



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

MCPB  
Item #  
11/30/06

November 15, 2006

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** John A. Carter, Chief, Community-Based Planning Division *JAC*  
Khalid Afzal, Team Leader, Georgia Avenue Planning Team *KA*

**FROM:** Frederick Vernon Boyd, Community Planner *FV*  
Georgia Avenue Planning Team (301-495-4654)

**SUBJECT:** City of Rockville Annexation Petition ANX 2005-00138

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**RECOMMENDATION:** Approval to transmit findings and comments to the Mayor and Council of Rockville

1. The zone proposed for this property is consistent with the Upper Rock Creek Area Master Plan;
2. The properties' developer should be required to commit to a combination of physical improvements at the intersection of East Gude Drive and Dover Road and participate in the City of Rockville's proposed Transportation Management Organization;
3. The properties' developer should also enter into an agreement to participate in the city's proposed Transportation Demand Management Program when the program is established;
4. The properties' developer should build a 4-foot wide concrete sidewalk, with street trees, along the site's Ashley Avenue and Westmore Avenue frontage.

**BACKGROUND**

The petitioners, Westmore Development LLC and Meadow Lo Corporation, have requested that their properties be annexed by the City of Rockville. They ask that their properties be placed in the city's R-60 (One-Family Detached Residential) and I-1 (Service Industrial) zones.

**THE SITE**

The petitioners own three separate parcels, totaling 10.51 acres, on Westmore and Ashley avenues, in an unincorporated part of Montgomery County that is adjacent to the Lincoln Park neighborhood in Rockville. The property is generally flat and largely wooded. It houses three radio transmission towers and an associated transmission facility. The properties are located within Rockville's water and sewer service district and outside the established limits of the Washington Suburban Sanitary District. Washington Suburban Sanitary Commission's (WSSC) water and sewerage systems cannot reasonably serve this site. Any relatively intensive residential or non-residential use requires the properties to be annexed, because existing city policy allows for the provision of water and sewer service only to properties within the city's corporate limits.

## **THE NEIGHBORHOOD**

The petitioners' properties are bounded on three sides by land in the city. On the fourth side, across Westmore Avenue, is a Washington Gas Light Company Rockville station, used for the underground storage of natural gas. The properties can be reached only through Lincoln Park, one of the county's oldest African-American communities.

Lincoln Park, to the south of the properties, is a community largely made up of one-family detached houses. To the west are the CSX railroad tracks and a mix of non-residential uses along Hungerford Drive and Frederick Road (MD 355). To the north is land that is used for a variety of light industrial uses, ranging from auto repair to printing. These properties are in the city's I-1 Zone. The gas storage facility is located to the east.

## **ROCKVILLE PLANNING COMMISSION RECOMMENDATION**

The Rockville Planning Commission held a public hearing on the annexation petition on October 11, 2006. The Commission recommended approval of the petition and that the property be classified in the city's R-60 Zone following approval of the annexation.

## **ANALYSIS**

### **Upper Rock Creek Area Master Plan**

The 2004 Upper Rock Creek Area Master Plan evaluated this property and made specific recommendations for it. The Plan recognized that the properties' water and sewer status gave the city effective control over their development potential and acknowledged the city's long-term interest in residential development of the property. It recommended residential uses for the property, in accord with city master plan recommendations, so that annexation could occur without the Council review required when a municipality's desired use for an annexed property is substantially different from the use recommended in the relevant county master plan. At the same time, the Plan recommended retaining the I-1 Zone on the properties, because, at the time of the Plan, the landowners were not contemplating annexation and wanted to maintain the ability to use the land for light industry.

### **City of Rockville Master Plan**

The petitioners' properties are within the city's Urban Growth Limits, which encompass areas the city considers within its policy and land use planning "sphere of influence." The city's 1993 Master Plan reiterated recommendations from a 1984 Neighborhood Plan for Lincoln Park for residential development of the property. More recently, a 2005 draft update of the Lincoln Park plan recommended a mix of one-family housing types on the property, with a residential density of nine units to the acre. The draft recommended adequate screening and buffering of the new community from nearby industrial uses and from the railroad tracks.

## **Public Facilities**

As noted earlier in this report, the petitioners' properties are outside the Washington Suburban Sanitary District. They are in the city's service district and would be served once they are included in the city. The City Planning Commission has determined that Montgomery County does not provide other services to the property, with the exception of routine police surveillance.

The city's Planning Commission has also determined that residential development on the properties would not affect school capacity under the city's Adequate Public Facilities Ordinance and that such municipal services as police protection would be funded from general tax revenue. Public improvements would be the responsibility of the property owner or developer.

## **Environment**

These properties have an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), which was submitted for a previous development application. The NRI/FSD indicates that there are no streams, wetlands, floodplains or environmental buffers on the properties.

The properties also have an approved Forest Conservation Plan, which remains in force. The approved plan shows 2.1 acres of forest to be retained and 0.92 acres of reforestation. These areas are shown within a Category I conservation easement.

The petitioners have recorded the necessary easement in the county's land records and have devised a maintenance and management agreement for it. Environmental Planning staff have reviewed and approved the agreement and an escrow account has been established to secure the required reforestation. These steps are part of the Forest Conservation Plan approval process.

The M-NCPPC will continue to be the grantee of the easement; revisions to the conservation easement must be reviewed and approved by the M-NCPPC staff.

## **Transportation**

The Transportation Planning unit undertook two informal analyses of transportation facilities' adequacy following the properties' development. The unit determined the number of *additional* peak hour trips that would be generated if the residential development proposed by the city's master plan occurred, rather than development likely if the properties remained in the county. The unit also analyzed a traffic study prepared for residential development in the city.

The first transportation analysis determined that a mix of light industrial and residential development on the properties would generate 47 morning peak and 58 afternoon peak trips. (The Upper Rock Creek Area Master Plan, as noted earlier in this report, endorsed residential development on the properties. A small amount of light industrial development may have been possible if the smaller two parcels remained in an

industrial zone.) Development at the densities proposed in the city's 2005 draft plan (nine units to the acre) would generate 60 morning peak hour and 92 afternoon peak hour trips, a difference of 13 morning and 34 afternoon trips.

The second analysis evaluated the traffic study prepared for the city. The city study evaluated five intersections, only three of which would have been required for a traffic study in the county. The city's evaluation criterion for critical lane volumes differs from that used by the county, with the result that critical lane volume totals are slightly higher than those that would be calculated using county criteria. The analysis found that critical lane volumes at three intersections (Norbeck Road/East Gude Drive and MD 355/Park Road/Middle Lane in the city; East Gude Drive and Dover Road in the county) exceeded Montgomery County congestion standards.

The Transportation Planning unit recommends that the developer of the properties be required to participate in physical improvements at the East Gude Drive/Dover Road intersection and participate in the city's proposed Transportation Management Organization. The unit recommends that the developer and the city develop a Traffic Mitigation Agreement in which the developer would join the Transportation Demand Management Program proposed for establishment by the city. The agreement should establish trip reduction goals equal to the number of trips generated on the site that pass through intersections exceeding congestion standards.

The Transportation Planning unit also evaluated site access and circulation issues. The unit recommends that the developer of the properties build a 4-foot wide sidewalk, with street trees, along the properties' Ashley Avenue and Westmore Avenue frontage.

## **COMMUNITY CONCERNS**

No speakers other than representatives of the petitioners spoke at the Rockville Planning Commission's October 11, 2006 public hearing. No letters or other expressions of concern had been received by Department staff at the time this staff report was completed.

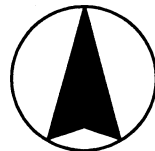
## **CONCLUSION**

The land uses proposed by this annexation reflect the recommendations of the 2004 Upper Rock Creek Area Master Plan. Department staff recommends that the Planning Board support this petition and transmit to the Mayor and Council of Rockville the comments and recommendations noted at the beginning of this staff report.

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Attachment

# WINX Properties



300 0 300 Feet



 Municipal boundary