

December 7, 2004

**MEMORANDUM**

**TO:** Montgomery County Planning Board

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

**FROM:** Callum Murray, Potomac Team Leader (301/495-4733) *CM*  
Community-Based Planning Division

**SUBJECT:** City of Rockville Annexation Petition ANX2004-00135 located at 9604 Veirs Drive in the Glen Hills Club Estates subdivision; Potomac Subregion Master Plan area; Reclassification from the County's RE-1 Zone to the City's R-E (Residential Estate) Zone; 37,607 square feet.

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**STAFF RECOMMENDATION:** Approve transmittal of the following comments to the City of Rockville Mayor and City Council as part of the public hearing record:

1. The proposed R-E (Residential Estate) zoning classification is not substantially different from the County RE-1 Zone and will not adversely affect the overall implementation of the approved and adopted Potomac Subregion Master Plan.
2. After annexation, the applicant should volunteer to pay the County Park taxes (approximately \$122 annually) or make a payment instead of taxation.
3. 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 and there are no major land use or zoning issues. The staff report, therefore, can be transmitted directly to the City of Rockville as input for the public hearing record.

**BACKGROUND AND LOCATION**

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation.

The subject property is an undeveloped single lot of 37,607 square feet, located at 9604 Veirs Drive, in the Glen Hills Club Estates subdivision, (Section 1, Block A, Lot 13). It is located on the south side of Veirs Drive, directly across from the National Lutheran Home Elderly Housing and Nursing facility. (See Attachment 1- Site Location Map.)

The lot is rectangular, with similar but smaller dimensions to surrounding residential lots, and abuts land within the City of Rockville corporate limits to the north-east and south-east. This is the third petition for annexation in this vicinity since 2001. No access is currently provided to the property, and it is among the few wooded sites remaining in the area.

## **MASTER PLAN AND ZONING**

The approved and adopted 2002 Potomac Subregion Master Plan recommends residential land use and retention of the RE-1 Zone for the property. The approved and adopted 2002 Citywide Master Plan of the City of Rockville includes the subject property in the City's "Urban Growth Area" and designates the area for single-family detached residential use. City planning staff has recommended that the property be placed in the R-E (Residential Estates) Zone, if the Mayor and Council act to annex the property. The R-E Zone, like the County RE-1 Zone, has a minimum lot size of 40,000 square feet, and Lot 13, although smaller than the minimum for both zones, is a legal lot. The land use and zoning recommendations are consistent with the Potomac Subregion Master Plan.

## **PUBLIC FACILITIES AND SERVICES**

The property is not located in the Washington Suburban Sanitary Commission (WSSC) District, and it is not served by public water and sewer. City of Rockville public water and sewer are available along Veirs Drive, extending just due southeast of the subject site, which would allow the property access to these City services. Although not explicitly stated, staff's assumption is that the underlying reason for the petitioner's request is related to access to sewer service.

Montgomery County provides no services to the property that would require compensation following annexation. There are no public facilities located on the property and neighborhood school capacity is not an issue. Future access would be from Veirs Drive and a traffic study or statement is not required, since the number of peak hour trips is well below the threshold for requiring such an analysis.

## **ENVIRONMENT**

The site is entirely wooded, sloping to the rear of the property. Legore silt loam is the soil underlying this site. This soil generally has moderate limitations for septic systems. Small inclusions of other types of soil, which are common in Legore silt loams, can make those limitations severe, and may be the reason that the lot has remained undeveloped. The limitations can be overcome by the provision of public sewer service. The site is otherwise well suited for residential use.

## **COUNTY REVENUE IMPLICATIONS**

After annexation, the applicant should volunteer to pay the County Park Taxes (approximately \$226 annually) or make a payment instead of taxation.

The annexation of the subject property by the City of Rockville will shift several revenue sources currently received by County level agencies to the City. Attachment 2 indicates the estimated yearly tax loss to the County if the subject property is annexed by the City of Rockville.

On a Countywide scale, this annexation is de minimis. As documented in the past, the cumulative financial impact of all annexations is significant. Each annexation reduces the amount of revenue the Maryland-National Capital Park and Planning Commission (M-NCPPC) requires for acquiring and constructing park facilities. Once a property is annexed, the M-NCPPC Metropolitan (park) taxes will no longer be paid even though the M-NCPPC continues to provide park facilities to all County and City residents. Staff recommends that the petitioner volunteer to continue to pay County Park taxes (currently approximately \$226 annually) or make a payment instead of taxation.

## **CONCLUSION**

Staff recommends that the Planning Board support Annexation Petition ANX2004-00135 and the rezoning of the subject property to the City of Rockville's R-E Zone for the reasons stated above.

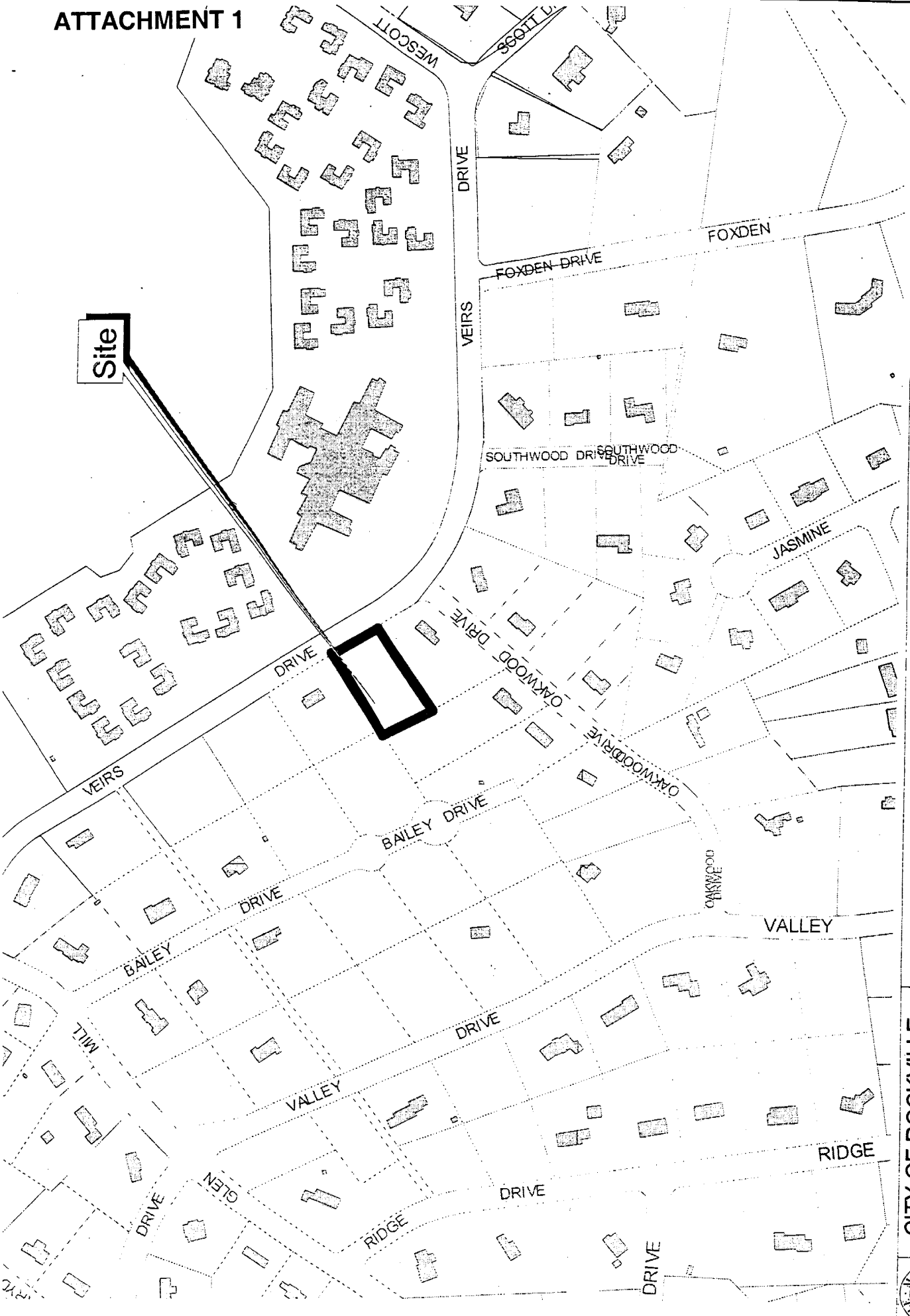
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Attachment 1: Location Map  
Attachment 2: Estimated Park Tax

ATTACHMENT 1



Site Location Map



ANX2004-00135, Virginia Simmons  
9604 Veirs Drive

CITY OF ROCKVILLE  
DEPARTMENT OF COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES



## ATTACHMENT 2

### City of Rockville Annexation Petition ANX2004-135 (9604 Veirs Dr)

ESTIMATED ANNUAL TAX PAID TO THE COUNTY BEFORE ANNEXATION (2004 Levy Year)

Total Appraised Value of the Properties	\$206,006
Appraised Value Divided by 100	\$2,060
Multiplied by the Total Tax Rate of:	1.141
= Total Annual Tax Paid to the County	\$2,351

ESTIMATED SPECIAL SERVICE AREA TAXES PAID TO THE COUNTY THAT WOULD NOT BE PAID AFTER ANNEXATION BASED ON 2004 LEVY YEAR RATE SCHEDULE

	TAX RATE	ASSESSED VALUE/100	YEARLY TAX LOSS
Recreation Tax	0.025 *	\$2,060 =	\$52
Storm Drainage Tax	0.003 *	\$2,060 =	\$6
Total Yearly Loss to County			\$58

ESTIMATED PARK TAX THAT SHOULD CONTINUE TO BE PAID AFTER ANNEXATION

	TAX RATE	ASSESSED VALUE/100	PARK TAX
Metropolitan Tax	0.059 *	\$2,060 =	\$122

Sources: Montgomery County Department of Finance  
State Department of Assessments and Taxation

Montgomery County Park and Planning Department,  
Research and Technology Center, December 1, 2004.