



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 1, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

Sue Edwards, I-270 Corridor Team Leader *Sue*
Community-Based Planning Division

FROM: Nellie Shields Maskal (301-495-4567) for the Montgomery County
Department of Park and Planning *NM*

SUBJECT: City of Gaithersburg Annexation Petition X-180; a portion of the Crown Farm Estate; Located at the intersection of Story Drive and Crown Farm Drive in the Shady Grove Study Area Master Plan; Reclassification from the County's R-200 (Single-Family Residential) to the City's R-A (Low-Density Residential) Zone; 4.19 acres.

STAFF RECOMMENDATION: Approval to transmit the following comments to the City of Gaithersburg Mayor and City Council for the public hearing record:

1. The Planning Board supports the annexation since the proposed R-A (Low-Density Residential) zoning classification is consistent with the recommendation of the Shady Grove Study Area Master Plan and meets the requirements of Section 23-A of the Annotated Code of Maryland.
2. The County Council does not need to review this annexation petition prior to final action by the City since the corresponding zones in the County and City permit similar uses. The Staff Report, therefore, can be transmitted directly to the City of Gaithersburg as input for the public hearing record.

BACKGROUND

The subject 4.19-acre property is located at the intersection of Story Drive and Crown Farm Drive northwest of Sam Eig Highway. Fields Road Elementary School is located nearby. It is contiguous to the City of Gaithersburg on three sides by the Shady Grove Village and Washingtonian Village communities. It is located within the City of Gaithersburg Maximum

Expansion Limits, thus meeting the requirements of the 1992 Memorandum of Understanding Agreement between the County and City. See Figures 1 and 2. It is part of the larger 180-acre Crown Farm estate. See Figures 1-3.

Annexation Petition X-180 was the subject of a public hearing on February 6, 2002, before the Gaithersburg Planning Commission. There was strong support from the community for the City's effort to purchase and preserve the property for needed open space. On February 20, 2002, the Gaithersburg Planning Commission recommended approval of the annexation and rezoning to the City's R-A Zone. See Attachment 1 – City of Gaithersburg Staff Recommendation. A public hearing on the annexation before the Gaithersburg Mayor and Council has been scheduled for March 18, 2002.

ANNEXATION PROPOSAL

Annexation Petition X-180 was filed by the City of Gaithersburg. The City seeks to preserve the wooded property in perpetuity as open space for passive recreation use. In 2001, the subject property was purchased by the City to fulfill the City's goal of acquiring additional open space to meet the policies and objectives of the City's 1999 Parks Recreation and Open Space Plan for the 21st Century. Monies from the State of Maryland Program Open Space fund were used in this effort.

MASTER PLAN AND ZONING

The subject property is currently zoned R-200 Zone (2 units per acre). The 1990 Shady Grove Study Area Plan recommends a continuation of the existing R-200 zoning for the subject property. As shown in Figure 4, the Master Plan designates high density and retail use for the eastern portion of the Crown Farm where two transit stops are proposed. The western portion of the Crown Farm where the subject property is located is designated for lower density detached housing.

The City is requesting that the property be rezoned to the City's R-A (Low-Density Residential) Zone. The R-A Zone permits 2 dwelling units per acre. The continued designation of the property for low-density residential is consistent with the recommendation of the Master Plan.

Action by the Montgomery County Council is not required since there are no major zoning or land use issues. Under Article 23-A, subsection 9(c) of the Maryland Annotated Code, "no municipality annexing land may, for a period of five (5) years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or Plans . . . without the express approval of the Board of County Commissioners or the County Council in which the municipality is located."

ENVIRONMENT

The Environmental Planning Unit staff has reviewed the annexation petition and recommends approval of the annexation with the following recommendations:

- Compliance with City of Gaithersburg Department of Public Works regarding requirements for sediment/erosion control and stormwater management.
- Compliance with City of Gaithersburg's Environmental Guidelines and Forest Conservation law as recommended through the review process.

The subject property is entirely forested and located in the Upper Muddy Branch Tributary of the Muddy Branch watershed. The *Countywide Stream Protection Strategy* assesses the Upper Muddy Branch Tributary as having fair stream conditions and fair habitat conditions, labeling it as a Watershed Restoration Area.

COUNTY REVENUE IMPLICATIONS

The Planning Board has recommended in previous annexation cases that the applicant volunteer to continue to pay park taxes or make a payment in lieu of taxation. The subject property is a tax-exempt property and pays no County taxes according to the Maryland Department of Assessments and Taxation. Therefore, the annexation of the subject property by the City of Gaithersburg will not shift any revenue sources received by the County level agencies to the City.

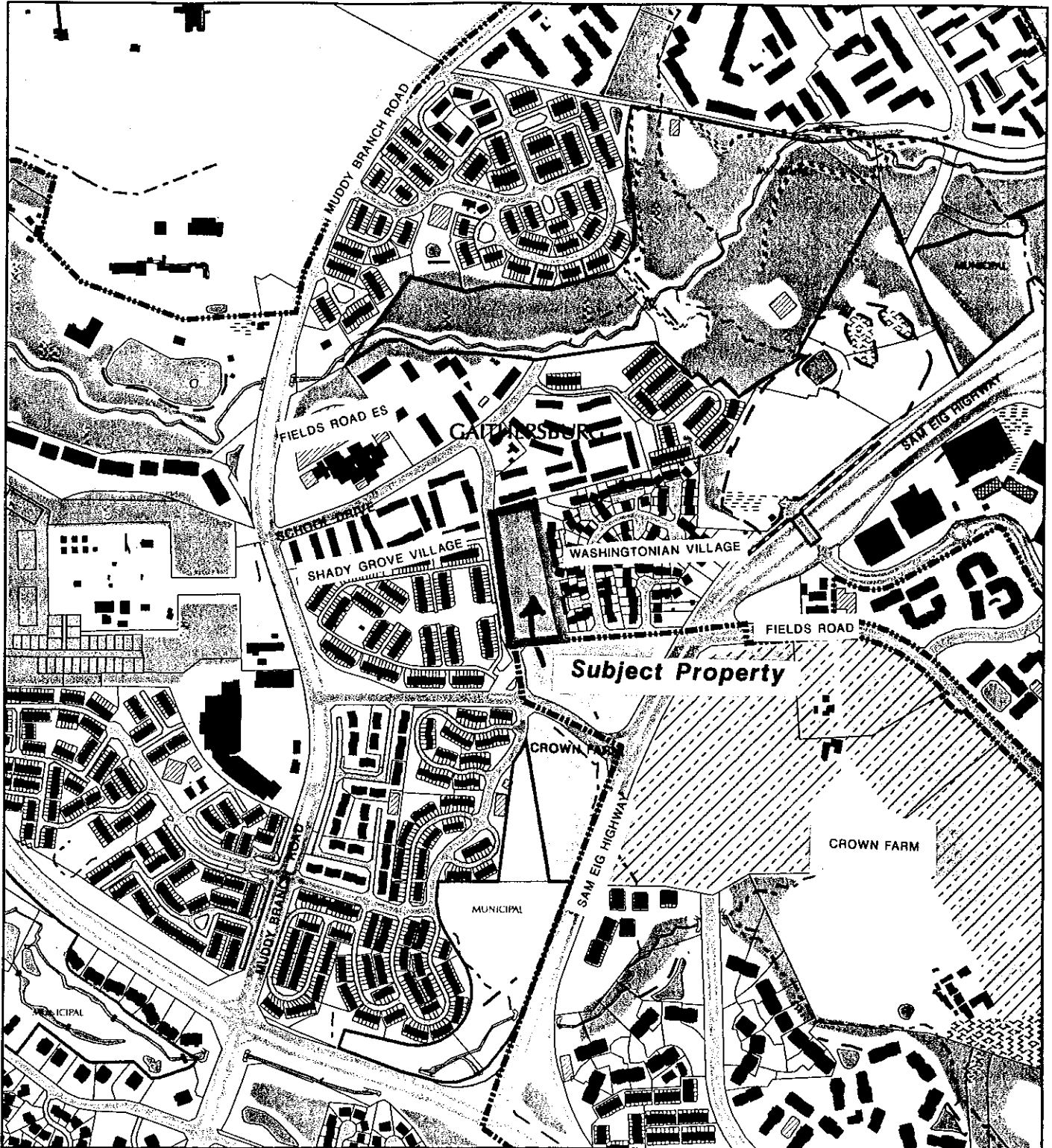
CONCLUSION

Staff is in agreement with the City that due to the geographic position of the subject property, annexation is reasonable. The annexation will help fulfill the City's goal to work toward the development of a logical and recognizable boundary for the City. Staff, therefore, recommends that the Planning Board support Annexation Petition X-180 and the rezoning of the subject property to the City's R-A Zone for the reasons stated above.

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Attachment

VICINITY MAP FOR
ANNEXATION PETITION X-180 (221NW10)

Figure 1



Map compiled on February 27, 2002 at 3:18 PM | Site located on base sheet no - 221NW10

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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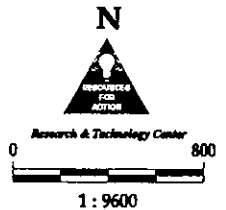
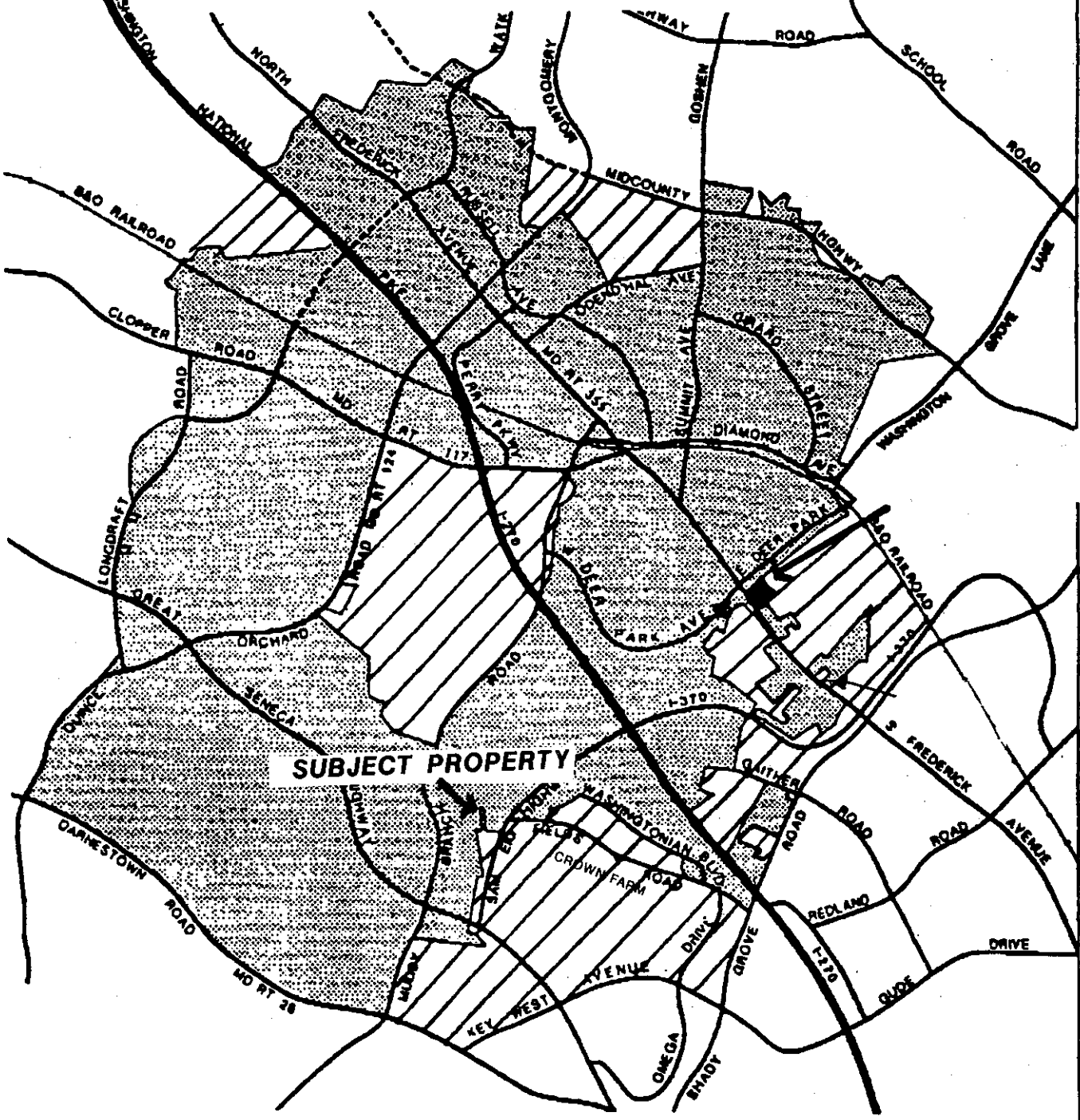


Figure 2

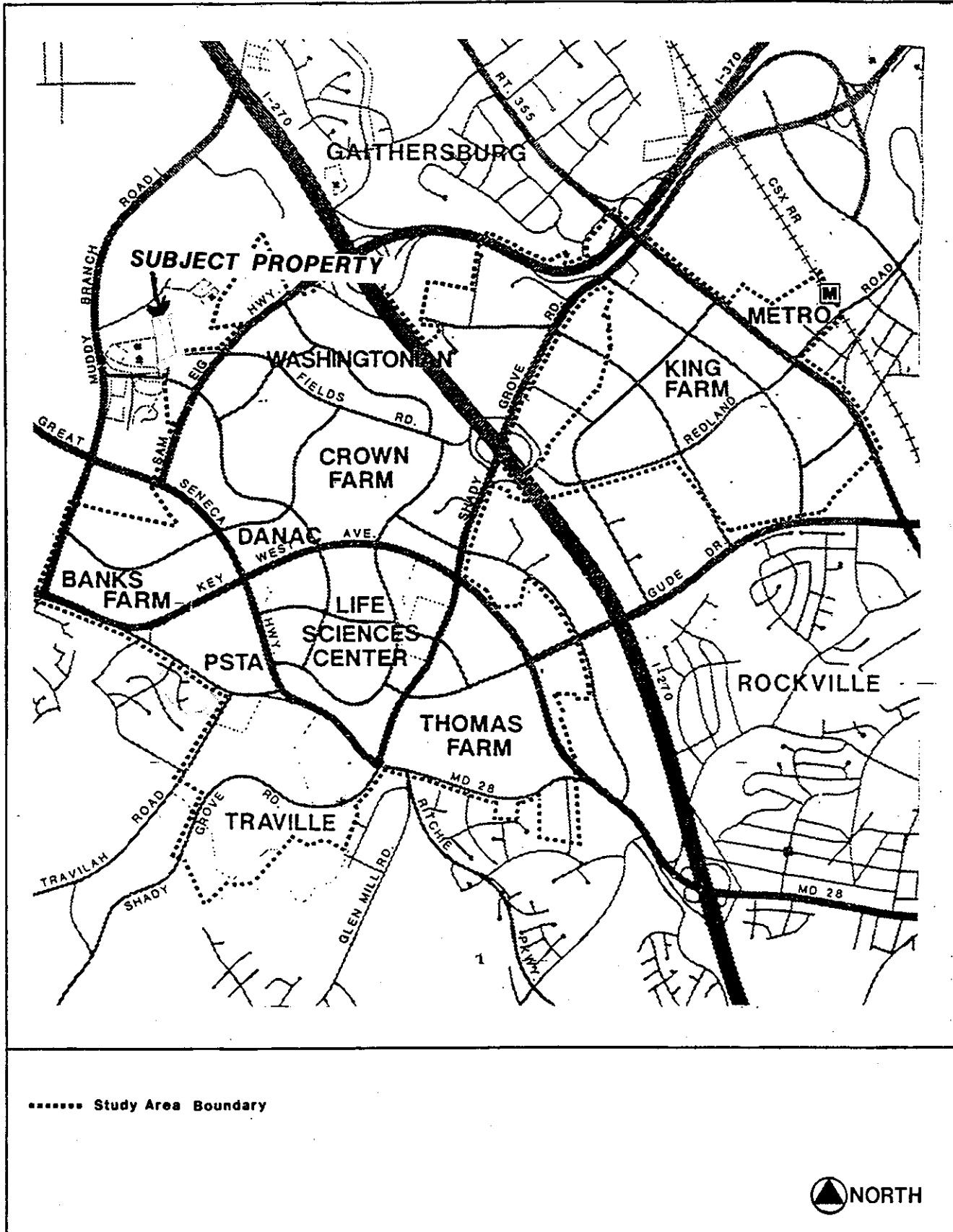
City of Gaithersburg



Maximum Expansion Limits

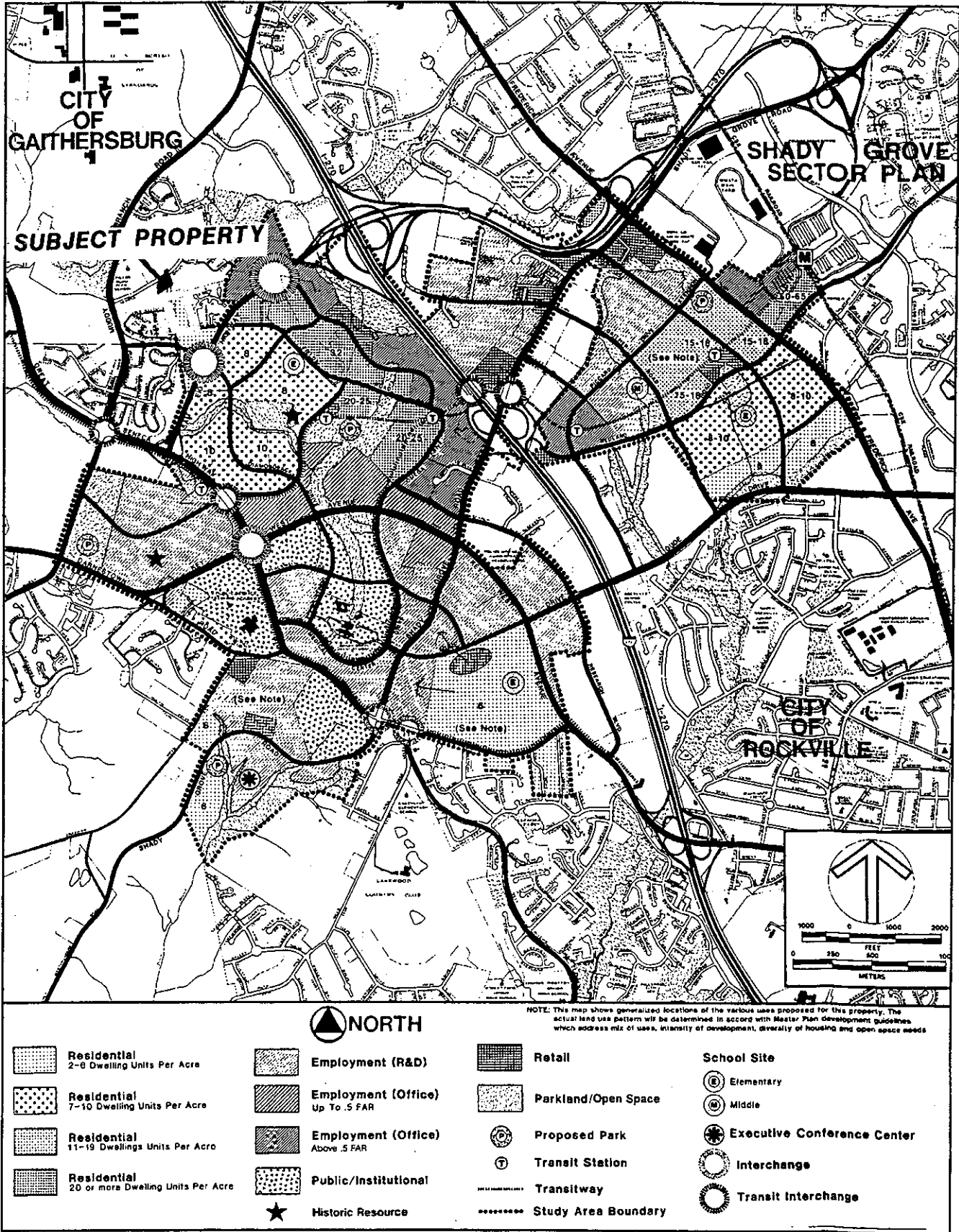
Major Properties in Study Area

Figure 3



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Land Use Plan



MANOPP

STAFF RECOMMENDATION:

Staff recommends approval of the request to annex the property into the City of Gaithersburg and to re-zone the Property, known as the Crown Farm Property, from the R-200 Zone to the R-A zone. The following reasons constitute the rationale to support the annexation of the property into the corporate limits:

- The Property is contiguous to the City and will be a reasonable and logical addition to the City.
- Due to its geographic position, the parcel is already believed by many to be within the corporate limits and is often identified erroneously as being within the City limits.
- This annexation fulfills the City's goal to promote annexation for logically situated parcels and to work towards a vision of more reasonable and recognizable boundaries for the City; a goal that assists in solidifying the City's sense of place.
- Annexation into the City will place control of the parcel where it should be within the corporate limits. This will allow the adjacent interested citizens to have a solid position and role in the parcel's future to ensure its long-term compatibility with the neighborhood. All discussions and reviews regarding the future of the parcel will be done at the local (i.e., municipal) level.
- The parcel is now owned by the City and should be within the corporate limits and subject to City control and zoning.

In connection with the City ongoing Master Plan review, a suggestion has been made to evaluate the feasibility of developing an open space zone, a category normally earmarked for land use. While the creation of such a zone will be investigated, timing would not permit its use in the instant case. Staff has also been advised that the creation of a zone that is too limited in terms of use(s) may not be appropriate in terms of zoning law. A new zone cannot be imposed on private property so as to be viewed as a taking if it has insufficient utility as to uses permitted by right and by special exception. Accordingly, it is recommended that following annexation and rezoning of the subject property, the future use of the parcel be restricted by the recordation in the land records of a conservation easement or restrictive covenant on the land.