

Resolution No.: 16-1053
Introduced: May 21, 2009
Adopted: July 21, 2009

**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-883 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-883 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 Limited Amendment to the Wheaton CBD Sector Plan. The SMA application covers approximately 7.6 acres. The area proposed for reclassification consists of approximately 7.45 acres proposed for rezoning classifications. The remaining acreage is to be reconfirmed as currently zoned.

The District Council approved the Limited Amendment to the Wheaton CBD Sector Plan on December 9, 2008. The Limited Amendment to the Wheaton CBD Sector Plan sets forth the specific land use and zoning objectives for the development of a portion of the Wheaton CBD plan area and was subject to extensive and detailed review by the District Council. Following the transmittal of the fiscal impact analysis of the Limited Amendment to the Wheaton CBD Sector Plan by the County Executive, the District Council held a public hearing on September 16, 2008 wherein testimony was received from interested parties.

Sectional Map Amendment G-883 was filed on May 12, 2009 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Limited Amendment to the Wheaton CBD Sector Plan. The Council held a public hearing on June 30, 2009. The County Executive and one property owner testified in support of the recommended rezonings. One citizen advisory group submitted written testimony in support of this SMA and two property owners of a single parcel submitted written testimony in opposition to this SMA.

The Planning, Housing, and Economic Development (PHED) Committee held a worksession on July 13, 2009 where they carefully considered the SMA and the testimony submitted on the SMA. The Committee found that testimony opposing the rezoning has previously been considered and addressed during the review of the Sector Plan and that the only new testimony

was based on an erroneous concern that existing properties could become non-conforming. The Committee unanimously supported the SMA as submitted by the Planning Board.

The Council considered the Sectional Map Amendment at a worksession held on July 21, 2009. The Council supported the Sectional Map Amendment as submitted by the Planning Board. The Council finds that Sectional Map Amendment Application G-883 is necessary to implement the land use and development policies expressed in the Approved and Adopted Limited Amendment to the Wheaton CBD Sector Plan.

The evidence of record for Sectional Map Amendment G-880 consists of all record materials compiled in connection with the County Council public hearing on the Planning Board Draft of the Limited Amendment to the Wheaton CBD Sector Plan, dated June 2008, and all record materials compiled in connection with the public hearing held by the Council on June 30, 2009 on Sectional Map Amendment G-883.

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.

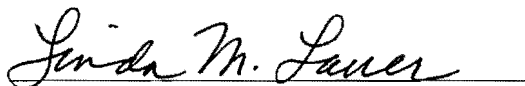
Action

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-883, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment covering the area of the Limited Amendment to the Wheaton CBD Sector Plan, consisting of approximately 7.6 acres, more or less, is GRANTED. Approximately 7.45 acres are rezoned as a result of this action. The remaining acreage is to be reconfirmed as currently zoned.
2. The following parcels are reclassified as part of this action, as recommended in the Sector Plan.

<u>Property</u>	<u>Land Area</u> (acres)	<u>Reclassification</u>
Lots 5, 6, 7 and Parcel 920 (WMATA)	3.65 3.8	C-O to CBD-1.0 R-190/TDR to CBD 0.5

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council