

Committee: Directly to Council

Committee Review: N/A

Staff: Pamela Dunn, Senior Legislative Analyst

**Purpose:** Final action — vote expected **Keywords:** #CMA, Zoning, Takoma Park

AGENDA ITEM 8B January 28, 2020 Action

## **SUBJECT**

Corrective Map Amendment H-130, submitted to correct technical errors on the zoning map that occurred inadvertently and resulted in five split-zoned parcels along Carroll Avenue in Takoma Park

#### **EXPECTED ATTENDEES**

Leslye Howerton, Master Plan Supervisor, Planning Department Christopher McGovern, IT Systems Manager, Planning Department Lauren Stamm, Research Assistant, Research & Special Projects, Planning Department

# **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

Approve Corrective Map Amendment H-130.

# **DESCRIPTION/ISSUE**

- On November 7, 2019, the Montgomery County Planning Board approved Corrective Map Amendment (CMA) H-130.
- Corrective Map Amendment H-130 will correct: 1) the misaligned zoning boundaries affecting 7201 Carroll Ave, 7211 Carroll Ave, 7221 Carroll Ave, 0 Carroll Ave, and 0 Columbia Ave that resulted from the area being split between two WSSC grids; and 2) the incorrect zoning boundaries, which do not align with the property boundaries and original platted lot boundaries, as intended in the 2000 Takoma Park Master Plan.
- The boundary for the Takoma Park-East Silver Spring Overlay zone will also be adjusted to the new, correct zoning boundaries. The recommended changes will align the zoning with the County Council's intent and direction as outlined in the 2000 Takoma Park Master Plan and subsequent 2014 Zoning Ordinance Rewrite.

## **SUMMARY OF KEY DISCUSSION POINTS**

- The Planning Board staff report (see © 2-6) describes in detail the technical errors that were found and outlines the recommended corrections to the zoning proposed by CMA H-130. Hearing notices were sent to adjacent and confronting property owners and the City of Takoma Park. Planning staff did not receive any comments.
- No comments were received at the Council's public hearing; however, on January 17, 2020, Planning Staff submitted into the public record a corrected version of Attachment 1 of the Planning Board staff report.

### This report contains:

Resolution	© 1-8
Planning Board Letter of Transmittal	© 9
Planning Staff Report on CMA H-130	© 10-14
Attachment 1(corrected) to the Staff Report	© 15- <b>1</b> 7

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Resolution No.:	
Introduced:	
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 (H-130) to Correct Technical Errors in Zoning

Boundaries on the Official Zoning Map for Certain Properties Located in the County

## **OPINION**

Corrective Map Amendment Application (H-130) was filed on November 13, 2019 by the Maryland-National Capital Park and Planning Commission to correct mapping errors in the official Zoning Map. The purpose of CMA H-130 is to correct a technical error that occurred in the Takoma Park Sectional Map Amendment (SMA) G-791 for six parcels. All errors are technical in nature and were discovered on the zoning map by Maryland-National Capital Park and Planning Commission (M-NCPPC) staff.

Corrective Map Amendment Application H-130 was the subject of a public hearing held by the District Council on January 14, 2020. The Council did not receive any testimony at the public hearing; however, on January 17, 2020, Planning staff submitted into the public record a corrected version of Attachment 1 of the Planning Board transmittal. The Corrective Map Amendment, the Planning Departmental staff analysis, and the revisions to the zoning map were carefully considered by the District Council at a worksession held January 28, 2020. The Corrective Map Amendment was submitted as technical in nature and only for the purpose of correcting zoning 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.

Page 2 Resolution No.:

# **Action**

The 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. H-130, requested by the Maryland-National Capital Park and Planning Commission for the Corrective Map Amendment to correct mapping errors in the official Zoning Map, are approved as filed.
- 2. The following areas are reclassified as part of this action, consistent with the recommendations in the Planning Department staff report for the Corrective Map Amendment.

A. Corrective Map Amendment H-130 (Attachment 1, Map 1)

**Property ID/Location:** Lot P31. Block 19 from ta

Lot P31, Block 19 from tax map JN51; within the

2000 Takoma Park Master Plan located at 7201

Carroll Avenue.

WSSC Grid:

209NE01 and 208NE01

Change #1

Proposed Reclassification:

0.036 acres from the CRT-2.25, C-1.5, R-0.75,

H-50 zone to the R-60 zone.

B. Corrective Map Amendment H-130 (Attachment 1, Map 1)

Property ID/Location:

Lot P31, Block 19 from tax map JN52; within the

2000 Takoma Park Master Plan located at 7211

Carroll Avenue.

WSSC Grid:

209NE01 and 208NE01

Change #2

Proposed Reclassification:

0.009 acres from the CRT-2.25, C-1.5, R-0.75,

H-50 zone to the R-60 zone.

C. Corrective Map Amendment H-130 (Attachment 1, Map 1)

**Property ID/Location:** 

Lot P32, Block 19 from tax map JN52; within the

2000 Takoma Park Master Plan located at 7221

Carroll Avenue.

WSSC Grid:

209NE01 and 208NE01

Part of Change #3

**Proposed Reclassification:** 

0.016 acres from the CRT-2.25, C-1.5, R-0.75,

H-50 zone to the NR-0.75, H-50 zone.

Page 3 Resolution No.:

D. Corrective Map Amendment H-130 (Attachment 1, Map 1)

Property ID/Location: Parcel P32, Block 19 from tax map JN52; within the

2000 Takoma Park Master Plan located at 0 Carroll

Avenue.

WSSC Grid:

208NE01

Part of Change #3

**Proposed Reclassification:** 

0.005 acres from the CRT-2.25 C-1.5 R-0.75 H-50

to the NR-0.75 H-50.

Part of Change #4

**Proposed Reclassification:** 

0.0003 acres from the R-60 zone to CRT-2.25,

C-1.5, R-0.75, H-50 zone.

Part of Change #5

**Proposed Reclassification:** 

0.005 acres from the R-60 zone to the NR-0.75,

H-50 zone.

E. Corrective Map Amendment H-130 (Attachment 1, Map 1)

**Property ID/Location:** 

Parcel P32, Block 19 from tax map JN51; within the

Takoma Park Master Plan located at 0 Columbia

Avenue.

**WSSC Grid:** 

209NE01 and 208NE01

Part of Change #4

**Proposed Reclassification:** 

0.012 from the R-60 zone to the CRT-2.25, C-1.5,

R-0.75, H-50 zone.

Part of Change #5

**Proposed Reclassification:** 

0.024 acres from the R-60 zone to the NR-0.75,

H-50 zone.

Part of Change #5

Proposed Reclassification:

0.027 acres from the ROW to the NR-0.75, H-50

zonę.

Change #6

**Proposed Reclassification:** 

0.055 acres from the ROW to the R-60 zone.

F. Corrective Map Amendment H-130 (Attachment 1, Map 2 and Map 3)

**Property ID/Location:** 

Lot P31, Block 19 from tax map JN51; within the

2000 Takoma Park Master Plan located at 7201

Carroll Avenue.

**WSSC Grid:** 

209NE01 and 208NE01

Part of Change #7

**Proposed Reclassification:** 

Remove the Takoma Park/East Silver Spring

Commercial Revitalization Overlay zone of 0.036

acres.

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G. Corrective Map Amendment H-130 (Attachment 1, Map 2 and Map 3)

Property ID/Location: Lot P31, Block 19 from tax map JN52; within the

2000 Takoma Park Master Plan located at 7211

Carroll Avenue.

WSSC Grid:

209NE01 and 208NE01

Part of Change #7

Proposed Reclassification:

Remove the Takoma Park/East Silver Spring Commercial Revitalization Overlay zone of 0.009

acres.

H. Corrective Map Amendment H-130 (Attachment 1, Map 2 and Map 3)

**Property ID/Location:** 

ROW Carroll Avenue; within the 2000 Takoma

Park Master Plan located between 7201 Carroll Avenue and 201 Ethan Allen Avenue

WSSC Grid:

209NE01 and 208NE01

Part of Change #7

**Proposed Reclassification:** 

Remove the Takoma Park/East Silver Spring

Commercial Revitalization Overlay zone of 0.105

acres.

I. Corrective Map Amendment H-130 (Attachment 1, Map 2 and Map 3)

Property ID/Location:

Parcel P32, Block 19 from tax map JN51; within the

Takoma Park Master Plan located at 0 Columbia

Avenue.

WSSC Grid:

209NE01 and 208NE01

Part of Change #8

**Proposed Reclassification:** 

Apply the Takoma Park/East Silver Spring

Commercial Revitalization Overlay zone of 0.063

acres.

J. Corrective Map Amendment H-130 (Attachment 1, Map 2 and Map 3)

Property ID/Location:

Lot P37, Block 19 from tax map JN52; within the

2000 Takoma Park Master Plan located at 201

Ethan Allen Avenue

**WSSC Grid:** 

209NE01 and 208NE01

Part of Change #8

**Proposed Reclassification:** 

Apply the Takoma Park/East Silver Spring

Commercial Revitalization Overlay zone of 0.027

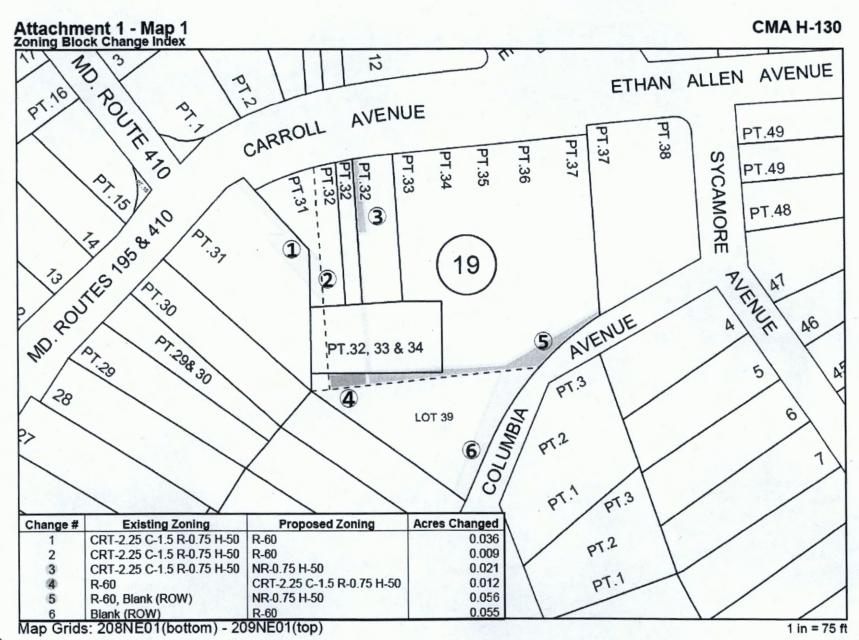
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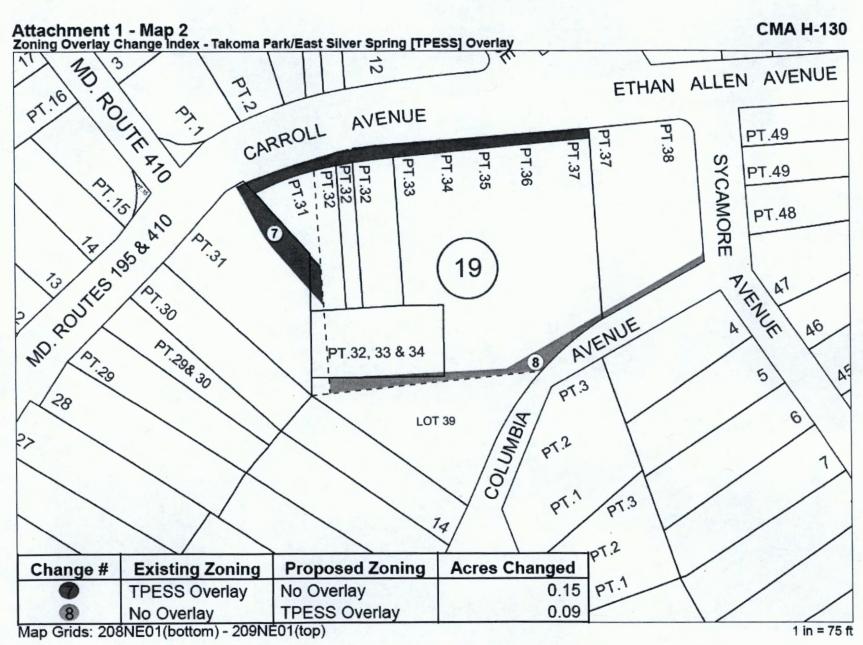
Page 5	
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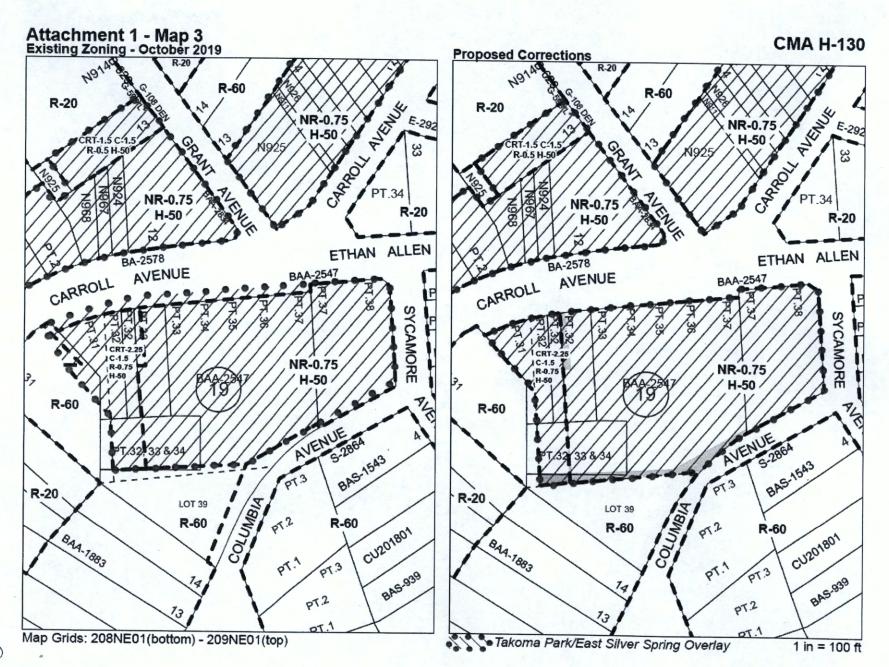
Clerk of the Council



Resolution No.:









November 8, 2019

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

SUBJECT: Corrective Map Amendment H-130 for Takoma Park Master Plan

Dear Ms. Navarro:

On behalf of the Montgomery County Planning Board, I am pleased to transmit Corrective Map Amendment (CMA) H-130 for the Takoma Park Master Plan to the County Council, with the Planning Board's unanimous recommendation of approval.

This CMA H-130 is to correct technical errors that occurred inadvertently and resulted in five split-zoned parcels along Carroll Avenue in Takoma Park. The recommended changes will align the zoning with the County Council's intent and direction as outlined in the 2000 Takoma Park Master Plan.

The attached Planning Board staff report describes in detail the technical errors that were found and outlines the recommended corrections to the zoning on the CMA H-130 to ensure that the zoning is consistent with the County Council's Sectional Map Amendment G-791 approving the 2000 Takoma Park Master Plan. Hearing notices were sent to adjacent and confronting property owners and the City of Takoma Park. Planning staff did not receive any comments.

At its regular meeting on November 7, 2019, the Montgomery County Planning Board reviewed the attached CMA. On a motion by Vice-Chair Natali Fani-Gonzalez, seconded by Commissioner Gerald Cichy, with Chair Casey Anderson voting in favor, the Board unanimously approved and authorized staff to file this CMA. Commissioners Tina Patterson and Partap Verma were necessarily absent.

We look forward to working with you. Should you have any questions, please contact Leslye Howerton at 301.495.4566.

Sincerely,

Sey Anderson

Chair

CA:ls

Attachment

MCPB

item No. 5

Date: 11.7,2019

Corrective Map Amendment H-130

Lauren Stamm, Research, lauren.stamm@montgomeryplanning.org, 301.495.4556

Elza Hisel-McCoy, Chief, Area 1, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115

Leslye Howerton, Master Plan Supervisor, Area 1, leslye.howerton@montgomeryplanning.org, 301.495.4566

Completed: 10.28.2019

## Description

Request to authorize staff to submit Corrective Map Amendment to District Council, pursuant to Section 59-7.2.2, to correct technical errors that lead to an inaccurate depiction of the zoning classifications;

Location: 7201, 7211, 7221 Carroll Ave, 0 Columbia Ave and 0 Carroll Ave between Grant

Avenue and Philadelphia Avenue in Takoma Park, MD;

Master Plan: 2000 Takoma Park Master Plan

## **Staff Summary and Recommendation**

- Five parcels in Takoma Park are incorrectly zoned as a result of a mapping error approved through
  Sectional Map Amendment (SMA) G-791 and incorrectly recorded property boundaries. The zoning on
  the current map applies multiple zones to parcels that is not consistent with the intention of the 2000
  Takoma Park Master Plan and the subsequent conversion during the 2014 rewrite of the Zoning
  Ordinance. The error also affected parcels within the Takoma Park/East Silver Spring (TPESS)
  Commercial Revitalization overlay zone.
- Staff recommends approval to file Corrective Map Amendment H-130 with the District Council.

#### **Background**

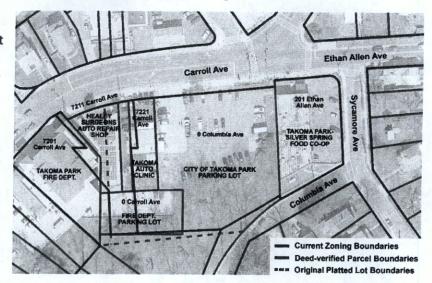
Section 59-7.2.2, Corrective Map Amendment (CMA) allows for the correction of an administrative or technical error that occurs in a Sectional or District Map Amendment. The process is designed specifically for inadvertent omissions and mistakes that does not alter the original intent of the rezoning actions. Mapping errors occur for many reasons, but usually involve discrepancies arising from misinterpretation of parcel lines during the application of a local, sectional or district map amendment. These errors are more apparent in a GIS-based map as there are no grids or page breaks. The Planning Board must show that there is an error or inaccurate depiction of the zoning boundary line on the adopted zoning map in order to file a Corrective Map Amendment with the District Council

The initial error was identified by the attorney for the owner of 7221 Carrol Avenue, who notified planning staff

of the error on November 8, 2018. Staff researched the issue and determined that the properties located at 7201, 7211, and 7221 Carroll Ave were split-zoned as a result of misaligned WSSC grids approved through the 2000 Takoma Park Master Plan (SMA G-791).

In both the 1982 and 2000 Takoma Park Master Plans, the affected parcels at 7221, 7211, and 7201 Carroll Ave were split between two WSSC grids: 208NE01 and 209NE01. In 1982 Takoma Park Master Plan (SMA G-351), the zone boundaries followed the parcel lines in both grids. However, in the 2000 Takoma Park Master Plan (SMA G-791), the zoning boundaries did not align properly (see Map 1). In 2008,

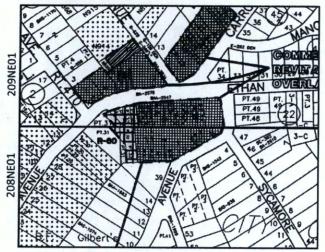
Map 1. Property Locations and Zoning Boundaries



when the Planning Department began the process of converting the paper WSSC grid zoning maps to the digital AutoCAD maps, in preparation for the zoning rewrite, the grids were joined, displaying zoning boundaries that were inconsistent with the property boundaries for 7201, 7211, and 7211 Carroll Ave. In 2014, District Map Amendment (DMA) G-956 was approved by the County Council to implement the new zoning ordinance. This resulted in the conversion from zone C-1 to NR-0.75 and zone C-2 to CRT-2.25. This Amendment also approved the use of the online, GIS-based zoning map as the official zoning map for the county.

On January 10, 2019, the Planning Board approved the request to file H-130 to correct the SMA G-791 mapping error with the District Council. Based on the testimony of a Takoma Park resident, the Planning Board requested that the affected and adjacent property owners be notified of the CMA before the Planning Board recommend approval to the District Council. On January 11, 2019, affected property owners and the City of Takoma Park were sent letters to notify them of the application.

Map 2. 2000 Takoma Park Master Plan (SMA G-791) WSSC Grids



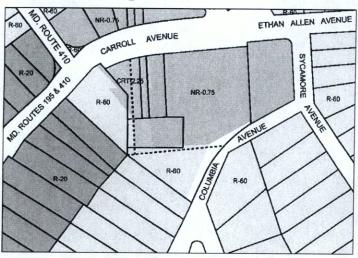
On March 14, 2019, the Planning Board recommended the District Council approve CMA H-130. In transmittal to the District Council, Council staff notified Planning Staff of a second error: the addresses for the affected properties did not align with the boundaries depicted on the online, digital map. Planning staff subsequently reviewed the deeds for the affected properties and found that boundaries reflected in the online, digital map did not match the property deeds. Planning Staff adjusted the property boundaries online to reflect the correct, legal property boundaries. This action did not require Planning Board approval.

## **Corrective Map Amendment**

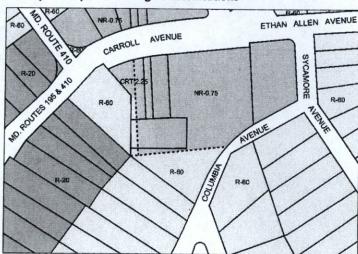
This Corrective Map Amendment will correct 1) the misaligned zoning boundaries affecting 7201 Carroll Ave, 7211 Carroll Ave, and 7221 Carroll Ave, that resulted from

the area being split between two WSSC grids and 2) the incorrect zoning boundaries, which do not align with the property boundaries and original platted lot boundaries, as intended in the 2000 Takoma Park Master Plan (see Map 3). The boundary for the Takoma Park-East Silver Spring overlay zone will also be adjusted to the new, correct zoning boundaries. The recommended changes will align the zoning with the County Council's intent and direction as outlined in the 2000 Takoma Park Master Plan and subsequent 2014 zoning ordinance rewrite.

Map 3. Current Zoning



Map 4. Proposed Zoning Reclassifications



Both maps are displaying corrected, deed-verified property boundaries.

The following properties will be affected:

- 7201 Carroll Ave is currently occupied by the Takoma Park Volunteer Fire Department. The property is currently zoned CRT-2.25 (0.036 acres) and R-60 (0.308). The proposed zoning reclassification will remove split-zoning and the entire property will be zoned R-60 (0.344 acres).
- 7211 Carroll Ave is currently occupied by Healey Surgeons Auto Repair Shop. The property is currently zoned CRT-2.25 (0.138 acres) and R-60 (0.003 acres). The proposed zoning reclassification is CRT-2.25 (0.129 acres) and R-60 (0.012 acres). The property will remain split-zoned in order to follow the intent of the 2000 Takoma Park Master Plan, which used the original platted lot boundary as a zoning boundary (displayed in Map 3 and 4 as a dotted line).
- 7221 Carroll Ave is currently occupied by Takoma Auto Clinic Inc. The property is currently zoned CRT-2.25 (0.016 acres) and NR-0.75 (0.110 acres). The proposed zoning reclassification will remove split-zoning and the entire property will be NR-0.75 (0.126 acres).
- O Carroll Ave is currently occupied by the Takoma Park Volunteer Fire Department Parking Lot. The
  property is currently zoned NR-0.75 (0.108 acres), R-60 (0.025 acres) and CRT-2.25 (0.059). This
  property was created through a deed split in 2005, after the 2000 Takoma Park Master Plan and as a
  result will remain split-zoned: NR-0.75 (0.116 acres), R-60 (0.021 acres) and CRT-2.25 (0.055).
- O Columbia Ave is currently occupied by the City of Takoma Park Parking Lot. This property includes the
  parcel between 7211 and 7221 Carroll Ave. The property was previously contiguous, however, the deed
  split that created the Fire Department Parking Lot at 0 Carroll Ave separated the property. The property
  is currently zoned NR-0.75 (0.804 acres), R-60 (0.277 acres) and CRT-2.25 (0.050). The property will
  remain split-zoned NR-0.75 (0.855 acres), R-60 (0.296 acres) and CRT-2.25 (0.062 acres), as intended by
  the 2000 Takoma Park Master Plan, which used the original platted lot boundary as a zoning boundary
  (displayed in Map 3 and 4 as a dotted line).

Table 1. Property Locations and Proposed Zoning Reclassification

Property ID/Location	WSSC Grid	Current Use	Current Zone(s)	Proposed Reclassification
7135 Carroll Ave	209NE01	Single Family	R-20	No proposed
Lot P30, Block 19	208NE01	Home	(0.200 acres)	change
Legal Description: B F G				
Tax Account: 01060828				
7201 Carroll Ave	209NE01	Takoma Park	CRT-2.25	R-60
Lot P31, Block 19	208NE01	Volunteer Fire Department	(0.036 acres) R-60	(.344 acres)
Legal Description: BF Gilberts		Берантен	(0.308 acres)	
Tax Account: 01060247			(0.500 acres)	
0 Columbia Ave	209NE01	City of Takoma	NR-0.75	NR-0.75
Lot P32, Block 19	208NE01	Park Parking Lot	(0.804 acres) R-60	(0.855 acres) R-60
Legal Description: PT LTS 33-37 & LOT 39 BFG			(0.277 acres)	(0.296 acres)
TAK PK			CRT-2.25	CRT-2.25
Tax Account: 03127743			(0.050 acres)	(0.062 acres)
Note: This property includes the parcel				
between 7211 and 7221 Carroll Ave, as a				
result of the 2005 deed split, used to				
construct the 0 Carroll Ave Fire Department				
Parking Lot.		1 - 1 - 1 - 2 - 2		
7211 Carroll Ave	209NE01	Healey Surgeons	CRT-2.25	CRT-2.25
Lot P31, Block 19	208NE01	Auto Repair Shop	(0.138 acres) R-60	(0.129 acres) R-60
Legal Description: PT LT 32 B F G 6524/ 052			(0.003 acres)	(0.012 acres)
Tax Account: 01063651			(o.ooo acres)	(0.012 deres)
7221 Carroll Ave	209NE01	Takoma Auto	CRT-2.25	NR-0.75
Lot P32, Block 19	208NE01	Clinic Inc.	(0.016 acres)	(0.126 acres)
Legal Description: 3212 383 PT 33 B F G			NR-0.75	
Tax Account: 01062441			(0.110 acres)	
0 Carroll Ave	208NE01	Takoma Park	R-60	R-60
Lot P32, Block 19		Volunteer Fire	(0.025 acres)	(0.021 acres)
		Department	CRT-2.25	CRT-2.25
Legal Description: PTS 33 & 34 BFG		Parking Lot	(0.059 acres)	(0.055 acres)
Tax Account: 03548724			NR-0.75	NR-0.75
			(0.108 acres)	(0.116 acres)
201 Ethan Allen Ave	209NE01	Takoma Park-	NR-0.75	Apply correct
Lot P37, Block 19	203NE01	Silver Spring	(0.368 acres)	boundary line for
Loci 37, block 13	20014501	Food Co-op	(0.300 acres)	the TPESS
Legal Description: PT LT 38 BFG		rood co-op		
Tax Account: 01079246				Overlay

## **Conclusion and Recommendations**

Staff recommends approval to file a CMA with the District Council with a recommendation of approval by the Planning Board for the above corrective action to be transmitted to the District Council.

## **Attachments**

Attachment 1: Map 1. Zoning Block Change Index

Attachment 1: Map 2. Zoning Overlay Change Index - Takoma Park/East Silver Spring [TPESS] Overlay

Attachment 1: Map 3. Existing Zoning and Proposed Changes

Attachment 2: Draft Presentation to the Planning Board

Attachment 3: March 14, 2019 Corrective Map Amendment H-130 Staff Report Attachment 4: December 20, 2018 Corrective Map Amendment H-130 Staff Report

Attachment 1 - Map 1 Zoning Block Change Index **CMA H-130** MD POUTE रू 12 ETHAN ALLEN AVENUE PT.16 CARROLL AVENUE DA. PT.38 PT.49 PT.37 PT.37 R70 PT.33 SYCAMORE PT.49 PT.751 PT.31 7.32 7.32 MD. ROUTES 1958 A10 PT.48 3 Pr. 37 19 PARTIE 2 1 AVENUE 26 Pr. 294 30 5 107.20 PT.32, 33 & 34 5 PT.3 28 4 COLUMBIA 6 **LOT 39** PT2 6 PT.1 PT.3 **Proposed Zoning Acres Changed** Change # **Existing Zoning** R-60 0.036 PT.2 CRT-2.25 C-1.5 R-0.75 H-50 1 2 CRT-2.25 C-1.5 R-0.75 H-50 R-60 0.009 3 0.021 CRT-2.25 C-1.5 R-0.75 H-50 NR-0.75 H-50 PT.1 0.012 R-60 CRT-2.25 C-1.5 R-0.75 H-50 5 R-60, Blank (ROW) NR-0.75 H-50 0.056 R-60 0.055 Blank (ROW)

Map Grids: 208NE01(bottom) - 209NE01(top)

