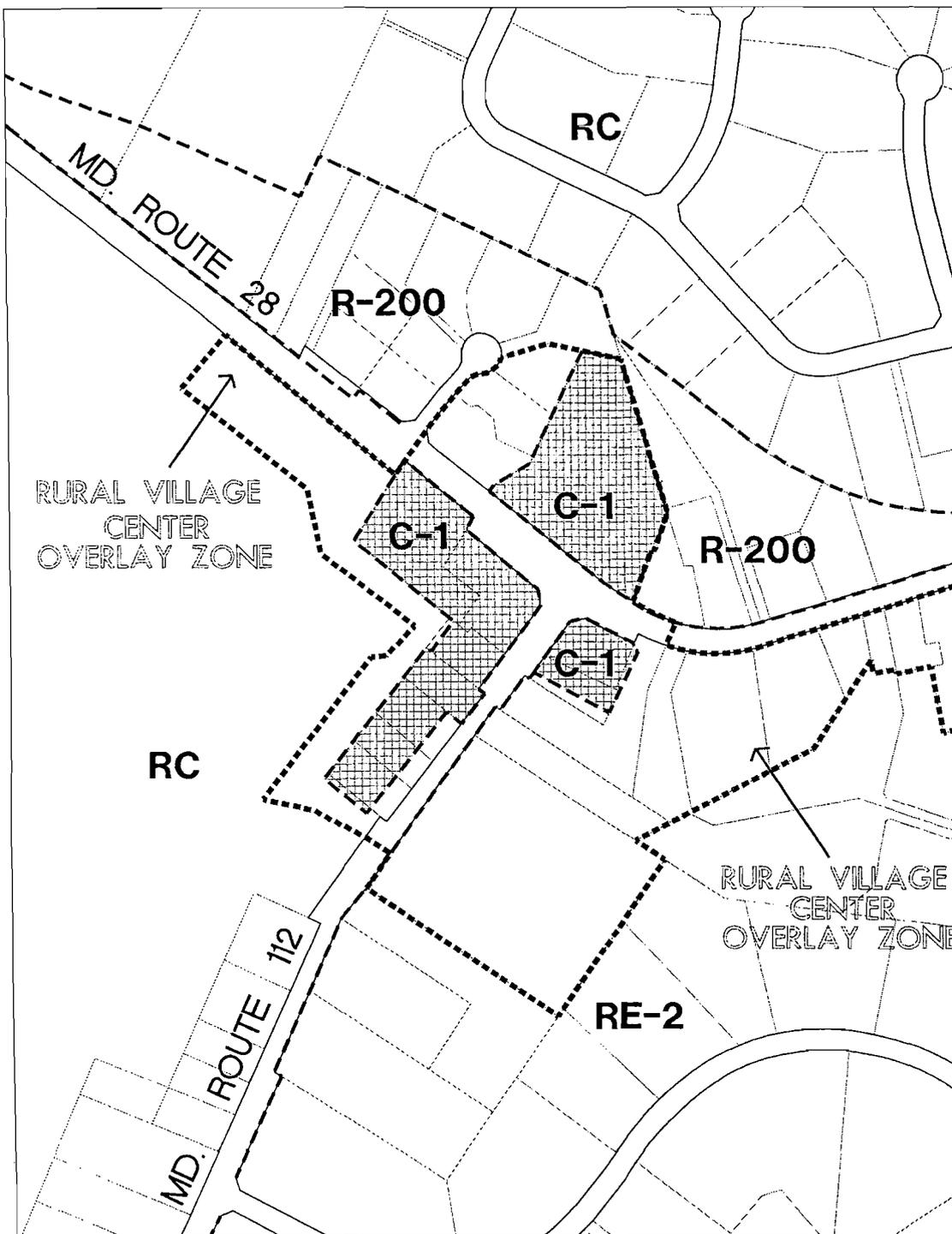


G-869 EXISTING ZONING



X:\A4\PTOMAC\0-M.dwg (0-M_AREA.CTB)

G-869 PROPOSED ZONING



x:\44\PTOMAC\0-M\proposed.dwg (0-M_AREA.CTB)