



**Sectional Map Amendment for the Wheaton CBD and Vicinity Sector Plan**

**Completed: 1/19/12**

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**description**

- Sectional Map Amendment for the approved and adopted Wheaton CBD and Vicinity Sector Plan. Approximately 484 acres of land, with approximately 135 acres proposed to be amended as follows:
  - Approximately 132 acres as Sectional Map Amendments; and
  - Approximately 3 acres as Corrective Map Amendments.

**summary**

Staff recommendation: Approve request to file the Sectional Map Amendment. Topics discussed in the report are:

- Westfield Wheaton Mall, split zone
- Corrective Map Amendments C-1 through C-3

## **background**

There are two reasons a Sectional Map Amendment (SMA) may be filed. The first is to implement zoning changes recommended by an approved and adopted comprehensive master or sector plan. The second is to correct an inaccurate description of zoning lines on an adopted zoning map that are known or become apparent as the result of technical information. In either case, the SMA must contain a statement describing the rationale in support of the proposed changes or adjustments, including the total number of acres to be changed, reconfirmed or adjusted.

Within five days after accepting the filing of the application, the District Council or its designee must transmit a copy of the application to the Planning Department and the Planning Board. The Planning Board must submit a written recommendation to the County Council, which is incorporated in the application file, and is part of the application's record (§59-H-3.2).

On November 29, 2011, the County Council approved the *Wheaton CBD and Vicinity Sector Plan* (Sector Plan), by Resolution 17-313. On January 18, 2012, the full Maryland-National Capital Park and Planning Commission (M-NCPPC) adopted the Sector Plan, by M-NCPPC Resolution No. 11-23.

The total acreage of the Sector Plan is approximately 484 acres, of which 135 acres are proposed for rezoning. The remaining 349 acres are being reconfirmed with the existing zoning. Attachment 1 shows the boundaries of the Sector Plan. Attachment 2 shows areas recommended for rezoning by the Sector Plan, while Attachments 3 - 5 show areas that are to be corrected through a Corrective Map Amendment as part of this Sectional Map Amendment. There are no pending zoning cases within the boundaries of the Sector Plan.

## **proposed sectional map amendment**

The SMA proposes to rezone multiple properties to implement the Sector Plan's recommendations to apply either the CR or the CRN Zone. Each CR and CRN Zone is characterized by the following components: a total maximum floor area ratio (FAR), a maximum commercial (C) FAR, a maximum residential (R) FAR and a maximum building height (H). For example, an area zoned CRN-1.5, C-1.0, R-1.0, H-45, allows a total maximum FAR up to 1.5, with maximum non-residential and residential FARs of 1.0, thereby requiring a mix of uses to obtain the total maximum FAR of 1.5. The maximum height for any building in this zone is 45 feet. Each CR and CRN Zone is designed to accommodate planning and design conditions on each property as recommended in the approved and adopted Wheaton CBD and Vicinity Sector Plan. Table 1 describes the areas designated for each zoning change. Each number listed below corresponds to a number given in the attached index sheet (see Attachment 2.)

The Sector Plan recommended the Westfield/Wheaton Mall parcel (Area #2) to be split by three zoning classifications: C-T, C-2 and CR-6.0, C-5.5, R-5.5, H-200 as shown in Attachment 2. Staff has described the boundaries of the CR Zone on this property by metes and bounds (see Attachment 6) to reduce the error of interpretations later in the zoning maps.

The following table lists all properties proposed for rezoning through the Sectional Map Amendment as recommended by the approved and adopted 2011 *Wheaton CBD and Vicinity Sector Plan*.

**Table 1: Parcels to be rezoned**

<b>Area #</b>	<b>Existing Zone(s)</b>	<b>Proposed Zone</b>	<b>Acres</b>
1	CBD-2	CR-6.0 C-6.0 R-3.0 H-250	3.6
2	C-2	CR-6.0 C-5.5 R-5.5 H-200	26.4
3	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	1.9
4	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	1.4
5	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	2.7
6	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	1.1
7	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	0.5
8	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	2.0
9	CBD-2	CR-6.0 C-5.5 R-5.5 H-200	2.2
10	CBD-3	CR-6.0 C-5.5 R-5.5 H-200	2.3
11	CBD-2, CBD-3	CR-6.0 C-5.5 R-5.5 H-200	3.6
12	CBD-R1, CBD-3	CR-6.0 C-5.5 R-5.5 H-200	5.7
13	CBD-2	CR-5.0 C-4.5 R-4.5 H-150	2.2
14	CBD-2	CR-5.0 C-4.5 R-4.5 H-150	2
15	CBD-2	CR-5.0 C-4.5 R-4.5 H-150	2
16	C-2	CR-5.0 C-4.5 R-4.5 H-150	2
17	C-2	CR-5.0 C-4.5 R-4.5 H-130	1.3
18	C-2	CR-5.0 C-4.5 R-4.5 H-130	1.8
19	CBD-2	CR-5.0 C-4.5 R-4.5 H-130	1.4
20	CBD-2	CR-5.0 C-4.5 R-4.5 H-130	3.1
21	CBD-1, C-O	CR-4.0 C-3.5 R-3.5 H-100	3.8
22	R-20, R-30, CBD-2	CR-4.0 C-3.5 R-3.5 H-100	6.3
23	CBD-2	CR-4.0 C-3.5 R-3.5 H-100	4.2
24	TS-R	CR-4.0 C-3.5 R-3.5 H-100	1.8
25	R-60, C-2	CR-3.0 C-2.5 R-2.5 H-100	2.2
26	R-60, C-2	CR-3.0 C-2.5 R-2.5 H-100	0.9
27	C-O, C-2	CR-3.0 C-2.5 R-2.5 H-75	2
28	C-2	CR-3.0 C-2.5 R-2.5 H-75	6.5
29	C-2	CR-2.0 C-1.5 R-1.5 H-75	0.8
30	CBD-0.5, R-20	CR-2.0 C-1.5 R-1.5 H-75	6.3
31	R-20, R-30	CR-2.0 C-1.5 R-1.5 H-75	4.2
32	R-20	CR-2.0 C-1.5 R-1.5 H-75	7.7
33	C-2	CR-2.0 C-1.5 R-1.5 H-75	2.6
34	C-T	CRN-1.0 C-0.25 R-1.0 H-45	0.9
35	C-T	CRN-1.0 C-0.5 R-1.0 H-45	0.4
36	R-60, C-T	CRN-1.0 C-0.5 R-1.0 H-45	0.7
37	C-O	CRN-1.5 C-0.5 R-1.5 H-45	0.7
38	R-60, C-T, C-2	CRN-1.5 C-0.25 R-1.5 H-45	1.3

Area #	Existing Zone(s)	Proposed Zone	Acres
39	C-T, C-O	CRN-1.5 C-0.5 R-1.5 H-45	0.4
40	R-60, C-2	CRN-1.5 C-0.5 R-1.5 H-45	1.9
41	CBD-1	CRN-1.5 C-0.5 R-1.5 H-45	1.7
42	C-1, C-T	CRN-1.5 C-0.5 R-1.5 H-45	1.7
43	CBD-R1, CBD-3	CRN-1.5 C-0.5 R-1.5 H-45	3.4
<b>Total:</b>			<b>131.6 acres</b>

**proposed corrective map amendment**

This SMA is being prepared in conjunction with the Planning Department’s effort to convert all hand-drawn and Auto-CAD zoning maps to Geographic Information System (GIS) based maps. Because of this comprehensive map review, staff has identified three areas which need corrective action. In order to correct the technical errors that led to inaccurate depictions of the zoning boundaries and zoning classifications for certain properties on the official zoning maps, staff has opted to include these corrections with this Sectional Map Amendment.

**Correction C-1 (Attachment 3):**

Map Grid: 214NW03

Location: North side of McComas Road, along Torrance Drive

Property: Lots 2 - 5, Block F, “Kensington Heights”

Mapping errors may occur in a couple of different ways: (1) incorrect interpretation of parcel lines during the application of a local map or sectional map amendment, or (2) misinterpretation of zoning boundaries which are located on sheets associated with Sectional Map Amendments during the conversion of the hand-drawn maps to the AutoCAD maps. These areas may lie inside the master or sector plan boundaries, or they may be outside of master plan boundaries, but on the same zoning sheet as the master plan boundaries. In this instance, this mapping error occurred in conjunction with local map amendment G-505, when the parcels, which included Torrance Drive, were reclassified from R-60 to PD-9. This map amendment included what were Parts of Lots 14 and 15 and Lot 1, and Parcel A, Block 14A, “Kensington Heights.” The zoning map was updated incorrectly and reflected a portion of the adjacent parcels as PD-9. Staff found this to be an inaccurate depiction of the zone boundaries and recommends reclassifying approximately 0.15 acres of Lots 2- 5, Block F from the PD-9 Zone to the R-60 Zone in order to show the intent of the zoning boundaries established in G-505 correctly (see Attachment 3).

**Correction C-2 (Attachment 4):**

Map Grid: 214NW03

Location: Northwest corner of University Boulevard and West Avenue

Property: Parcels B and C, and Pt 14, Block A, “Kensington View”

These parcels were reclassified as part of Local Map Amendment E-49; however, pursuant to a section of the Montgomery County Code in effect at that time, the County

Council left the zoning unchanged for the area that was withheld for future right-of-way. In 1969, the Maryland Court of Appeals found withholding rights-of-way from rezoning solely for purposes of future rights-of-way to be unconstitutional. Therefore, that section of the County Code was removed and §59-A-1.72 added, which requires the zoning for any previously withheld rights-of-way to match the zoning of the surrounding property.

Since the properties were rezoned to C-2, with the exception of the right-of-way, the portions of the property withheld now assume the C-2 Zone to comply with the law. Even though the current maps show the entire parcel as C-2, rather than R-60, staff is implementing the corrective mapping action to affirm the C-2 Zone for the entire property (see Attachment 4).

**Correction C-3 (Attachment 5):**

Map Grid: 214NW14

Location: Western edge of Westfield/Wheaton Mall, between University Boulevard and Faulkner Place

Property: Parcel 10, Wheaton Plaza

In the 1960s, Westfield Wheaton Mall was subject to several Local Map Amendments, which over time changed the zoning from the R-60 Zone to C-2 Zone. The current configuration, absent the proposed CR Zone from the new master plan is the result of 11 local map amendments, and a Sectional Map Amendment in the 1970s. Local map amendment E-107, approved in 1965, changed approximately 0.5 acres of land, located on the westernmost side of the parcel, between University Boulevard and Faulkner Place from the R-60 Zone to the C-2 Zone; however, subsequent to the approval, 0.14 acres of land was inadvertently excluded from the zoning maps (see Attachment 3). This land was not involved in any subsequent zoning changes, including sectional map amendments.

Staff found this to be an inaccurate depiction of the zone boundaries and recommends reclassifying approximately 0.04 acres of Parcel 10, Westfield Mall from the R-60 Zone to the C-2 Zone in order to show the intent of the zoning boundaries established in E-107 (see Attachment 5).

**conclusion**

Staff recommends approval to file the Sectional Map Amendment.

## **ATTACHMENTS**

**Attachment 1-** General Location Map

**Attachment 2-** Sectional Map Amendment Index

**Attachment 3-** Proposed Corrective Map Amendment 1 (C-1)

**Attachment 4-** Proposed Corrective Map Amendment 2 (C-2)

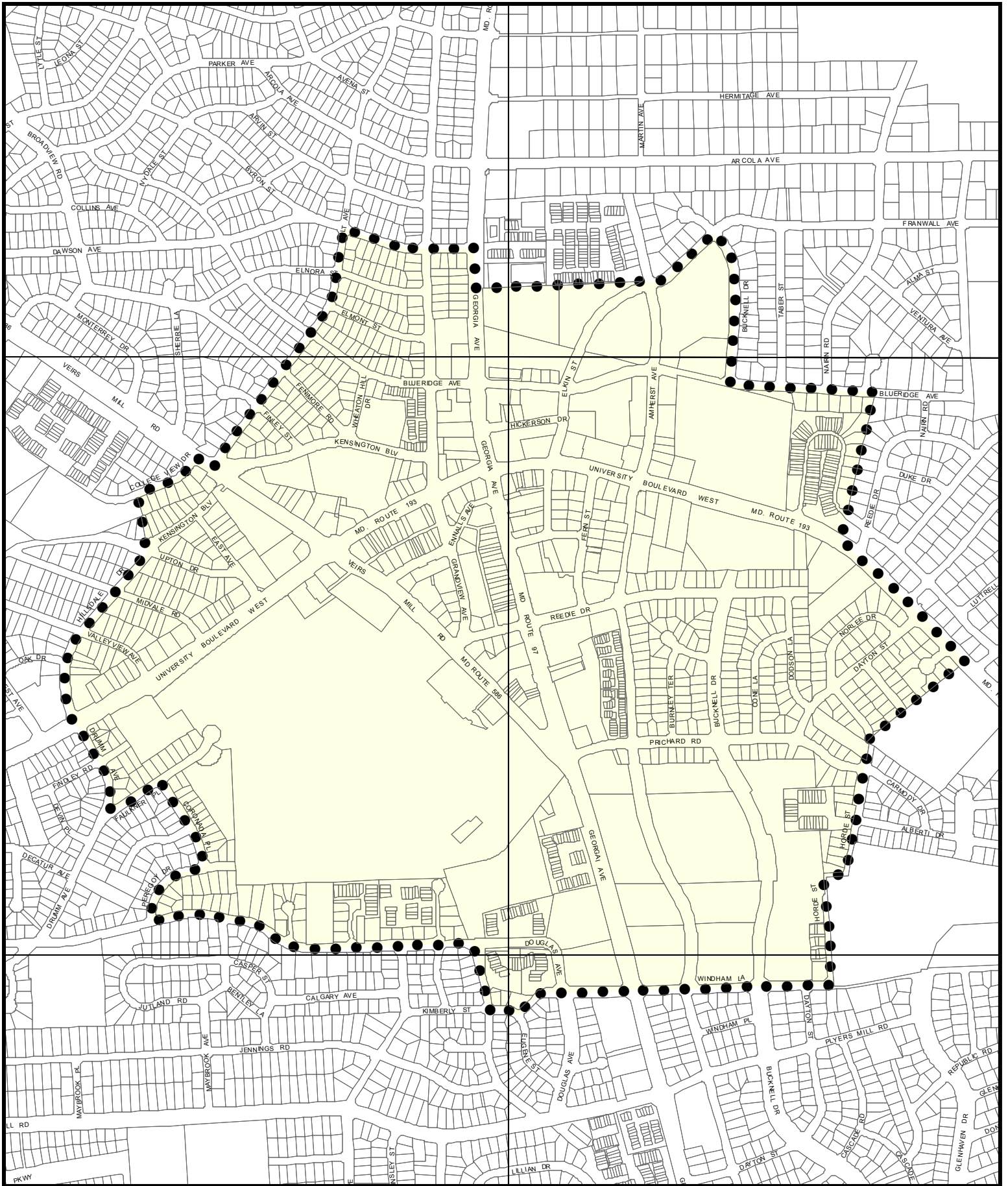
**Attachment 5-** Proposed Corrective Map Amendment 3 (C-3)

**Attachment 6-** Westfield Wheaton Mall Proposed Split Zone Metes and Bounds Description

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# ATTACHMENT 1

## General Location Map



↑  
not to scale

# ATTACHMENT 2

## SECTIONAL MAP AMENDMENT

### FOR THE WHEATON CBD & VICINITY SECTOR PLAN

NW03

NW02

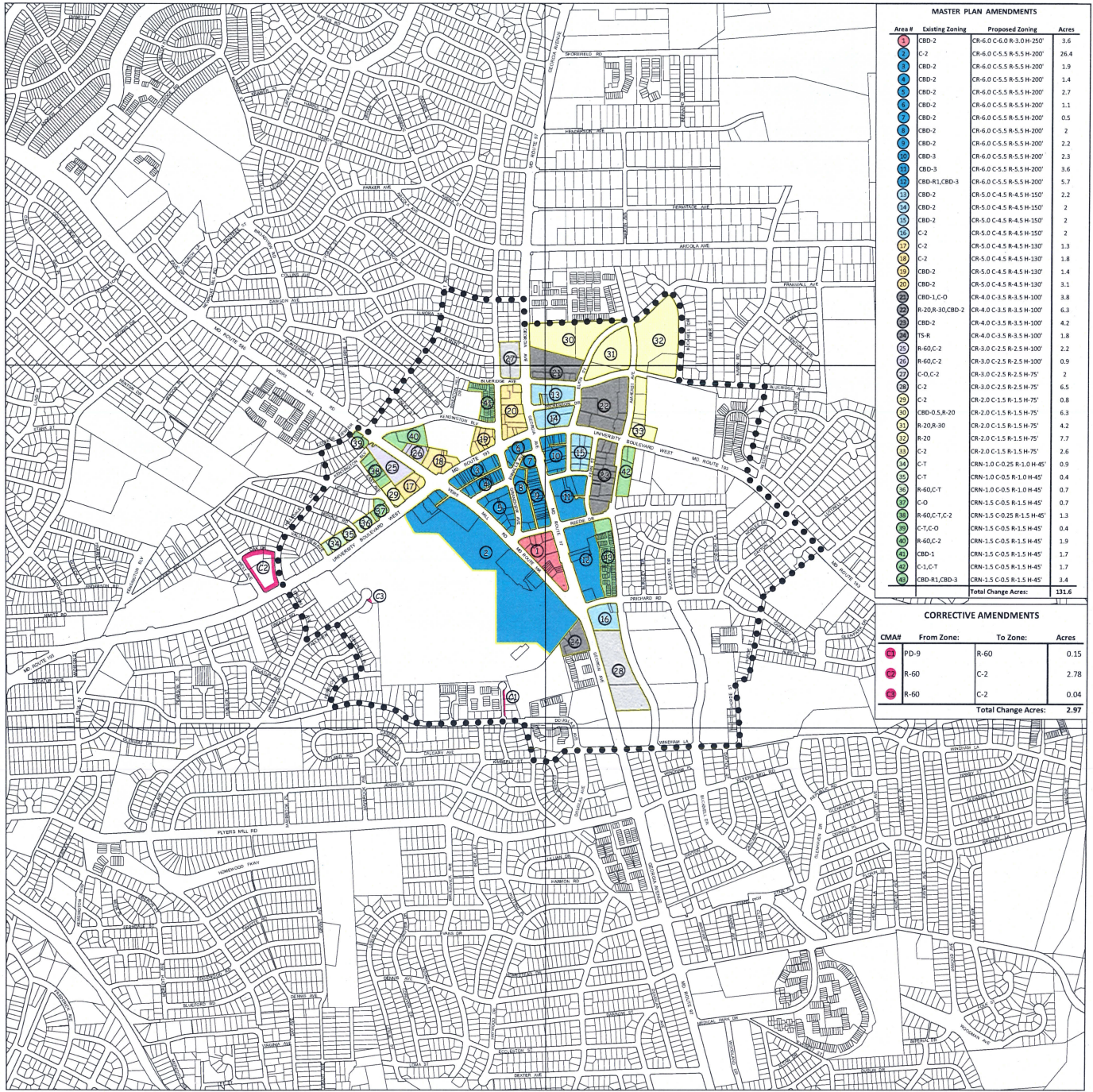
215

214

213

NW03

NW02



MASTER PLAN AMENDMENTS			
Area #	Existing Zoning	Proposed Zoning	Acres
1	CBD-2	CR-4.0-C-6.0 R-3.0 H-250'	3.6
2	C-2	CR-4.0-C-5.5 R-5.5 H-200'	26.4
3	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	1.9
4	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	2.7
5	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	1.4
6	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	1.1
7	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	0.5
8	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	2.2
9	CBD-2	CR-4.0-C-5.5 R-5.5 H-200'	2.2
10	CBD-3	CR-4.0-C-5.5 R-5.5 H-200'	2.3
11	CBD-3	CR-4.0-C-5.5 R-5.5 H-200'	3.6
12	CBD-R1,CBD-3	CR-4.0-C-5.5 R-5.5 H-200'	5.7
13	CBD-2	CR-5.0-C-4.5 R-4.5 H-150'	2.2
14	CBD-2	CR-5.0-C-4.5 R-4.5 H-150'	2
15	C-2	CR-5.0-C-4.5 R-4.5 H-150'	2
16	C-2	CR-5.0-C-4.5 R-4.5 H-150'	1.3
17	C-2	CR-5.0-C-4.5 R-4.5 H-150'	1.8
18	CBD-2	CR-5.0-C-4.5 R-4.5 H-150'	1.4
19	CBD-2	CR-5.0-C-4.5 R-4.5 H-150'	3.1
20	CBD-1,C-0	CR-4.0-C-3.5 R-3.5 H-100'	3.8
21	R-20R-30,CBD-2	CR-4.0-C-3.5 R-3.5 H-100'	6.3
22	CBD-2	CR-4.0-C-3.5 R-3.5 H-100'	4.2
23	TS-R	CR-4.0-C-3.5 R-3.5 H-100'	1.8
24	R-60,C-2	CR-3.0-C-2.5 R-2.5 H-75'	10.2
25	R-60,C-2	CR-3.0-C-2.5 R-2.5 H-100'	0.9
26	C-0,C-2	CR-3.0-C-2.5 R-2.5 H-75'	2
27	C-2	CR-3.0-C-2.5 R-2.5 H-75'	6.5
28	C-2	CR-2.0-C-1.5 R-1.5 H-75'	0.8
29	CBD-0.5,R-20	CR-2.0-C-1.5 R-1.5 H-75'	6.3
30	R-20R-30	CR-2.0-C-1.5 R-1.5 H-75'	4.2
31	R-20	CR-2.0-C-1.5 R-1.5 H-75'	7.7
32	C-2	CR-2.0-C-1.5 R-1.5 H-75'	2.6
33	C-F	CRN-1.0-C-0.25 R-1.0 H-45'	0.9
34	C-F	CRN-1.0-C-0.5 R-1.0 H-45'	0.4
35	R-60,C-T	CRN-1.0-C-0.5 R-1.0 H-45'	0.7
36	C-0	CRN-1.5-C-0.5 R-1.5 H-45'	0.7
37	R-60,C-T,C-2	CRN-1.5-C-0.25 R-1.5 H-45'	1.3
38	C-T,C-0	CRN-1.5-C-0.5 R-1.5 H-45'	0.4
39	R-60,C-2	CRN-1.5-C-0.5 R-1.5 H-45'	1.9
40	CBD-1	CRN-1.5-C-0.5 R-1.5 H-45'	1.7
41	C-1,C-T	CRN-1.5-C-0.5 R-1.5 H-45'	1.7
42	CBD-R1,CBD-3	CRN-1.5-C-0.5 R-1.5 H-45'	3.4
<b>Total Change Acres:</b>			<b>131.6</b>

CORRECTIVE AMENDMENTS			
CMA#	From Zone:	To Zone:	Acres
1	PD-9	R-60	0.15
2	R-60	C-2	2.78
3	R-60	C-2	0.04
<b>Total Change Acres:</b>			<b>2.97</b>



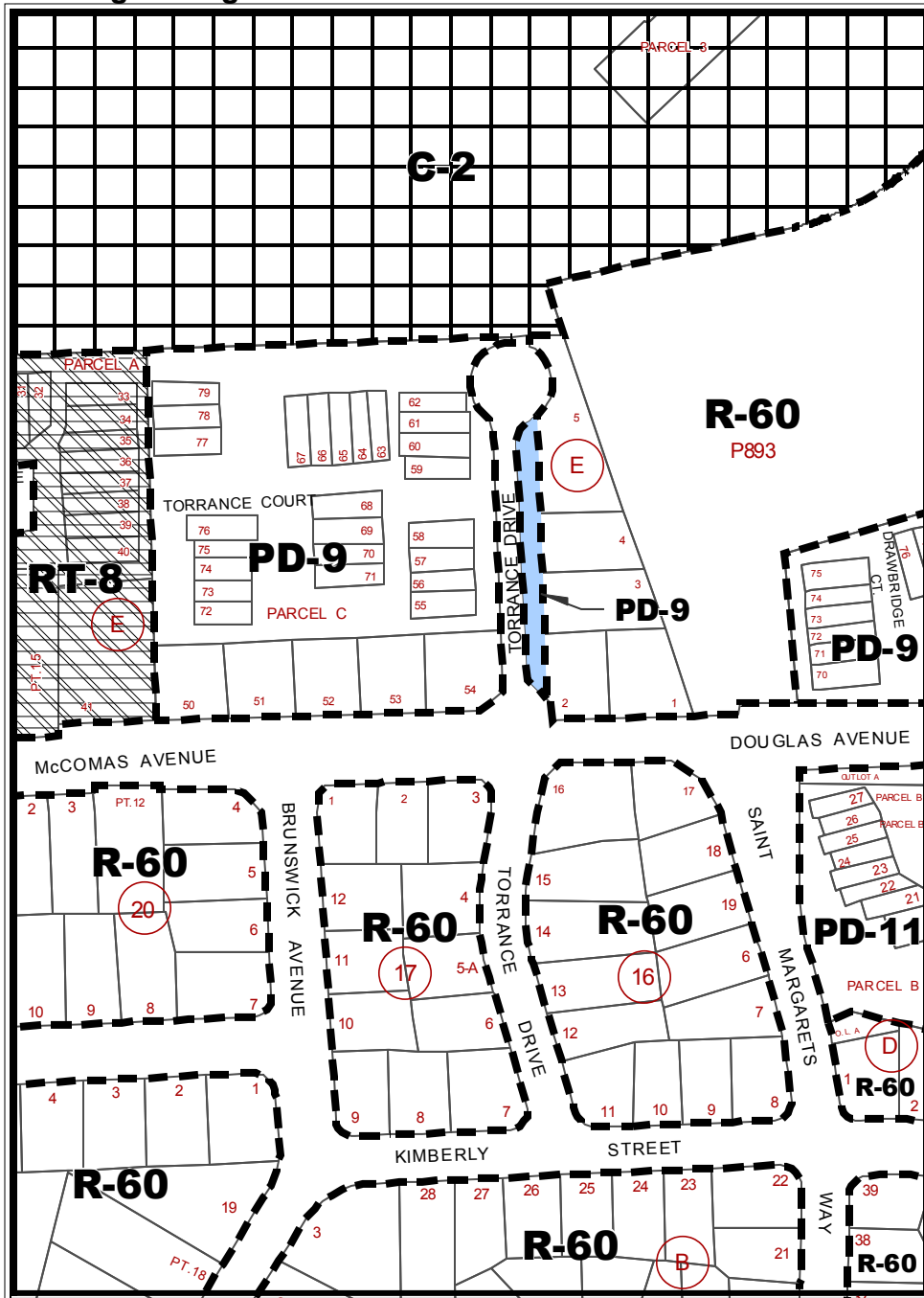
1 inch = 750 feet



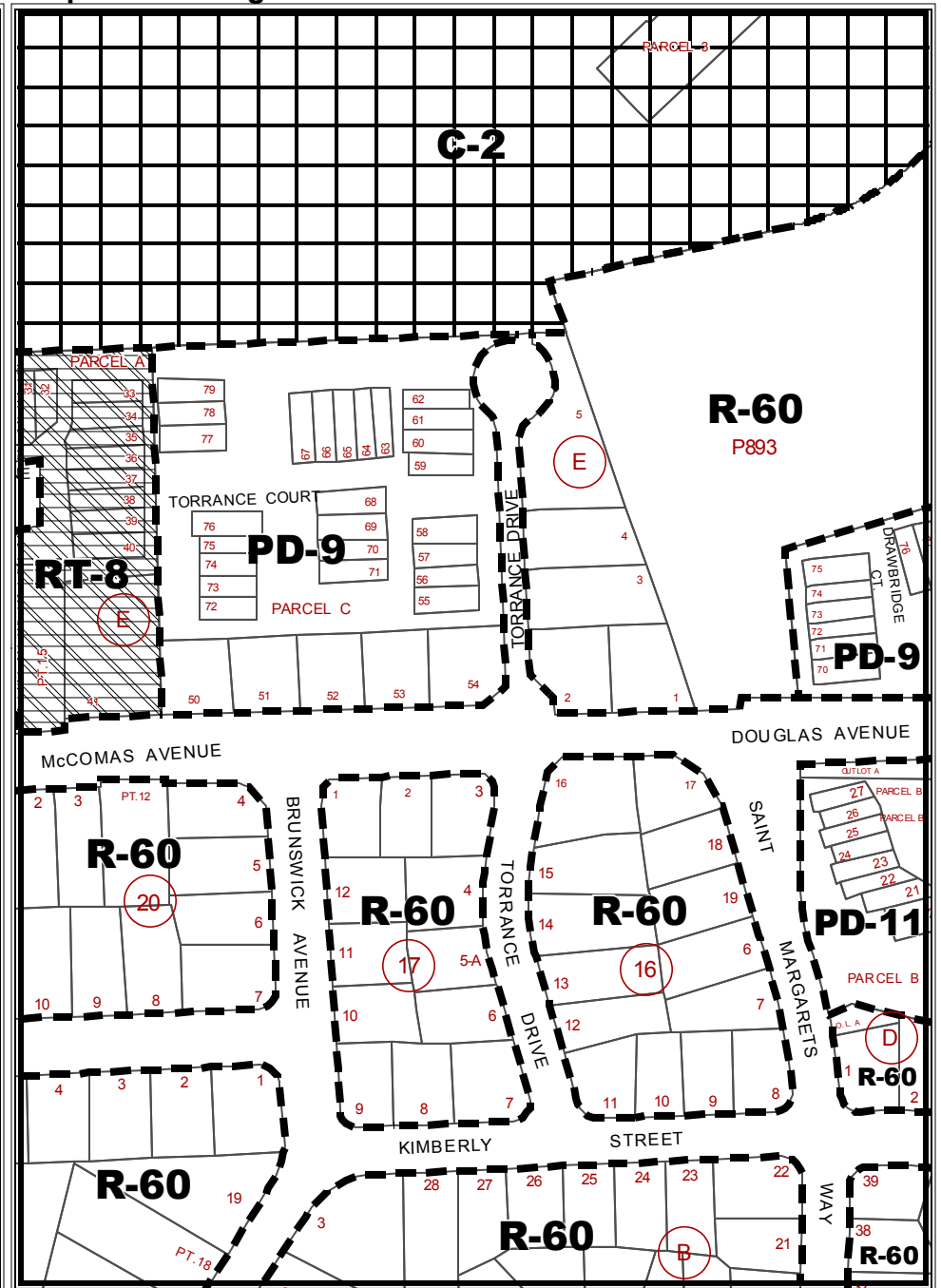


# ATTACHMENT 3

## Existing Zoning



## Proposed Zoning



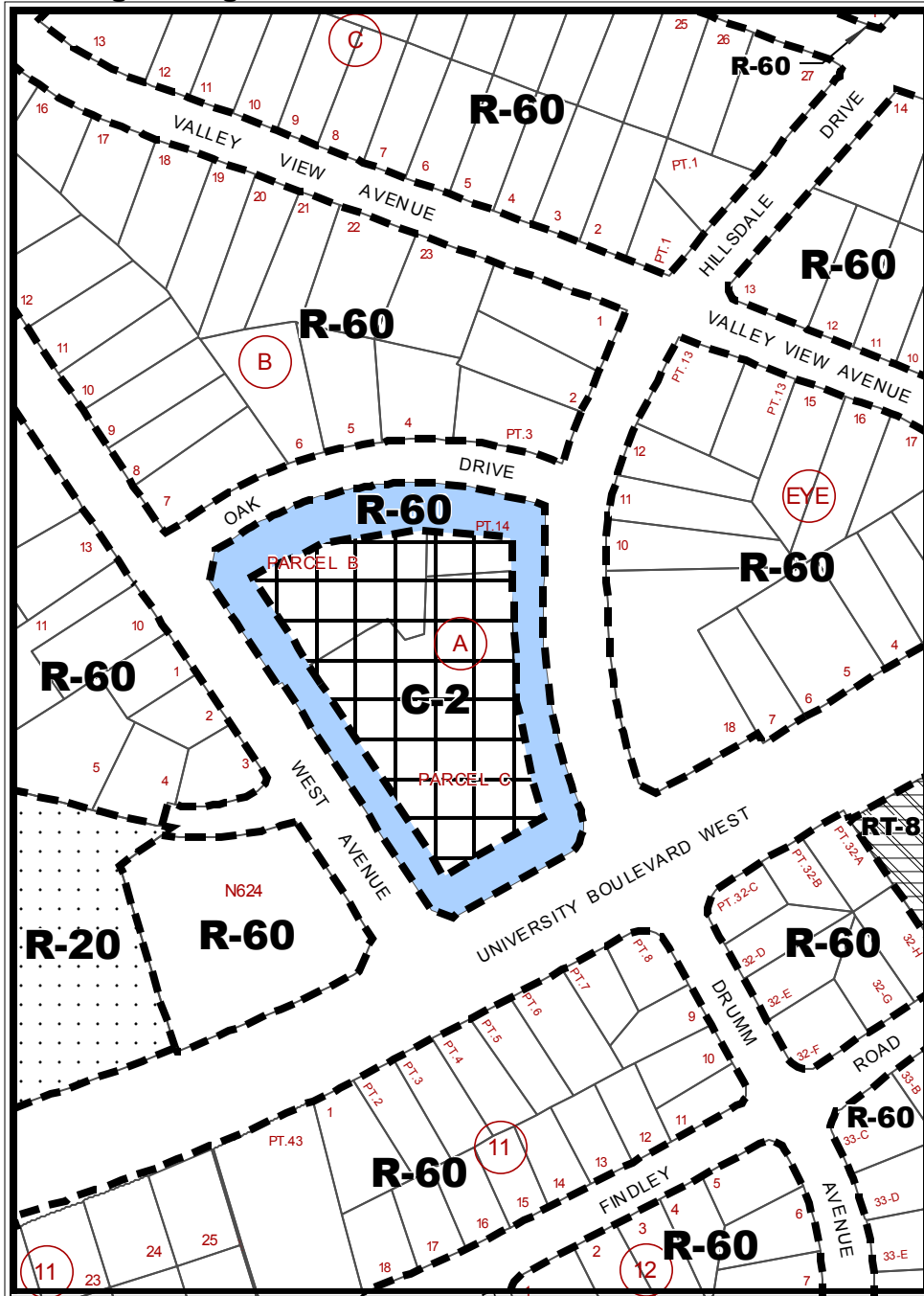
Map Grid: 214NW03

Corrective Map Amendment

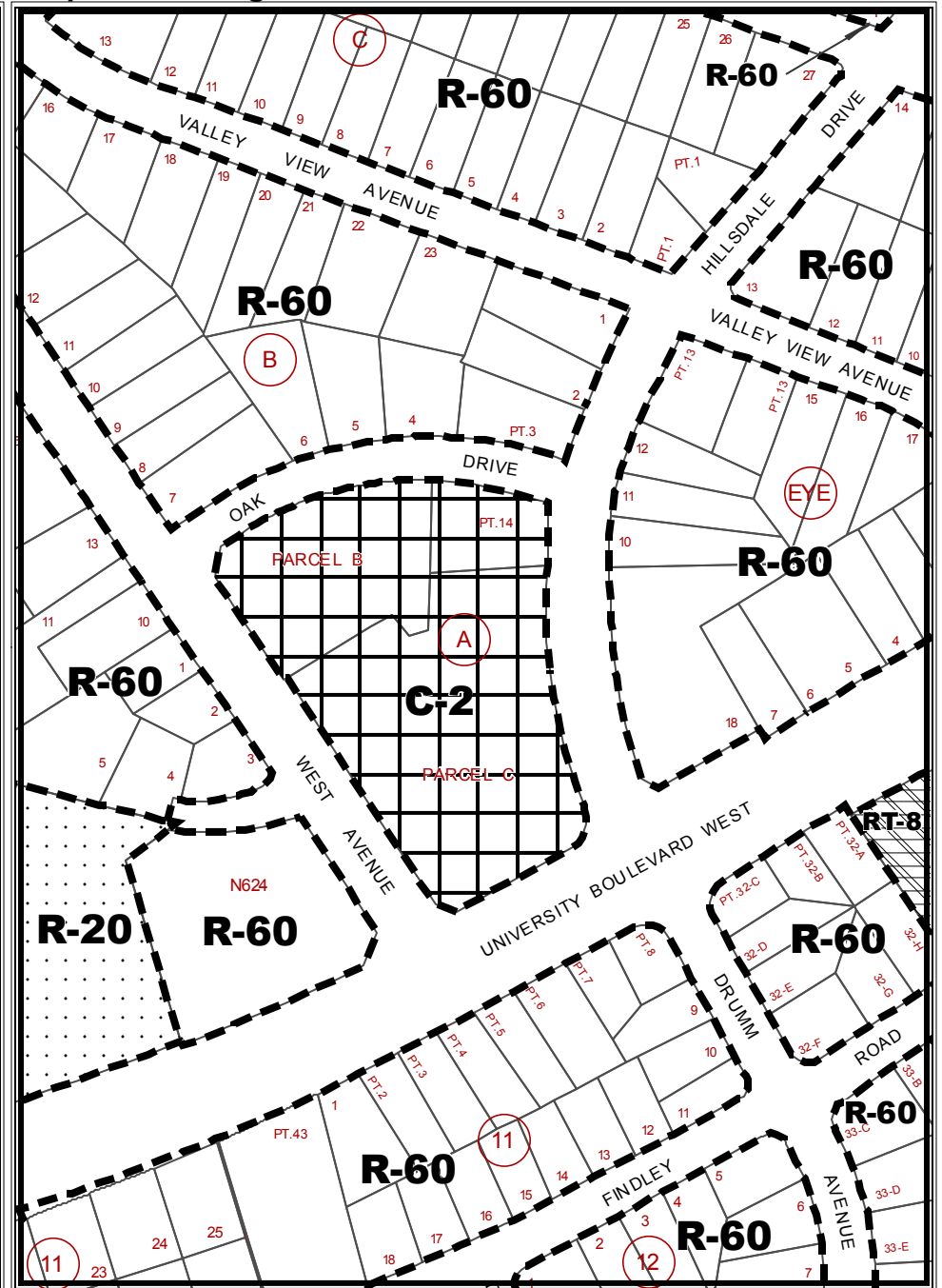
1 in = 200 ft

# ATTACHMENT 4

## Existing Zoning



## Proposed Zoning



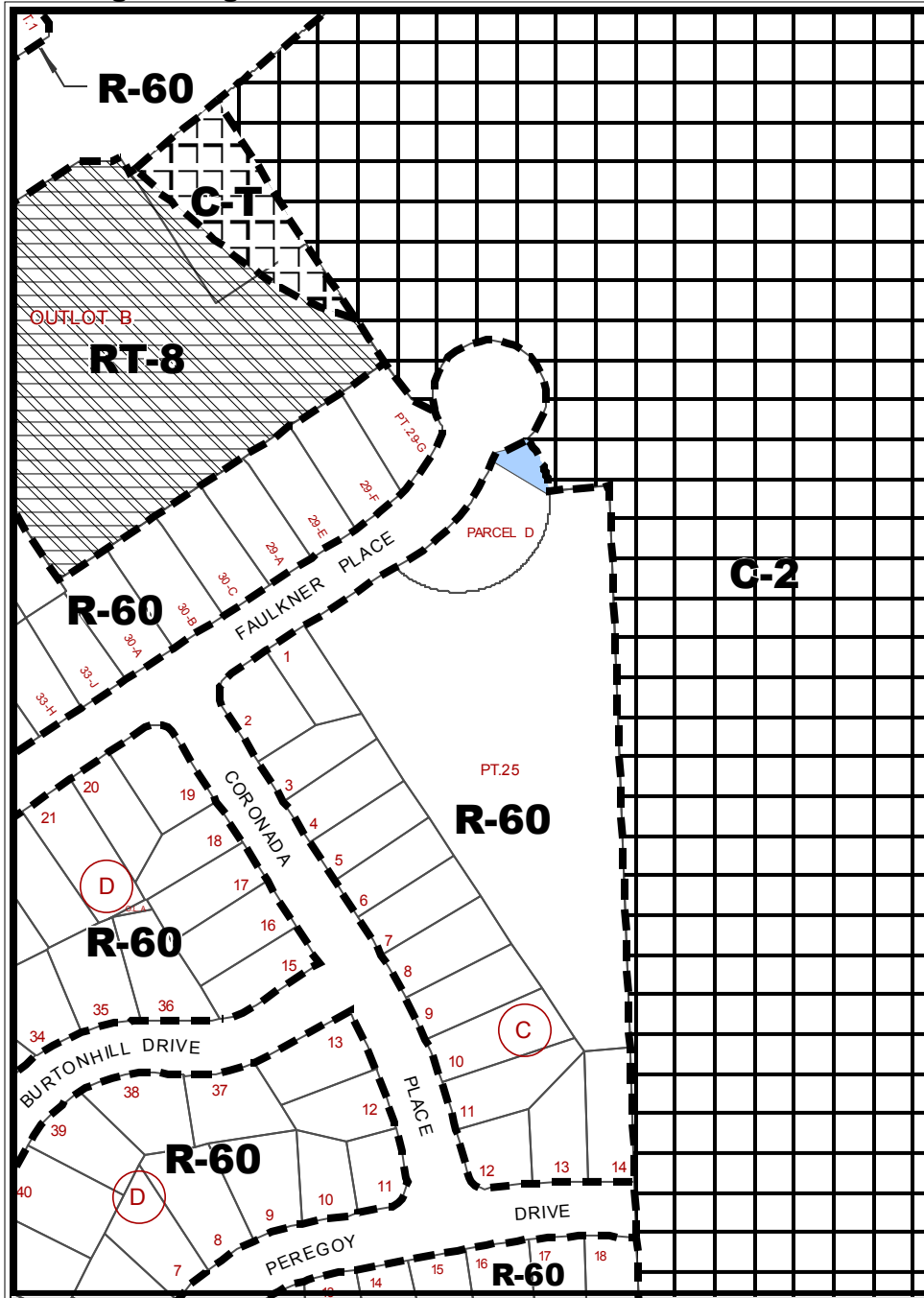
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 Corrective Map Amendment

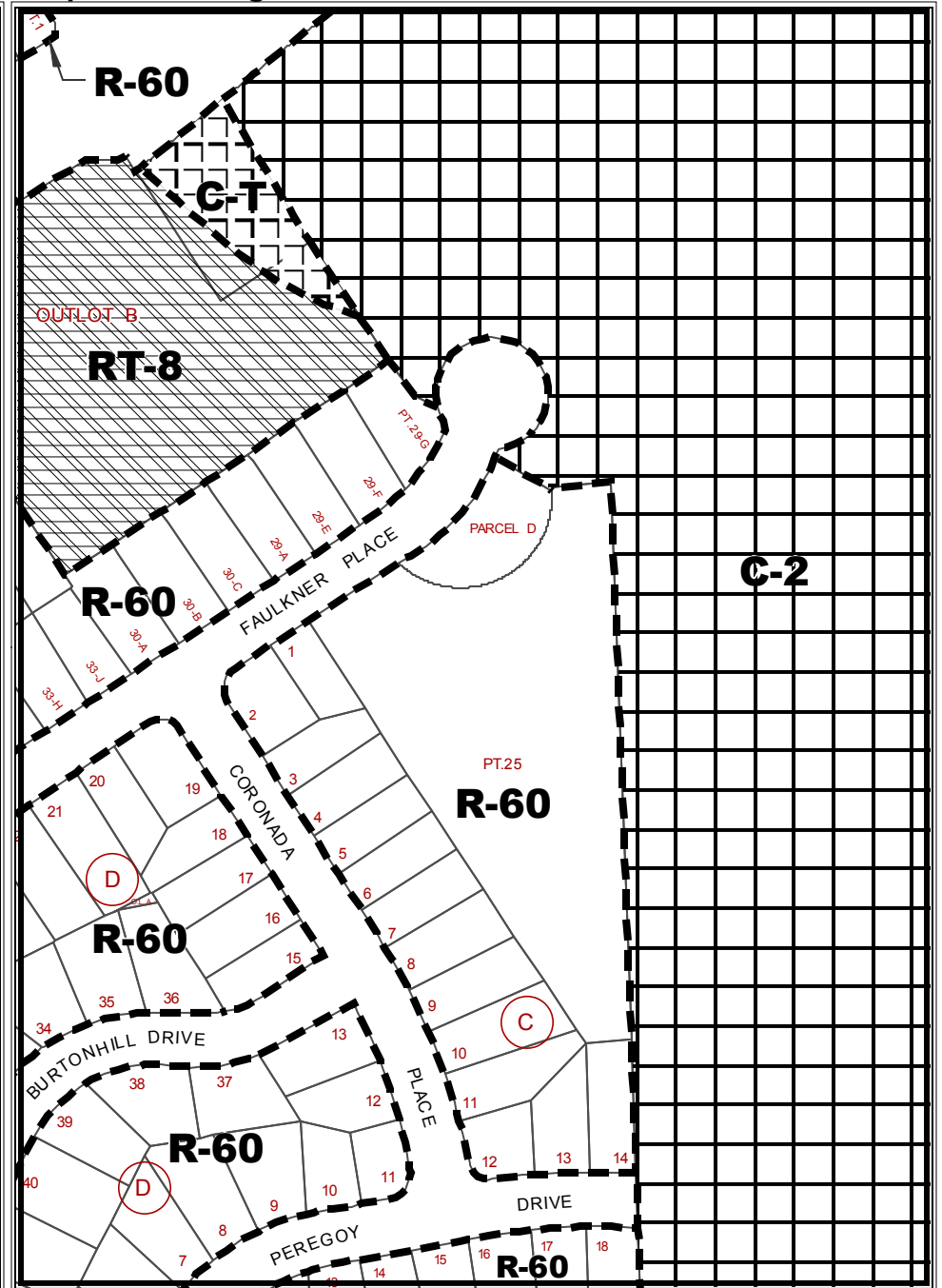
1 in = 200 ft

# ATTACHMENT 5

## Existing Zoning



## Proposed Zoning



Map Grid: 214NW03

 Corrective Map Amendment

1 in = 200 ft

## ATTACHMENT 6

Considering the following coordinate system: NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900\_Feet

Beginning at the intersection of University Boulevard and the northern entrance to the Westfield Wheaton Shopping Mall at XY coordinate recognized as 1296191.901, 499799.143

Thence South 299 degrees 31 minutes 49 seconds East 234.03 Feet;  
Thence South 358 degrees 58 minutes 30 seconds East 323.68 Feet;  
Thence South 358 degrees 53 minutes 35 seconds East 174.29 Feet;  
Thence South 133 degrees 59 minutes 56 seconds East 656.88 Feet;  
Thence South 268 degrees 49 minutes 25 seconds East 764.19 Feet;  
Thence South 8 degrees 56 minutes 41 seconds East 441.19 Feet;  
Thence South 321 degrees 6 minutes 49 seconds East 201.13 Feet;  
Ending at XY coordinate recognized as 1297838.127, 498292.134