

CITY OF ROCKVILLE PLANNING DIVISION
PRELIMINARY REPORT

June 28, 2004

SUBJECT:

Annexation Petition ANX2005-00137

Petitioner: Steven & Tracy L. Clark
9101 Scott Drive
Rockville, Maryland 20850

Property Location: 9101 Scott Drive

Planning Commission Review Date: July 27, 2005
Mayor and Council Public Hearing Date: August 1, 2005



REQUEST:

The petitioners request annexation into the City of Rockville, property consisting of a single parcel of land containing 1.06 acres, located on Scott Drive in the Potomac High Lands subdivision. The property is presently improved with a single detached dwelling. The petitioners request the Mayor and Council zone the parcel for R-150 (Medium Density Residential) land usage, upon annexation from Montgomery County into the City of Rockville. Staff however would recommend the property be placed in the City's R-E (Residential Estate) zone, which has a minimum lot size requirement of 40,000 square feet, hence more comparable to the actual size of the subject site.

PREFACE:

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 law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. The Mayor and Council are also required to conduct a public hearing simultaneously for adoption of a new zoning map of the affected area.

Prior to the Mayor and Council's public hearing, the Planning Commission is required to study the subject area and transmit to the Mayor and Council its recommendation as to the appropriate zoning of the property. The Rockville Zoning and Planning Ordinance requires the Planning Commission to conduct a public hearing in conjunction with recommending new zoning.

ANALYSIS:

The Property - The subject property is approximately 1.06 acres in size, fairly rectangular in shape, with comparable dimensions to other residential lots surrounding it. The property has vehicular access onto Scott Drive, improved with a single family detached dwelling, one story (with a basement) in height, and of masonry and frame construction. The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage (minimum lot size of 20,000 square feet).



Aerial View of 9101 Scott Drive

Existing Land Use & Zoning in the Area – The subject property abuts land within the City of Rockville corporate limits to the north and east, which are zoned for R-E (Residential Estates) and R-150 (Medium Density) land usage respectively. The subject site is located on the north side of Scott Drive, northeast of Carriage Court. The applicants' property, is bounded on the north by Robert Frost Elementary School, northeast by Thomas E. Wootton High School, east by single-family detached dwellings, and south and west primarily by single-family detached dwellings located outside of the corporate limits of the City of Rockville. Based on available information the subject property and the neighboring residential properties to the west are not served by sewer but have access to public water lines located along/within Scott Drive. The subject property is currently served by a private well and septic system.

Public Services and Facilities – The subject property is not located within the Washington Suburban Sanitary District, thus water and sewer services cannot be provided from the Washington Suburban Sanitary Commission (WSSC). While City of Rockville public water

service is available along the site's Scott Drive frontage, sewer service is available approximately 700 ± east of the subject site, via sewer service lines that traverse Scott Drive. Upon annexation, the subject property would then be allowed to access said City water and sewer services. Any expense incurred in providing water and sewer services to the subject site shall be the responsibility of the property owners.

Montgomery County provides no services to the subject property that would have to be compensated if the property is annexed. There are no public facilities currently located on the property. Since the existing single-family property is the only property to be annexed under the subject request, it is extremely unlikely that neighborhood school capacities would be impacted by the annexation. City services such as police protection will be provided through general tax revenue. Any public improvements necessitated by future development such as storm drain or storm water management facilities will be the responsibility of the property owners, which would be constructed and installed under established permit and bond procedures.

Vehicular access to the site will continue to be from Scott Drive. A traffic study or statement is not required for the existing single family detached dwelling use, since the number of peak hour trips generated by a single family home are well below the threshold for requiring such analysis.

The Rockville Master Plan Regarding Annexation – The subject property is included in the City's Urban Growth Areas" as established in the approved and adopted 2002 Citywide Master Plan of the City of Rockville. The Plan further indicates that the area should be designated for single family detached residential use.

Montgomery County Master Plan – The Approved & Adopted 2002 Potomac Subregion Master Plan calls for single-family residential zoning and development of the subject property. As noted, the property is currently zoned for the County's R-200 (Residential, One Family) land usage classification. The Plan shows that the majority of surrounding County properties, within the site area zoned for RE-1 (one dwelling unit per acre) land usage.

Annexation Recommendation – Since the subject site lies within the Urban Growth Area of the City Rockville and is contiguous to the City of Rockville, approval of the annexation is recommended. Annexation of the property will assist the City's goal of promoting annexation for strategically situated properties near the City's boundaries.

The Maryland-National Capital Parks & Planning Commission (M-NCPPC) will review this application in the upcoming weeks. It is anticipated that the consent of the Montgomery County Council will not be required in this case, in that staff has recommended the subject property be placed in the City's R-E (Residential Estate) Zone, which allows comparable land uses allowed in the County's abutting RE-1 zone to the south and southwest.

Zoning Map

Procedure – When land is annexed all zoning upon that land which was imposed by the authority previously having jurisdiction will no longer exist. Hence, the Mayor and Council

must adopt a new zoning map to become effective upon annexation. State law imposes some limitation on the zoning of newly annexed land. The law requires in substance, that the land uses of the City zone must not be substantially different from the use specified in the adopted Montgomery County Master Plan, covering the subject property prior to its annexation. It also precludes the City of Rockville from consideration of rezoning to a zone that allows substantially different land uses for a period of five years without the consent of the County Council.

Montgomery County Zoning Requirements – The Potomac Subregion Master Plan prepared by M-NCPPC is the most current County Plan covering the subject property. The Plan recommends residential land use and designation of the property for single family detached dwelling usage. Single-family detached dwelling uses are permitted in the RE-1 and R-200 Zones, as per the Montgomery County Zoning Ordinance.

The Rockville Plan Regarding Land Use and Zoning – The land use plan of the 2002 Citywide Master Plan recommends single family residential land use for the subject site, which is comparable to the land uses found in the surrounding area.

Zoning Map Recommendation – Staff recommends the subject property be placed in the R-E (Residential Estate) Zone, if the Mayor and Council act to annex the property. The R-E Zone like the County’s RE-1 Zone has a minimum lot size of 40,000 square feet. The land use recommendation is consistent with the recommendations found in the Rockville Master Plan and the applicable Montgomery County Plan.

/cdc

Attachments

Attachment “1” – Site Vicinity Map

Attachment “2” – Resolution No. 18-05

Attachment “3” – Annexation Petition