

Resolution No.: 16-1349  
Introduced: May 18, 2010  
Adopted: May 18, 2010

**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-887 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-887 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 Sector Plan for the Germantown Employment Area. The SMA application covers approximately 2,629 acres. The area proposed for reclassification consists of approximately 919 acres proposed for new zoning classifications. The remaining acreage is to be reconfirmed as currently zoned.

The District Council approved the Sector Plan for the Germantown Employment Area on September 22, 2009. The Sector Plan sets forth the specific land use and zoning objectives for the development of the Germantown Employment area and was subject to extensive and detailed review by the District Council. Following the transmittal of the fiscal impact analysis of the Sector Plan for the Germantown Employment Area by the County Executive, the District Council held a public hearing on May 12, 2009 wherein testimony was received from interested parties.

Sectional Map Amendment (SMA) G-887 was filed on February 5, 2010 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Sector Plan for the Germantown Employment Area on March 16, 2010. The Council held a public hearing on the SMA for the Sector Plan for the Germantown Employment Area. The Planning, Housing, and Economic Development (PHED) Committee held a worksession on the SMA on May 5, 2010 and presented its recommendations to the County Council on May 18, 2010.

The Council considered the comments of several property owners in support of the SMA and the requests for changes to the proposed zoning. It supported the Planning Department's recommendation for a technical correction to properly display the zoning at the southwest corner of MD355 and Gunner's Branch Road in the Fox Chapel District as RT-12.5 instead of R-200. It also supported the request of the North Village 270 Limited Partnership (Lerner Enterprises) to rezone the right-of-way for the loop of Crystal Rock Drive to the same zone as the rest of the property (TMX-2). The Council also supported the request of Montgomery College to rezone its property to the Life Sciences Center (LSC) zone. The

Sector Plan indicated that either I-3 or LSC would be an appropriate zone for the property and the SMA as submitted designated the I-3 zone.

The Council also considered testimony related to the proposed rezoning of the Seneca Meadows property from I-3 to TMX-2. While some of the testimony discussed the zoning, most of it addressed whether the County should allow a Wegmans grocery store at the site. The zoning for this property and potential land uses it would allow (including grocery stores such as Wegmans) was considered by the Council during its review of the Sector Plan. The Council determined that the TMX-2 zone was the appropriate zone for this site due to the presence of a transit stop along the Corridor Cities Transitway and the County policy of encouraged mixed-use development at transit stations. The Council reviewed the testimony submitted in connection with the SMA and determined that no new information was provided that would justify a reconsideration of the Sector Plan-recommended zoning for this property.

The Council also considered and rejected a request to rezone the Farsaii property to the CT or CO zone due to its proximity to a new fire station. The Council determined that commercial zoning at this location could have too great a negative impact on the surrounding residential properties and that the property would not meet the zoning ordinance requirements for the CT zone. The Council noted that a special exception may be a better option for ensuring compatibility with adjacent residential homes.

The Council considered the Sectional Map Amendment at a worksession held on May 18, 2010. The Council supported the Sectional Map Amendment with amendments set forth in this opinion. The Council finds that Sectional Map Amendment Application G-887 is necessary to implement the land use and development policies expressed in the Approved and Adopted Sector Plan for the Germantown Employment Area.

The evidence of record for Sectional Map Amendment G-887 consists of all record materials compiled in connection with the County Council public hearing on the Planning Board Draft of the Sector Plan for the Germantown Employment Area, dated February 2009, and all record materials compiled in connection with the public hearing held by the Council on March 16, 2010 on Sectional Map Amendment G-887.

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.

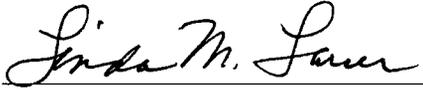
#### Action

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-887, Maryland-National Capital Park and Planning Commission, Applicants for the Sectional Map Amendment covering the area of the Sector Plan for the Germantown Employment Area consisting of approximately 2,629 acres, more or less, is GRANTED. Approximately 919 acres are rezoned as a result of this action. The remaining acreage is to be reconfirmed as currently zoned.
2. The following areas are reclassified as part of this action, consistent with the recommendations in the in the Sector Plan for the Germantown Employment Area.

<b>Parcels to be Rezoned</b>		
<b>Parcel(s)</b>	<b>Land Area (Acres)</b>	<b>Reclassification</b>
Parcel 1	40.55	From R-H, R-30, PD-9, C-T to RMX-1
Parcel 2	19.58	From C-T, O-M, R-200, R-H to TMX-2
Parcel 3	1.02	From R-200 to TMX-2
Parcel 4	8.93	From R-200, C-3, O-M to TMX-2
Parcel 5	10.12	From RMX-2 to RMX-2C
Parcel 6	20.44	From C-3, C-5, C-O, T-S to TMX-2
Parcel 7	3.81	From C-3, R-30 to TMX-2
Parcel 8	16.14	From C-2, C-3 to RMX-2C
Parcel 9	25.76	From T-S to TMX-2
Parcel 10	4.16	From T-S to TMX-2
Parcel 11	3.72	From T-S to TMX-2
Parcel 12	13.79	From T-S to TMX-2
Parcel 13	18.15	From T-S to TMX-2
Parcel 14	6.49	From T-S to TMX-2
Parcel 15	5.42	From T-S to TMX-2
Parcel 16	8.50	From T-S to TMX-2
Parcel 17	6.92	From I-1 to TMX-2
Parcel 18	44.94	From T-S, I-1, I-3 to TMX-2
Parcel 19	108.50	From T-S, I-1, I-3 to TMX-2
Parcel 20	25.39	From I-3 to TMX-2
Parcel 21	19.48	From I-3, T-S to TMX-2
Parcel 22	3.56	From I-3 to TMX-2
Parcel 23	43.20	From T-S to TMX-2
Parcel 24	54.63	From T-S to TMX-2
Parcel 25	46.88	From I-3 to TMX-2
Parcel 26	39.94	From I-3 to TMX-2
Parcel 27	8.81	From I-3 to TMX-2
Parcel 28	15.20	From I-3 to TMX-2
Parcel 29	227.17	From R-60, R-60/TDR, I-3, R&D to LSC
Parcel 30	39.42	From R-200, R-90, R-30, C-1 to RMX-2C/TDR
Parcel 31	8.38	From RT-12.5 to RT-15
Parcel 32	3.04	From R-90 to C-1
Parcel 33	0.48	From C-4 to R-60/TDR
<b>Subtotal</b>	<b>902.52</b>	
<b>Crystal Rock Drive Right-of- Way</b>	<b>8.36</b>	
<b>Corrective Amendments</b>		
C1	1.85	From I-1 to R-200
C2	5.68	From I-3 to R-30
C3	0.19	From R-60/TDR to C-4
<b>Subtotal</b>	<b>7.72</b>	
<b>TOTAL</b>	<b>918.60</b>	

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer, Clerk of the Council

Clerk's Note: The attached Opinion has been corrected to fix typographic errors that showed the wrong zoning for Parcels 13, 14, 15 and 16 on page 3 of the Opinion. The Council's intent was to zone all of these parcels TMX-2 as indicated in the Master Plan resolution and shown in the Sectional Map Amendment maps. The original Opinion listed non-existent TMX zones for these parcels instead of TMX-2.