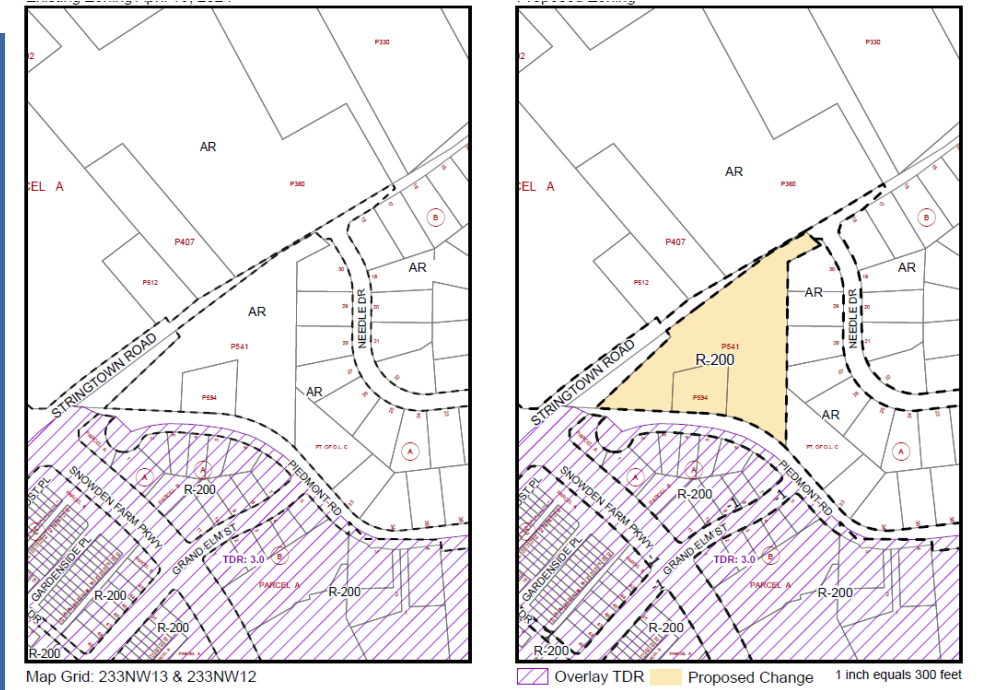


CORRECTIVE MAP AMENDMENT H-151

12701 PIEDMONT ROAD



Staff recommends approval to file the Corrective Map Amendment with the District Council to correct a technical error that led to an inaccurate depiction of the zoning classifications for a property located at the northeast corner of the intersection of Stringtown Road and Piedmont Road in Clarksburg.

No. CMA H-151

Completed:
September 30, 2024

MCPB
Item No. [X]
October 10, 2024

2425 Reddie Drive
Floor 13
Wheaton, MD 20902

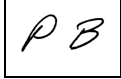
Planning Staff



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LOCATION/ADDRESS

12701 Piedmont Road, Clarksburg

MASTER PLAN

1982/1985 Damascus Master Plan

ZONE

Agricultural Reserve (AR)

PROPERTY SIZE

4.40 acres

REVIEW BASIS

Chapter 59

Summary:

- Staff recommends approval to file Corrective Map Amendment H-151 to the District Council, pursuant to Section 59.7.2.2., to correct a technical error that led to an inaccurate depiction of the zoning classifications for a property located at the northeast corner of the intersection of Stringtown Road and Piedmont Road, within the 1982/1985 *Damascus Master Plan*.
- This Corrective Map Amendment seeks to correct the zoning classification of the property located at 12701 Piedmont Road.

SECTION 1: SUMMARY AND RECOMMENDATION

The 1982 Sectional Map Amendment, SMA G-352, implemented the zoning recommendations of the Approved and Adopted 1982 *Damascus Master Plan* (“Master Plan”). However, a technical error occurred in Sectional Map Amendment SMA G-352, which incorrectly zoned the property at 12701 Piedmont Road in Clarksburg (“Property, “Subject Property”) Rural Density Transfer (RDT) instead of R-200. This technical error was not found or addressed with the 1985 or 1993 Amendments to the *Damascus Master Plan*. The zoning on the current map is not consistent with the intention of the 1982/1985/1993 *Damascus Master Plan* and the 1988 update to the *Functional Master Plan for the Preservation of Agriculture and Rural Open Space*. Further, because the Property was incorrectly shown as being in the RDT zone, it was incorrectly converted to the Agricultural Reserve (AR) zone during the 2014 District Map Amendment associated with the rewrite of the Zoning Ordinance.

In accordance with Section 59-.7.2.2. of the Zoning Ordinance, Corrective Map Amendments are submitted by the Planning Board to the County Council for final approval. This process is similar to a Sectional Map Amendment for a master plan which makes zoning changes to existing properties. The Council will hold a public hearing for input and will either approve, deny, or remand the application to the Planning Board for further consideration.

Staff recommends approval to file the Corrective Map Amendment H-151 with the District Council per the standards set forth in Section 59.7.2.2 of the Zoning Ordinance.

SECTION 2: BACKGROUND AND ANALYSIS

BACKGROUND

Section 59.7.2.2., Corrective Map Amendment (CMA), of the County Code 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 affecting 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 rezonings through map amendments. Evidence provided must clearly show that there is an error or inaccurate depiction of the zoning boundary line on the adopted zoning map in order to file a Corrective Map Amendment with the District Council.

The error was identified by the attorney for the owner of 12701 Piedmont Road (“Property”, “Subject Property”), who notified Planning staff of the error on December 6, 2021 (Attachment C). The total area of the property is 4.40 acres and is currently improved with two residences and associated outbuildings. After thorough research, Staff determined that the Property was incorrectly zoned as a result of a mapping error in the final version of the 1982 *Damascus Master Plan*¹ (SMA G-352).



Figure 1: 12701 Piedmont Road in Clarksburg, Subject Application

At the time of the 1982 *Damascus Master Plan*, the Property was split zoned: the northern portion of the Property was Rural Density Transfer (RDT), and the southern portion was Single-family detached Residential 2 units per acre (R-200). The split zoning is evident in Figure 2, which shows that the 1973-

¹ The 1982 *Damascus Master Plan* was amended twice: once in 1985 and again in 1993. The amendments were limited in scope and were not relevant to the Subject Property.

1974 SMA F-925 demonstrated that the Property was zoned both Rural and R-200. The error was not addressed in 1981, as the SMA G-266 shows the Property was zoned RDT and R-200. This split zoning included in both SMAs also appears to have been an error as the split occurs across several record lots and residential structures. The split zoning continued east across the Fountain View Subdivision where the split zoning traverses both lot lines and existing buildings and houses².

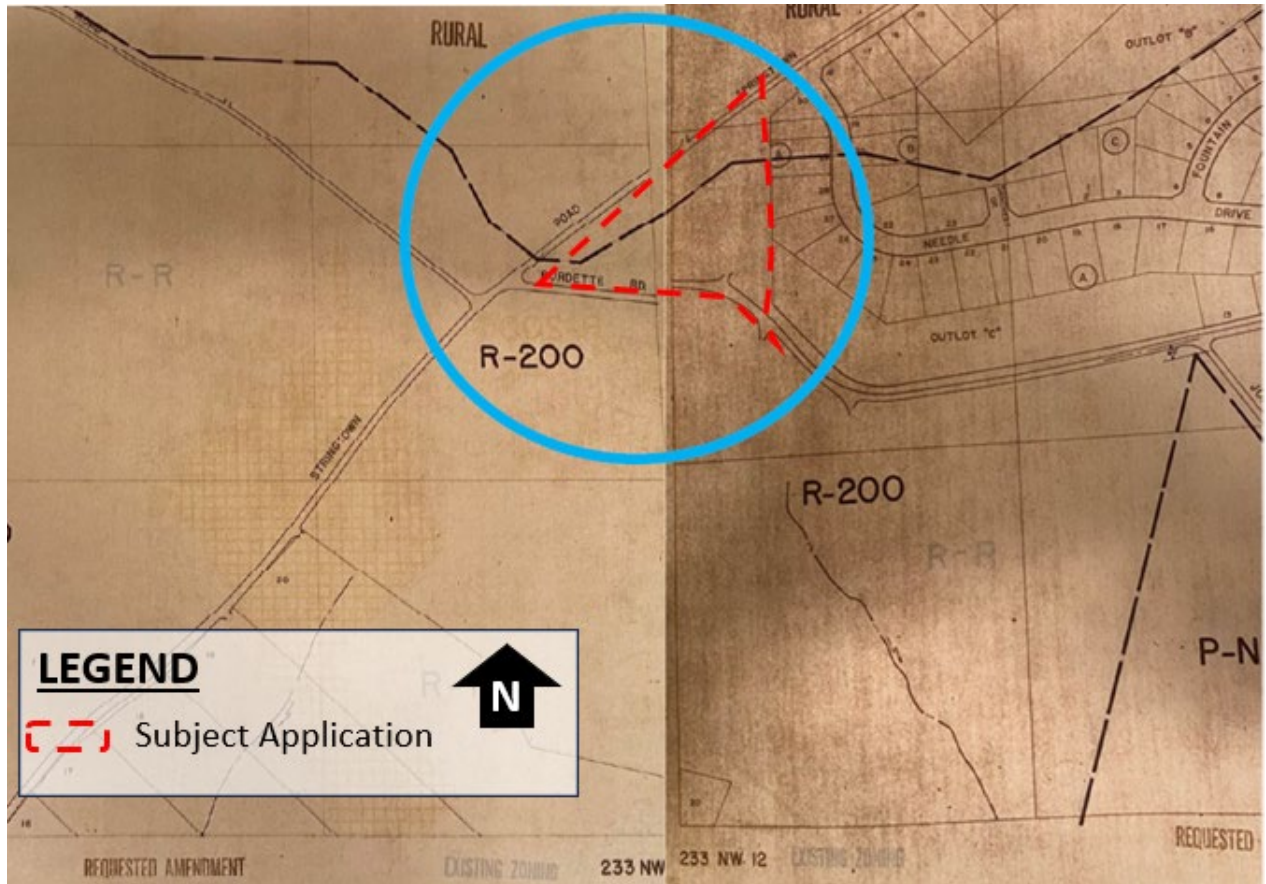


Figure 2: SMA F-925 Split Zoning R-200 and Rural³

² The split zoning was resolved with the 1982 *Damascus Master Plan*; however, the incorrect zone was applied to the Site.

³ Note that Burdette Road was later realigned and renamed Piedmont Road.

The 1982 *Damascus Master Plan* included several maps. The maps most relevant to this Application and those showing existing conditions, planned land use, and recommend zoning changes. The relevant maps and figures for the Subject CMA are as follows:

1. Agriculture and Open Space Map on page 81,
2. Proposed Agriculture Preserve Map on page 83, and
3. The Zoning and Highway Plan map on page 101.

The Agriculture and Open Space Map on page 81 shows where working farms, publicly owned laned, and existing residences were present at the time of the Master Plan’s development in the early 1980s (Figure 3). The purpose of the map was to show where the working farms were located in the County to make the case for the expanded Agriculture Reserve boundaries. Relevant to the Subject CMA this map designated the Property as “existing residences” and outside the “working farm” category (see inset in Figure 3).

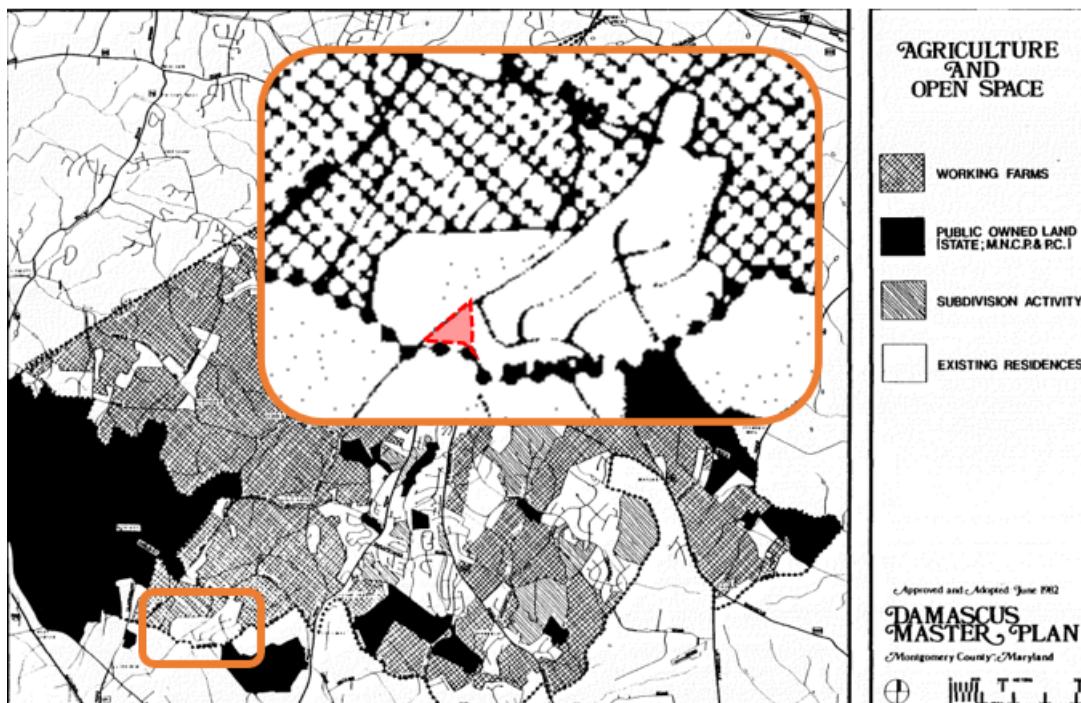


Figure 3: Page 81 of the 1982 *Damascus Master Plan* modified with inset to highlight Property in dashed red line.

On page 83 of the 1982 *Damascus Master Plan* is the Proposed Agriculture Reserve Area map. The purpose of this map, as described on page 82, is to further emphasize what land should be included in the expanded Agriculture Reserve Area and what should be excluded. On page 82, the Master Plan proposed 1,050 acres in and around Damascus (Plan Area 11) to be included in the County’s Agriculture Reserve Area. It also included those areas on the Proposed Agriculture Reserve Area map on page 83. As shown in Figure 4, the 1982 *Damascus Master Plan* indicates that Stringtown Road was to be the southern boundary of the Agriculture Reserve Area. This clearly shows that the Property was not intended to be included in the expanded Agricultural Reserve Area. The approximate location of

the Property is outlined in a red dashed line on Figure 4. An arrow is pointing to the PA 11 Damascus Boundary, which was used as the dividing line for a portion of the Agricultural Reserve Area.

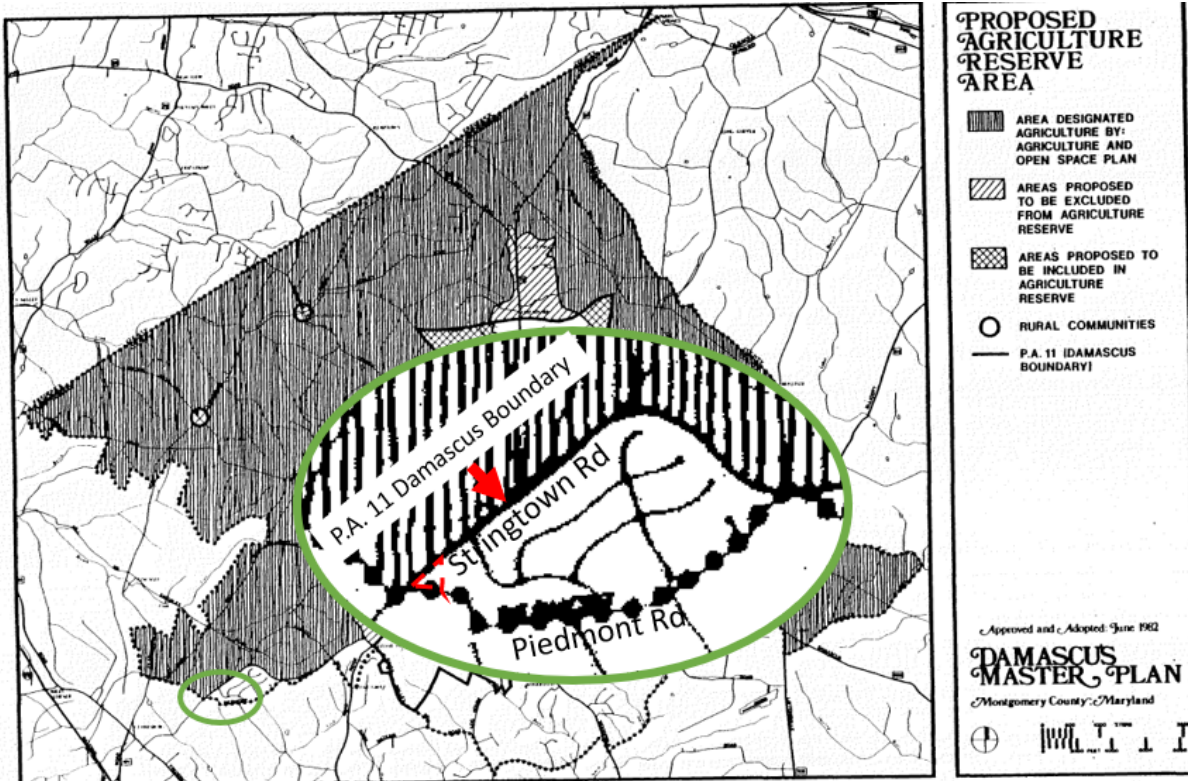


Figure 4: Map on page 83 showing Subject Property Outside Proposed Agriculture Reserve Area modified with inset to highlight Property in dashed red line and road names added for additional context.

The mistake appears to originate from a confusion on page 101 of the 1982 *Damascus Master Plan*, which is the Zoning and Highway Plan. The R-200 label is shown south of the Subject Property, but the pattern fills used for the Agriculture Reserve zone and the R-200 zone lack contrast and are difficult to distinguish. The dotted line along Piedmont Road that is shown on all three maps of the Master Plan is defining the limits of the Master Plan Boundary and not the Boundary of the Agriculture Reserve Area. Staff believes it is this lack of contrast between the two patterns used to identify these zones that first contributed to the confusion.

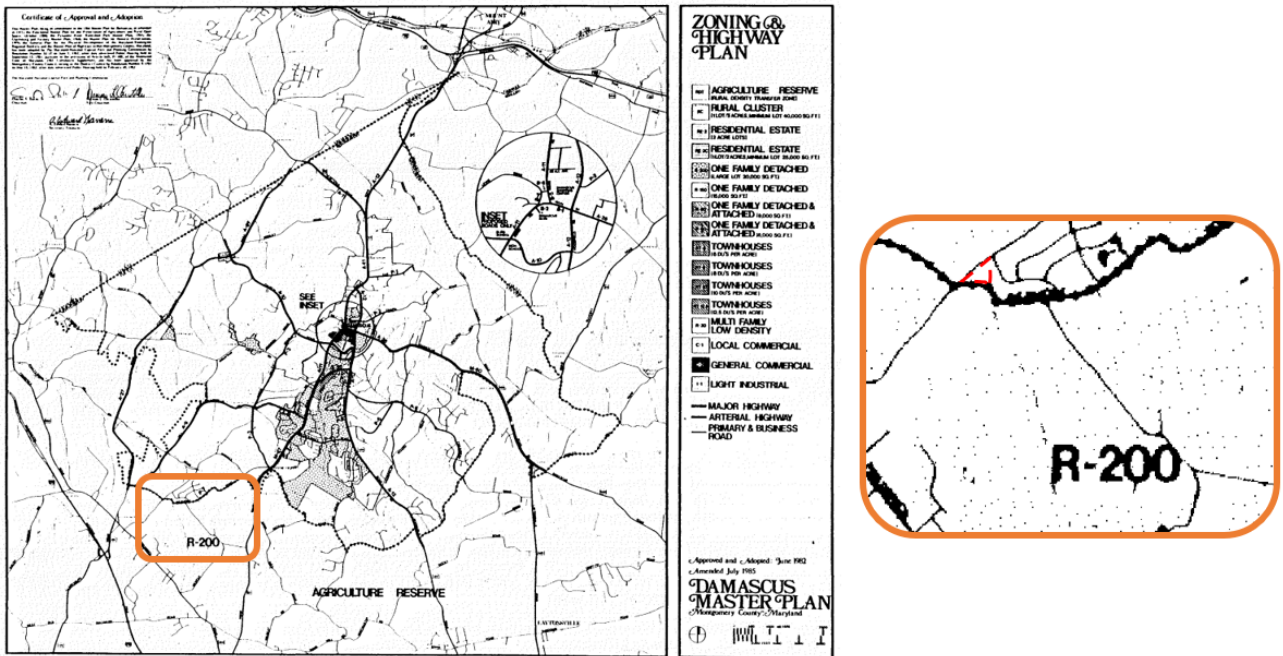


Figure 5: Page 101 of the 1982 Damascus Master Plan modified with inset to highlight Subject Property

ANALYSIS

The 1982 SMA G-352 implementing the recommendations of the 1982 Master Plan incorrectly designated the zoning line along Piedmont Road instead of Stringtown Road, as recommended by the Master Plan, resulting in the Property being rezoned RDT instead of R-200. This error was made despite the direction provided on the Agriculture and Open Space map and the Proposed Agriculture Reserve Area maps, and the corresponding text on page 82 clearly indicating that the Property was outside the Agricultural Reserve Area (Figure 5). The Master Plan did not include a complete list of zoning changes by lot, as is common practice today. This further contributed to the mistake. The mapping error of SMA G-352 was perpetuated in the subsequent zoning action. District Map Amendment G-956 identifies the Property as zoned Agriculture Reserve⁴. Staff notes that this Amendment also approved the use of the online, GIS-based zoning map as the official zoning map for the County, which has aided in improved mapping accuracy.

Furthermore, the *Functional Master Plan for the Preservation of Agriculture and Rural Open Space*, adopted in 1980 and later updated in 1988 also shows inconsistent planning for the Subject Property. Two illustrations, the Land Use Plan map (page 42) and the Zoning and Highway Plan maps (pages 49, 52, 55) were originally included in the 1980 *Functional Master Plan for the Preservation of Agriculture and Rural Open Space* document and were later updated in 1988 as standalone maps to reflect the approved and adopted 1982 *Damascus Master Plan* land use and zoning recommendations.

The 1988 update of the Land Use Plan map appears to show the Property completely outside the Agricultural Reserve (Figure 6), but the 1988 consolidated update of Zoning and Highway Plan map shows the odd split zoning across 12701 Piedmont Road (Figure 7). The approximate location of the Property is outlined in a red dashed line on Figures 6 and 7.

⁴ The RDT zone was changed comprehensively to the AR zone.

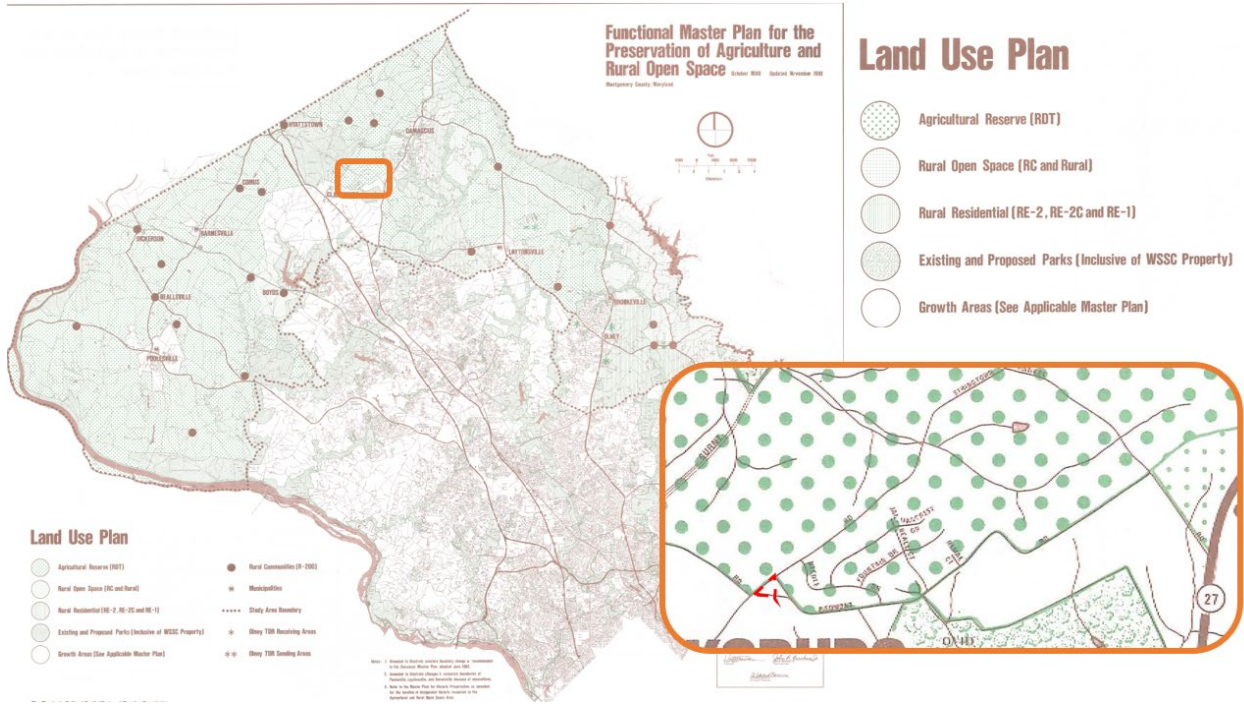


Figure 6: 1988 updated to the Functional Master Plan for the Preservation of Agriculture and Rural Open Space Land Use Plan map, modified with inset to highlight Subject Property

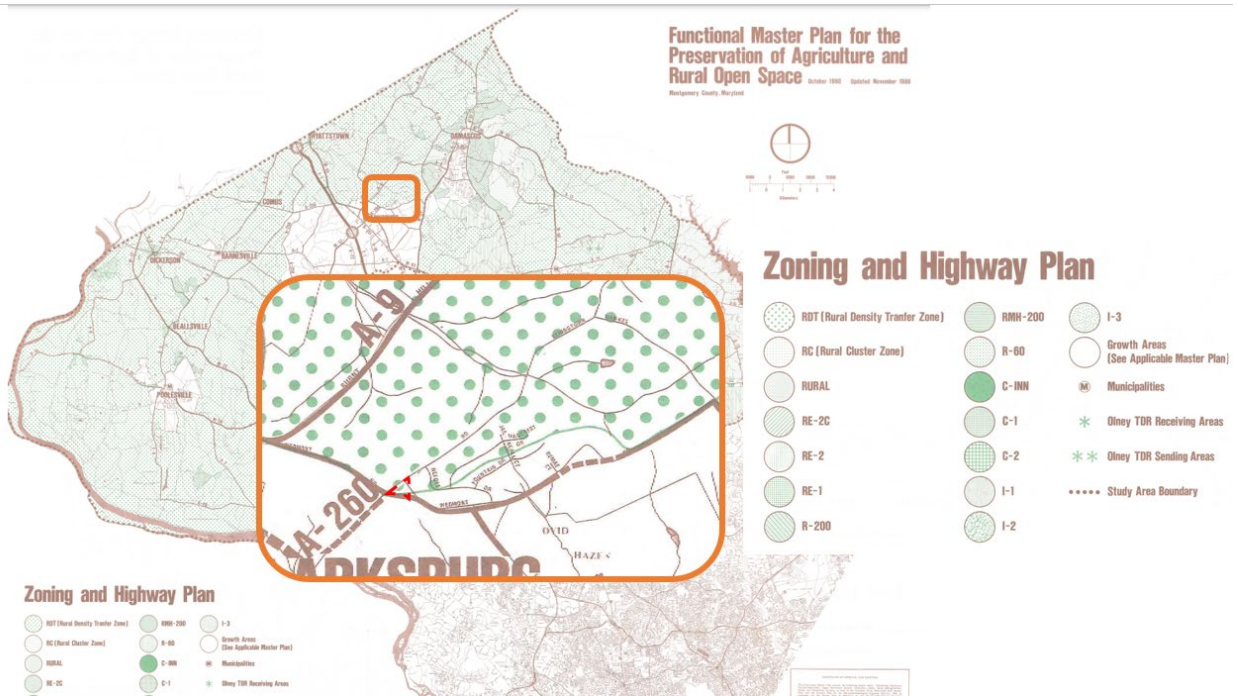


Figure 7: 1988 update to the Functional Master Plan for the Preservation of Agriculture and Rural Open Space Zoning and Highway Plan map, modified with inset to highlight Subject Property

As previously stated, when reviewing the existing development patterns at that time and the plans of the 1982 *Damascus Master Plan*, it is clear that the zoning line delineating the Agricultural Zone from the residential zone (i.e. R-200) should have been drawn along Stringtown Road, (north of the Property) rather than Piedmont Road (south of the Property), and that the Property should have been zoned R-200. The establishment of the zoning line along Stringtown Road would have provided a clear delineation between the existing rural and residentially developed areas.

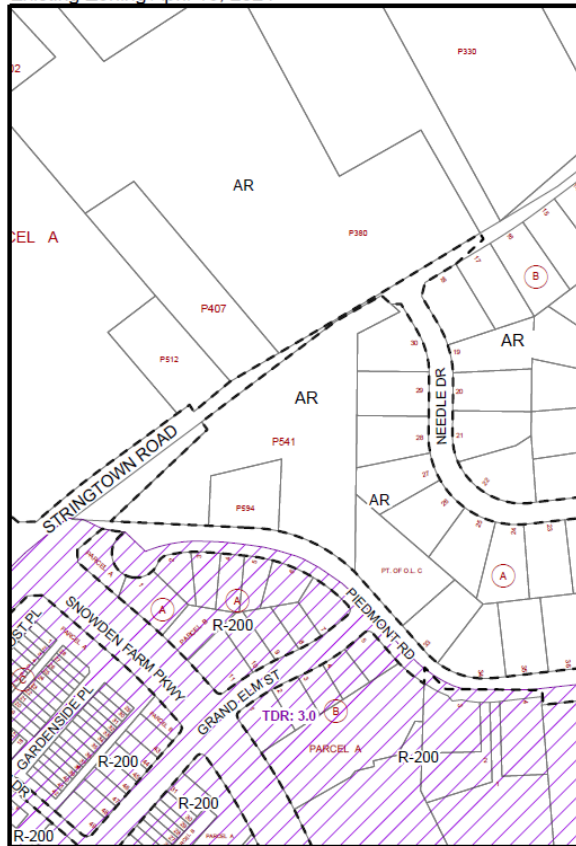
CORRECTIVE MAP AMENDMENT

This Corrective Map Amendment will fix the misaligned zoning boundaries affecting 12701 Piedmont Road as intended in the 1982 *Damascus Master Plan* (Figure 8). The recommended change will align the zoning with the County Council's intent and direction as outlined in the 1982 *Damascus Master Plan* and subsequent 2014 zoning ordinance rewrite.

Corrective Map Amendment H-151

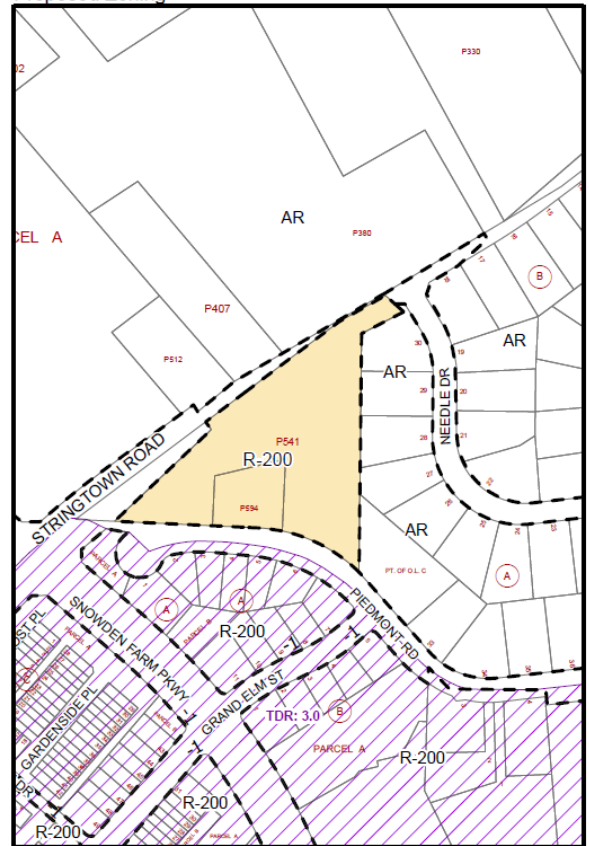
12701 Piedmont Road

Existing Zoning April 16, 2024



Map Grid: 233NW13 & 233NW12

Proposed Zoning



Overlay TDR Proposed Change 1 inch equals 300 feet

Figure 8: Proposed rezoning of Subject Property

If approved, 12701 Piedmont Road will be the only property affected. As stated earlier in the staff report, it is currently improved with two residences and associated outbuildings. The Property is currently zoned AR (4.40 acres). The proposed rezoning will reclassify the entire property as R-200.

Table 1: Property Location and Proposed Zoning Reclassification

Property ID/Location	Current Use	Current Zone	Proposed Reclassification
12701 Piedmont Road Parcel 541 <i>Legal Description:</i> Laytons Inheritance Etc. <i>Tax Account:</i> 00029111	Single-family residential	AR (4.40 acres)	R-200 (4.40 acres)

SECTION 3: CONCLUSION

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 A: Corrective Map Amendment Location Map

Attachment B: Council Minutes approving the 1982 Damascus Master Plan

Attachment C: Owner of 12701 Piedmont Road letter requesting rezoning