



Legislation Text

File #: 26-2036, **Version:** 1

Subject

Introduction of an Annexation Resolution to Initiate the Annexation Process for the property at 1000 Westmore Avenue (Former WINX site), including two parcels, both addressed as 0 Stonestreet Avenue, and Adoption of Resolution setting the Public Hearing date.

Department

CPDS - Management & Support

Recommendation

Staff recommends that:

- 1) The Mayor and Council introduce the resolution for annexation (Attachment 1) for the property at 1000 Westmore Avenue and two adjacent properties, both addressed as 0 Stonestreet Avenue.
 - 2) The Mayor and Council adopt the second resolution (Attachment 2) that sets the date for the public hearing for the annexation.
-

Change in Law or Policy

The proposal will enlarge the corporate boundary by approximately 10.45 acres of land. If approved, the annexation area would be incorporated within the city's corporate limits and be subject to the Charter, laws, ordinances, and regulations of the City of Rockville.

Discussion

The petitioner for the annexation is Interstate Westmore, LLC, owner of 1000 Westmore Avenue. The law offices of Bregman, Berbert, Schwartz, and Gilday, LLC, are representing the petitioner. The petitioner requests the annexation of property consisting of approximately 10.45 acres of land. The annexation area consists of three (3) discrete parcels of land to be annexed together. The petitioner has obtained consent from owners of all three parcels to initiate this annexation (Attachment 3).

Background

'Rockvilles Comprehensive Plan <<https://www.rockvillemd.gov/DocumentCenter/View/46399/City-of-Rockville-Comprehensive-Plan-Optimized?bidId=>> was adopted in Aug 2021. The [Municipal Growth Element <https://www.rockvillemd.gov/DocumentCenter/View/42821/City-of-Rockville-Comprehensive-Plan---Municipal-Growth-Element---single-page-SQUARE>](https://www.rockvillemd.gov/DocumentCenter/View/42821/City-of-Rockville-Comprehensive-Plan---Municipal-Growth-Element---single-page-SQUARE) (MGE) is an individual element of the comprehensive plan. Per State law, the MGE should identify future growth areas outside the existing corporate limits and define the limits of municipal growth, also called the maximum expansion limits (MEL).

The Municipal Growth Element of Rockville's Comprehensive Plan identifies areas where the city should take a

proactive approach towards annexation. As an implementation strategy of the Comprehensive Plan, the Mayor and Council expressed an interest in discussing properties to consider for near-term annexation at their meeting on February 7, 2021. At their May 12, 2025, meeting, the Mayor and Council reiterated the vision and directed staff to identify properties for potential annexation and to develop an outreach plan.

CPDS staff was working with the WINX property representatives on annexation and a possible residential use. As a part of the annexation outreach, city staff met with the WINX property representatives to emphasize the city's interest, listen to any specific concerns related to the process, and help facilitate annexation. As a result, the city received the annexation petition for the WINX property on January 7, 2026.

Maryland State Law

Annexation is defined as the legal process by which land is added to the corporate city limits. Under State Law, Rockville may annex contiguous and adjoining unincorporated properties that are within the City's Maximum Expansion Limits (MEL), as adopted through the Municipal Growth Element of the Comprehensive Plan.

The annexation process is outlined in Division II, Title 4, Subtitle 4 of the Local Government Article of the *Annotated Code of Maryland* (LG Article). In Maryland, an annexation can be initiated by a petition signed by at least 25% of the registered voters who are residents in the area to be annexed and the owners of at least 25% of the assessed valuation of the real property in the area to be annexed. Alternatively, a municipality's legislative body may initiate an annexation by introducing an annexation resolution. To do so, State law requires that the municipality's legislative body obtain consent from: (1) at least 25% of the registered voters who are residents in the area to be annexed; *and* (2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed. A public hearing is required as part of the annexation process.

In order to be annexed to an existing municipality, an area must be contiguous and adjoining to the existing municipal corporate area and may not be located within another incorporated municipality. Also, annexation of the area may not create an enclave of unincorporated area that would be completely surrounded on all sides by land within the municipality upon completion of the annexation.

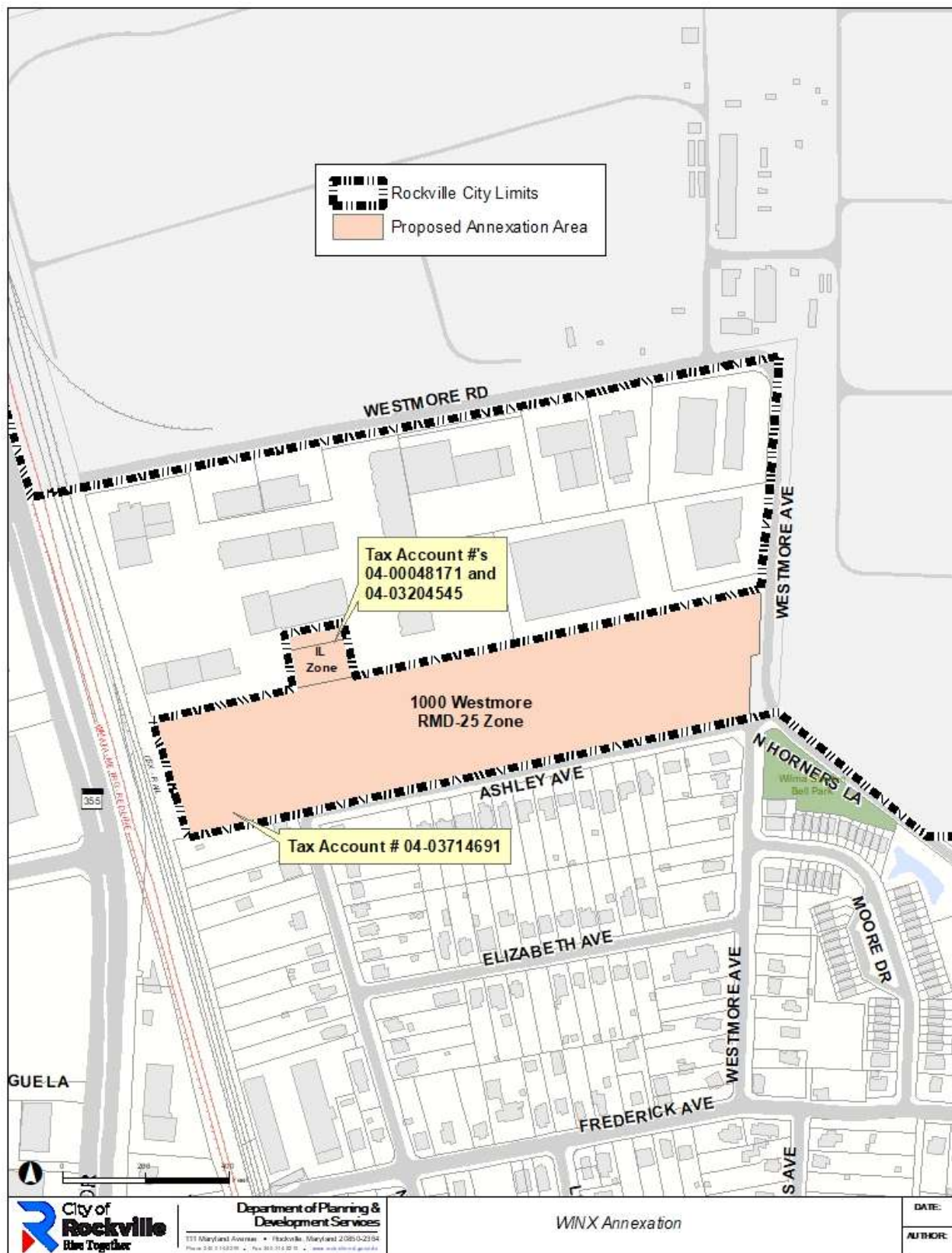
The WINX property is adjacent to the current city limits and is within the City's adopted MEL. However, the annexation of the WINX property at 1000 Westmore, as a single application, would have created an enclave. As seen in Figure 1, the other two parcels, having tax account numbers of 04-00048171 and 04-03204545, would be completely surrounded on all sides by property within the city if annexation were to occur without these two parcels, which is not permitted by State law. Thus, the petition includes three discrete parcels as shown on the following map (Figure 1). The owners of the parcels are as follows:

- 1) Interstate Westmore, LLC (1000 Westmore Ave, Tax Account I # 04-03714691)
- 2) Meadow Lo Corporation (0 Stonestreet Avenue, Tax Account # 04-03204545)
- 3) Westmore Development, LLC (0 Stonestreet Avenue Tax Account # 04-00048171)

The petitioner, Interstate Westmore LLC has coordinated and obtained consent from the other two parcel owners to develop a combined annexation application to prevent the creation of an enclave. All three parcels are included in the annexation petition. Since no persons registered as voters in Montgomery County or the City of Rockville reside in the annexation area, no resident consent is necessary for the granting of this petition. Under Section 4-404 of the LG Article, after verifying that the petition meets all requirements of State law, the Mayor and Council must introduce a resolution proposing the change of municipal boundaries

as requested by the petition.

Figure 1 - Proposed Annexation Area



Zoning Requested

The petitioner requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the part of the property owned by the petitioner, having a tax account number of 04-03714691, to the city's RMD-25 zone (Residential Medium Density). Petitioner further requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the other two parcels comprising the annexation area, having tax account numbers of 04-00048171 and 04-03204545, to the city's IL zone, with existing uses to remain and grandfathered (Figure 1).

County Master Plan and Zoning

The proposed annexation area is a part of Montgomery County's Upper Rock Creek Plan, as adopted in April 2004 ([UpperRockCreekMasterPlan2004.pdf <https://montgomeryplanning.org/wp-content/uploads/2016/09/UpperRockCreekMasterPlan2004.pdf>](https://montgomeryplanning.org/wp-content/uploads/2016/09/UpperRockCreekMasterPlan2004.pdf) p. 30-32). The Plan supports Rockville's inclusion of the property within its growth limits and recognizes that this area can be efficiently served by City Water and Sewer and is logically a part of the Lincoln Park neighborhood. The Plan recognizes that the property has issues of access and compatibility that diminish its usefulness for light industrial activities. For the long term, this Plan recommends residential development for this property, which will allow for its annexation and reclassification to a residential zone by the City of Rockville.

The existing county zoning for the properties in the proposed annexation area is IM-2.5 H-50 (Moderate Industrial, Maximum total FAR allowed is 2.5, the maximum building height allowed is 50 feet).

City Master Plan and Zoning

[The Municipal Growth Element <https://www.rockvillemd.gov/wp-content/uploads/2025/08/Rockville-2040-Comprehensive-Plan-Municipal-Growth-Element.pdf>](https://www.rockvillemd.gov/wp-content/uploads/2025/08/Rockville-2040-Comprehensive-Plan-Municipal-Growth-Element.pdf) of the City of Rockville's Comprehensive Plan (Comprehensive Plan) provides guidance on future growth areas outside of existing corporate limits and defines the limits of municipal growth through the establishment of a "maximum expansion limit" (MEL). The goals of the Municipal Growth Element are to guide orderly annexation of land into the city, establish a maximum expansion limit, and evaluate impacts of annexation on a case-by-case basis.

The property at 1000 Westmore Road is identified by the Comprehensive Plan as being a "proactive annexation area" within the maximum expansion limit. This property is called out as Action 3.2, which says, "work with the owner of the property at 1000 Westmore Avenue (former WINX site) to reach an annexation agreement for a primarily residential development" (p. 237). As such, annexation of this property is consistent with the Comprehensive Plan.

The Municipal Growth element also provides a land use policy designation for each of the properties within the maximum expansion limit. The Maximum Expansion Limit with the City of Rockville Land Use Policy Map Designation map has provided the RF (Residential Flexible) land use policy designation (p. 245) for the proposed annexation area. The RF (Residential Flexible) designation includes a mix of townhouses/ row houses, apartment buildings, and detached houses. It is applied to sites where the mix of allowed residential types is flexible and is to be finalized during development review. Small-scale commercial uses are an included option if integrated into the residential development. As such, if annexed into the city, the zoning should align with this residential flexible land use designation to remain consistent with the Comprehensive Plan.

The property is also discussed in the Planning Area 6 (Lincoln Park) chapter of the Comprehensive Plan. The site proposed for annexation is identified as Focus Area 5 within this chapter. The Comprehensive Plan gives a description of the property and its existing conditional and potential hurdles of development, then goes on to call for specific action tied to the land use policy map, zoning, and urban design recommendations.

Specifically, Focus Area 5 says:

- **Land Use Policy Map:** “Should the property be annexed into the city, a land use designation should be applied that allows for a mix of residential types, including multi-unit, multiplexes, townhouses, row houses, and single-unit homes, consistent with the Residential Flexible (RF) land use designation on the Land Use Policy Map.” - p. 326
- **Zoning Recommendations:** “Amend the Lincoln Park Neighborhood Conservation District (LPNCD) boundaries to remove this property from the District. The LPNCD includes regulations that are geared toward single-unit detached homes on individual lots. Rezone the property from its current industrial zoning (County Zoning IM-2.5) to a zone consistent with its land use designation.” (p. 326)
- **Urban Design Recommendations:**
 - “Ensure that any future use will not diminish the residential character of Lincoln Park and that a significant buffer is in place to mitigate any potentially negative impact on the neighborhood.” (p. 326)
 - Improve Ashley Avenue and establish a walkable street environment for new residential development. For residential developments, a portion of the development’s residences should front Ashley Avenue to establish a relationship with the existing residences to the south and establish a pedestrian-friendly street presence. A contiguous sidewalk on the north side will be required with new residential development, and it should include enhanced landscaping and pedestrian-scale lighting.” (p. 326)
 - “If a residential use is developed, a contiguous, well-connected park or open space, usable to the public, should be provided on this property. The park should be comparable in size, at minimum, to the Wilma Shelton Bell Park, located to the southeast of 1000 Westmore Avenue.” (p. 326)

“Preserve the existing Forest Conservation Easement. If any non-residential uses are developed, the forest conservation easement should remain and continue to provide a significant buffer to the existing residences to the south. Should a residential use be proposed, development should be contingent on the Montgomery County Planning Board approving the Forest Conservation Easement being flipped to the north side of the site, and the development being focused to the south on Ashley Avenue to buffer any new residential from the industrial uses to the north. The Plan does not recommend approving isolated residential development adjacent to industrial uses.” (p. 326)

The petitioner requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the part of the property owned by the petitioner, having a tax account number of 04-03714691, to the RMD-25 zone. Petitioner further requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the other two parcels comprising the annexation area, having tax account numbers of 04-00048171 and 04-03204545, to the IL zone, with existing uses to remain and grandfathered.

The existing uses on the parcels include light industrial uses such as a cell tower, storage, and temporary trailers with office space. Interstate Westmore requests the RMD-25 zoning for the property at 1000

Westmore, as it is intended to be developed as residential. The petitioners are requesting that the light industrial uses continue with the IL zone for the two smaller properties owned by Westmore Development LLC and Meadow Lo Corporation (both addressed as 0 Stonestreet Avenue).

Staff supports the petitioner's request for zoning, to the RMD-25 zone for the larger property at 1000 Westmore, and the IL zone for the two smaller properties, as shown on Figure 1 and described in detail with the annexation resolution (Attachment 1). Staff also recommends that the existing uses on the smaller parcels where the IL zone is requested remain and be grandfathered.

Five-Year Zoning Rule

Under Section 4-416 (b) of the LG Article, the following may not be permitted by a City for five years following an annexation without express approval of the County Council:

- Uses substantially different from those allowed by the County's Zoning Ordinance at the time of annexation.
- A density that is higher than an additional 50% of the allowable density as established in the County's Zoning Ordinance at the time of the annexation.

The existing county zoning for the properties in the proposed annexation area is IM-2.5 H-50 (Moderate Industrial, Maximum total FAR allowed is 2.5, the maximum building height allowed is 50 feet). The requested city zoning RMD-25 is substantially different from the County's zone. The requested city zoning (RMD-25) and the proposed use (residential) are not consistent with the county zoning. However, as noted earlier, the proposed annexation area is a part of Montgomery County's Upper Rock Creek Plan, as adopted in April 2004 ([UpperRockCreekMasterPlan2004.pdf <https://montgomeryplanning.org/wp-content/uploads/2016/09/UpperRockCreekMasterPlan2004.pdf>](https://montgomeryplanning.org/wp-content/uploads/2016/09/UpperRockCreekMasterPlan2004.pdf) p. 30-32). The Plan recommends residential development for this property.

The legal team representing the petitioners has met with county planners on this matter and has conveyed to city staff that the county is supportive of the annexation and the proposed residential use at 1000 Westmore Avenue. There is a discussion ongoing with the County staff on the abandonment of the County's forest conservation easement as a part of the annexation.

As the annexation process moves forward with the county's review of zoning consistency, city staff will be requesting the County Council to approve the RMD-25 zoning and the proposed residential use since it is consistent with the city's comprehensive plan.

Next Steps

In order to initiate the process of annexation, the Mayor and Council must introduce an annexation resolution, in accordance with the Maryland Local Government Article § 4-404. The annexation resolution (Attachment 1), if adopted, would change the boundaries of the city in the manner described in the property description. The resolution only needs to be introduced by the Mayor and Council. Adoption will come at the end of the process, as described below.

The second resolution (Attachment 2) provides specifics of the date, time, and place for the Mayor and Council public hearing that is required under State law and the city code. The Mayor and Council should vote to adopt the resolution.

The Land Use Article also requires that the municipality prepare and adopt an Annexation Plan for the area to be annexed. In accordance with the provisions of City Code § 25.02.04, the Planning Commission is required to study the area proposed for annexation and prepare an Annexation Plan. The purpose of the Annexation Plan is for the municipality that is proposing to annex an area to affirm that the annexation is consistent with the municipal growth element of the municipality's comprehensive plan. The city code also requires that the Planning Commission hold a public hearing on a draft of the preliminary Annexation Plan.

The Annexation Plan must be adopted by the jurisdiction in advance of completing the actual annexation. The Planning Commission is scheduled to review the annexation plan at its meeting on March 25, 2026, and the Mayor and Council are tentatively scheduled to adopt the annexation plan at their meeting on June 1, 2026.

After the Mayor and Council Public Hearing on the adopted annexation plan and the proposed annexation, the Council may choose to adopt the resolution for annexation. Per §4-407 of the Local Government Article, the annexation resolution does not take effect until at least 45 days after its enactment.

The following proposed schedule lists the review and adoption process for annexation and is consistent with the applicable State law and City Code.

Actions	Tentative Dates
Approve introduction of resolution to enlarge corporate boundaries Set the M&C Public Hearing date	February 2, 2026
Planning Commission studies area proposed for annexation and reviews Preliminary Annexation Plan, and sets Public Hearing date	March 25, 2026
Planning Commission holds Public Hearing	April 22, 2026
Planning Commission reviews public hearing testimony and approves Preliminary Annexation Plan for transmittal to Mayor and Council	May 13, 2026
Mayor and Council adopts Annexation Plan	June 1, 2026
County Review of Zoning Consistency	June - July 2026
Mayor and Council hold Annexation Public Hearing	July 27, 2026
Mayor and Council Review of Public Hearing Testimony, D&I to staff	September 2026
Mayor and Council adoption of annexation resolution	October 2026
Introduction of Ordinance(s) to amend zoning map to include annexed property	October 2026
Adoption of Ordinance to amend the zoning map	October 2026
Annexation effective 45 days after enactment of annexation resolution	December 2026

Recommendation:

Staff recommends that the Mayor and Council initiate the annexation process, as required by State law. Some of the reasons for annexation include-

- The annexation area is consistent with Rockville's Comprehensive Master Plan visions, principles, goals,

and policies for the City. The Rockville 2040 plan recommends a strategy whereby the City takes a proactive annexation approach to specific properties because there is an advantage for both the City and property owner to be incorporated within the City limits. The subject annexation meets the criteria for proactive annexations as recommended in the Rockville 2040 plan.

- The annexation area is contiguous to the city and within the City's Maximum Expansion Limits.
 - Annexation of the area will create a logical incorporated city boundary and will be consistent with the City's land use and zoning.
 - Annexation is consistent with the city's goal of increasing the tax base and helping maintain the outstanding community services for all the residents of Rockville.
 - The annexation is also consistent with the city's goal of increasing housing, including affordable housing, within the city.
 - The annexation would bring public water and sewer services to the property.
-

Mayor and Council History

This is the first time that the subject property is being considered for annexation by the Mayor and Council.

Public Notification and Engagement

Staff notified the President of the Lincoln Park Civic Association that the Mayor and Council were scheduled to introduce the WINX annexation at their meeting on February 2, 2026.

No public notification or engagement has taken place as of this time. However, City and State law require opportunities for public input (see proposed schedule).

Per Section 25.02.04.d of the Rockville zoning ordinance, the Planning Commission is required to hold a public hearing on a preliminary annexation plan. After the public hearing, and upon approval of a final annexation plan by the Planning Commission for recommendation to the Mayor and Council, the City Clerk must transmit copies of the annexation plan to the applicable state, county, and regional agencies for the Mayor and Council public hearing.

Per the Maryland Local Government Article, the Mayor and Council are then required to hold a public hearing on the proposed annexation. These public hearings will provide opportunities for individuals and groups to provide testimony, both written and oral. In addition, the nearby property owners and neighborhoods will be provided with notification regarding the proposed annexation.

Boards and Commissions Review

Per Section 25.02.04 of the City's zoning ordinance, the Planning Commission is required to prepare the Annexation Plan and hold a Public Hearing on the annexation. Therefore, the Planning Commission will be reviewing a staff-prepared draft Annexation Plan and ultimately approving a Preliminary Annexation Plan for Mayor and Council approval.

Fiscal Impact

The proposed annexation will primarily impact City property tax revenue. The City of Rockville charges a real property tax equal to \$0.292 per \$100 of assessed value. The assessed value of the property at 1000 Westmore Avenue is \$5,150,767 per the levy year 2025 assessed value. The property will result in

approximately \$15,040 in real property taxes to the City if annexed in its current condition. Future development is expected to yield increased assessed values and property tax revenue to the city.

The other two parcels, both addressed as 0 Stonestreet Avenue and owned by Meadow Lo Corporation (Tax Account # 04-03204545) and Westmore Development, LLC (Tax Account # 04-00048171), are in combination assessed at \$46,033 (real property tax revenue of approximately \$130) and will retain the existing industrial use.

Next Steps

The annexation process is required to follow actions that are mandated by State law and the City Code, as outlined in the annexation process in this report.

After introduction of the attached annexation resolution, the Planning Commission will study the annexation area, review a staff draft of a Preliminary Annexation Plan, hold a public hearing, and then approve a Preliminary Annexation Plan. Staff anticipates that the Planning Commission will begin its review process on March 25, 2026.
