

Resolution No. 12-18

RESOLUTION:

To Approve, Project Plan Application PJT2018-00009, an Amendment to the Planned Residential Unit PRU2005-00022; to remove Parcels A, B, and I from the Chestnut Lodge Planned Development, Mayor and Council of Rockville, Applicant.

WHEREAS, on February 6, 2006, the Mayor and Council adopted Resolution No. 3-06 approving Planned Residential Unit PRU2005-00022 (the "Chestnut Lodge Planned Development"), for a residential development on the approximately 20.43-acre Chestnut Lodge site located at 500 West Montgomery Avenue; and

WHEREAS, the approved residential development included not more than 36 new single-family detached dwelling units with detached garages and other related accessory structures, 7 multi-family residential units (in the Main Lodge building), and two rehabilitated buildings (Little Lodge and Frieda's Cottage) each to be used as single family detached homes; and

WHEREAS, three parcels known as Parcels A, B, and I are within the Chestnut Lodge Planned Development; and

WHEREAS, Parcels A and B, formerly owned and maintained by the Chestnut Lodge Homeowners Association, were originally designated for private open space, and Parcel I was originally designated for seven (7) multi-unit dwellings in a proposed rehabilitated Main Lodge building. These parcels consist of a total area of approximately 6.39 acres of land in the front part of the Chestnut Lodge Planned Development. See Exhibit "A."

WHEREAS, on September 18, 2017, Mayor and Council of Rockville, (the "Applicant") filed Project Plan Application PJT2018-00009 (the "Application"), pursuant to Sec. 25.14.07.e of

the Zoning Ordinance, proposing the removal of Parcels A, B and I from the Chestnut Lodge Planned Development; and

WHEREAS, pursuant to Section 25.07.07 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 25.05.03 of the Zoning Ordinance, 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, pursuant to Section 25.05.03.c of the Zoning Ordinance, a duly noticed public hearing on the Application was held by the Mayor and Council on May 14, 2018; and

WHEREAS, at its June 18, 2018 meeting, the Mayor and Council found and determined the Application would not be in conflict with the Comprehensive Master Plan and that its approval would not adversely affect the historical environment of the City and the surrounding area. The Mayor and Council made further findings set forth herein, based upon information presented and testimony provided as contained in the public record; and

WHEREAS, the Mayor and Council, find and determine, pursuant to Section 25.07.01.b.2 of the Zoning Ordinance, in consideration of the Application, subject to the conditions, limitations, additions, and modifications set forth herein, as follows:

1. The Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development: Approval of the removal of

these parcels from the Chestnut Lodge Planned Development, pursuant to the Project Plan Application, will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed development. Parcel I has been undeveloped since the former Chestnut Lodge Main Lodge building was destroyed by fire in 2009 and is currently open space, and Parcels A and B have always been unimproved open space. Concurrently with this Application, the City is also considering a Local Map Amendment Application which, if granted, would rezone the three parcels to the Park Zone. As such, the approval of the Application will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed development.

2. The Application will not be in conflict with the Master Plan: The 2002 Master Plan recommended that the site remain as an institutional use for what was the 20.43-acre Chestnut Lodge property. The Master Plan further recommended that residential use developed 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 Chestnut Lodge Planned Development, which 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 area has been achieved, and will continue under the City's care and management. Based on the language in the Master Plan the proposed removal of the three lots is not in conflict with the Plan.
3. The Application will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted Adequate Public facilities Standards: The proposed amendment will remove Parcels A, B, and I from the

existing Chestnut Lodge Planned Development in order to create a public park, public facilities will not be affected as no new development is proposed.

4. The Application will not constitute a violation of any provision of the Zoning Ordinance or other applicable code: The proposed project plan application, does not violate any provisions of the Zoning Ordinance. There is no redevelopment being proposed, rather approximately 6.39 acres of open space will be preserved.
5. The Application will not adversely affect the natural resources or environment of the City or surrounding areas: The proposed amendment will maintain approximately 6.39 acres of open space, which will be managed by the City of Rockville, and therefore will not adversely affect the natural resources or environment of the City or surrounding area.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Project Plan Application PJT2018-00009, an amendment to the Planned Residential Unit Application PRU2005-00022, to allow for the removal of Parcels A, B and I from the Chestnut Lodge Planned Development, is hereby approved as follows:

1. Parcels A, B, and I are removed from the scope of and are no longer subject to Resolution No. 3-06 or PRU2005-00022; and
2. For the purposes of this Resolution, the approved Project Plan Application shall mean Project Plan Application PJT2018-00009 and Exhibit A: Map showing (i) the area of Parcels A, B and I, which are removed from the Chestnut Lodge Planned Development; and (ii) the area which will remain subject to the Chestnut Lodge Planned Development.

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

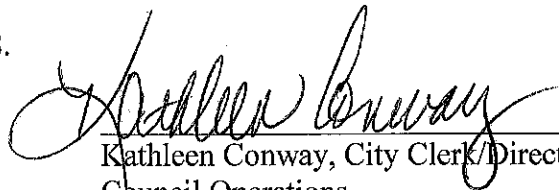

Kathleen Conway, City Clerk/Director of
Council Operations

EXHIBIT "A"

