



May 25, 2005

MEMORANDUM

TO: Montgomery County Planning Board

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

FROM: *CM*
Callum Murray, Potomac Team Leader
Community-Based Planning Division

SUBJECT: Corrective Map Amendment No. G-837: Rural Village Center Overlay Zone, Darnestown, Potomac Subregion

RECOMMENDATION:

Request approval to file Corrective Map Amendment G-837 for the Rural Village Center Overlay Zone, at the intersection of Darnestown Road (MD28) and Seneca Road (MD112), Darnestown, Potomac Subregion. The proposed Amendment adjusts the Rural Village Center Overlay zoning boundaries to correct a mapping error and to correspond with property boundaries and the Potomac Subregion Master Plan.

BACKGROUND:

On March 5, 2002, the County Council, sitting as the District Council, approved the Potomac Subregion Master Plan by Resolution No.14-1170. On April 11, 2002, the Full Commission adopted the approved Potomac Subregion Master Plan by Resolution M-NCPPC No. 02-05.

On October 15, 2002, the County Council approved Sectional Map Amendment (SMA) G-800, with three technical changes, by Resolution No. 14-1468. The SMA application covered approximately 40,583 acres, and reclassified approximately 890 acres, with the remaining acreage reconfirmed as currently zoned.

The Sectional Map Amendment implemented thirteen zoning recommendations proposed by the Potomac Subregion Master Plan, including recommendations for the Rural Village Center Overlay Zone, which was superimposed on properties in the C-1,

O-M, R-200, RE-2 and RC Zones, centered on the intersection of Darnestown Road (MD28) and Seneca Road (MD112) in Darnestown. The SMA, prepared on newly digitized maps, also made a total of forty-one (41) corrective amendments in the Subregion to adjust zoning boundaries to correspond to property lines. Property owners and the Darnestown Citizens Association supported the Sectional Map Amendment.

The Potomac Subregion Master Plan contemplated that the Rural Village Center Overlay Zone would retain and enhance the commercial crossroads character of Darnestown through compatible scale, massing, siting, and setbacks for new and expanded uses, encourage a variety of uses that would serve the needs of the local community, provide opportunities for new and existing business expansion while keeping the commercial area compact and low density, and create a pedestrian friendly commercial area through streetscape design.

The Master Plan recommended that septic capacity from portions of residentially zoned properties adjacent to commercial properties be permitted to allow businesses the flexibility to expand following site plan review and public hearings. The areas of potential septic capacity were derived from engineering studies performed by Benning and Associates, Inc. and commissioned by the Darnestown Citizens Association. A series of graphics was then prepared with alternative scenarios.

The owners of the properties proposed as donors of septic capacity, including the Archdiocese of Washington, offered no objection to this recommendation, so long as it would not adversely affect their future interests. The Master Plan also recommended the Country Inn Zone as a floating zone option on Parcels 655, 708, and 641, and an owner interested in pursuing this option has recently acquired Parcel 641. (See Attachment 1.)

The owners of Parcels P708 and P655, the Metropolitan Washington Orthodox Seniors Housing, Inc., elected to apply for a special exception (S-2484) for 16 housing units and related facilities for senior adults and persons with disabilities. The site plan allowed for vacant space as future septic capacity and was granted approval by the Board of Appeals on April 8, 2002. The housing was not constructed for economic reasons and the same applicant has filed a new petition (S-2648) on May 23, 2005, to operate a residential facility (assisted living) for 35 senior adults. The new site plan also allows space for septic capacity for the adjacent property. Prior to this filing date, staff realized that the boundary of the Rural Center Overlay Zone on the existing zoning map did not correspond with Map 25 on Page 100 of the Potomac Subregion Master Plan, and that Parcels 708 and 655 had been omitted, due to a mapping error. Staff indicated to the property owner and legal representative their intent to file a Corrective Map Amendment to rectify this, to which the owner and representative indicated no objection.

It would also be timely to correct the Overlay Zoning boundary on the southeast side of Darnestown Village, where it has been overtaken by events. On January 24, 2002, Plat Nos. 617-12 and 617-13 were recorded for property owned by William M. Rickman to the southeast of Darnestown Village. The plats displayed various ingress/egress and forest conservation easements, septic restriction lines, and locations for septic fields for

detached single-family homes. The plats did not indicate areas for septic capacity for adjacent properties and the owner was under no obligation to do so. The property has since been subdivided, sold to Equity Homes, and sold again to individual homeowners, with dwellings constructed in 2003 and 2004. The possibility of generating septic capacity from these properties has been removed and had community-based planning staff noted the terms of the Plat when it was recorded, the proposed Overlay Zoning boundary would have been amended at that time.

Staff recommends that the Planning Board initiate a Corrective Map Amendment to rectify these two technical errors. Attachment 1 is Map 25 from Page 100 of the Potomac Subregion Master Plan and depicts the Darnestown Rural Village Center. Attachment 2 is a section of the existing zoning map. Attachment 3 illustrates the proposed corrections, which are as follows:

1. Portions of Lots 2, 3, and 4, Block D, and Lot 5, Block B, Darnestown Knolls Subdivision, remain as RE-2, with the Overlay Zone removed.
2. Parcels P708 and P655, 14124 and 14116 Seneca Road, Darnestown – include in Overlay Zone.

The total area of the correction is approximately 1.42 acres deleted, and 8.29 acres added to the Overlay Zone, out of a present total gross area of 29.74 acres. There will be no change to any Master Plan proposals as a consequence of the Corrective Map Amendment.

CONCLUSION:

The proposed classifications should properly have been included with Sectional Map Amendment G-800 in October 2002. Planning staff therefore recommends that Corrective Map Amendment G-837 be filed with the County Council with a Planning Board recommendation of approval for the following reasons:

1. There were technical errors in Sectional Map Amendment G-800.
2. The proposed technical adjustments to zoning classification boundaries are proper to correct the errors.
3. The proposed zoning pattern conforms to the land use recommendations of the Master Plan.

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Attachment 1	Map 25, Page 100, Potomac Subregion Master Plan – Darnestown Rural Village Center
Attachment 2	Existing Rural Village Center Overlay Zone
Attachment 3	Proposed Rural Village Center Overlay Zone