

Resolution No.: 15-1428
Introduced: April 18, 2006
Adopted: April 25, 2006

**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 for City of Gaithersburg to reclassify the 182 acre Crown Farm property from the County's R-60/TDR Zone and R-200/PD Zone to the City's MXD (Mixed Use Development) Zone, with Restrictions (Annexation Petition X-182)

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 Gaithersburg is proposing to annex approximately 182 acres of land located east of Sam Eig Highway, south of Fields Road, west of Omega Drive, and north of the terminus of Diamondback Drive and Decoverly Drive as more particularly described in the annexation petition. The site is currently classified in the R-60/TDR Zone and R-200/PD Zone in Montgomery County, with a small portion of the existing right-of-way classified R-200/TDR in accordance with the recommendations of the 1990 Shady Grove Study Area Master Plan.
3. Under the annexation proposal, the Crown Farm would be reclassified to the City's MXD (Mixed Use Development) Zone, which allows a mix of residential and commercial uses. Development of the site is proposed to consist of up to 2,250 residential dwelling units (including MPDUs) and up to 320,000 square feet of commercial/retail space. The property owner proposes to donate a site of sufficient size for construction of a public high school.
4. The Montgomery County Planning Board in its report to the Council recommended that the Council consent to the City's request to reclassify the site to the City's MXD (Mixed Use Development) Zone, subject to certain terms and requirements.

5. On April 3, 2006, the Planning, Housing, and Economic Development Committee reviewed the annexation petition and indicated support for the requested reclassification, provided certain public policy considerations related to traffic mitigation, right-of-way dedications, moderately priced dwelling units, preservation of agriculture, historic preservation, and legal issues are satisfied.
6. On April 18, and April 25, 2006, the County Council reviewed Annexation Petition X-182 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee. The Council concluded that the proposed reclassification of the Crown Farm from the County's R-60/TDR Zone and R-200/PD Zone to the City's MXD Zone would constitute a land use for the property substantially different than specified for the property in the Shady Grove Area Master Plan and therefore the express approval of the County Council is required.

Action

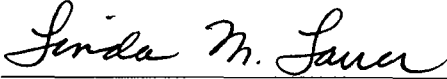
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

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 Gaithersburg of the 182 acre Crown Farm property from the County's R-60/TDR Zone and R-200/PD Zone to the City's MXD Zone provided the City enters into a long term agreement with the applicant to implement the following terms:

1. Not more than 2,250 residential dwelling units (including MPDUs) and 320,000 square feet of commercial/retail space are constructed;
2. A \$2 million contribution is made in support of the County's agricultural preservation efforts to the Agricultural Land Preservation Easement Fund in lieu of a purchase of Transfer of Development Rights (TDRs);
3. 12.5 percent of the residential dwelling units are built under the standards and requirements of the County's Moderately Priced Dwelling Unit program (County Code Chapter 25A and all implementing regulations), including but not limited to provisions pertaining to income eligibility, control periods, pricing, and management criteria of the program. Notwithstanding the provisions of the County's MPDU program, the City of Gaithersburg may establish a preference for Gaithersburg residents who meet the County's criteria;
4. The necessary right-of-way for the Corridor Cities Transitway (CCT) and 250 parking spaces for the proposed transit station are provided;

5. A transit shuttle bus service from the community to the Shady Grove Metro Station is operated and funded for at least 12 years;
6. On-site extensions of Diamondback Drive and Decoverly Drive and all other internal subdivision streets to serve development of the property are dedicated and constructed;
7. A traffic mitigation plan is developed to achieve the same objectives as the County's Adequate Public Facilities Ordinance, including participation in the Greater Shady Grove Transportation Management District; with credit for the shuttle bus service and other transit management components provided by the development.
8. A site for a public high school in an acreage amount agreed to by the Montgomery County Public Schools; and
9. The existing historic farmhouse and associated log tenant house, including an appropriate environmental setting as determined by the Gaithersburg Historic District Commission, are preserved and improved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council