MCPB Item No.

Date: 4-07-16

#### Montgomery Village Master Plan Sectional Map Amendment H-112

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Completed: 3-31-16

#### **Staff Recommendation**

Approval to file Sectional Map Amendment (SMA) H-112 implementing the recommendations of the Approved and Adopted Montgomery Village Master Plan and implement several corrective amendments.

#### Summary

This proposed SMA will implement the Montgomery Village Master Plan's zoning recommendations. The Plan seeks to preserve the Village's residential character and open space system and encourage redevelopment in key locations in the Village.

### **Background**

An SMA implements the zoning recommendations made in a master plan. Section 7.2.3 of the Montgomery County Zoning Ordinance enables the Planning Board to file an SMA application with the District Council, which in turn must transmit a copy to the Planning Department and the Planning Board for review. The Planning Board must then submit to the District Council a written recommendation on the application, which is included in the public record. The District Council then holds a public hearing to receive testimony. Within 60 days of the public hearing, the District Council renders a decision on the application.

On February 9, 2016, the District Council approved the Montgomery Village Master Plan, by Resolution 18-398. On March 16, 2016, the Maryland-National Capital Park and Planning Commission adopted the approved plan, by Resolution 16-01. In addition to approving the Master Plan, on February 9, 2016, the County Council approved zoning text amendment 15-12, (Council Ordinance 18-10) creating the Montgomery Village Overlay zone.

The Montgomery Village Master Plan area encompasses approximately 2,512 acres and is generally located east of I-270 and north of the City of Gaithersburg. This SMA proposes zoning reclassification for about 2,270 acres, adds the Montgomery Village Overlay zone, coterminous to the Master Plan boundaries, and reconfirms approximately 65 acres of R-200 for the PEPCO properties. With the adoption of the 2014 Zoning Ordinance, zone boundaries are not depicted in the public rights-of-way, but the zone must run to the center of the adjacent right-of-way. Staff estimates approximately 177 acres of public rights-of-way that are subject to this change.

Since its inception, Montgomery Village has been in the Town Sector (TS) zone. Montgomery County's 2014 Zoning Ordinance specifies that certain zones (contained in Article 59-8), including the Town Sector zone are to be phased out and replaced when master plans that contain these zones are updated. For Montgomery Village, this rezoning task is complex due to the size of the area that must be rezoned. The Master Plan recommends 15 new zoning categories to replace the Town Sector zone, which covers approximately 2,512 acres. The proposed amendments to the Zoning Map include the following<sup>1</sup>:

- 0.44 acres<sup>2</sup> from the TS zone to the R-200 zone,
- 1.6 acres<sup>2</sup> from the R-200 zone to the R-90 zone,
- 0.2 acres from the R-200 zone to the RE-1 zone,
- 86 acres in the Commercial Residential/Town (CRT) zone,
- 56 acres in the Commercial Residential/Neighborhood (CRN) zone,
- 24 acres in the Neighborhood Retail (NR) zone,
- 11 acres in the Employment Office (EOF) zone,
- 5 acres in the Industrial Low (IL) zone,
- 375 acres in the Residential Estate 1 (RE-1) zone
- 220 acres in the Residential 200 (R-200) zone
- 543 acres in the Residential 90 (R-90) zone,
- 13 acres in the Residential 60 (R-60) zone,
- 469 acres in the Townhouse Low Density (TLD) zone,
- 163 acres in the Townhouse Medium Density (TMD) zone,
- 54 acres in the Townhouse High Density (THD) zone,
- 43 acres in the Residential Multi-Unit Low Density 30 (R-30) zone,
- 168 acres in the Residential Multi-Unit Medium Density 20 (R-20) zone,
- 37 acres in the Residential Multi-Unit High Density 10 (R-10) zone, and
- 2,512 acres in the Montgomery Village Overlay (MV) zone.

There are no pending local map amendments within the boundaries of the Montgomery Village Master Plan.

#### **Proposed Sectional Map Amendment**

The Montgomery Village Master Plan's overarching goals are to preserve the Village's character, maintain its public open spaces, encourage reinvestment and enhance connectivity. Additionally, with the adoption of the County's new Zoning Ordinance, the existing TS zone must be replaced with new zones. As a result, the Master Plan focused on two interrelated issues: potential redevelopment and new zoning recommendations for the entire Village. This SMA will comprehensively reclassify over 2,400 acres of land. Although approximately 96% of the Montgomery Village plan area is being reclassified, approximately 95% of the rezoning is to a Euclidean-based zone. This rezoning seeks to match the built or approved uses and densities to a comparable zone to support Master Plan recommendations to preserve the Village's

<sup>&</sup>lt;sup>1</sup> Acres are net acres and do not include adjacent ROW.

<sup>&</sup>lt;sup>2</sup> Please see Corrective Map/Zoning Adjustment Amendments of this report for proposed corrections.

character. The remainder of the lands being rezoned, approximately 5% is being reclassified to support Master Plan recommendations to encourage reinvestment, and promote newer, mixed use development that enhance connectivity. A summary table indicating the acres of change, the proposed rezoning and locational index are listed in Attachment 1.

The Master Plan split-zones the Normandy Lake/Montgomery Village Office Park (NL/MVOP) property, which is located on the west side of Montgomery Village Avenue at its intersection with Walkers Choice Road (see sites 10 and 13, Attachment 2). The NL/MVOP is approximately 21 acres in size. Staff recommends that approximately 19 acres be placed in the R-20 zone and 2 acres in the EOF 0.5, H-50 zone to reflect the existing uses (see Attachment 12). The metes and bounds description is attached to this report (see Attachment 46).

Cider Mill Apartments (see sites 26 and 27, Attachment 2), located on the southeast side of Montgomery Village and north of Lost Knife Road is proposed to be split-zoned as well (see Attachment 16). Cider Mill is approximately 42 acres in size with approximately 14 acres, known as Parcel A, Hamlet Associates, et al., proposed for the CRT-1.5, C-0.25, R-1.25, H-75 zone and the remaining 28 acres (Parcels B and C, Hamlet Associates, et al.) proposed for CRN-0.5, C-0.0, R-0.5, H-40.

This SMA includes the mapping of the Montgomery Village Overlay zone (MVOZ), Montgomery County Ordinance Number 18-10, which is coterminous with the Montgomery Village Master Plan area. The purpose of the MVOZ is to facilitate the preservation of the residential character and open space system that exists in the Village.

The recommended changes to the zones are found in Attachments 8 – 45 and a summary change index can be found in Attachments 2, 3, and 4.

#### **Corrective Map/Zoning Adjustment Amendments**

In accordance with the Zoning Ordinance, zoning lines are generally drawn to property lines. Property lines change over time through the subdivision process. Changes in property boundaries occur more often than the changes to the zoning maps, which can occur only through District Council action. The Planning Department is responsible for maintaining the zoning maps, and generally uses the State Tax Assessor's property maps as the base on which to draw zoning boundaries, unless a property is intentionally split-zoned during a rezoning process. Some of these property boundary changes may create situations where zoning boundaries are not coterminous with the property boundaries even if it was not the intent of the original zoning action to split zone these properties. A "correction" of these boundaries is appropriate to eliminate any complications in the implementation of the zoning controls without negatively impacting the intended, current and proposed use of the property.

Additional mapping errors may occur in a couple of different ways, including incorrect interpretation of parcel lines during the application of a local map or sectional map amendment. These areas may lie inside the master or sector plan boundaries, or they may be outside of master plan boundaries.

A Corrective Map Amendment process allows for correction of inadvertent omissions and mistakes without impacting the original intent of the rezoning actions. Per Section 7.2.3, the Zoning Ordinance also allows the SMA process to incorporate Corrective Map Amendments or zoning adjustments as part of an SMA application.

Staff has identified four actions due to technical mapping error because of a misinterpretation of parcel lines during the application of a local map amendment or zoning line adjustments. Three of the four corrections (Change Nos. 24, 118 and 121) involve parcels that should have been classified in the TS zone. However, since the Montgomery Village Master Plan recommends the comprehensive reclassification of over 2,400 acres of TS zone (as required by the 2014 Zoning Ordinance), the correction must be to a zone other than TS. Rather than recommending two actions to correct the TS zone and reclassify the property to the equivalent residential zone, staff is recommending to "correct" these technical errors by applying the appropriate zone identified through the Master Plan process, but noting the correction for future zoning map interpretations.

Corrective Map Amendment (CMA) 1 (Attachment 42) identified as Parcel P061, is located to the south of East Village Avenue, just outside of the Montgomery Village Master Plan area. This mapping error occurred as part of LMA G-468, when lands adjacent to this property were rezoned to the TS zone. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.44 acres of P061 from the TS zone to the R-200 zone in order to correctly show the intent of the zoning boundaries established in G-468.

Change #24 (Attachment 15) is located on the north side of Pennywise Lane, near its intersection with Emory Grove Road and is identified as Lots 10-18, Block A, Poplar Spring. This mapping error occurred as part of LMA E-327, when this land was reclassified from the R-R zone to the TS zone in 1967. The zoning map incorrectly excluded portions of these properties, although they were identified in the map amendment. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.71 acres of Lots 10-18, Block A, Poplar Spring from the R-200 zone to the R-90 zone with the Montgomery Village Overlay zone in order to correctly show the intent of the zoning boundaries established in E-327.

**Change #118 (Attachment 42)** is located southeast of East Village Avenue at its intersection with Doubleland Road and is identified as Parcel P895. This mapping error occurred as part of LMA G-468, when this property was reclassified from the R-200 zone to the TS zone. The zoning map incorrectly excluded portions of this property, although it was identified in the map amendment. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.2 acres of land from the R-200 zone to the RE-1 zone with the Montgomery Village Overlay zone.

**Change #121 (Attachment 42)** is located on the southeast side of Warfield Road and Doubleland Road and identified as Lots 95-99 and Parcel M of "The Downs," Plat #440, East Village. This mapping error occurred as part of LMA G-124, when this land was reclassified from the R-200 zone to the TS zone. The zoning map incorrectly excluded portions of these

properties, although they were identified in the map amendment. Staff found this to be an inadvertent mistake and recommends reclassifying approximately 0.9 acres of land from the R-200 zone to the R-90 zone with the Montgomery Village Overlay zone.

#### Conclusion

Staff requests the Planning Board file the proposed Sectional Map Amendment in order to implement the zoning recommendations of the 2016 Montgomery Village Master Plan and implement the corrections described above.

#### **Attachments:**

Attacimients.	
Attachment 1	Proposed Zoning Reclassifications
Attachment 2	Index Map for the Sectional Map Amendment (H-112)
Attachment 3	Index Map for the Lower Village Changes
Attachment 4	Index Map for the Middle Village Changes
Attachment 5	Index Map for the Upper Village, Westside Changes
Attachment 6	Index Map for the Upper Village, Eastside Changes
Attachment 7	Montgomery Village Overlay Zone
Attachments 8 – 45	Proposed Zone Boundary Changes (individual property changes)
Attachment 46	Metes and Bounds Description of Montgomery Village Office Park
	(Change 13)

## ATTACHMENT 1

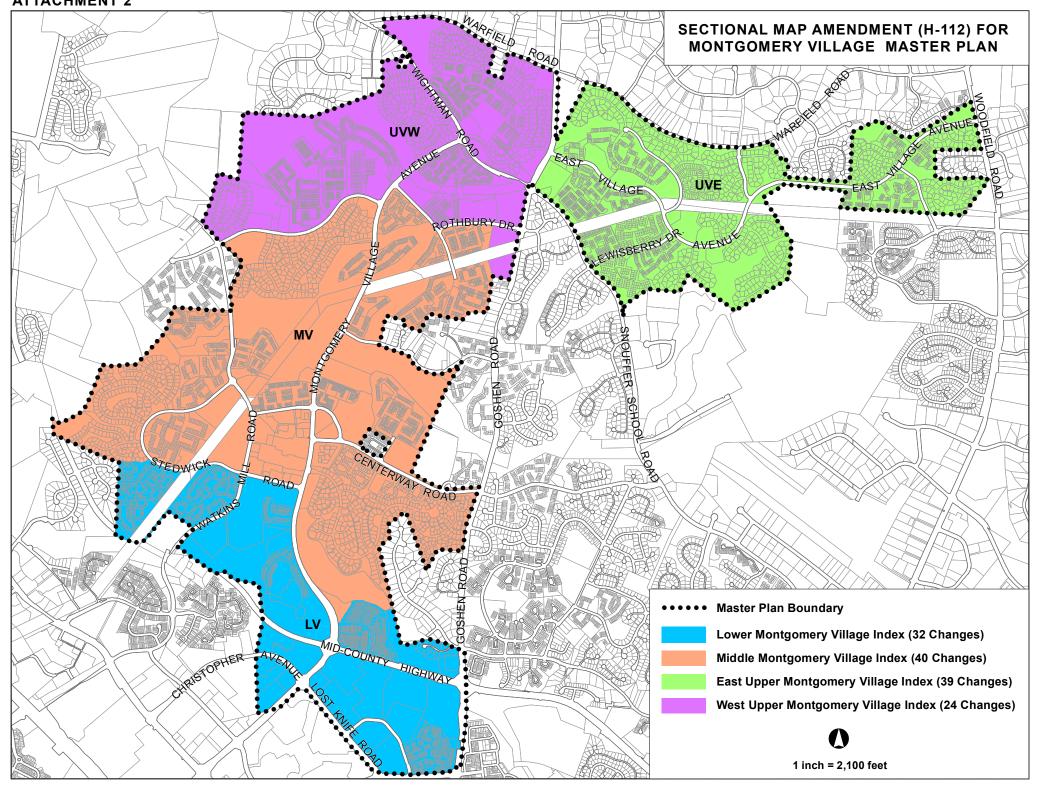
# Summarized Change Index

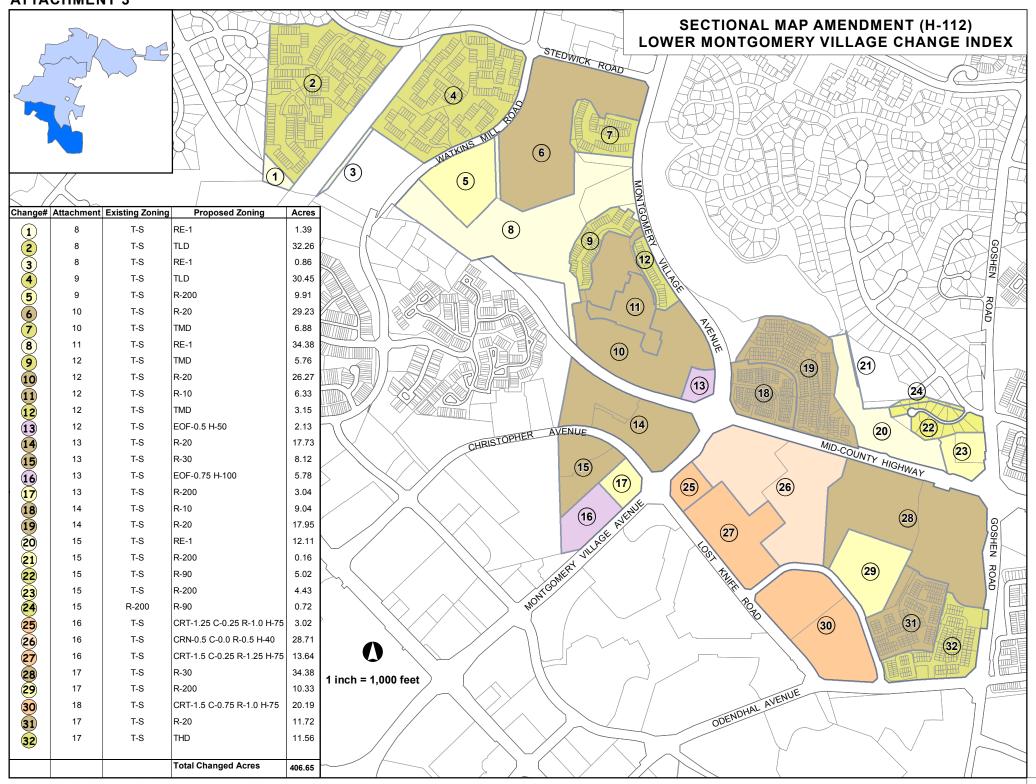
			Total
			Changes (in
Change No.	Existing Zone	Proposed Zone	acres)
1, 3, 8, 20, 33, 35, 37, 40, 43,			
44, 53, 71, 73, 75, 80, 83, 84,			
87, 92, 99, 103, 114, 116,			
119, 122, 123, 128, 130, 131,			
134	T-S	RE-1	375.24
5, 17, 21, 23, 29,38, 48, 49,			
50, 55, 65, 66, 67, 68, 76, 89,			
112, 113, 117	T-S	R-200	219.66
22, 34, 47, 69, 70, 74, 82, 85,			
106, 109, 115, 120, 127,			
132, 135	T-S	R-90	542.82
107	T-S	R-60	13.19
2, 4, 36, 39, 46, 56, 58, 61,			
79, 81, 88, 93, 100, 110, 111,			
126, 129, 133	T-S	TLD	469.37
7, 9, 12, 41, 42, 45, 57, 77,			
90, 102, 104, 105, 125	T-S	TMD	162.67
32, 86, 101	T-S	THD	54.45
11, 18, 63, 64, 94	T-S	R-10	37.68
6, 10, 14, 19, 31, 52, 62, 78,			
108	T-S	R-20	168.00
15, 28	T-S	R-30	42.50
26	T-S	CRN-0.5 C-0.0 R-0.5 H-40	28.71
54	T-S	CRN-0.5 C-0.0 R-0.5 H-65	27.31
25	T-S	CRT-1.25 C-0.25 R-1.0 H-75	3.02
72	T-S	CRT-1.25 C-1.0 R-1.0 H-75	6.59
27	T-S	CRT-1.5 C-0.25 R-1.25 H-75	13.64
30	T-S	CRT-1.5 C-0.75 R-1.0 H-75	20.19
51	T-S	CRT-1.5 C-0.75 R-1.25 H-75	42.45
60	T-S	EOF-0.5 H-45	1.70
13, 91	T-S	EOF-0.5 H-50	3.96
16	T-S	EOF-0.75 H-100	5.78
97	T-S	IL-0.5 H-45	5.26
95, 96, 98	T-S	NR-0.25 H-45	23.58
	N/A	Montgomery Village Overlay Zone	2,435

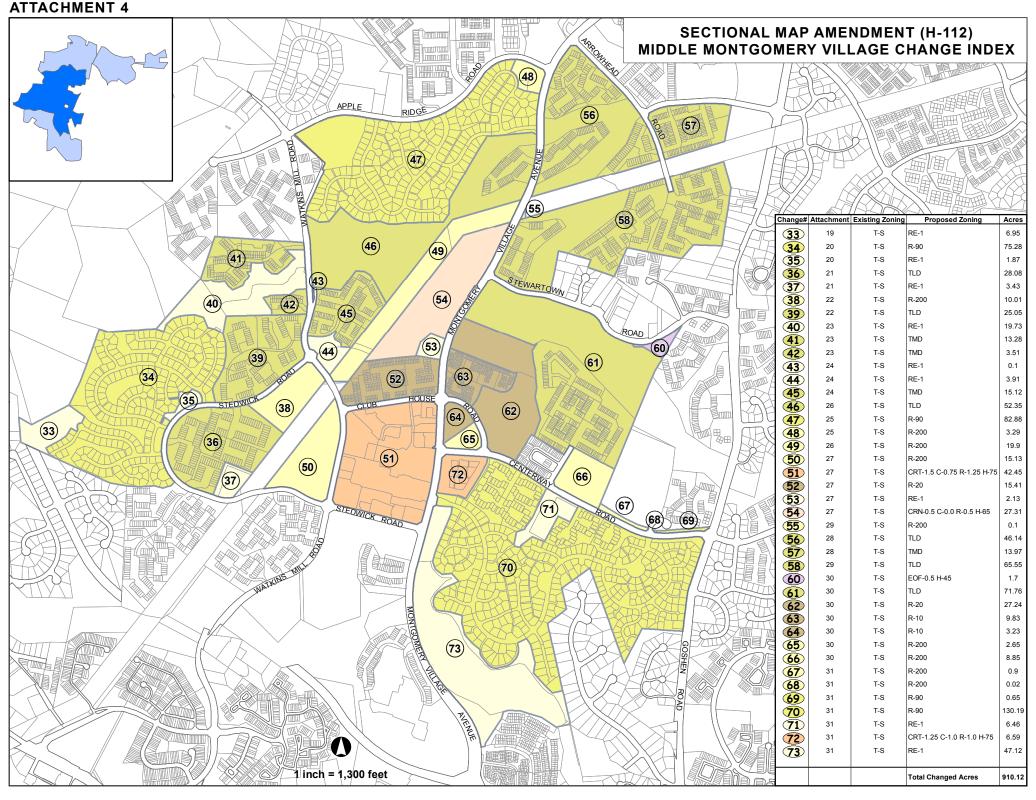
# Corrective Amendments & Zoning Line Adjustments

			Total		
			Changes (in		
Change No.	Existing Zone	Proposed Zone	acres)		
24	R-200	R-90	0.72		
121	R-200	R-90	0.93		
118	R-200	RE-1	0.20		
124	R-200	RE-1	1.15		
CMA 1	T-S	R-200	0.44		

## **ATTACHMENT 2**



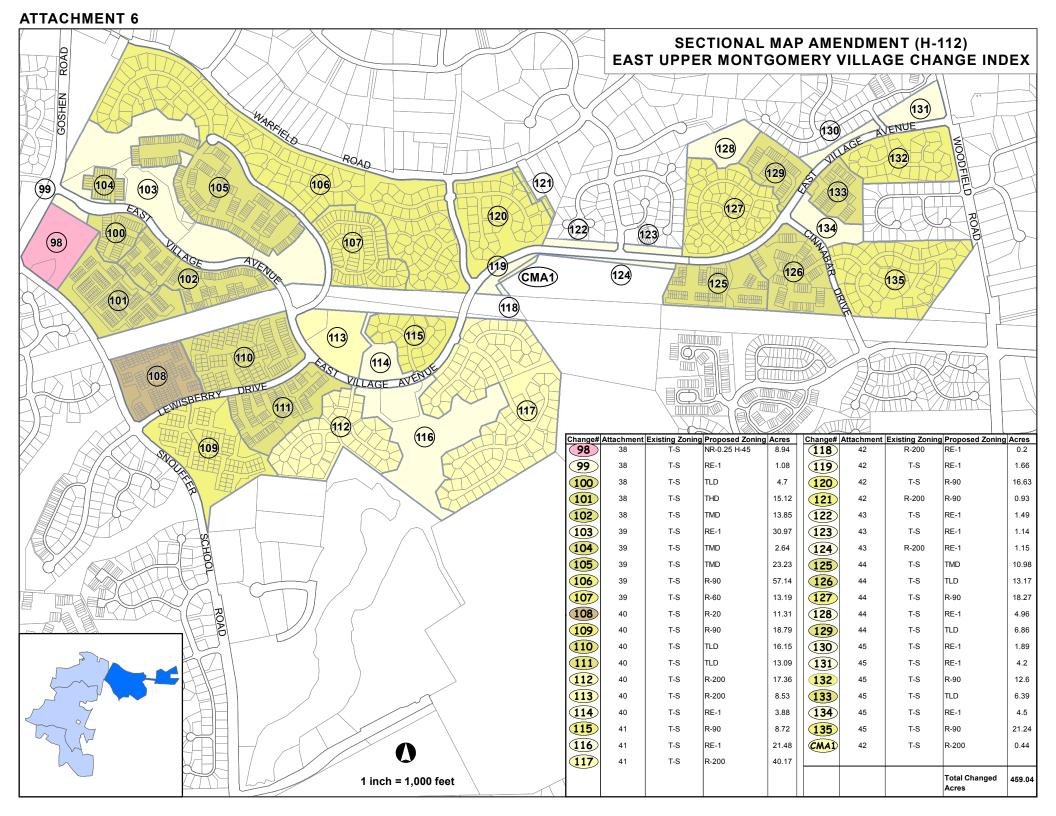


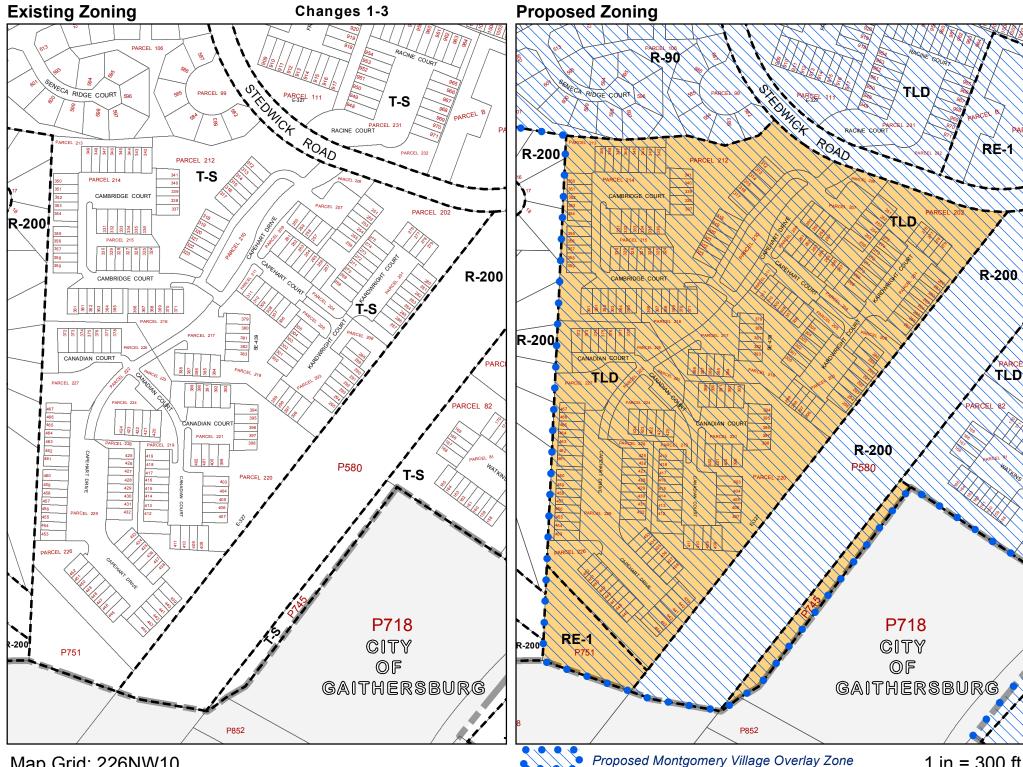


Total Changed Acres

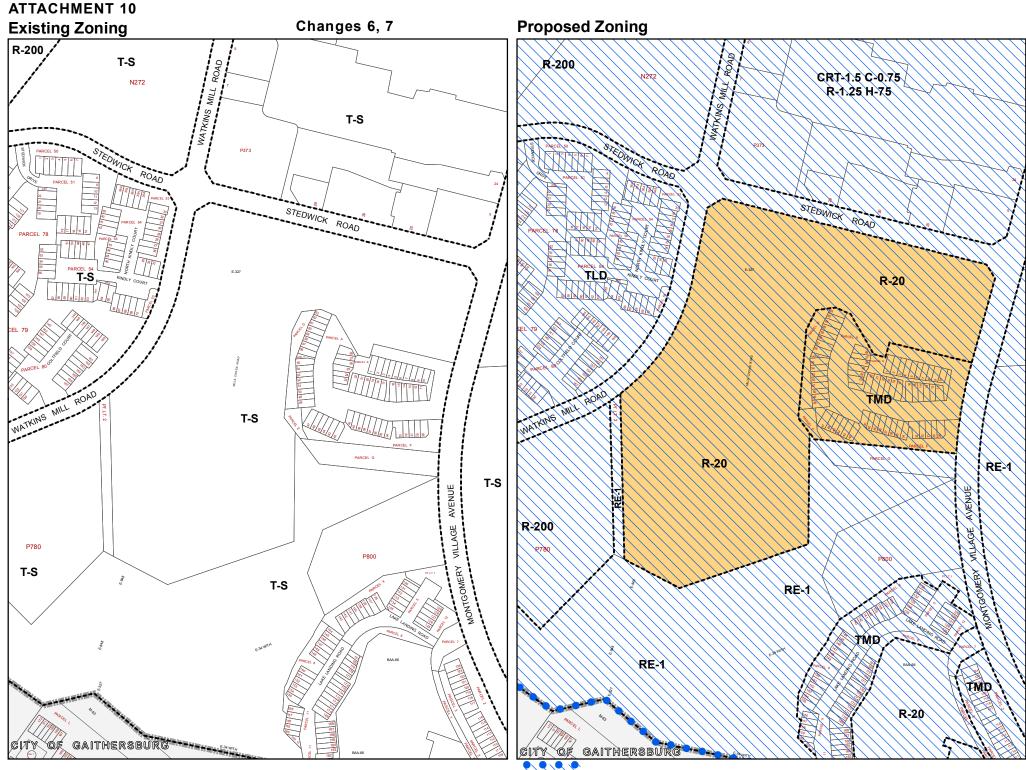
495.38

1 inch = 1,000 feet

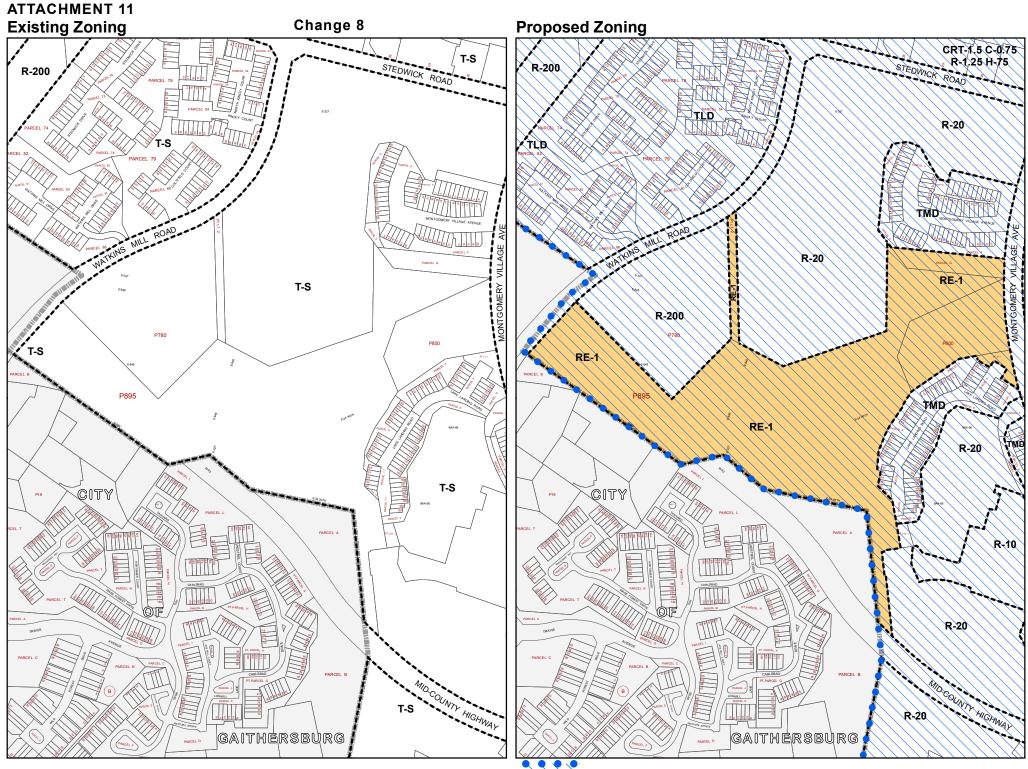


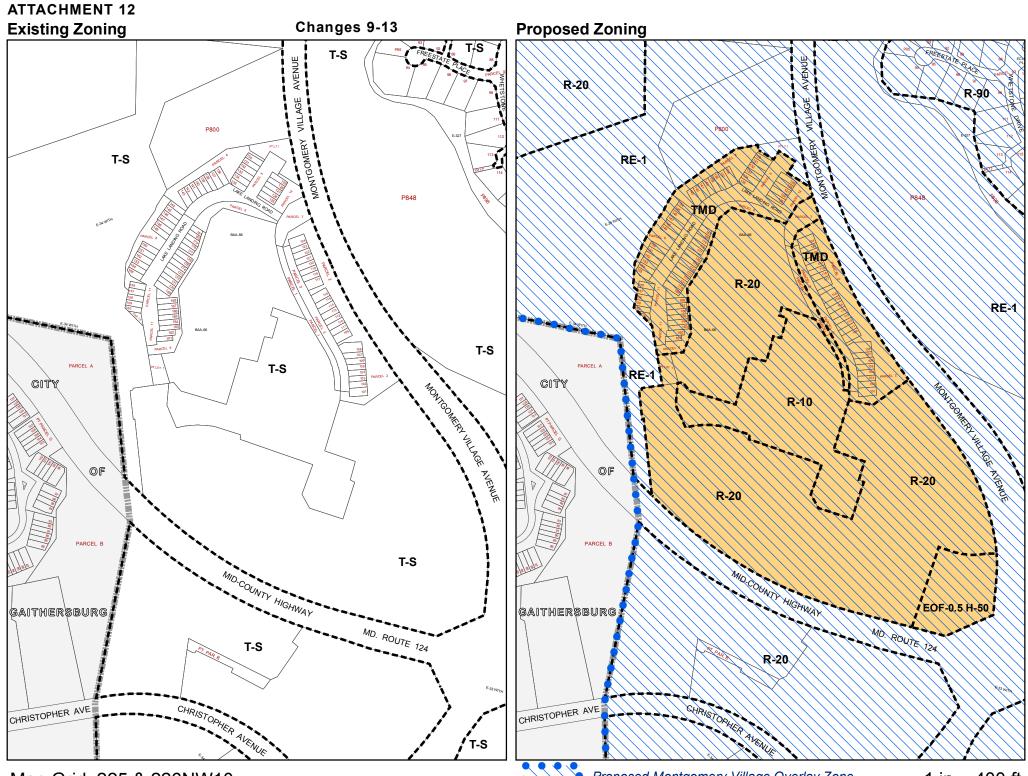


Map Grid: 226NW10



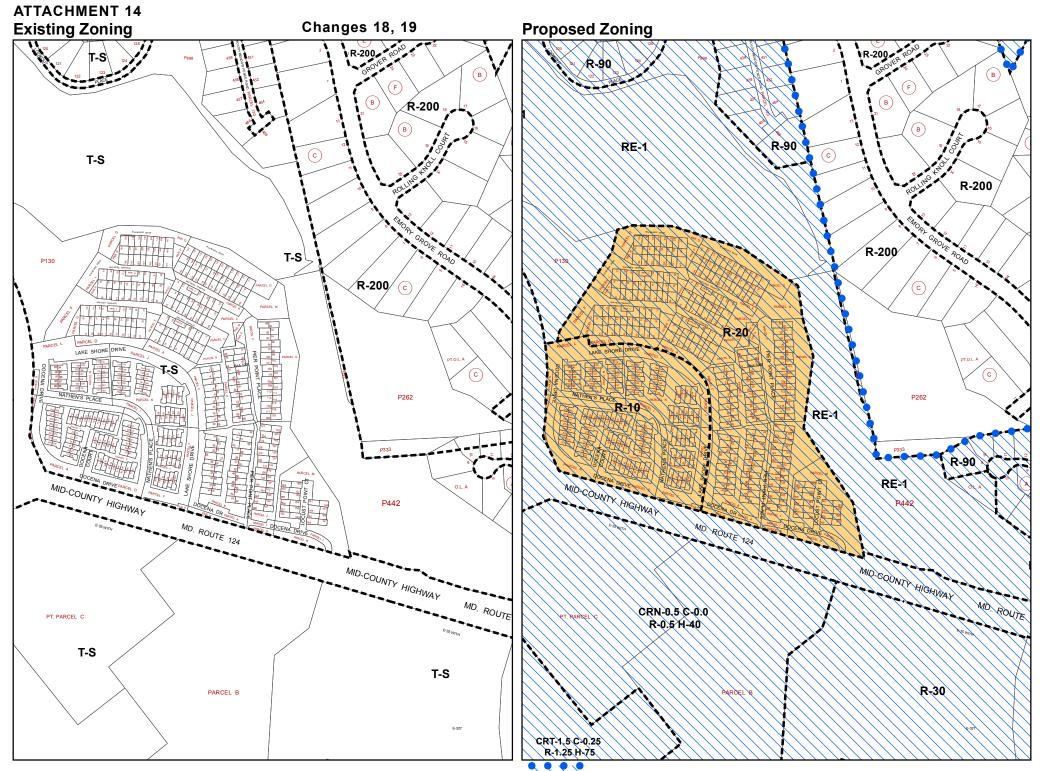
Map Grid: 225 & 226NW10



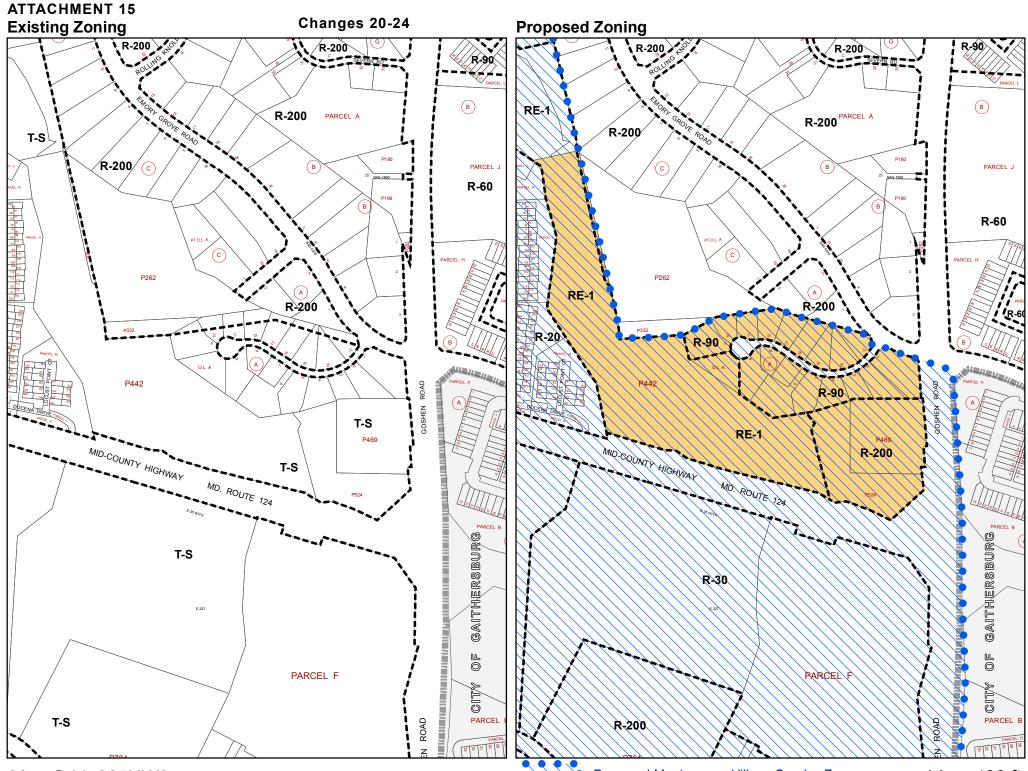


Map Grid: 225 & 226NW10

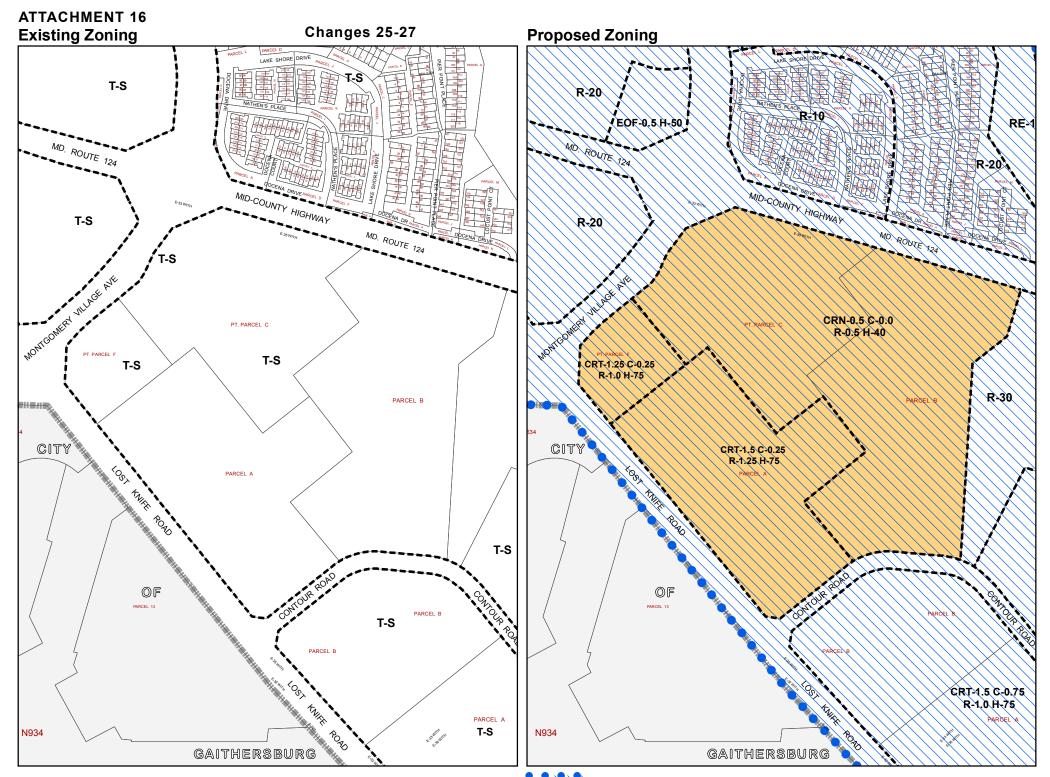
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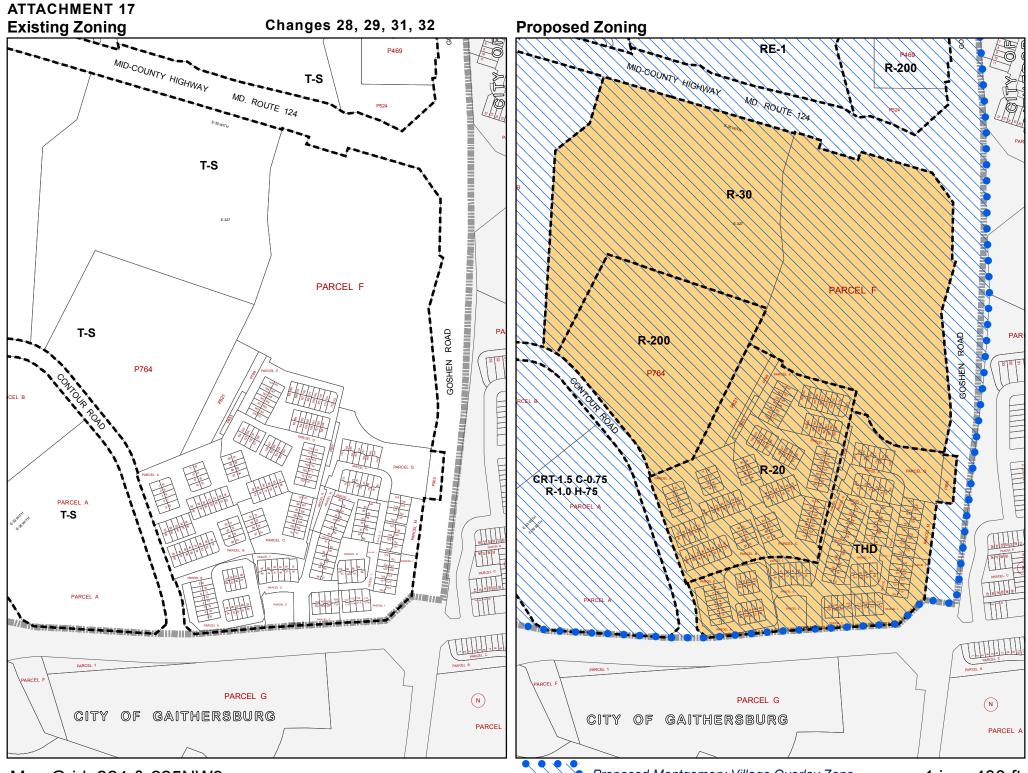


Map Grid: 225NW 9 &10



Map Grid: 225NW9





Map Grid: 224 & 225NW9

GAITHERSBURG

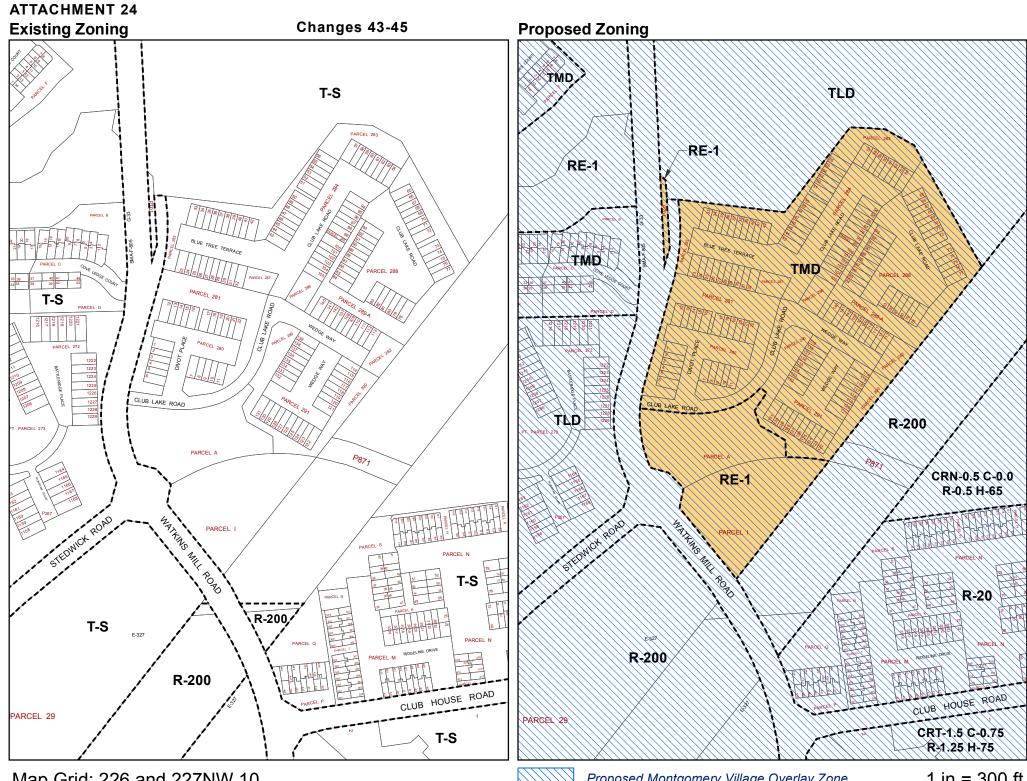
GAITHERSBURG



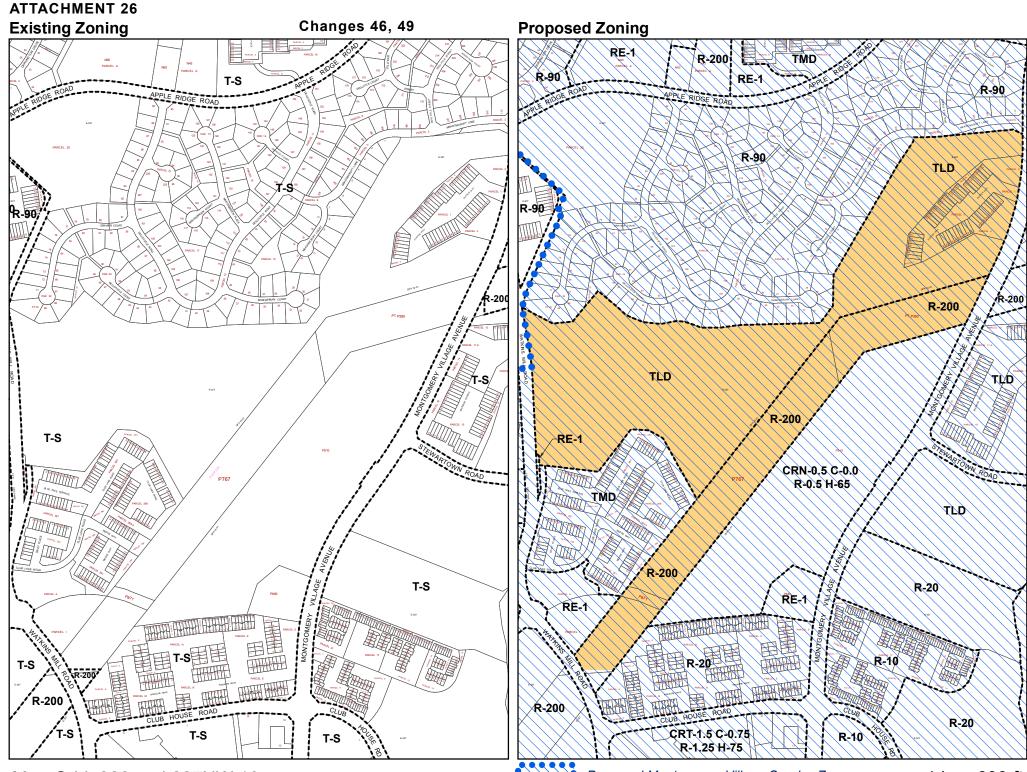
Map Grid: 226NW 10 & 11

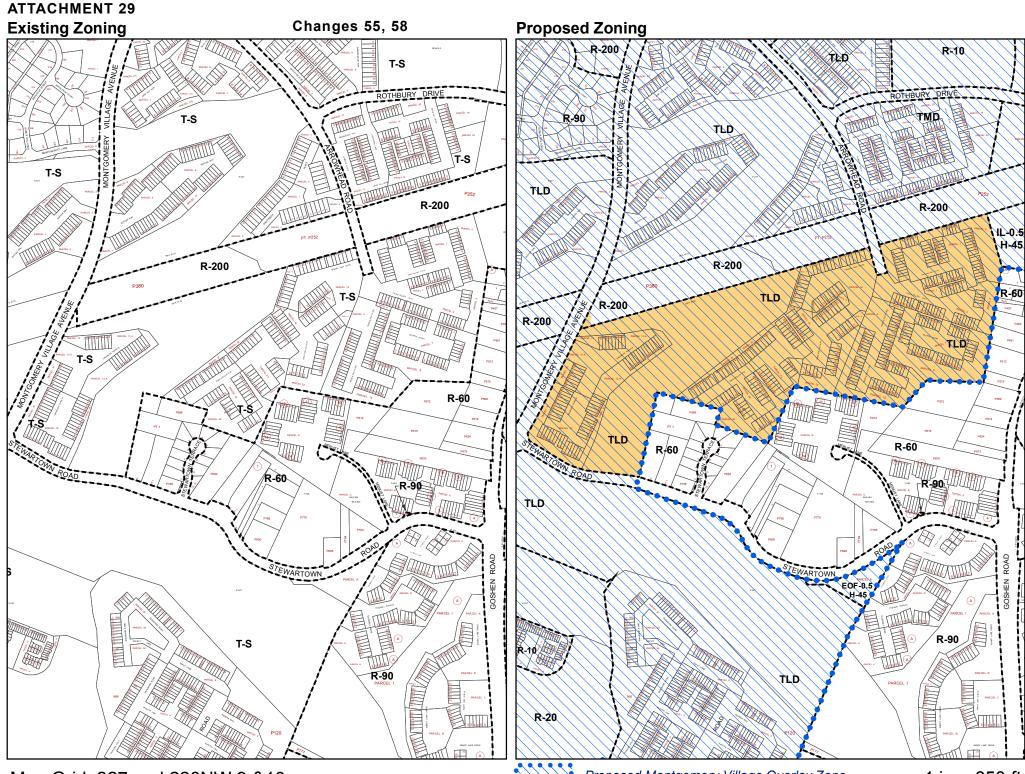
Map Grid: 226 and 227NW 10 & 11

Map Grid: 226 and 227NW 10



Map Grid: 226 and 227NW 10

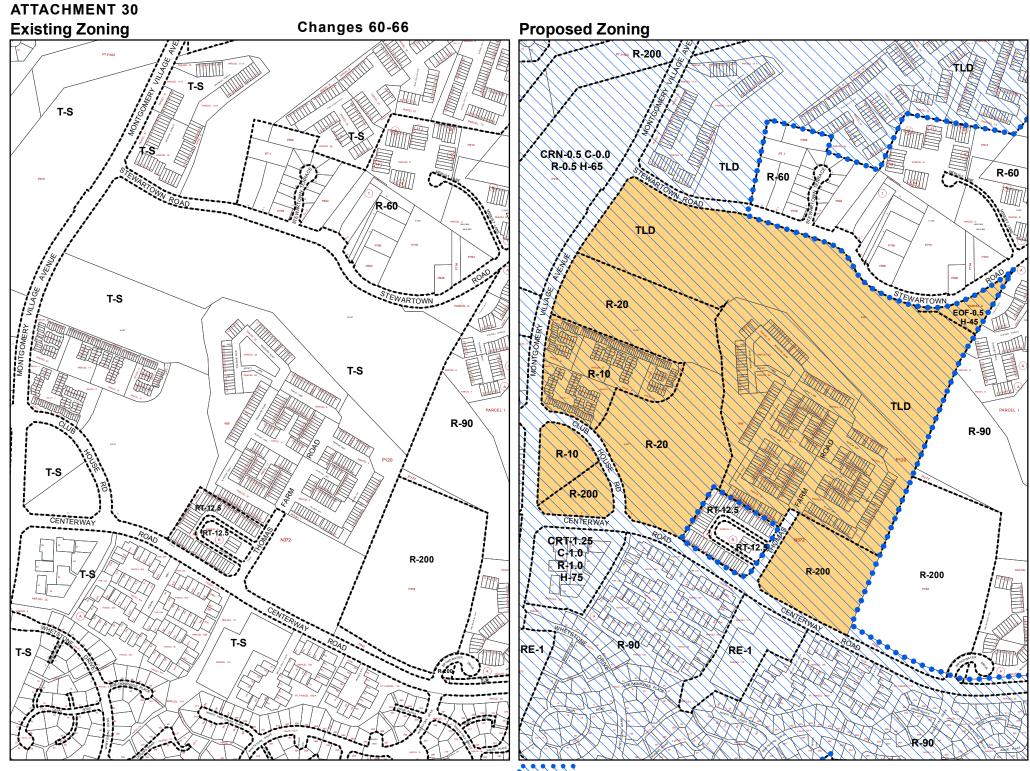




Map Grid: 227 and 228NW 9 &10

Proposed Montgomery Village Overlay Zone

1 in = 650 ft

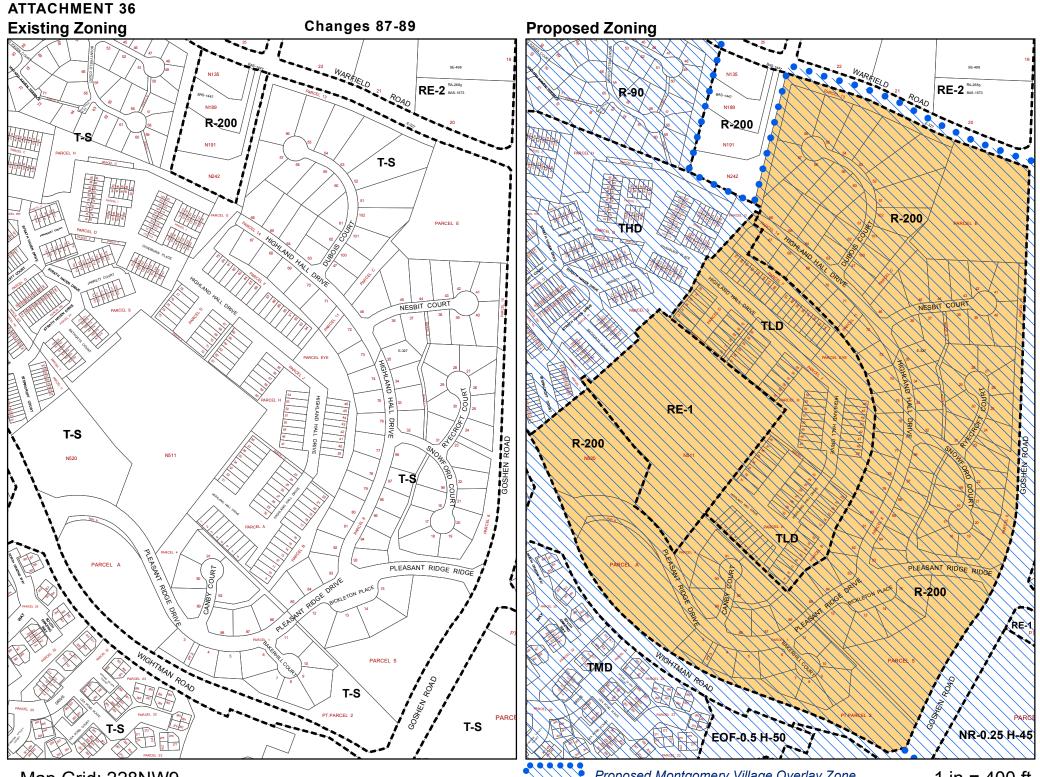


R-90

R-90

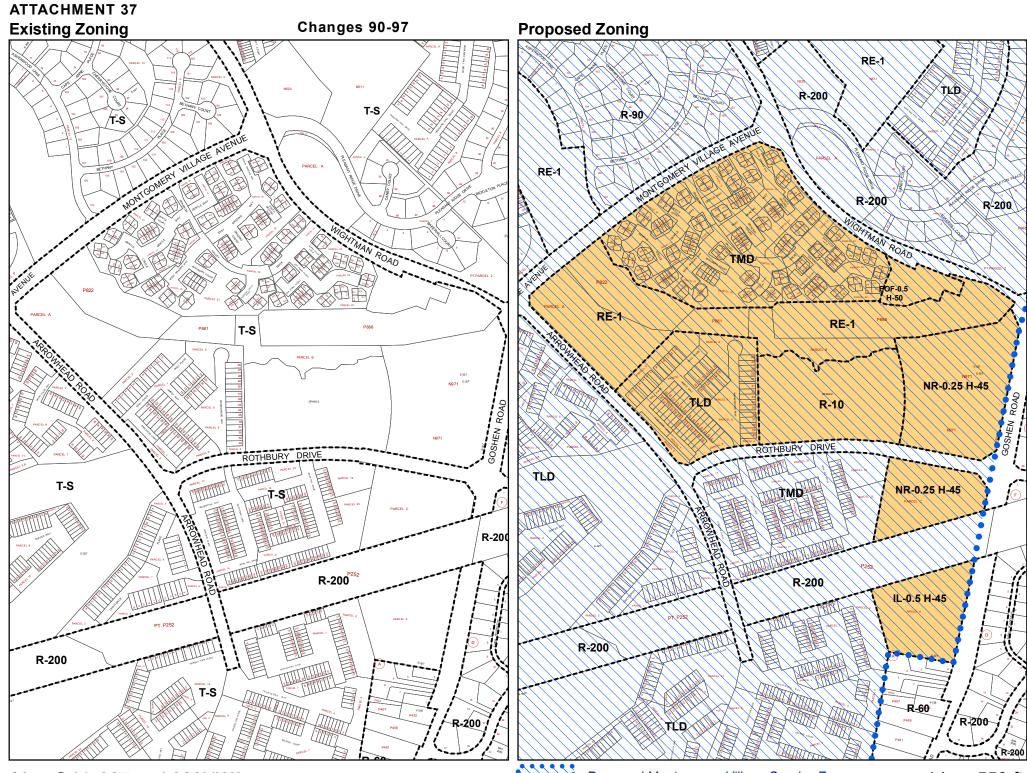
R-200

Map Grid: 228NW9



Map Grid: 228NW9

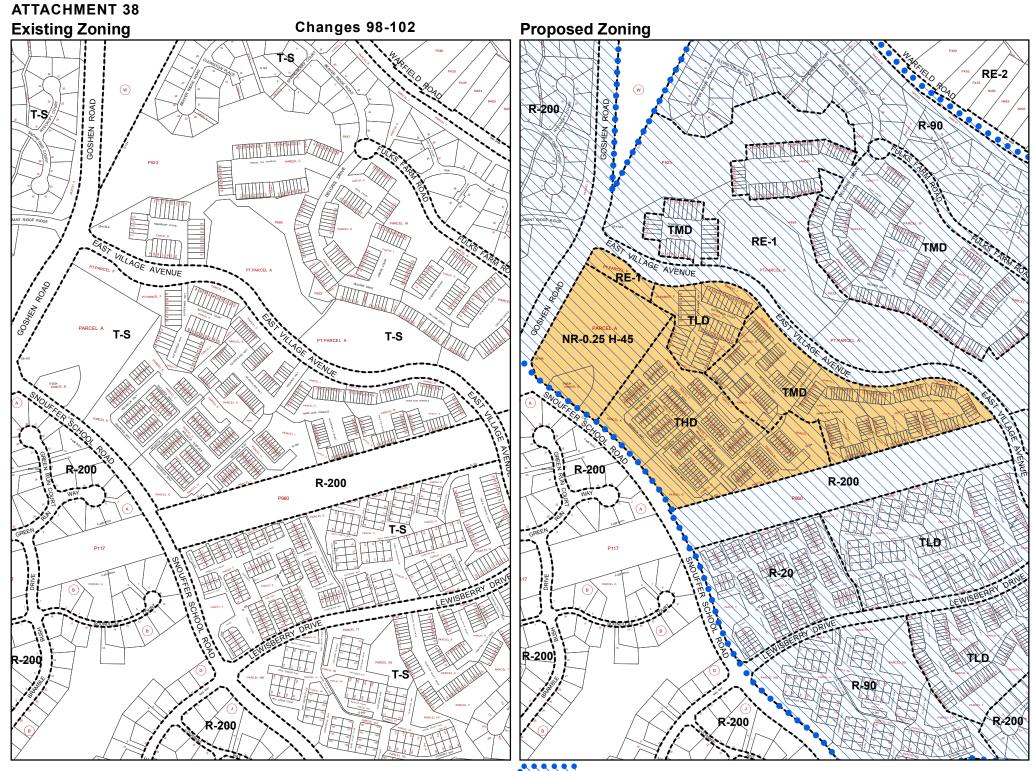
Proposed Montgomery Village Overlay Zone

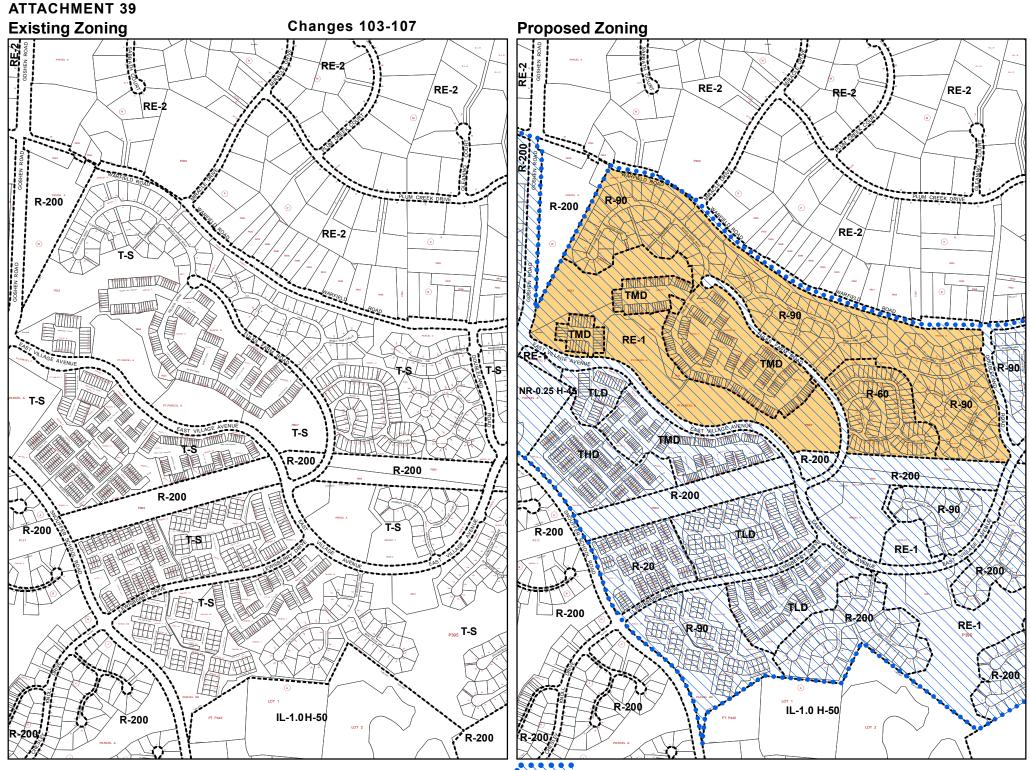


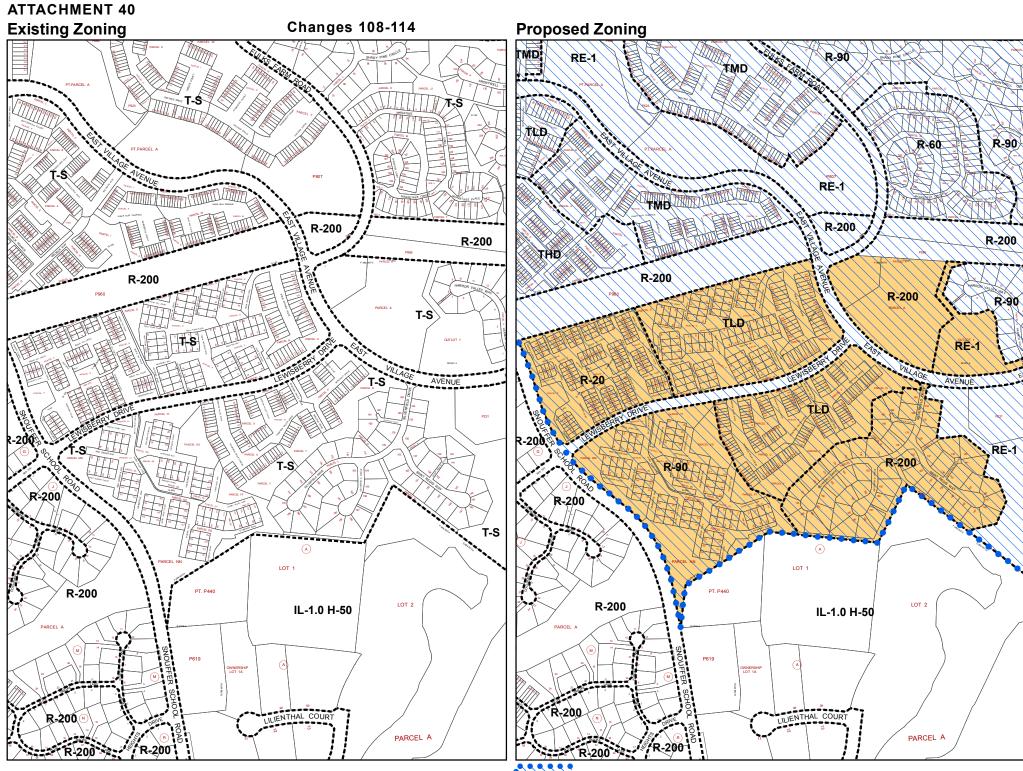
Map Grid: 227 and 228NW9

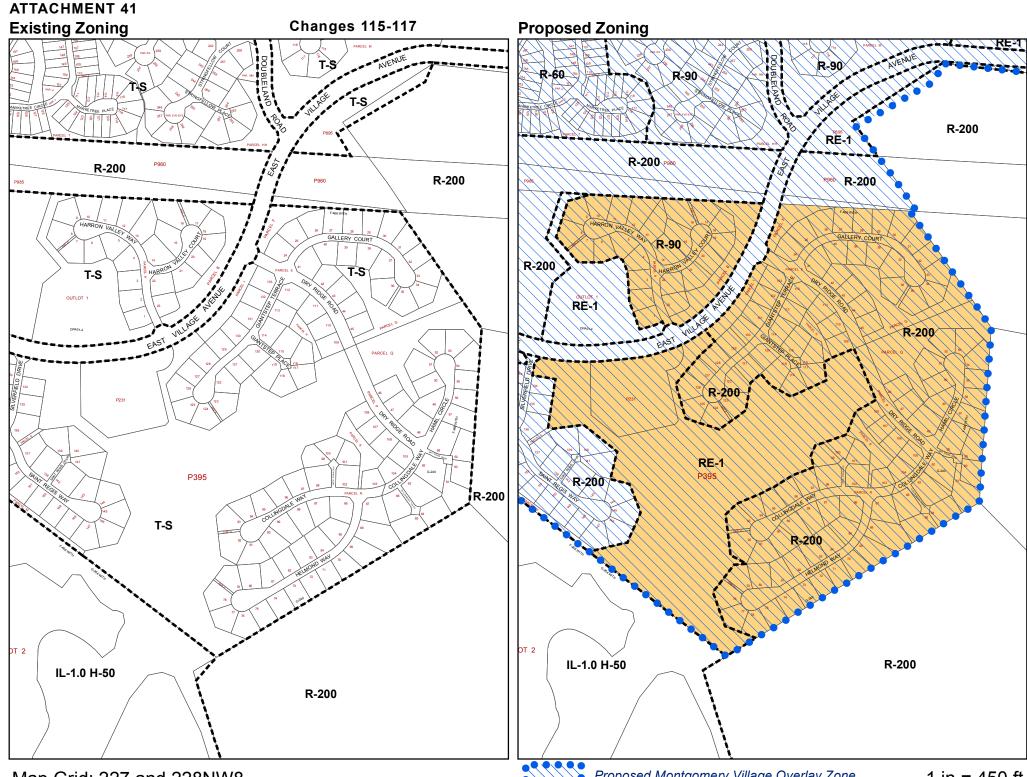
Proposed Montgomery Village Overlay Zone

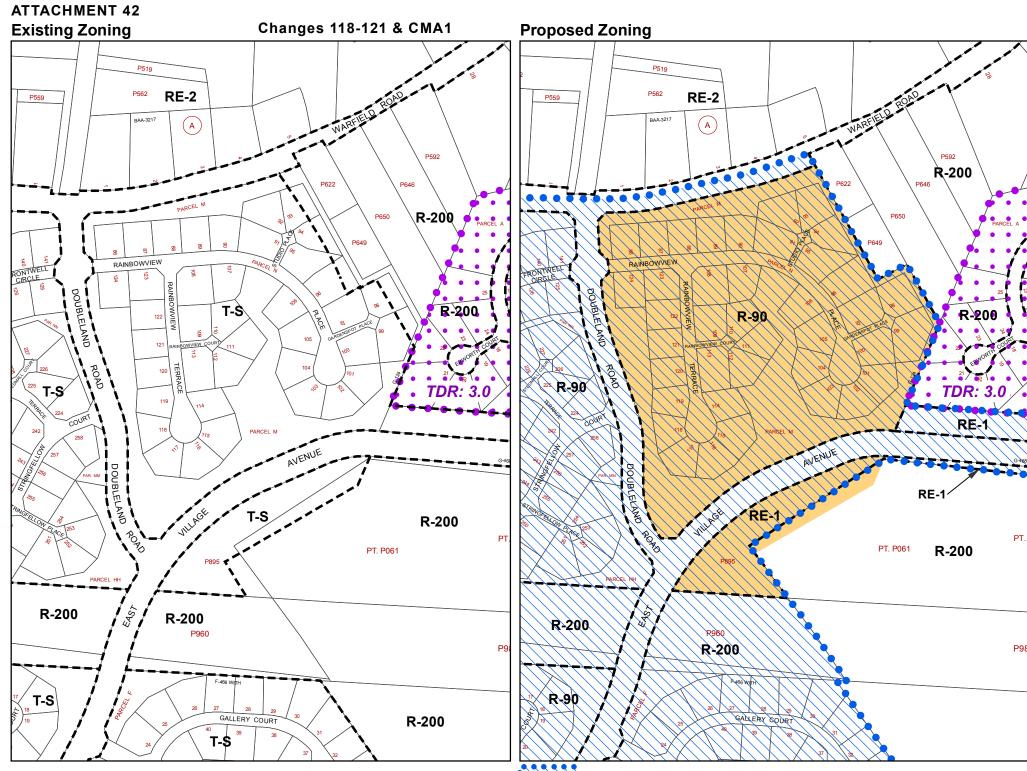
1 in = 550 ft



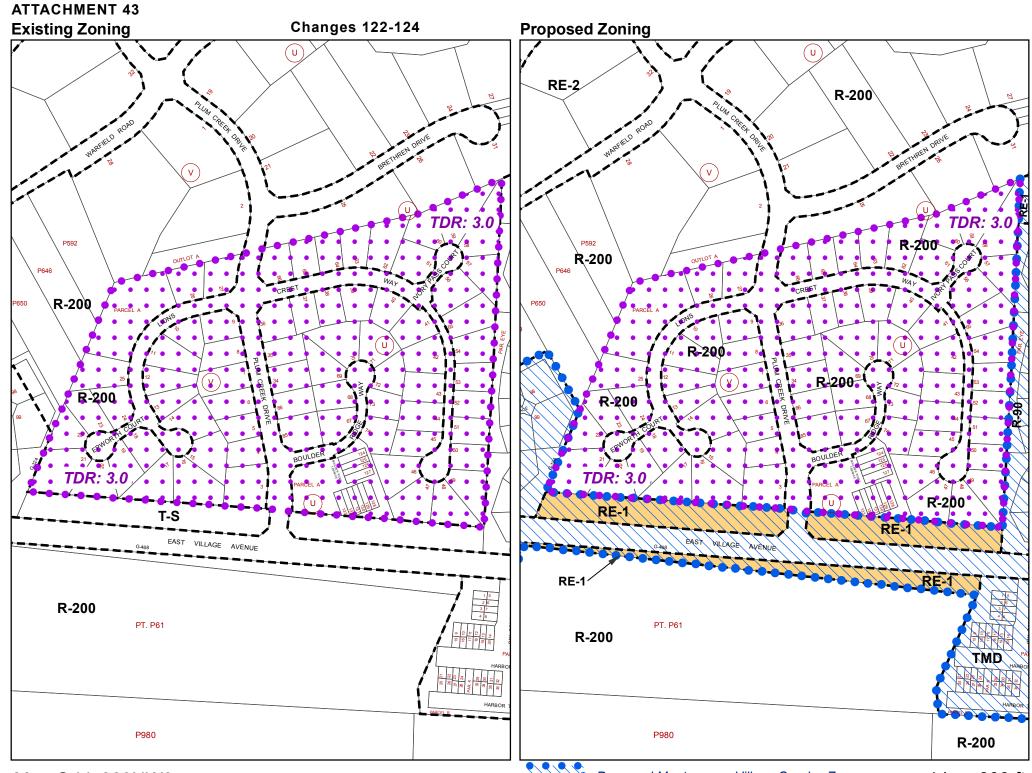








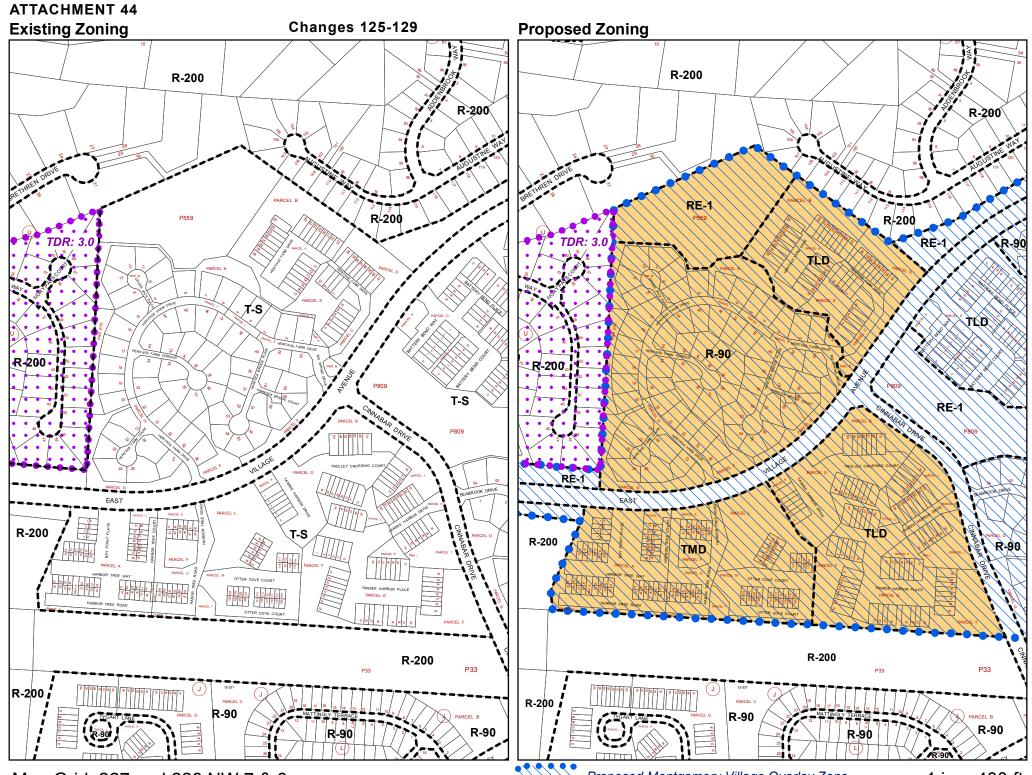
Map Grid: 228NW8 Proposed Montgomery Village Overlay Zone

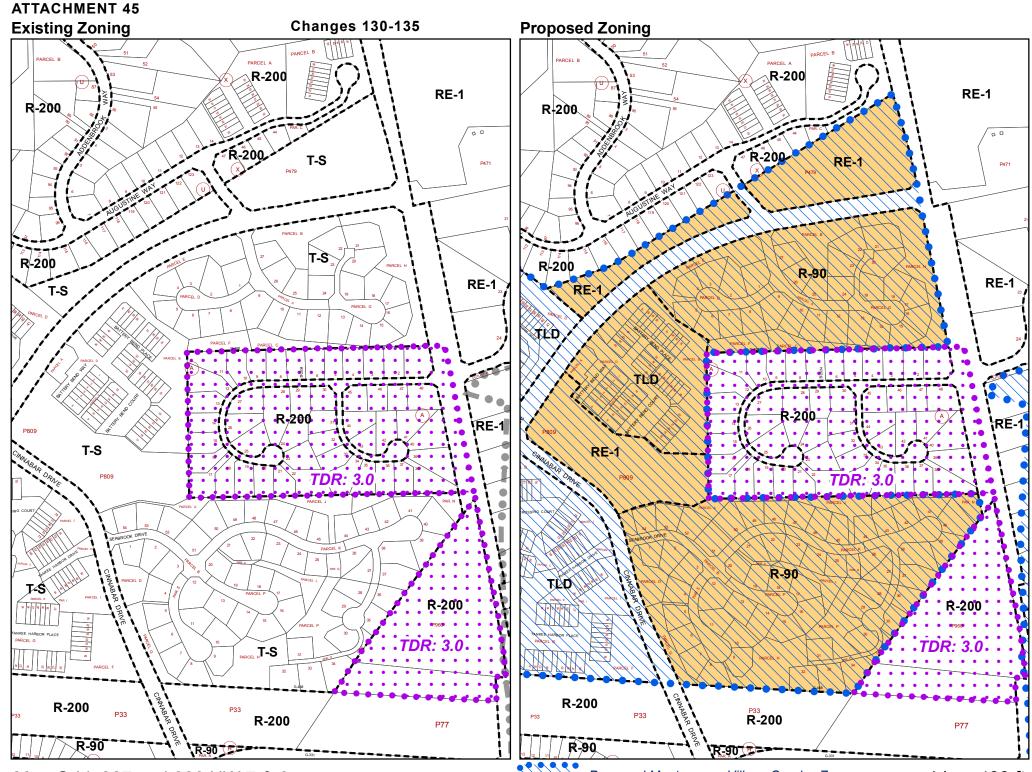


Map Grid: 228NW8

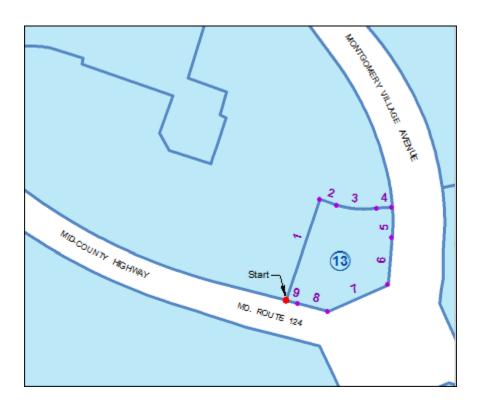
Proposed Montgomery Village Overlay Zone

1 in = 300 ft





## **ATTACHMENT 46**



## Metes and bounds description for split zone block #13

Beginning at an XY coordinate recognized as NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900\_Feet

From point - X: 1254647.983704' Y: 544132.423889'

Thence **Segment 1** Direction: N 18-41-37 E, Distance: 352.62'

Thence **Segment 2** Direction: S 71-32-45 E, Distance: 59.04'

Curve right Chord **Segment 3** Direction: S 85-50-48 E, Distance: 135.48'

Thence Segment 4 Direction: N 87-50-37 E, Distance: 49.25'

Curve right Chord Segment 5 Direction: S 0-7-11 W, Distance: 100.24'

Thence **Segment 6:** -Direction: S 5-5-50 W, Distance: 156.91'

Thence **Segment 7:** -Direction: S 66-6-20 W, Distance: 216.70'

Thence **Segment 8:** -Direction: N 75-19-40 W, Distance: 102.68'

Thence **Segment 9:** Direction: N 75-19-40 W, Distance: 43.16'