



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
7/26/07

July 9, 2007

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Callum Murray, Potomac and Rural West Team Leader (301.495.4733) *CM*
Community-Based Planning Division

Nancy Sturgeon, Planner Coordinator, I-270 Team *NS*
Community-Based Planning Division

Frederick Vernon Boyd, Planner Coordinator, Georgia Avenue Team *FVB*
Community-Based Planning Division

SUBJECT: Local Map Amendments and Correctional Map Amendments

- A. Local Map Amendment No. G-868: Classification from the C-4 to the C-1 Zone for 3.77 acres known as parcels 160 and 113, located at 14119 Travilah Road and 14000 Piney Meeting House Road, North Potomac, Potomac Subregion Master Plan.
- B. Corrective Map Amendment No. G-869: Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion Master Plan.
- C. Local Map Amendment No. G-870: Classification from the O-M Zone to the C-1 Zone of split-zoned property known as Parcels 490 and N536 at 14120 Darnestown Road, Potomac Subregion Master Plan.
- D. Corrective Map Amendment No. G-871: Rosemont Section of the Gaithersburg Vicinity Master Plan (including Rosemont Drive, Edgewood Drive, Hampton Drive, Henry Drive).
- E. Corrective Map Amendment No. G-872: Classification from I-2 to I-1 Zone, Sieling Property; 14668 Southlawn Lane, Rockville; Upper Rock Creek Area Master Plan.

RECOMMENDATIONS:

- A. Request approval to file Local Map Amendment No. G-868: Classification from the C-4 to the C-1 Zone for 3.77 acres known as parcels 160 and 113, located at 14119 Travilah Road and 14000 Piney Meeting House Road, North Potomac, Potomac Subregion Master Plan. These parcels were mistakenly zoned C-4 by Local Map Amendment G-653 on May 29, 1990.
- B. Request approval to file Corrective Map Amendment G-869 for the Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion. The proposed Amendment adjusts the Rural Village Center Overlay zoning boundaries to correct a mapping error and to correspond with property boundaries and the Potomac Subregion Master Plan.
- C. Request approval to file Local Map Amendment No. G-870: Classification from the O-M Zone to the C-1 Zone of split-zoned property known as Parcels 490 and N536 at 14120 Darnestown Road, Potomac Subregion Master Plan.
- D. Request approval to file Corrective Map Amendment No. G-871: Rosemont Section of the Gaithersburg Vicinity Master Plan (including Rosemont Drive, Edgewood Drive, Hampton Drive, Henry Drive). The proposed Amendment corrects the boundary to show the area is in Montgomery County and not the City of Gaithersburg.
- E. Request approval to file Corrective Map Amendment No. G-872: Classification from the I-2 Zone to the I-1 Zone, Sieling Property; 14668 Southlawn Lane, Rockville; The amendment corrects the City of Rockville municipal boundary to show this property in unincorporated Montgomery County and reclassifies the property from the I-2 Zone to the I-1 Zone in conformance with the Upper Rock Creek Area Master Plan.

BACKGROUND AND ANALYSIS

- A. **Local Map Amendment No. G-868:** Classification from the C-4 to the C-1 Zone for 3.77 acres known as parcels 160 and 113, located at 14119 Travilah Road and 14000 Piney Meeting House Road, North Potomac, Potomac Subregion.

Background:

On May 29, 1990, the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Regional District located in Montgomery County, approved the following resolution (No. 11-2044):

"Application No. G-653 for the reclassification from the C-1 and I-2 Zones to the C-4 Zone of 3.77596 acres known as parcels 160 and 113, located at 14119 Travilah Road and 14000 Piney Meeting House Road, Rockville, in the 6th Election District, is granted for the C-4 Zone in the amount requested."

The hearing examiner recommended approval of the application based on conclusions that the applicants provided a reasonable definition of the zoning neighborhood; that there had been sufficient change in the character of the zoning neighborhood to permit the reclassification sought; and that the requested reclassification bore sufficient relationship to the public interest to justify it. The Planning Board provided a similar recommendation. The District Council determined that the proposed reclassification bore sufficient relationship to the public interest to justify approval. Both the technical staff and the Planning Board acknowledged that the requested zoning was desirable and would satisfy planning objectives by providing commercial uses accessible to residential neighborhoods. The surrounding community, represented by the North Potomac Citizens Association, supported the reclassification and indicated a need for it.

For all the above reasons, the application was granted seventeen years ago. Unfortunately, the applicants, the technical staff, the Planning Board, the hearing examiner and the District Council all inadvertently missed a requirement of the C-4 Zone that stipulated that any new construction would require 100 feet of frontage on a major or arterial highway. Both Travilah Road and Piney Meeting House Road between Travilah Road and Shady Grove Road Extended are classified as primary residential streets and have never been proposed as major or arterial highways. The classification applied for and granted was therefore a mistake. The original application had proposed an alternative consolidation of both properties (C-1 and I-2) to the C-1 Zone. On reading the record of the case, this alternative classification would likely have been granted, had the applicant or reviewers noted the requirement regarding C-4 frontage.

Conclusion:

Had the property owners or planning staff been aware of this error, there is little doubt that the proposed reclassification would have been implemented via Sectional Map Amendment G-800 in October 2002, following approval and adoption of the Potomac Subregion Master Plan. The subject owners, the Magruder Companies and Aggregate Industries, have acknowledged the mistake and have confirmed in writing that C-1 is the preferred zone for their properties. The application does not substantially alter the type of land uses that would occur under the existing classification.

Recommendation:

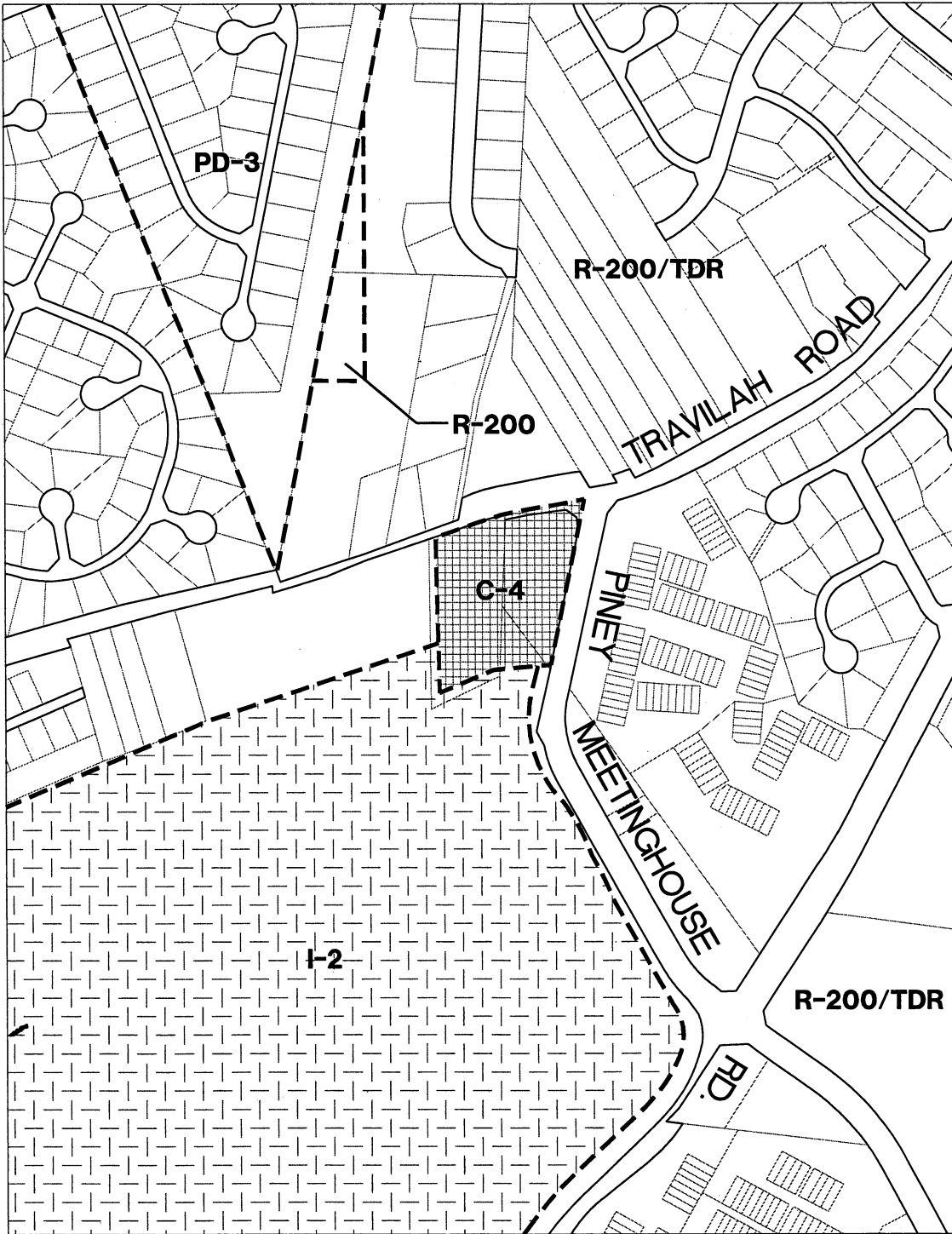
Planning staff recommends that Local Map Amendment G-868 be filed with the County Council with a Planning Board recommendation of approval for the following reasons:

1. There was a mistake in G-653.
2. The proposed adjustments to zoning classification boundaries are proper to correct the mistake.
3. The proposed zoning pattern conforms to the land use recommendations of the Master Plan.

Attachment A-1 G-868 Existing Zoning
Attachment A-2 G-868 Proposed Zoning

ATTACHMENT A-1

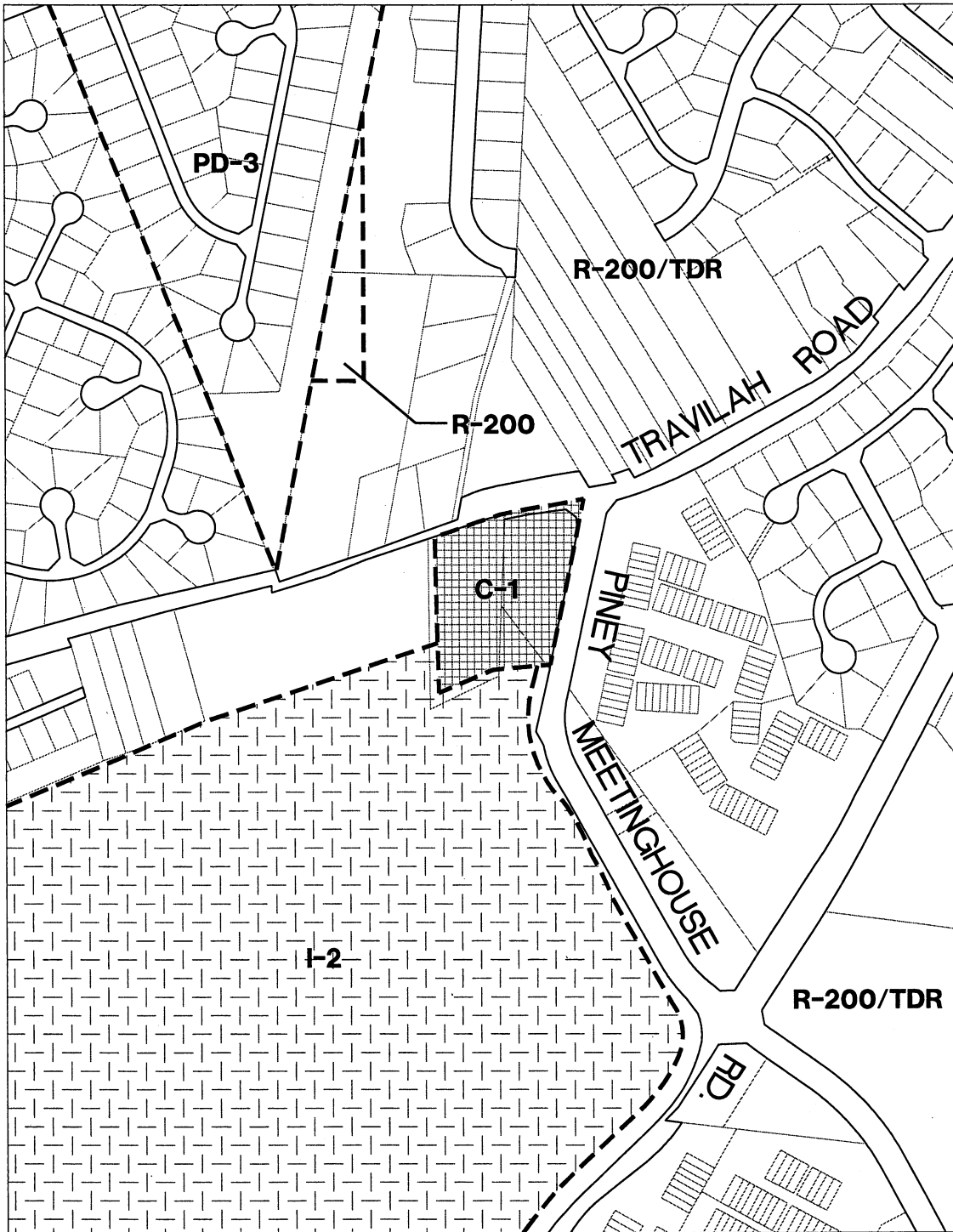
G-868 EXISTING ZONING



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ATTACHMENT A-2

G-868 PROPOSED ZONING



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- B. Corrective Map Amendment No. G-869:** The Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion. The proposed Corrective Map Amendment adjusts the Rural Village Center Overlay zoning boundaries to correct a mapping error and to correspond with property boundaries and the Potomac Subregion Master Plan.

Background:

This Amendment was previously approved by the Planning Board as G-837 and is included in this report for context. At its regularly scheduled meeting on June 2, 2005, the Planning Board unanimously approved a technical staff report for Corrective Map Amendment G-837 with a vote of 5-0. Staff then undertook a review of zoning boundaries for the entire 66 square miles of the Potomac Subregion, focusing on split-zoned properties, and also reviewed local map amendments granted since 1980. The review was undertaken on a periodic basis while fulfilling other work program requirements, and was temporarily in abeyance during review of Zoning Ordinance Text Amendment No. 06-09, introduced by Council Member Silverman, which would have fundamentally altered the process for dealing with split zoned properties. During this review, the need for Amendments G-868 and G-869 became apparent. Simultaneously, planning staff in other teams, while reviewing ZTA No. 06-09, identified the need for Amendments G-871 and G-872.

On March 5, 2002, the County Council, sitting as the District Council, approved the Potomac Subregion Master Plan by Resolution No.14-1170. On April 11, 2002, the Full Commission adopted the approved Potomac Subregion Master Plan by Resolution M-NCPPC No. 02-05.

On October 15, 2002, the County Council approved Sectional Map Amendment (SMA) G-800, with three technical changes, by Resolution No. 14-1468. The SMA application covered approximately 40,583 acres, and reclassified approximately 890 acres, with the remaining acreage reconfirmed as currently zoned.

The Sectional Map Amendment implemented thirteen zoning recommendations proposed by the Potomac Subregion Master Plan, including recommendations for the Rural Village Center Overlay Zone, which was superimposed on properties in the C-1, O-M, R-200, RE-2 and RC Zones, centered on the intersection of Darnestown Road (MD28) and Seneca Road (MD112) in Darnestown. The SMA, prepared on newly digitized maps, also made a total of forty-one (41) corrective map amendments in the Subregion to adjust zoning boundaries to correspond to property lines. Property owners and the Darnestown Citizens Association supported the Sectional Map Amendment.

The Potomac Subregion Master Plan contemplated that the Rural Village Center Overlay Zone would retain and enhance the commercial crossroads character of Darnestown through compatible scale, massing, siting, and setbacks for new and expanded uses, encourage a variety of uses that would serve the needs of the local community, provide opportunities for new and existing business expansion while keeping the commercial area compact and low density, and create a pedestrian friendly commercial area through streetscape design.

The Master Plan recommended that septic capacity from portions of residentially zoned properties adjacent to commercial properties be permitted to allow businesses the flexibility to expand following site plan review and public hearings. The areas of potential septic capacity were derived from engineering studies performed by Benning and Associates, Inc. and commissioned by the Darnestown Citizens Association. A series of graphics was then prepared with alternative scenarios.

The owners of the properties identified as proposed donors of septic capacity, including the Archdiocese of Washington, offered no objection to this recommendation, so long as it would not adversely affect their future interests. The Master Plan also recommended the Country Inn Zone as a floating zone option on Parcels 655, 708, and 641, and an owner interested in pursuing this option has acquired Parcel 641. (See Attachment 1.)

The owners of Parcels P708 and P655, the Metropolitan Washington Orthodox Seniors Housing, Inc., elected to apply for a special exception (S-2484) for 16 housing units and related facilities for senior adults and persons with disabilities. The site plan allowed for vacant space as future septic capacity and was granted approval by the Board of Appeals on April 8, 2002. The housing was not constructed for economic reasons and the same applicant filed another petition (S-2648) on May 23, 2005, to operate a residential facility (assisted living) for 35 senior adults and was granted approval by the Board of Appeals on December 21, 2005. The new site plan also allows space for septic capacity for the adjacent property. On submission of the site plan, staff realized that the boundary of the Rural Center Overlay Zone on the existing zoning map did not correspond with Map 25 on Page 100 of the Potomac Subregion Master Plan, and that Parcels 708 and 655 had been omitted, due to a mapping error. Staff indicated to the property owner and legal representative their intent to file a Corrective Map Amendment to rectify this, to which the owner and representative indicated no objection.

The Overlay Zoning boundary should also be corrected on the southeast side of Darnestown Village, where it has been overtaken by events. On January 24, 2002, Plat Nos. 617-12 and 617-13 were recorded for property owned by William M. Rickman to the southeast of Darnestown Village. The plats displayed various ingress/egress and forest conservation easements, septic restriction lines, and locations for septic fields for detached single-family homes. The plats did not indicate areas for septic capacity for adjacent properties and the owner was under no obligation to do so. Within a very short space of time, the property was subdivided, sold to Equity Homes, and sold again to individual homeowners, with dwellings constructed in 2003 and 2004. The possibility of generating septic capacity from these properties has been removed and had community-based planning staff noted the terms of the Plat when it was recorded, the proposed Overlay Zoning boundary would have been amended at that time.

Staff recommends that the Planning Board initiate a Corrective Map Amendment to rectify these two technical errors. Attachment 1 is Map 25 from Page 100 of the Potomac Subregion Master Plan and depicts the Darnestown Rural Village Center. Attachment 2 is a section of the existing zoning map. Attachment 3 illustrates the proposed corrections, which are as follows:

1. Portions of Lots 2, 3, and 4, Block D, and Lot 5, Block B, Darnestown Knolls Subdivision, remain as RE-2, with the Overlay Zone removed.
2. Parcels P708 and P655, 14124 and 14116 Seneca Road, Darnestown – include in Overlay Zone.

The total area of the correction is approximately 1.42 acres deleted, and 8.29 acres added to the Overlay Zone, out of a present total gross area of 29.74 acres. There will be no change to any Master Plan proposals as a consequence of the Corrective Map Amendment.

Conclusion and Recommendation:

The proposed classifications should properly have been included with Sectional Map Amendment G-800 in October 2002. Planning staff therefore recommends that Corrective Map Amendment G-837 be filed with the County Council with a Planning Board recommendation of approval for the following reasons:

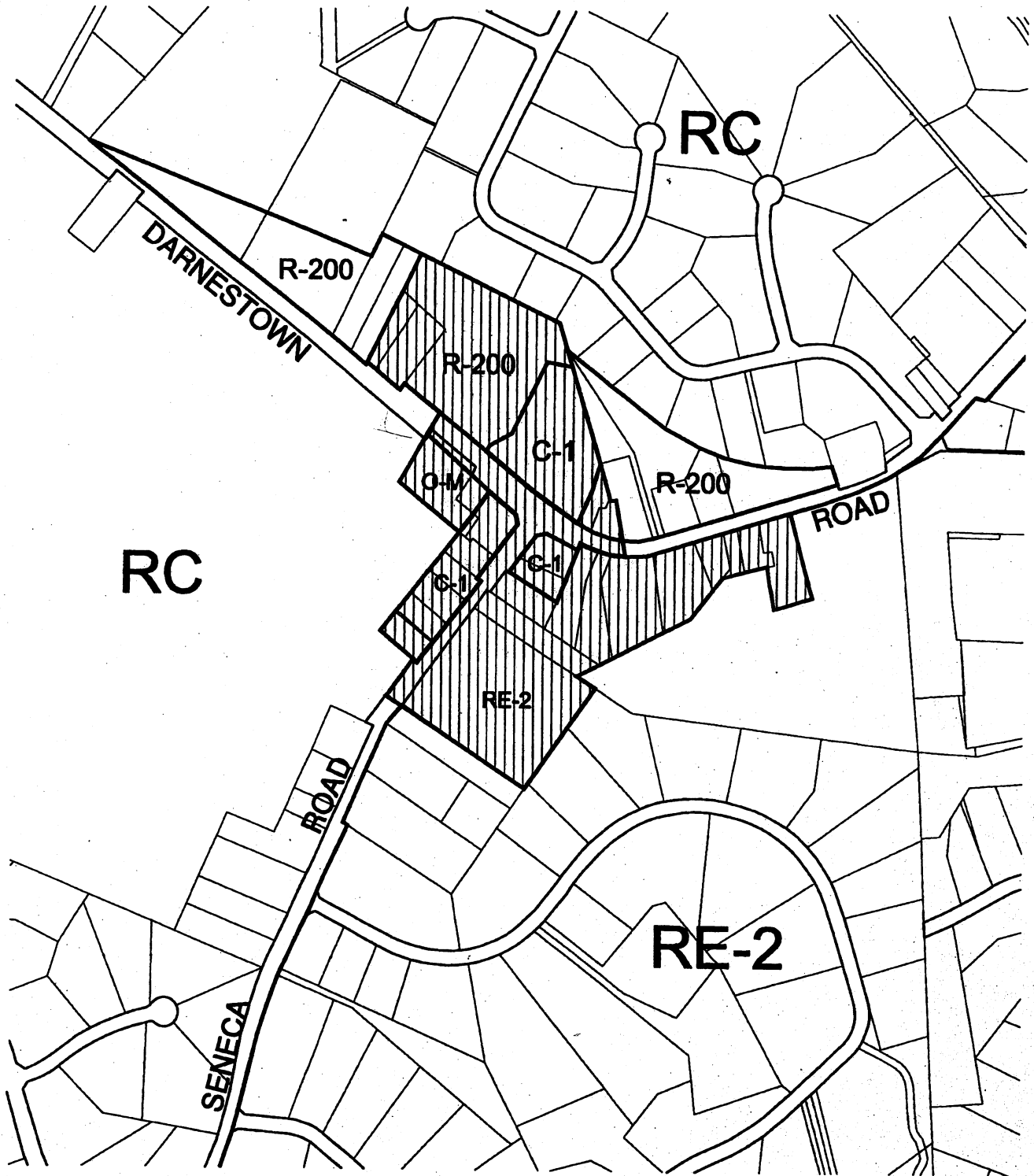
1. There were technical errors in Sectional Map Amendment G-800.
2. The proposed technical adjustments to zoning classification boundaries are proper to correct the errors.
3. The proposed zoning pattern conforms to the land use recommendations of the Master Plan.

Attachment B-1	Map 25, Page 100, Potomac Subregion Master Plan – Darnestown Rural Village Center
Attachment B-2	G-869 & G-870 Existing Zoning
Attachment B-3	G-869 & G-870 Proposed Zoning

ATTACHMENT B-1

Darnestown Rural Village Center

Map 25



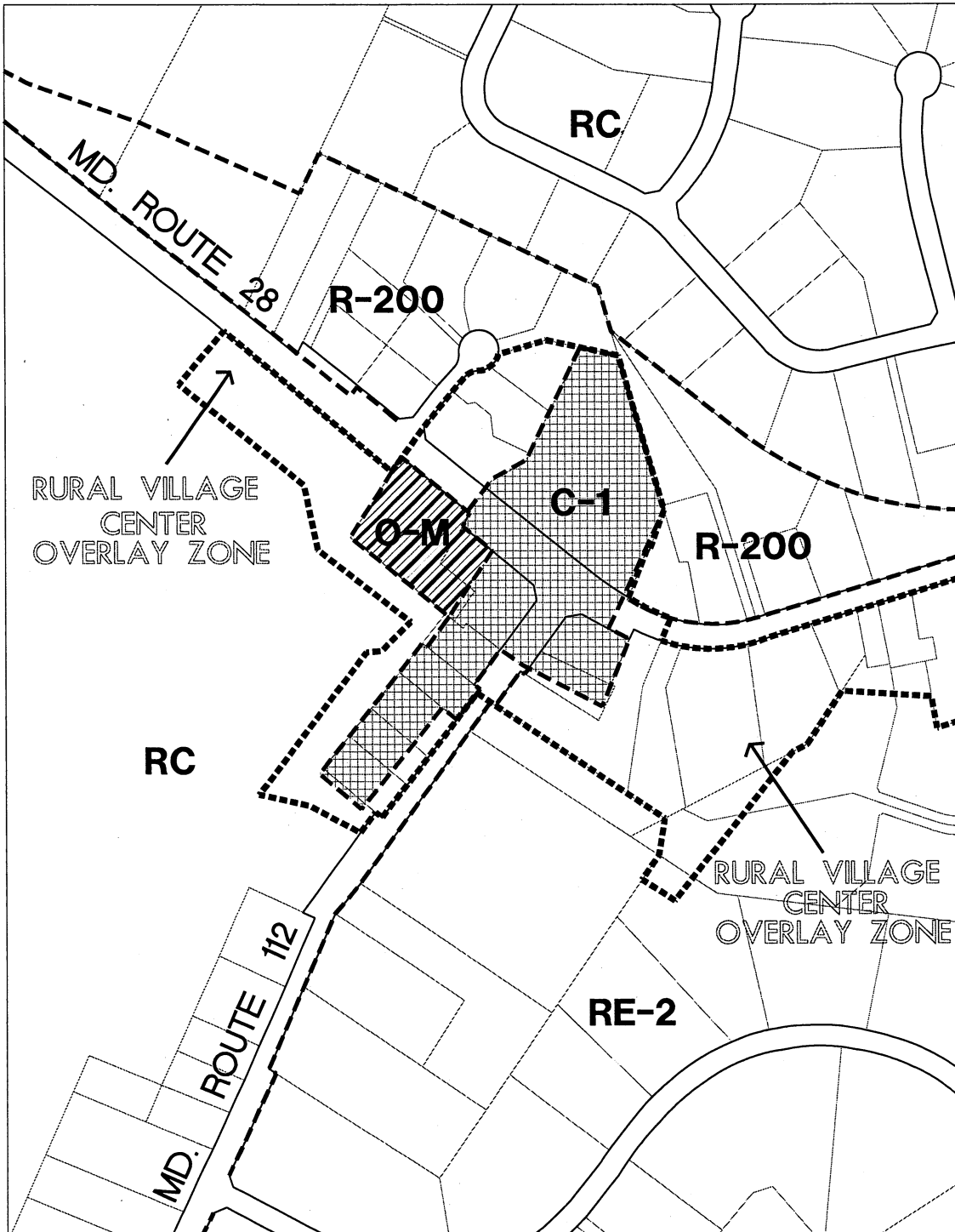
Darnestown Rural Village Center



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ATTACHMENT B-2

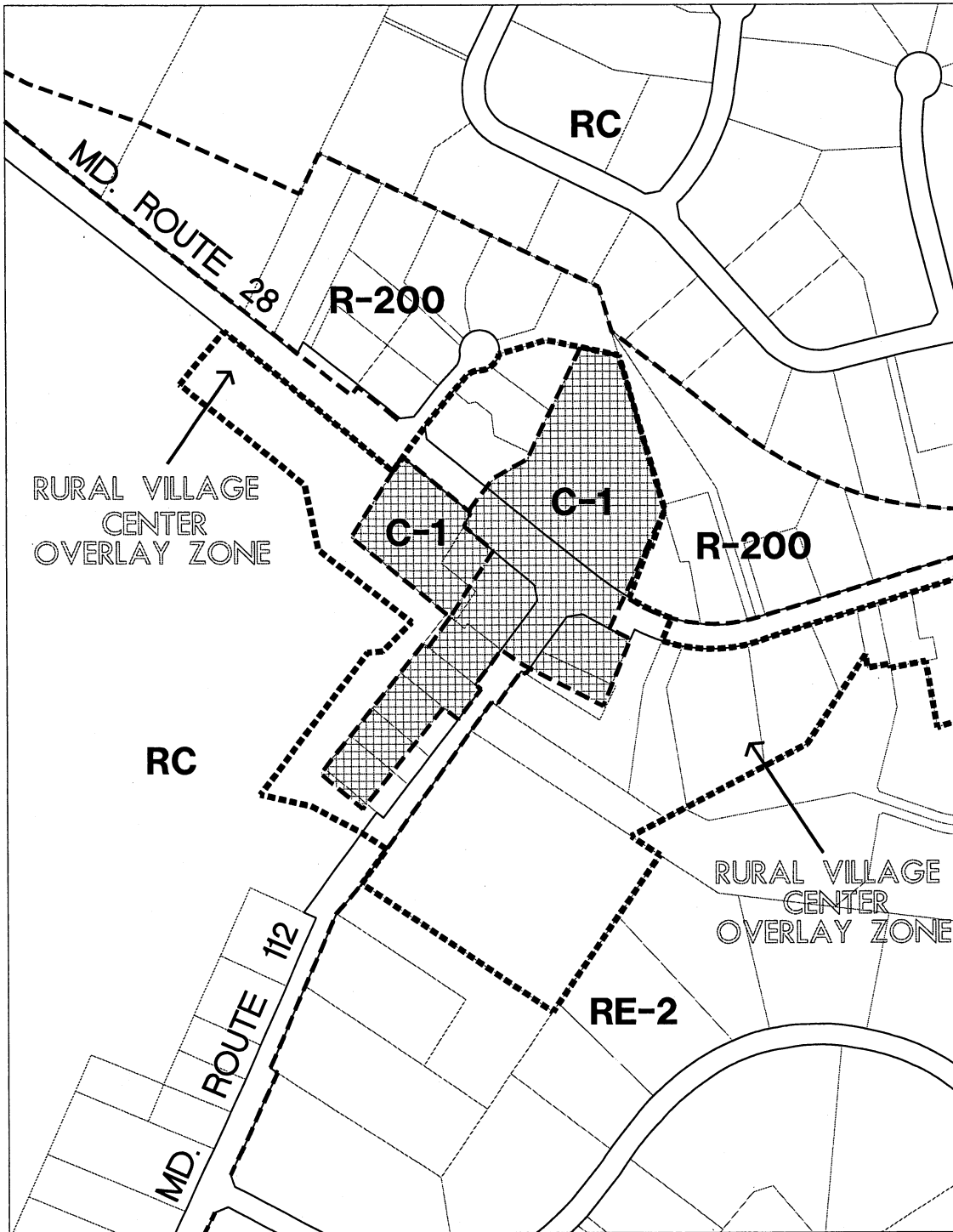
G-869 & G-870 EXISTING ZONING



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ATTACHMENT B-3

G-869 & G-870 PROPOSED ZONING



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- C. Local Map Amendment No. G-870:** Classification of approximately 1.65 acres from the O-M Zone to the C-1 Zone of split-zoned property known as Parcels 490 and N536 at 14120 Darnestown Road, Potomac Subregion.

Background:

During preparation of the 2002 Master Plan for the Potomac Subregion, planning staff, property owners and the Darnestown Citizens Association agreed on a recommendation to the Planning Board and County Council of the C-1 zone with an overlay zone for the Darnestown village center. The overlay zone would permit residential properties adjacent to commercial properties to be used for septic capacity (to serve the commercial properties) where recommended by the Master Plan. Parcels 490 and N536 at 14120 Darnestown Road were split zoned O-M and C-1. The Approved and Adopted Master Plan states on Page 98:

“The O-M zoning is inappropriate in this location. Its densities are too high for a rural village and for an area reliant on septic systems.”

On Page 99, the Master Plan stated:

“The Rural Village Center Overlay Zone would delete certain C-1 uses considered inappropriate for a rural village. The Overlay Zone would include development standards for green area, location of buildings and parking, building height, and density.”

During County Council work sessions on the Master Plan, many changes were made to the Public Hearing Draft, including deletion and replacement of several recommendations. The Public Hearing Draft had stated on Page 82:

“C-1 Overlay Zone: This commercial area covers ten acres and includes all current C-1 and O-M sites. The permitted uses under the overlay zone will be based on the C-1 uses with adjustments.”

Unfortunately, the Master Plan Resolution No. 14-1170 did not remove the O-M Zone as intended, and stated one of the final recommendations as follows:

“Use the overlay zone to limit the uses that would otherwise be allowed in the base zones (C-1 and O-M) to those that would be appropriate for a rural village.”

Staff believes that the language intended by the County Council was as follows:

“Use the overlay zone to limit the uses that would otherwise be allowed in the base zone (C-1) to those that would be appropriate for a rural village.”

The language was carried forward to the Approved and Adopted Master Plan and the subsequent Sectional Map Amendment (G-800) and not noted by planning staff, the property owner or the Darnestown Citizens Association. During the public hearings and work sessions, no objection was voiced to the removal of the O-M Zone, and staff believes the County Council's intent was that it be replaced by the C-1 Zone at this location. Furthermore, the Rural Village Center Overlay Zone, subsequently approved by the County Council, specifically prohibited land uses generally located in the C-1 Zone and not the O-M Zone.

Planning staff believes that a mistake was made. The error is particularly crucial for this property owner, because of on-site sewage disposal requirements. The owner has unsuccessfully attempted to negotiate a voluntary septic easement with the neighboring property, owned by the Archdiocese of Washington, and the property has severe septic capacity restrictions based on the existing zoning, limited size, topography, soil quality, parking and storm water management. For a new building, the septic capacity is limited to 775 gallons/day. In general, wastewater flows for retail uses are less than for office uses, with retail requiring 0.05 gal/day/s.f. An office building would require 0.09 gal/day/s.f. An office building would therefore be substantially smaller than a retail building and would not meet the current demands of the local community. Furthermore, there are numerous retail uses permitted in the C-1 zone that are not permitted in the O-M zone. These include a bookstore, gift shop, garden supply, hardware store, clothing store, dry goods store, and real estate office. An emphasis on low-water use establishments would allow for the potential for one or two higher water use occupants such as a sandwich or coffee shop, or café, and a variety of uses to serve the needs of the Darnestown citizens.

The property owner drew planning staff's attention to the dilemma and action was temporarily held in abeyance during review of Zoning Ordinance Text Amendment No. 06-09, introduced by Council Member Silverman. If enacted, this Amendment would have fundamentally altered the process for dealing with split zoned properties and would have favorably affected the subject property.

Proposed text amendment 06-09 provided for a map amendment to be filed by an owner of a split zoned property. It further provided that the District Council was not required to find a change in the character of the neighborhood, or a mistake in the last comprehensive zoning, to grant a reclassification of a split-zoned property to a single zone. The required findings provided protection for adjacent properties by including consistency with the applicable master plan and by referencing compatibility in terms of uses and densities. The proposed text amendment as introduced provided a process for reclassification of a split-zoned property to a single zone classification, and it generally amended provisions related to a corrective map amendment.

The proposed amendment would have comprehensively addressed the issues facing the subject split-zoned property. However, many properties throughout the County had been intentionally split-zoned for a number of reasons, including: buffering of incompatible uses; respecting natural or man-made barriers and property lines; and preparing for anticipated annexations. The intentions underlying split zoning were indecipherable in many cases. Some older master plans and sector plans lacked specific history on a parcel-by-parcel basis. Other master plans were silent where no changes were recommended to existing parcels (single- or split-zoned). In other cases, the traditional reasons for split-zoning a parcel were not immediately obvious. Therefore, it was difficult in certain cases to determine why a property was split-zoned. The Planning Board found that this could create confusion when trying to address the finding of consistency with the land use recommendations of the applicable master or sector plan. The Planning Board was also concerned regarding possible unintended impacts created by unifying split-zoned parcels (through the remedial or correctional process proposed) that were intentionally classified in two or more zones.

For example, the Sectional Map Amendment following the Approved and Adopted Potomac Subregion Master Plan unified approximately 340 properties, both lots and parcels, with anomalous split zones, but did not recommend any changes to approximately 42 properties that were split zoned between a commercial or industrial zone and a residential zone where a previous master plan had deliberately created a buffer situation. Approximately 22 split zoned residential properties where a stream constituted the zoning boundary were similarly left unchanged.

Conclusion and Recommendation:

Proposed amendment 06-09 has now lapsed, eliminating one solution to the split zone dilemma for the subject property. The proposed classification should properly have been included in the Approved and Adopted Potomac Subregion Master Plan and the comprehensive rezoning by Sectional Map Amendment G-800 in October 2002, and is supported by the property owner and the Darnestown Citizens Association. Planning staff therefore recommends that Local Map Amendment G-870 be filed with the County Council with a Planning Board recommendation of approval for the following reasons:

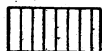
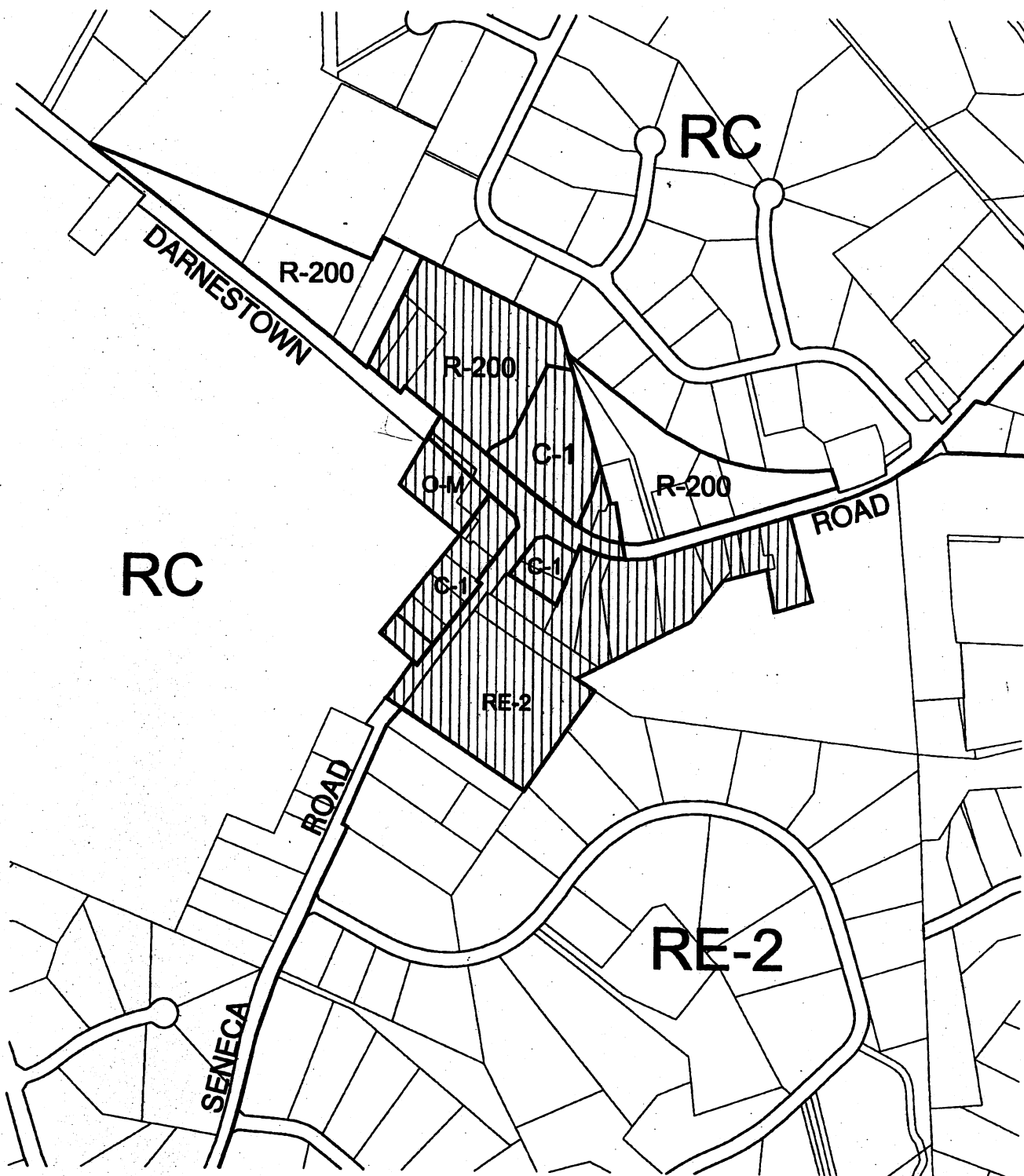
1. There was a mistake in Resolution 14-1170 and the Approved and Adopted Potomac Subregion Master Plan leading to an error in Sectional Map Amendment G-800.
2. The proposed adjustments to zoning classification boundaries are proper to correct the mistake.
3. The proposed zoning pattern conforms to the land use recommendations of the Master Plan.

Attachment C-1	Map 25, Page 100, Potomac Subregion Master Plan – Darnestown Rural Village Center
Attachment C-2	G-869 & G-870 Existing Zoning
Attachment C-3	G-869 & G-870 Proposed Zoning

ATTACHMENT C-1

Darnestown Rural Village Center

Map 25

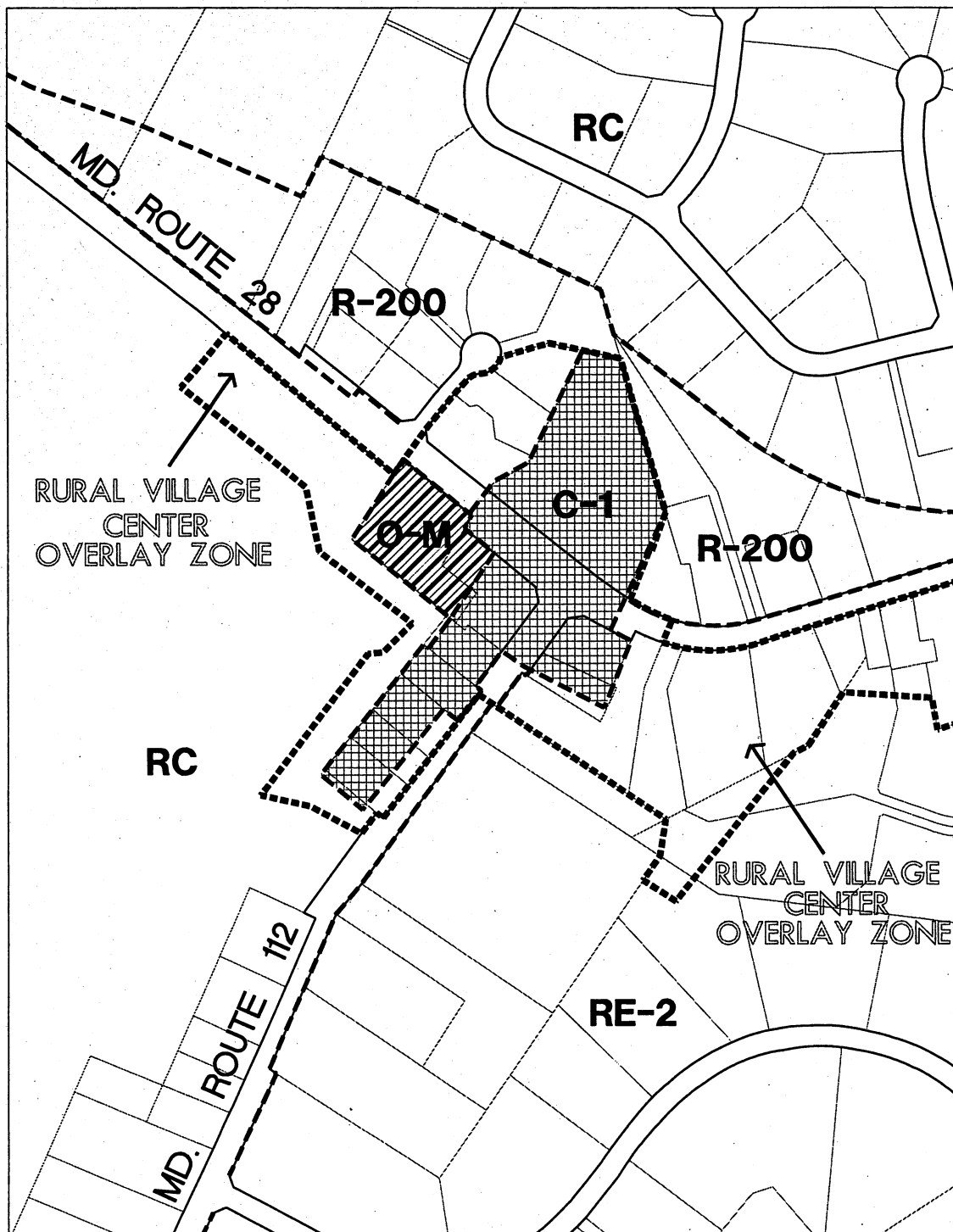


Darnestown Rural Village Center

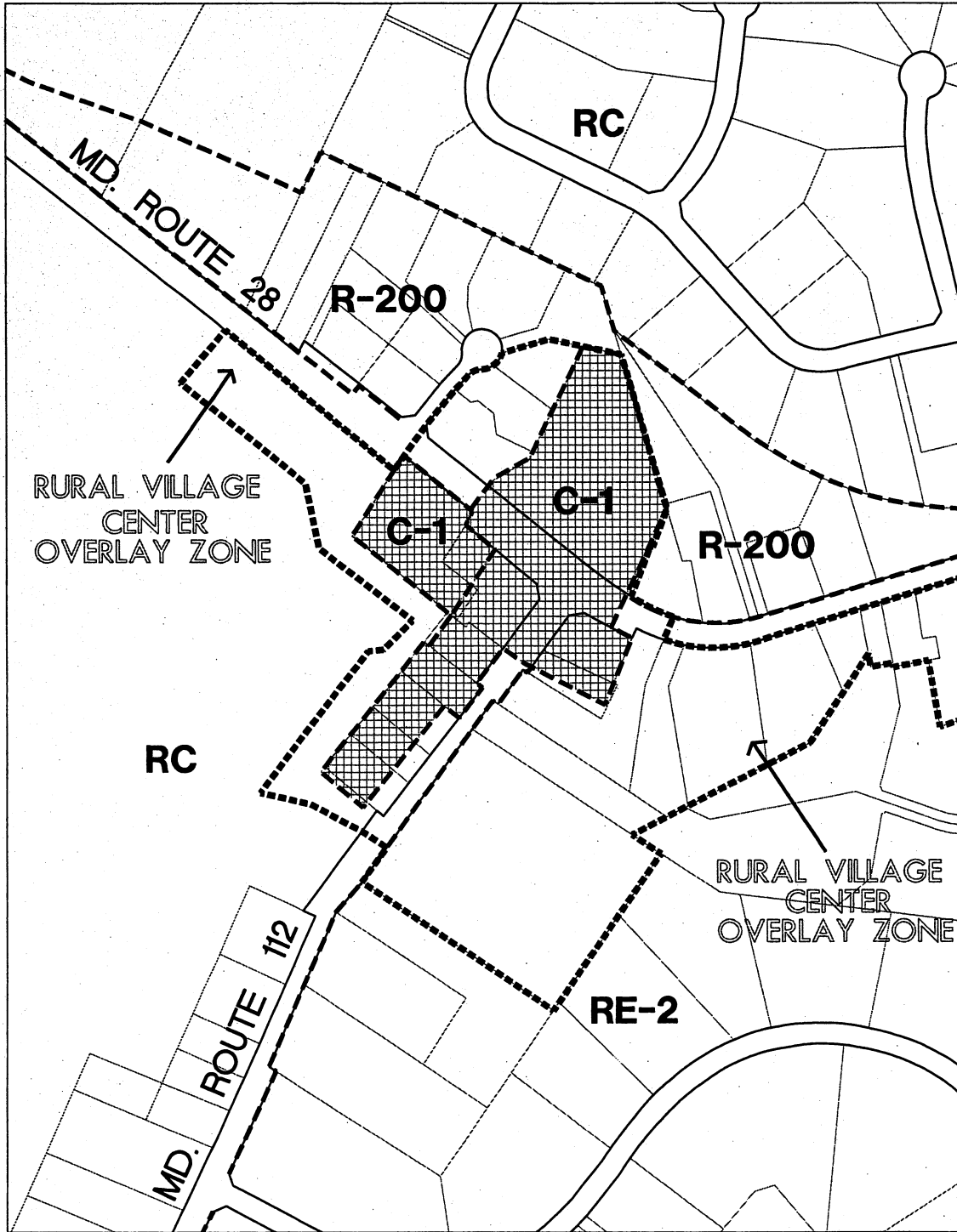


Not To Scale

G-869 & G-870 EXISTING ZONING



G-869 & G-870 PROPOSED ZONING



- D. Corrective Map Amendment No. G-871:** Correct the boundary line demarcating the City of Gaithersburg and Montgomery County, including the Rosemont subdivision south of MD 355 and several parcels along the north side of MD 355 near South Westland Drive and Central Avenue.

Background:

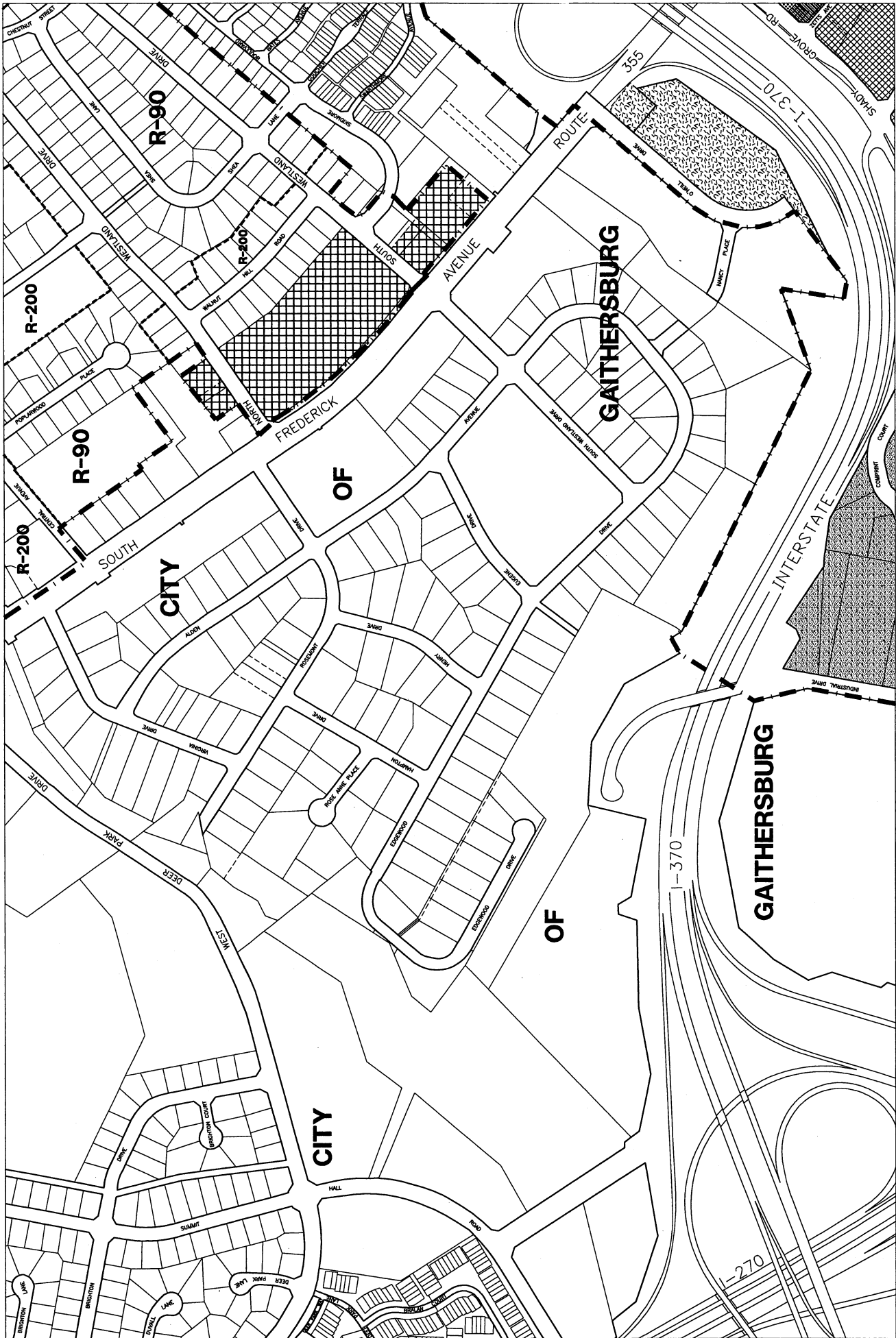
The Rosemont section of Gaithersburg is located north of I-370 and west of MD 355. The frontage of MD 355 in this area is in the City of Gaithersburg and is occupied by several churches. Rosemont Elementary School, located at 16400 Alden Avenue, was annexed into the City of Gaithersburg in 1990. Most of the small subdivision of Rosemont remains in the County's jurisdiction and includes about 90 single-family homes. Side streets in Rosemont that intersect with MD 355 include South Westland Drive, Rosemont Drive, and Virginia Drive. Other streets in the subdivision are Edgewood Drive, Eugene Drive, Henry Drive, Hampton Drive, and Rose Anne Place. Rosemont is one of several enclaves of land that is within the County's jurisdiction, but it is completely surrounded by the City of Gaithersburg. It is within the boundaries of the Approved and Adopted 1985 *Gaithersburg Vicinity Master Plan*.

On June 11, 1996, the County Council approved Sectional Map Amendment G-725 (Resolution Number 13-559), a comprehensive rezoning application to implement the zoning recommendations in the 1990 *Shady Grove Study Area Master Plan*. The official zoning maps are not coterminous with Master Plan boundaries and zoning sheets for a Sectional Map Amendment (SMA) often include areas that are not part of the SMA. When SMA G-725 for the *Shady Grove Study Area Master Plan* was processed, Rosemont was included on two of the zoning sheets and an error appears to have been made at this time. Rather than maintaining the outermost edge, or perimeter boundary line for the City of Gaithersburg as well as the enclave area, the municipal boundary line demarcating the County/City line around the island of Rosemont was inadvertently omitted. Therefore, the zoning maps mistakenly show the Rosemont area in the City of Gaithersburg rather than in the County's jurisdiction.

In addition to the Rosemont error, the municipal boundary needs to be changed in several other areas due to annexations of land from the County into the City of Gaithersburg. Several annexations on the north side of MD 355 (X-156, X-169, X-170, X-171, X-176, X-179) have not been reflected on the County's official zoning maps. The boundary between the City and the County will be corrected in these areas and County zoning designations will be removed for land that has been annexed into the City of Gaithersburg. The attached maps show the existing zoning and the recommended changes per Corrective Map Amendment G-871.

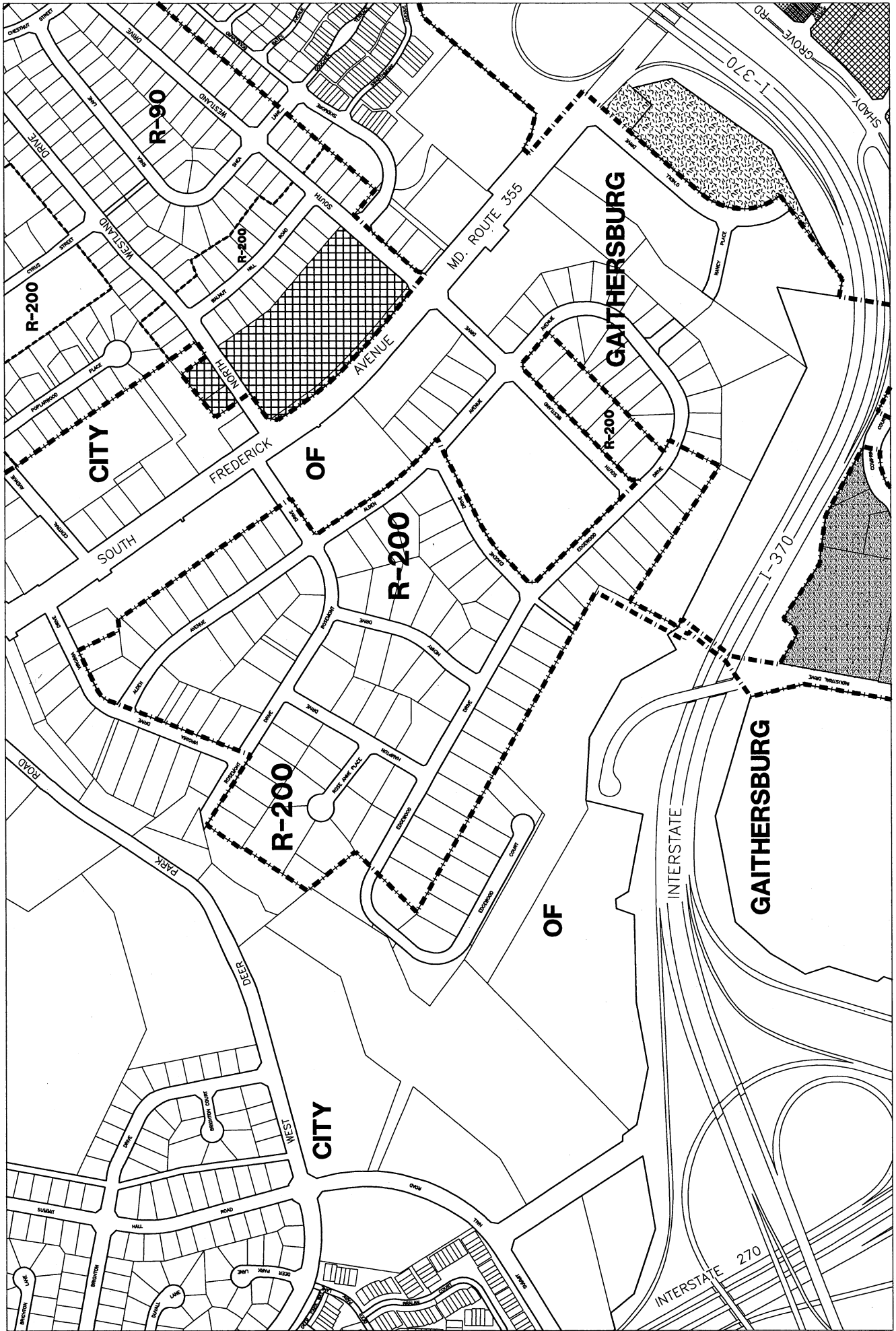
Conclusion and Recommendation:

In order to correct the official zoning sheets, Planning staff recommends that Corrective Map Amendment G-871 be filed with the County Council with a Planning Board recommendation of approval for the purpose of correcting the jurisdictional boundary between the County and the City of Gaithersburg, including the Rosemont section and parcels on the north side of MD 355 at South Westland Drive and Central Avenue.



EXISTING ZONING MAP: CITY OF GAITHERSBURG AND COUNTY JURISDICTIONAL AREAS

- · - · - CITY OF GAITHERSBURG BOUNDARY



CORRECTIVE MAP AMENDMENT G-871: CITY OF GAITHERSBURG AND COUNTY JURISDICTIONAL AREAS
--- CITY OF GAITHERSBURG BOUNDARY

The zoning maps will be corrected to show that Rosemont is in the County's jurisdiction and several parcels along the north side of MD 355 are in the City of Gaithersburg.

Attachment D-1 G-871 Existing Zoning
Attachment D-2 G-871 Corrective Map Amendment

- E. Corrective Map Amendment No. G-872:** Classification from the I-2 to the I-1 Zone, Sieling Property; 14668 Southlawn Lane, Rockville; The amendment corrects the City of Rockville municipal boundary to show this property in unincorporated Montgomery County and reclassifies the property from the I-2 Zone to the I-1 Zone in conformance with the Upper Rock Creek Area Master Plan.

Background:

The Montgomery County Council, sitting as the District Council, approved the Upper Rock Creek Area Master Plan on February 24, 2004. The Maryland-National Capital Park and Planning Commission adopted the plan on April 21, 2004. To implement the plan's zoning recommendations, the Montgomery County Planning Department prepared Sectional Map Amendment G-827. The Montgomery County Planning Board filed the Sectional Map Amendment (SMA) on July 23, 2004. The District Council considered the SMA on October 26, 2004 and granted it with a single technical change, finding that the SMA was necessary to implement the land use and development policies outlined in the Upper Rock Creek Area Master Plan.

The SMA reclassified 879 acres to implement the master plan's recommendations and re-classified a further 28 acres to adjust zoning boundaries to place lots entirely in a single zone.

Chapter 59-H-10.1 states that, "[t]he purpose of a corrective map amendment is to enable the District Council in lieu of a comprehensive sectional map amendment to correct technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as the result of mapping, surveying, or other technical information."

Earlier this year, Planning Department staff corresponded with Bruce Sieling, owner of an unrecorded parcel at 14668 Southlawn Lane. Mr. Sieling, who was attempting to confirm the zoning of his property, had been told that it was in the City of Rockville. However, the city had no information on the property, even though its own geographic information systems maps showed that the municipal boundary placed his property within the city limits. Mr. Sieling reported that he had never paid taxes to the city for the property. The tax assessor's records for the property indicate that it is not within the city limits.

Several successful annexation petitions for inclusion in the city by individual property owners have created an intricate municipal boundary in the Gude Drive-Southlawn Lane area. Maps prepared for SMA G-516, which implemented recommendations of the 1985 Upper Rock Creek Master Plan, show the Sieling property outside the city and in the I-2 Zone. The city annexed three lots adjacent to the Sieling property in 2000; the boundary line drawn to include the annexed area appears inadvertently to have shown the Sieling property in the city. The Planning Department and the Planning Board relied on the boundary in preparing and filing G-827. The District Council relied on it in reviewing and approving the SMA.

The current official zoning sheets for the County show no zoning for the Sieling property. The 2004 Upper Rock Creek Area Master Plan evaluated the property immediately to the east of the Sieling parcel, the H & S Leasing property, and recommended it for the I-1 Zone, relying for its rationale in part on a special study completed in 1999 for the Gude Drive-Southlawn Lane industrial area. The study concluded that the portion of the study area west of Gude Drive, which includes the H & S Leasing and Sieling properties, was predominantly light industrial in character. The Plan noted that "the relatively small size of the property and the likely difficulties of assembling land in this area, combined with the fact that redevelopment in the I-2 Zone is likely to be incompatible with surrounding uses, all lead to the conclusion that the property should be rezoned to a light industrial use." (page 34)

The Sieling property presents the same issues. It is small, just 0.31 acres. With the reclassification of the H & S Leasing property to the I-1 Zone, it is now surrounded on all sides by land in light industrial zones, which eliminates the potential for assembly. The surrounding properties are in warehouse or other light industrial uses, as is the Sieling property.

Conclusion and Recommendation:

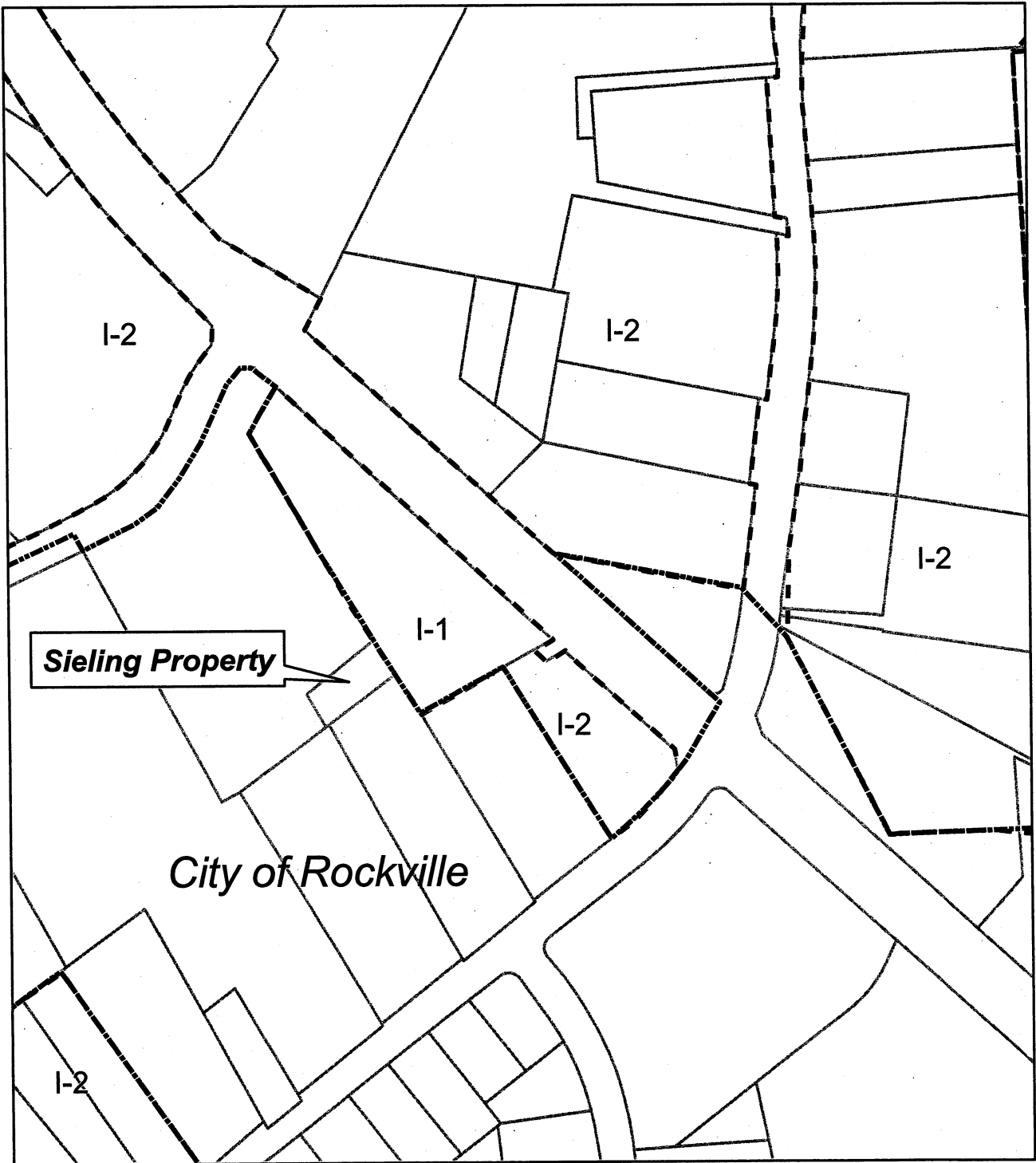
These facts strongly suggest that Planning Department staff would have recommended the property for the I-1 Zone as part of its evaluation of the H & S Leasing property, had the staff known at the time that the property was located outside the city of Rockville in Montgomery County. A reasonable assumption is that the Planning Board would have recommended the reclassification to the District Council and that the District Council would have approved it. Planning staff therefore recommends that the Planning Board approve the filing of a Corrective Map Amendment to include this property in the unincorporated portion of Montgomery County and to reclassify the property from the I-2 Zone to the I-1 Zone.

The Planning Board should recommend approval of the I-1 Zone for the following reasons:

1. Sectional Map Amendment G-827 erroneously shows the municipal boundary of the city of Rockville to include the Sieling property and as a result shows no county zone for the property;
2. Correct depiction of the boundaries would have resulted in a recommendation of the I-1 Zone for the property in the 2004 Upper Rock Creek Area Master Plan, for the reasons cited above;
3. The Corrective Map Amendment process is the appropriate vehicle to correct technical errors.

Attachment E-1 G-872 Existing Zones
Attachment E-2 G-872 Proposed Zones

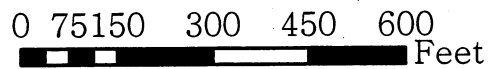
G-872 Existing Zones



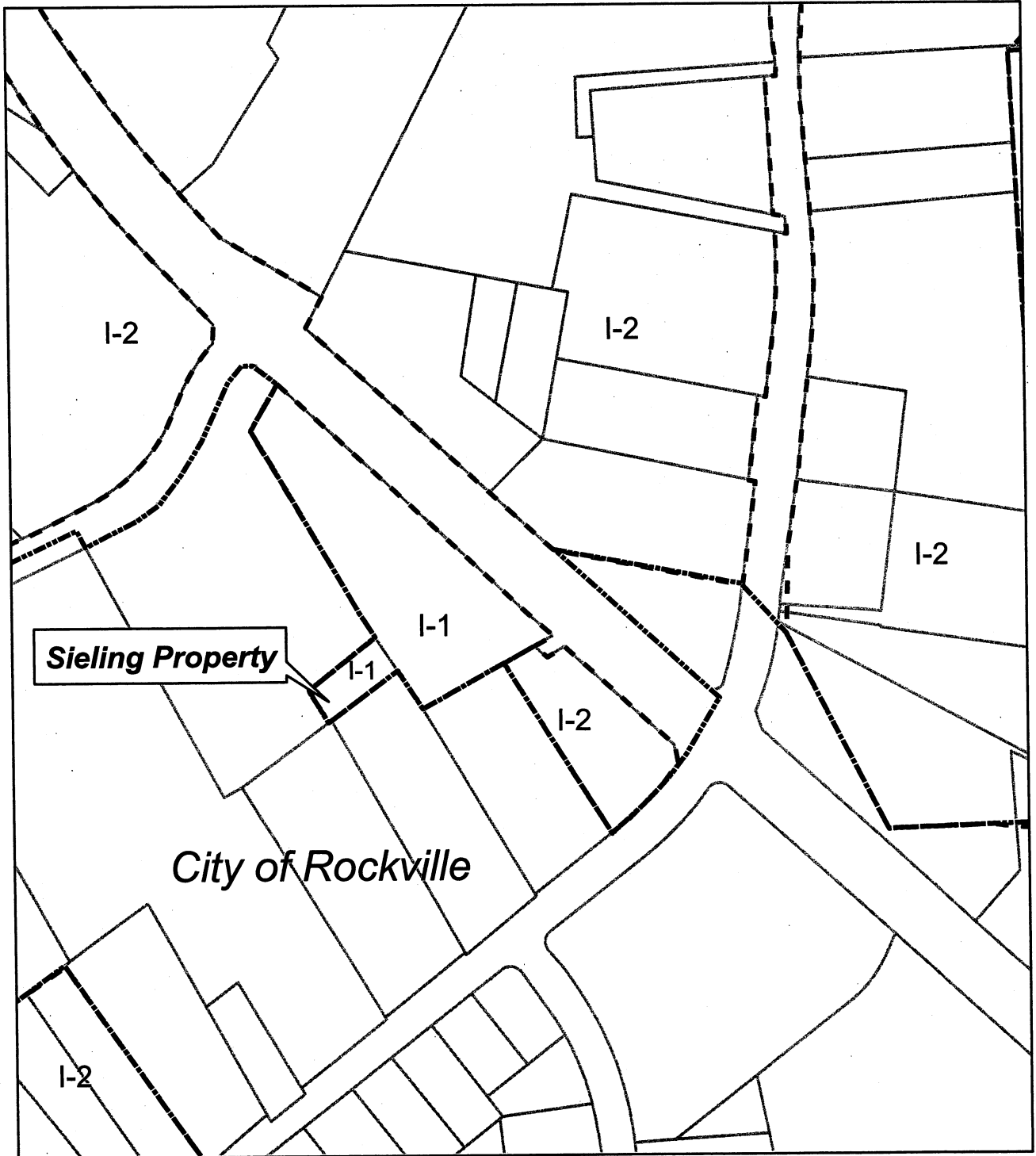
----- City of Rockville (as shown on City and County zoning maps)

- - - - - Zone boundaries

□ Property lines



G-872 Proposed Zones



- Corrected Rockville City Limits
- - - - Zone boundaries
- Property lines

