

Resolution No.: 15-1615
Introduced: September 26, 2006
Adopted: September 26, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Application No. G-854 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

Sectional Map Amendment G-854 was filed by the Maryland-National Capital Park and Planning Commission and is a comprehensive rezoning application for the purpose of implementing the zoning recommendations contained in the Approved and Adopted Damascus Master Plan. The SMA application covers approximately 27,689 acres. The area proposed for reclassification consists of approximately 1,422 acres proposed for new zoning classifications. The remaining acreage is to be reconfirmed as currently zoned.

The District Council approved the Damascus Master Plan on May 25, 2006. The Master Plan sets forth the specific land use and zoning objectives for the development of the Damascus plan area and was subject to extensive and detailed review by the District Council. Following the transmittal of the fiscal impact analysis of the Damascus Master Plan by the County Executive, the District Council held public hearings on January 24 and February 28, 2006 wherein testimony was received from interested parties.

Sectional Map Amendment G-854 was filed on June 21, 2006 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Shady Grove Sector Plan. The Council held a public hearing on July 25, 2006. The Planning, Housing and Economic Development Committee held a worksession on September 18, 2006, found the SMA to be consistent with the Master Plan, and discussed four issues raised in connection with Sectional Map Amendment G-854.

The Council reviewed a request from a County resident asking the Council not to rezone the Ridge Road North Transition Neighborhood properties to RE-1. These properties are currently zoned RE-2C. The Damascus Master Plan proposed the RE-1 zoning for these properties to conform the zoning to existing lot sizes. The SMA is consistent with the Master Plan recommendations and no new information was presented that would lead the Council to zone these properties contrary to the Master Plan.

The Council reviewed a request by the owner of the Miller property to include in Sectional Map Amendment G-854 a rezoning to the PD-10 zone. The Miller property is currently zoned RE-2C. The Damascus Master Plan recommended this property be zoned RE-1. Due to environmental

constraints associated with this property. Since the SMA is consistent with the Master Plan recommendations and no new information was presented that would lead the Council to zone these properties contrary to the Master Plan, the Council supported the RE-1 recommendation.

The Council discussed the request by the owner of the Cramer property to zone their property MXTC. The Cramer property is currently zoned RE-2C and I-1. The Approved and Adopted Damascus Master Plan recommends this property be zoned MXTC/TDR. Because of the substantial amount of increased residential potential, the Council supported the MXTC/TDR zone for this property and similarly zoned properties. The SMA is consistent with the Master Plan recommendations and no new information was presented that would lead the Council to zone these properties contrary to the Master Plan.

The Council reviewed the request from the owners of the Kingstead property asking the Council to include 6 additional acres in the RNC/TDR zone. This property is currently zoned RDT, RC, and RE-2C. The Master Plan recommends RNC/TDR zoning for the portion of this property that is east of the current alignment of Kings Valley Road and anticipates that Kings Valley Road will be realigned, resulting in an addition 6 acres being east of Kings Valley Road. The Master Plan recommends that all of the property east of Kings Valley Road be zoned RNC/TDR. Due to uncertainty regarding the exact location and future funding of the alignment, the Council recommended not including the additional 6 acres in the RNC/TDR zone until Kings Valley Road is realigned. The Council supported the future rezoning of any additional property that is east Kings Valley Road once the timing and alignment of the road is clear.

The Council considered the Sectional Map Amendment at a worksession held on September 26, 2006. The Council supported the Sectional Map Amendment as submitted by the Planning Board. The Council finds that Sectional Map Amendment Application G-854 is necessary to implement the land use and development policies expressed in the Approved and Adopted Damascus Master Plan.

The Council supports the technical changes highlighted in the Technical Staff Report, including adjustments to zoning boundaries indicated by the transition from hand-drawn zoning maps to digital map. The Council finds that all other zoning changes are consistent with the recommendations of the Approved and Adopted Damascus Master Plan.

The evidence of record for Sectional Map Amendment G-854 consists of all record materials compiled in connection with the County Council public hearing on the Planning Board Draft of the Damascus Master Plan, dated August 2005, and all record materials compiled in connection with the public hearing held by the Council on July 25, 2006 on Sectional Map Amendment G-854.

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.

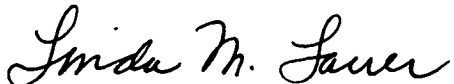
Action

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:

1. Application No. G-854, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment covering the area of the Damascus Master Plan, consisting of approximately 27,689 acres, more or less, is GRANTED. Approximately 1,422 acres are rezoned as a result of this action. The remaining acreage is to be reaffirmed as currently zoned.
2. The following parcels are reclassified as part of this action as recommended in the Master Plan.

<u>Parcel</u>	<u>Land Area*</u> <u>(acres)</u>	<u>Reclassification</u>
1	126.16	RE-2C, R-30, R-60, R-200, O-M, RT-8, PD-7, C-1, and C-2 to MXTC
2	66.37	RE-2C, R-30, R-200, C-T, C-2, and I-1 to MXTC/TDR
3	26.57	RE-2C to R-200
4	36.12	RE-2C to R-200
5	40.57	RE-2C to RE-1
6	27.3	RE-2C to RE-1
7	75.95	RE-2C to RNC/TDR
8	75.09	RE-2C to RNC/TDR
9	131.98	RC and RE-2C to RNC/TDR
10	16.86	RE-2C to RNC/TDR
11	35.29	RE-2C to RNC/TDR
12	43.58	RE-2C to RNC/TDR
13	27.03	RE-2C to RNC/TDR
14	3.79	RE-2C to R-90
15	590	RE-2C to RC
A	21.12	C-1 and R-200 to Rural Village Center Overlay Zone
B	44.78	C-1 and R-200 to Rural Village Center Overlay Zone
C	12.27	C-1 and R-200 to Rural Village Center Overlay Zone
D	20.72	C-1 and R-200 to Rural Village Center Overlay Zone
C1	0.05	RT-6 to R-200
C2	0.79	RT-6 to RT-8
C3	0.24	RE-2 to R-150
C4	1.42	RE-2C to RE-2C/TDR

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

*Indicated property acreages exclude public right-of-ways for roads. (While the Zoning Ordinance notes that “official zoning maps will not depict the zoning within existing rights-of-way” it also states that right-of-ways “are classified in the least intensive of adjacent zones.”) When development is proposed, the gross acreage of the property is used to calculate density, including any land that has been or will be dedicated for public right-of-way.