

Ordinance No. 16-21

ORDINANCE: To amend the Zoning Map by adding 11.96 acres of land, more or less, owned by Victor, Inc. and the State Highway Administration and placing the said property in the MXCD, Mixed Use Commercial District Zone

WHEREAS, the Mayor and Council of Rockville, Maryland, on October 4, 2021, in accordance with the provisions of Section 4-407 of the Local Government Article of the Annotated Code of Maryland enacted a Resolution enlarging and extending the boundaries of the City of Rockville so as to include approximately 11.96 acres of land, more or less, consisting of 10.23 acres of privately-owned parcels owned by Victor, Inc., which property is located approximately 800 feet south of the intersection of Shady Grove Road and MD 355, located at 16200 Frederick Road, and 1.73 acres of State of Maryland Highway 355 right-of-way owned by the Maryland State Highway Administration; and

WHEREAS, said Resolution is to become fully effective 45 days after adoption; and

WHEREAS, the City of Rockville Planning Commission, pursuant to the City of Rockville Zoning Ordinance has recommended to the Mayor and Council the boundaries of the various zoning districts for said area to be annexed; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on the adoption of the zoning map for said area would be held by the Mayor and Council via the Cisco WebEx platform on May 17, 2021, at 7:00 p.m., or as soon thereafter as it may be held, at which parties in interest and citizens would have the opportunity to be heard, which notice was published once each week for two successive weeks in a newspaper of general circulation in the City of Rockville, with the first such publication appearing at least fourteen days prior to the hearing; and

WHEREAS, on the 17th day of May 2021, the said hearing was held at the time and place provided for in said advertisement; and

WHEREAS, the subject property is currently zoned GR-1.5, H-45 (General Retail), in Montgomery County, and the Shady Grove Sector Plan Minor Master Plan Amendment for Montgomery County as adopted on April 6, 2021 recommends the rezoning of the subject property to the Commercial Residential Town (CRT)1.5 C0.5 R1.0 H-80; and

WHEREAS, Victor, Inc. has requested that the City place its portion of the subject property in the City's MXCD, Mixed Use Commercial District Zone, which, while consistent with the CRT zoning proposed in the Shady Grove Sector Plan Minor Master Plan Amendment, is inconsistent with the subject property's current GR-1.5, H-45 zoning; and

WHEREAS, Section 4-416 of the Land Use Article of the Annotated Code of Maryland provides, *inter alia*, that no municipality annexing land may, for a period of five (5) years following annexation, permit development of the annexed land for land uses substantially different than the use authorized, or at a substantially higher density, not to exceed 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation without the express approval of the County Council; and

WHEREAS, on March 4, 2021 the Montgomery County Planning Board voted to recommend that the Council approve the City's request to change the property's current zoning, subject to certain conditions; and

WHEREAS, on March 1, 2021, the annexation petition was considered by the Planning, Housing and Economic Development Committee of the Montgomery County Council, as a part

of its review of the Shady Grove Sector Plan Minor Master Plan Amendment, and the Committee indicated support for the proposed reclassification; and

WHEREAS, on April 20, 2021, the Montgomery County Council reviewed Annexation Petition ANX2020-00146 and agreed with the comments and recommendations of the Planning Board and the Planning Housing and Economic Development Committee; and

WHEREAS, by Resolution No. 19-813, the County Council for Montgomery County, approved the reclassification of the subject property from the County's GR (General Retail) zone to the City's MXCD (Mixed Use Commercial District) zone, as proposed by City of Rockville Annexation Petition No. ANX2020-00146, subject to certain conditions; and

WHEREAS, the Mayor and Council of Rockville, having fully considered the matter, has determined to place the annexed property in the City's MXCD (Mixed Use Commercial District) zone, under certain conditions to be set forth in an annexation agreement, so as to promote the health, security and general welfare of the community of the City of

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION 1. That the map entitled "Zoning Map of the City of Rockville, Maryland" together with all amendments thereto; the said map as amended constituting the official Zoning Map of the City of Rockville, be and the same is hereby amended so as to incorporate as a part thereof the map entitled "Proposed Zoning Map –Annexation Petition No. ANX2020-00146," which map places said property in the MXCD, Mixed Use Corridor District Zone, the annexation resolution for which tract was adopted on October 4, 2021, said map being dated October 4, 2021, and said map, sections or portions thereof, together with all notations, dimensions, designations, references and other data shown thereon are hereby adopted and made a part of the

City of Rockville's Zoning Ordinance to the same extent as if the information set forth on said map were fully described and incorporated therein.

SECTION 2. That the effective date of this ordinance shall be the date on which the annexation of the 11.96 acres of land, more or less, as described, to the City of Rockville, becomes finally effective.

* * * * *

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council of Rockville at its meeting of October 4, 2021.

A handwritten signature in cursive script, reading "Sara Taylor-Ferrell".

Sara Taylor-Ferrell, City Clerk/Director of Council Operations