

Ordinance No. 12-18

ORDINANCE:

To grant Local Map Amendment Application, MAP2017-00117; to allow for the rezoning of Parcels A, B, and I from the Planned Development - Chestnut Lodge (PD-CL) Zone to the Park Zone, Mayor and Council of Rockville, Applicant.

WHEREAS, the Mayor and Council, at its meeting of October 2, 2017, authorized the filing of the Local Map Amendment Application (MAP2017-00117) (the "Application") pursuant to the provisions of Section 25.06.01.c.1.(a) of the Zoning Ordinance to request that three unimproved parcels, known as Parcels lettered A, B, and I in Block lettered A in the subdivision known as "Plat One, CHESTNUT LODGE" as per plat recorded at Plat No. 23625, consisting of approximately 6.39 acres of land, be rezoned from the Planned Development – Chestnut Lodge (PD-CL) zone to the Park Zone; and

WHEREAS, after the Application was filed, pursuant to Section 25.06.01.g of the Zoning Ordinance, the Planning Commission at its meeting on April 11, 2018, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application; and

WHEREAS, pursuant to Section 4-203(b) of the Land Use Article, the Mayor and Council gave notice that a public hearing on the Application would be held by the Mayor and Council in the Council Chamber, 111 Maryland Ave, Rockville, MD, on May 14, 2018, at 7:30 p.m. or as soon thereafter as it may be held, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, the Mayor and Council held a public hearing on said Local Map Amendment (MAP2017-00117) at its May 14, 2018 meeting; and

WHEREAS, the Mayor and Council has found and determined that, pursuant to Section 4-204 of the Land Use Article of the Annotated Code of Maryland, there has been a substantial change in the character of the neighborhood; and

WHEREAS, pursuant to the requirements of Section 4-204(b) of the Land Use Article of the Annotated Code of Maryland, the Mayor and Council finds, based on all the evidence and information on record as follows:

1. Population Change. The requested zoning map amendment would not result in a population change because there are currently no dwellings on the property and residential uses are not permitted uses in the proposed zone.
2. Availability of Public Facilities. The requested zoning map amendment will remove Parcels A, B, and I from the Planned Development – Chestnut Lodge Zone to create a public park; therefore, public facilities will not be affected as no new development is proposed.
3. Present and Future Transportation Patterns. The subject parcels have access off Bullard Circle, which provides access to West Montgomery Avenue. There are no known future transportation patterns. The requested rezoning is to place the subject parcels in the Park Zone, which is consistent with its current use, and no development is proposed; therefore, the amount of additional traffic generated will be minimal, if any.
4. Compatibility with Existing and Proposed Development in the Area. The approved and adopted Master Plan of Rockville divides the City into major areas for study and planning purposes. The subject parcels are in the area identified as Planning Area 4, which includes an area bounded south of West Montgomery Avenue, west of Thomas Street, north of Autumn Wind Way and east of Tall Grass Court and Henson Oaks

Lane. For the purposes of this Map Amendment Application, the area of review did not go beyond the Chestnut Lodge Planned Development. Within this development, the land use is designated as residential and private open space. Under the Exploratory Application PRU2005-00022, Parcels A and B were to be owned and maintained by the Homeowner's Association and are unimproved. Parcel I was designated for 7 multi-unit dwellings in a proposed rehabilitated Main Lodge. The Main Lodge was destroyed by fire in 2009 before the rehabilitation occurred. The proposed amendment proposes no development, but rather the preservation of approximately 6.39 acres of open space, to be used as parkland. Therefore, rezoning these parcels to the Park Zone creates no compatibility issues with the Chestnut Lodge Planned Development neighborhood.

5. The Recommendation of the Planning Commission. The Planning Commission has reviewed the Application and unanimously recommended approval of Local Map Amendment Application (MAP2017-00117).
6. The Relationship of the Proposed Amendment to the Adopted Plan. The current Land Use designation of these parcels is for an institutional use for what was then the 20.4-acre Chestnut Lodge property. The Master Plan further recommends that residential use under a Special Development Procedure would be acceptable if historic and tree preservation goals are achieved. These goals were sought to be achieved via the approval of the Planned Residential Unit (PRU) Application that proposed to preserve historic resources and the treed front lawn area along West Montgomery Avenue. Although the Main Lodge has since been destroyed, the recommended tree preservation in the front lawn has been achieved, and will continue under the City's care and

management. Based on the language in the Master Plan, the proposed zoning reclassification to the Park Zone of the three parcels is not in conflict with the Plan.

7. Other considerations. The Main Lodge, formerly located on Parcel I, was destroyed by fire in 2009. When the PRU was approved, the Main Lodge was intended to be rehabilitated and redeveloped with 7 multi-unit dwellings. The Main Lodge was the centerpiece of the remaining buildings from the historic Chestnut Lodge institution. The loss of the four-story historic structure due to fire has permanently altered the character of the neighborhood, which now consists of other remaining historic buildings from the Chestnut Lodge institution, single family homes, and open space. Because of the fire that destroyed the Main Lodge, a substantial change in the character of the neighborhood has occurred. A central purpose of allowing 7 multi-family units at the site was to preserve the Main Lodge and surrounding open space. With the loss of the Main Lodge, there has been a substantial change in the character of the neighborhood and the rezoning of the three parcels to the Park Zone to preserve open space is consistent with the current character of the neighborhood which consists of single-family dwellings and open space.

WHEREAS, the parcels are located within the West Montgomery Avenue Historic District, and will retain the Historic District (HD) Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that based on the findings set forth above, the Mayor and Council of Rockville concludes that a substantial change in the character of the neighborhood has occurred and therefore, Map Amendment application MAP2017-00117 is hereby granted.

I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of June 18, 2018.



Kathleen Conway, City Clerk/Director of
Council Operations