

Clerk's Note: Petition number has been corrected.

CORRECTED

Resolution No.: 17-219
Introduced: July 12, 2011
Adopted: July 19, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of the City of Rockville's request to reclassify the Reed Brothers Property located at the northeastern quadrant of Frederick Road (MD355) and King Farm Boulevard/Metro Access Road in the Shady Grove Sector Plan area; reclassification from the County's Transit Oriented Mixed Use (TOMX-2) zone to the City's Mixed Use Transit District (MXTD) zone (Annexation Petition ANX2010-00139)

Background

1. Article 23A, Section 9(c) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five 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 without express approval of the County Council.
2. The Reed Brothers Property is within the Maximum Expansion Limits of the City of Rockville.
3. The City of Rockville is proposing to annex approximately 4.37 acres of land located at the northeastern quadrant of Frederick Road (MD355) and King Farm Boulevard/Metro Access Road. The site is currently classified in the TOMX-2 zone in Montgomery County. The zone requires conformance with the numeric limits in the applicable Sector Plan, including floor area ratio and the number of dwelling units allowed per acre. The Shady Grove Sector Plan is the applicable sector plan.
4. The Shady Grove Sector Plan limits the floor area ratio to .75 for non-residential uses and would not allow any dwelling units per acre. The Plan did not recommend residential development due to the site's proximity to the County's solid waste transfer station.

5. Under the annexation proposal, the Reed Brothers property would be reclassified to the City's MXTD (Mixed Use Transit District) zone, which allows a mix of residential and commercial uses. Development of the site is proposed to consist of 417 residential dwelling units and 5,000 square feet of retail space. The property owner proposes structured parking to accommodate the uses. The proposed floor area ratio would be 2.3 with 95 dwelling units per acre; both numeric limits are substantially different than allowed by County zoning. The rezoning would constitute a land use and density for the property substantially different than that specified for the property in the Shady Grove Area Master Plan and therefore the express approval of the County Council is required to dispense with the current zoning limitations on the property.
6. On June 16, 2011, the Montgomery County Planning Board voted (3-1) to recommend that the Council not approve the City's request to reclassify the site to the City's MXTD (Mixed Use Transit District) zone. The Board's recommendation was consistent with the recommendations of the June 9, 2011 Planning Staff report and the recommendation of the County Executive.
7. On July 11, 2011, the Planning, Housing, and Economic Development Committee reviewed the annexation petition and indicated opposition to the requested reclassification because it would increase residential units near the Solid Waste Transfer Facility.
8. On July 19, 2011, the County Council reviewed Annexation Petition ANX2010-00139 and disagreed with the recommendations of the Planning, Housing, and Economic Development Committee. The Council found that the Shady Grove Sector Plan recommendations did not fully account for the flawless operation of the Solid Waste Transfer Facility. In addition, the environmental and social benefits of more housing near a Metrorail station, particularly more affordable housing, outweigh the speculative problems of more housing near the Solid Waste Transfer Facility.

Action

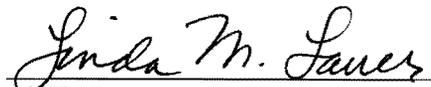
The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

In accordance with the provisions of Article 23A Section 9(c) of the Annotated Code of Maryland, the District Council approves the reclassification by the City of Rockville of the Reed Brothers Property from the County's Transit Oriented Mixed Use (TOMX-2) zone to the City's Mixed Use Transit District (MXTD) zone as proposed in Annexation Application 2010-00139.

The District Council recommends that the Mayor and Council of Rockville require the development of the Reed Brothers Property to provide:

- 1) adequate right-of-way for the Corridor Cities Transitway on the property;
- 2) streetscaping on the property;
- 3) a means to achieve the goals of the Shady Grove Transportation Management District; and
- 4) notice to all prospective tenants of the property that the tenants are moving next to the County's Solid Waste Transfer Facility and that the trash handling activities at the Facility may produce odors, increase its truck traffic, and increase its noise generation in the future.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council