



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

MCPB

Item No.

Date: 10-19-17

Corrective Map Amendment for the Bethesda Downtown Sector Plan

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Completed: 10.05.17

Description

- Request to authorize staff to submit Corrective Map Amendment to District Council, pursuant to Section 59-7.2.2, to correct technical errors that lead to an inaccurate depiction of the zoning classifications;
- Locations: (Change #172) Wisconsin Avenue, between Bethesda Avenue and Miller Avenue in Bethesda, MD; (Change #191) West side of Wisconsin Avenue at Wisconsin Avenue and Leland Street in Bethesda, MD; (Change #112) north side of East West Highway between Wisconsin Avenue and Pearl Street in Bethesda, MD; (Change #80) Old Georgetown Road and Wilson Lane in Bethesda, MD;

Staff Summary and Recommendation

- Four technical errors that occurred on the Sectional Map Amendment H-122 within the Subject Sites (Change #172, #191, #112, #80) described above. The zoning on the Sectional Map Amendment H-122 is not consistent with the County Council Resolution 18-835 approving the 2017 Bethesda Downtown Sector Plan.
- Staff recommends approval to file the Corrective Map Amendment with the District Council.

Background

Section 59-7.2.2, Corrective Map Amendment (CMA) allows for the correction of an administrative or technical error that occurs in a Sectional or District Map Amendment. A CMA process allows for correction of inadvertent omissions and mistakes without impacting the original intent of the rezoning actions. Mapping errors occur for many reasons, but usually involve discrepancies arising from misinterpretation of parcel lines during the application of a local, sectional or district map amendment. The Planning Board must show that there is an error or inaccurate depiction of the zoning boundary line on the adopted zoning map.

The Bethesda Downtown Sector Plan was approved by the Montgomery County Council on May 25, 2017, by Resolution 18-835. In addition to approving the Sector Plan, on May 25, 2017, the County Council approved

zoning text amendment 16-20, (Council Ordinance 18-28) creating the Bethesda Overlay Zone. On June 21, 2017, the Maryland-National Capital Park and Planning Commission adopted the approved plan by Resolution 17-20.

On June 22, 2017, the Montgomery County Planning Board approved the filing of Sectional Map Amendment (SMA) H-122 with the County Council. The District Council implemented the zoning changes recommended by the 2017 Approved and Adopted Bethesda Downtown Sector Plan (BDP) by County Council Resolution 18-895.

Corrective Map Amendment

This CMA is to correct the following four technical errors that occurred on the Sectional Map Amendment H-122 within the Subject Sites (Change #172, #191, #112, #80). The recommended changes will align the zoning with the County Council's intent and direction as outlined in the BDP.

Change #172

This technical error occurred with the maximum allowable building height portion of the zone for the properties that have frontage along Wisconsin Avenue between Bethesda Avenue and Miller Avenue. The Planning Department was notified by Heather Dlhopsky of Linowes and Blocher LLP that an error existed for the building height. Staff researched the issue separately and determined that the properties located at 7126, 7130, 7140 Wisconsin Avenue should be corrected to be consistent with the Approved and Adopted Bethesda Downtown Sector Plan, County Council Resolution No. 18-835, dated May 25, 2017.

The properties are identified on page 99 of the Bethesda Downtown Sector Plan-Figure 3.01: Wisconsin Avenue District Recommended Zoning, map #107 and in the language for map #107 on page 101 is to be zoned CR 3.0, C-3.0, R-2.75, **H-225**. A technical error occurred within the SMA H-122, which shows "Change #172" to be zoned CR-3.0 C-3.0 R-2.75 **H-200**. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.36 acres, from the CR-3.0 C-3.0 R-2.75 **H-200** Zone to CR 3.0, C-3.0, R-2.75, **H-225** Zone. This will correctly show the intended zoning classification, established by County Council Resolution 18-835 of the Bethesda Downtown Sector Plan.

Change #191

This technical error occurred with the maximum allowable building height portion of the zone for the properties that have frontage along the west side of Wisconsin Avenue at Wisconsin Avenue and Leland Street; (7008, 7000, 6950, 6936, 6930, 6932 Wisconsin Avenue). Planning Department staff noticed a discrepancy for the building height on the SMA, for the properties labeled Change #191 with the SMA.

"Change #191" (see Attachment 2) did not reflect the recommended zoning classification for the height (H) for the properties located at 7008, 7000, 6950, 6936, 6930, 6932 Wisconsin Avenue, established by the BDP (see Attachment 3). It is identified on page 99 of the BDP-Figure 3.01: Wisconsin Avenue District Recommended Zoning, map #109 and in the language for map #109 on page 102 is to be zoned CR 3.0, C-3.0, R-2.75, **H-120**. A technical error occurred within the SMA which shows "Change #191" to be zoned CR-3.0 C-3.0 R-2.75 **H-110**. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 1.98 acres, from the CR-3.0 C-3.0 R-2.75 **H-110** zone to CR 3.0, C-3.0, R-2.75, **H-120** zone. The CMA accurately shows the intended zoning classification, established by County Council Resolution 18-835 of the Bethesda Downtown Sector Plan.

Change #112

This technical error occurred with the commercial density floor area ratio (FAR) for the property identified as Change #112. The property is located on the north side of East West Hwy at 4521 East West Hwy, also known as

the Waverly House. Planning Department staff identified a discrepancy with the BDP and researched the issue.

Staff have determined the SMA, which included “Change #112 (see Attachment 2) did not reflect the recommended zoning classification for the commercial FAR (C) for the property located at 4521 East West Hwy as established by the BDP (see Attachment 3). It is identified on page 121 of the BDP-Figure 3.07: Pearl District Recommended Zoning, map #192 and in the language for map #192 on page 120 is to be zoned CR 4.0, **C-4.0**, R-4.0, H-175. A technical error occurred within the SMA H-122, which shows “Change #112” to be zoned CR-4.0 **C-5.0** R-4.0 H-175. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.69 acres, from the CR-4.0 **C-5.0** R-4.0 H-175 Zone to CR 4.0, **C-4.0**, R-4.0, H-175 Zone. The CMA accurately shows the intended zoning classification, established by County Council Resolution 18-835 of the Bethesda Downtown Sector Plan.

Change #80

This technical error occurred with the zoning classification for the properties identified as Change #80, the block bound by Old Georgetown Road, Wilson Lane and Cordell Avenue. Planning Department staff identified a discrepancy for the zoning classification with the BDP and researched the issue.

Staff have determined that “Change #80 (see Attachment 2) did not reflect the recommended zoning classification for the overall FAR, commercial FAR (C) and residential Far (R) for the properties bound by Old Georgetown Road, Wilson Lane and Cordell Avenue, established by the Bethesda Downtown Sector Plan (see Attachment 3). These properties were not identified in the County Council Resolution 18-835 of the Bethesda Downtown Sector Plan for a new zoning designation and should retain its current zoning classification. A technical error occurred which shows “Change #80” to be zoned **CRT-1.5 C-1.5 R-0.5** H-35. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.53 acres, from the **CRT-1.5 C-1.5 R-0.5** H-35 zone to its current zone of **CRT-2.25, C-1.5, R-0.75**, H-35 Zone. This will correctly show the intended zoning classification, established by County Council Resolution 18-835 of the Bethesda Downtown Sector Plan.

Conclusion and Recommendations

Staff recommends approval to file a CMA with the District Council with a recommendation of approval by the Planning Board for the above corrective action to be transmitted to the District Council.

Attachments

Attachment 1: Corrective Map Amendment Location Map

Attachment 2: County Council Resolution 18-895 approving the SMA for the Bethesda Downtown Sector Plan

Attachment 3: County Council Resolution 18-835 approving the Bethesda Downtown Sector Plan

ATTACHMENT 1-Map 2

