



**Committee:** PHED  
**Staff:** Livhu Ndou, Legislative Attorney  
**Purpose:** Receive briefing and have discussion – no vote expected  
**Keywords:** #Rockville, #Annexation, #KingBuick

AGENDA ITEM #10  
April 13, 2021  
**Worksession**

## **SUBJECT**

City of Rockville Annexation Request (ANX 2020-00146), 16160 and 16200 Frederick Road (MD 355)

## **EXPECTED ATTENDEES**

Casey Anderson, Chair, Montgomery County Planning Board  
Carrie Sanders, Chief, Mid-County Planning  
Jessica McVary, Master Plan Supervisor, Mid-County Planning  
Nkosi Yearwood, Planner Coordinator, Mid-County Planning

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

Reject or expressly approve the City of Rockville's annexation petition

## **DESCRIPTION/ISSUE**

The City of Rockville is proposing to annex approximately 11.96 acres of land from Montgomery County into the City. The Annexation Area consists of 10.23 acres of privately-owned parcels ("Victor Property") and 1.73 acres of State of Maryland Highway 355 right-of-way ("SHA Property").

## **SUMMARY OF KEY DISCUSSION POINTS**

The current use of the property is the King Buick GMC automotive sales center. The current zoning of the Victor Property is GR-1.5, H-45 (General Retail), which allows for a mix of retail, commercial, and residential uses. The petitioner requests the City's Mixed-Use Corridor District (MXCD) zoning, to match the MXCD zoning of the adjacent parcel that is already within City limits. The petition proposes a new zone with similar land uses that would be comparable to uses proposed in the Shady Grove Minor Master Plan Amendment. The proposed development Floor Area Ratio (FAR) is within the overall 1.5 FAR recommended in the Planning Board's Draft Plan for the subject property.

The Planning Board and Planning Staff recommend approval, with the transmittal of several comments.

**This report contains:**

**Pages**

Council Staff memorandum	1-4
Notification of Annexation request	© 1-2
Annexation Plan	© 3-27
Planning Board report	© 28-29
Planning Staff report	© 30-36

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**WORKSESSION**

**MEMORANDUM**

April 8, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Worksession – City of Rockville Annexation Request (ANX 2020-00146),  
16160 and 16200 Frederick Road (MD 355)

**Expected Participants**

Casey Anderson, Chair, Montgomery County Planning Board  
Carrie Sanders, Chief, Mid-County Planning  
Jessica McVary, Master Plan Supervisor, Mid-County Planning  
Nkosi Yearwood, Planner Coordinator, Mid-County Planning

**Background**

The City of Rockville is proposing to annex approximately 11.96 acres of land from Montgomery County into the City. The Rockville City Mayor and Council is scheduled to hold its public hearing on the annexation petition on May 17, 2021.

The parcels of land proposed for annexation are located approximately 800 feet south of the intersection of Shady Grove Road and MD 355, also described as (a) 16160 and 16200 Frederick Road and (b) Parcel A, recorded among the Land Records of Montgomery County (“Land Records”) at Plat No. 7936 and a portion of Parcel C, recorded among the Land Records at Plat 10684. The Annexation Area is approximately 11.96 acres, or 521,154 square feet, consisting of 10.23 acres of privately owned parcels (“Victor Property”) and 1.73 acres of State of Maryland Highway 355 right-of-way (“SHA Property”). The proposed annexation area is within unincorporated Montgomery County and within the City’s maximum expansion limits, as established by the City’s Comprehensive Master Plan.

The Victor Property is also known as the “King Buick Property”, as it is a developed site with existing buildings, including the King Buick GMC automobile dealership and service shop constructed prior to its current zoning. It abuts a 10.34-acre parcel owned by Frederick Road Limited Partnership. EYA Development, LLC is the contract purchaser of both the Victor

Property and the Frederick Road parcel. The Victor Property is adjacent to several Rockville parks, including the Dog Park, the King Farm Farmstead, and the Mattie J. T. Stepanek Park. Commercial properties are located to the west/northwest, including an office building, a hotel, and retail space. On the opposite side of Frederick Road (MD 355) are the Montgomery County transfer station site and a vacant lot owned by the Betty B. Casey Trust.

The Victor Property is within the Shady Grove Sector Plan area. Montgomery County's 2006 Approved and Adopted Shady Grove Sector Plan recommended maintaining the existing commercial uses and recommended that properties along MD 355 be developed long-term to achieve a mixed-use classification of employment. A minor amendment to the Shady Grove Sector Plan was recently before County Council and will be discussed further below.

The current zoning of the Victor Property is GR-1.5, H-45 (General Retail), which allows for a mix of retail, commercial, and residential uses. These uses are regulated based on a floor area ratio (FAR) with certain percentage limitations for some uses. The maximum height permitted is 45 feet. The petitioner requests the City's Mixed-Use Corridor District (MXCD) zoning, to match the MXCD zoning of the adjacent parcel that is already within City limits. The contract purchaser proposes a combined residential project, with a combination of townhomes and two-over-two multi-family residences, totaling 365 to 370 total units, public and private streets, open spaces, public use space, and other amenities. Fifteen percent of the residences would be Moderately Priced Dwelling Units. While the City's MXCD zoning allows for buildings up to 75 feet in height, the contract purchaser is proposing building heights of up to 55 feet.

The annexation plan indicates that there will be adequate public facilities, including: water and sewer; roads; transit; police services; fire, EMS, and rescue services; school services; parks and recreation and public libraries; stormwater management; and general fiscal considerations.

### **Planning Board Recommendation**

The Planning Board voted unanimously to support the Planning Staff recommendation and transmit the following comments:

- Approval is limited to up to 370 residential units (up to 1.5 FAR residential) and up to 2,500 square feet of non-residential development;
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project; and
- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

The Planning Board found that while there are some differences between the County's GR zone and the City's MXCD zone, such as the allowable percentage of residential development, those differences do not warrant delaying the enactment of the proposed annexation. The Planning Board noted that annexation of the property from the County's General Retail (GR 1.5 H-45)

zone to the City’s Mixed-Use Corridor District (MXCD) would allow the proposed development to be comprehensively reviewed by one jurisdiction; and that the proposed densities of the development are within the limits of the existing zone and the proposed Commercial Residential Town (CR-1.5 C-0.5 R-1.5 H-80) zone of the Fall 2020 Shady Grove Sector Plan Minor Master Plan Amendment.

### **PHED Committee Recommendation**

The Planning, Housing, and Economic Development Committee reviewed this annexation as part of its review of the Fall 2020 Shady Grove Sector Plan Minor Master Plan Amendment on March 1, 2021. At the time, Council Staff recommended supporting the contract purchaser’s request to change the recommended zoning in the 2020 Planning Board Draft Plan from CRT-1.5 C-0.5 R-1.0 H-80 to CRT-1.5 C-0.5 R-1.5 H-80. This request was made because the maximum 1.5 FAR overall density would help achieve the County’s goal of supporting housing growth in transit-oriented locations. The property is within walking distance of the Shady Grove Metro Station and along the future 355 BRT line, so is an ideal location to implement this goal. Under annexation, the property will remain under its sector plan-approved zoning for five years.

### **County Council**

The County Council adopted the Shady Grove Sector Plan Minor Master Plan Amendment on April 6, 2021. The adopted resolution notes that:

Upon annexation of the 10-acre King Buick property by the City of Rockville, that property and the adjacent 10-acre property within the City will be excised from the Shady Grove Metro Station Policy Area and the Rockville City Policy Area, respectively, and become part of the Rockville Town Center Policy Area.

Under State law, if the parcel is within the maximum expansion area and is for the same zoning—use and density—the Council has no authority to prevent annexation. If the zoning is different, it can “veto” the annexation, which would delay the new zoning for five years.<sup>1</sup> The County’s current GR 1.5 H-45 zone does not allow the residential density or height to permit this development. However, both the Council’s recently approved CRT zone and the City’s MXCD

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<sup>1</sup> State law provides, “(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 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. (c) Notwithstanding § 4-204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.” Md. Code, Local Gov’t § 4-416.

zone are intended to create mixed-use and pedestrian-oriented centers, either near transit areas or along major highway corridors.

**Council Staff therefore recommends approval of the annexation request, with the parcel to be zoned CRT-1.5 C-0.5 R-1.5 H-80. Council Staff also recommends transmittal of the Planning Board's comments:**

- Approval is limited to up to 370 residential units (up to 1.5 FAR residential) and up to 2,500 square feet of non-residential development;
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project;
- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

### **Next Steps**

Council Action is scheduled for April 20, 2021.

LU & ZONING



JZ  
CC  
MH  
SS

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000  
www.rockvillemd.gov

January 21, 2021

Tom Hucker  
President, Montgomery County Council  
Montgomery County Council Office  
100 Maryland Avenue  
Rockville, MD 20850

Subject: ANX2020-00146 Annexation of Property into the City of Rockville  
16160 and 16200 Frederick Road

Dear Mr. Hucker:

The City of Rockville received a petition for annexation for approximately 11.96 acres of land from Montgomery County into the City. The Annexation Area consists of ±10.23 acres of privately owned parcels ("Victor Property") and ±1.73 acres of State of Maryland Highway 355 right-of-way ("SHA Property"). The properties are described further in detail in the Preliminary Annexation Plan available at the link provided below.

This letter serves as an official notification as required by Section 25.05.03 of Rockville's Zoning Ordinance that the Planning Commission will be holding a Public Hearing regarding the proposed annexation on Wednesday February 10, 2021. Advertising for the Public Hearing will be in accordance with the Section 25.02.04 d.2 of Rockville's Zoning Ordinance. The Local Government Article, Section 4-415 of the Annotated Code of Maryland, requires that the Annexation Plan must be adopted by the legislative body of the Municipality.

Testimony will be accepted in any or all the following ways:

- Testify at the public hearing on **February 10, 2021**, to be held as a virtual meeting at 7:00 pm via the Cisco Webex platform. Email [jwasilak@rockvillemd.gov](mailto:jwasilak@rockvillemd.gov) before 4:00 PM on February 10, 2021 to register and participate in the virtual meeting. Spoken testimony is limited to three minutes for individuals, or five minutes, if representing a group.
- Email testimony to [planning.commission@rockvillemd.gov](mailto:planning.commission@rockvillemd.gov). Please identify in the subject line that the testimony is for "ANX2020-00146".
- Mail testimony to: City of Rockville Planning Commission, c/o Manisha Tewari, 111 Maryland Avenue, Rockville, MD 20850

Information on the project, including the Preliminary Annexation Plan that is the primary topic for the public hearing, is available at <https://www.rockvillemd.gov/DocumentCenter/View/40773/ANX2020-00146-Preliminary-Annexation-Plan?bidId=>. Please feel free to contact Manisha Tewari at [mtewari@rockvillemd.gov](mailto:mtewari@rockvillemd.gov) or by calling 240-314-8213 with any questions.

Sincerely,



Manisha Tewari, AICP  
Principal Planner, Planning and Development Services Department

cc: Ricky Barker, AICP, Director of Planning and Development Services, City of Rockville  
David Levy, AICP, Assistant Director, PDS, City of Rockville  
R. James Wasilak, AICP, Zoning Manager, PDS, Planning Commission Liaison, City of Rockville

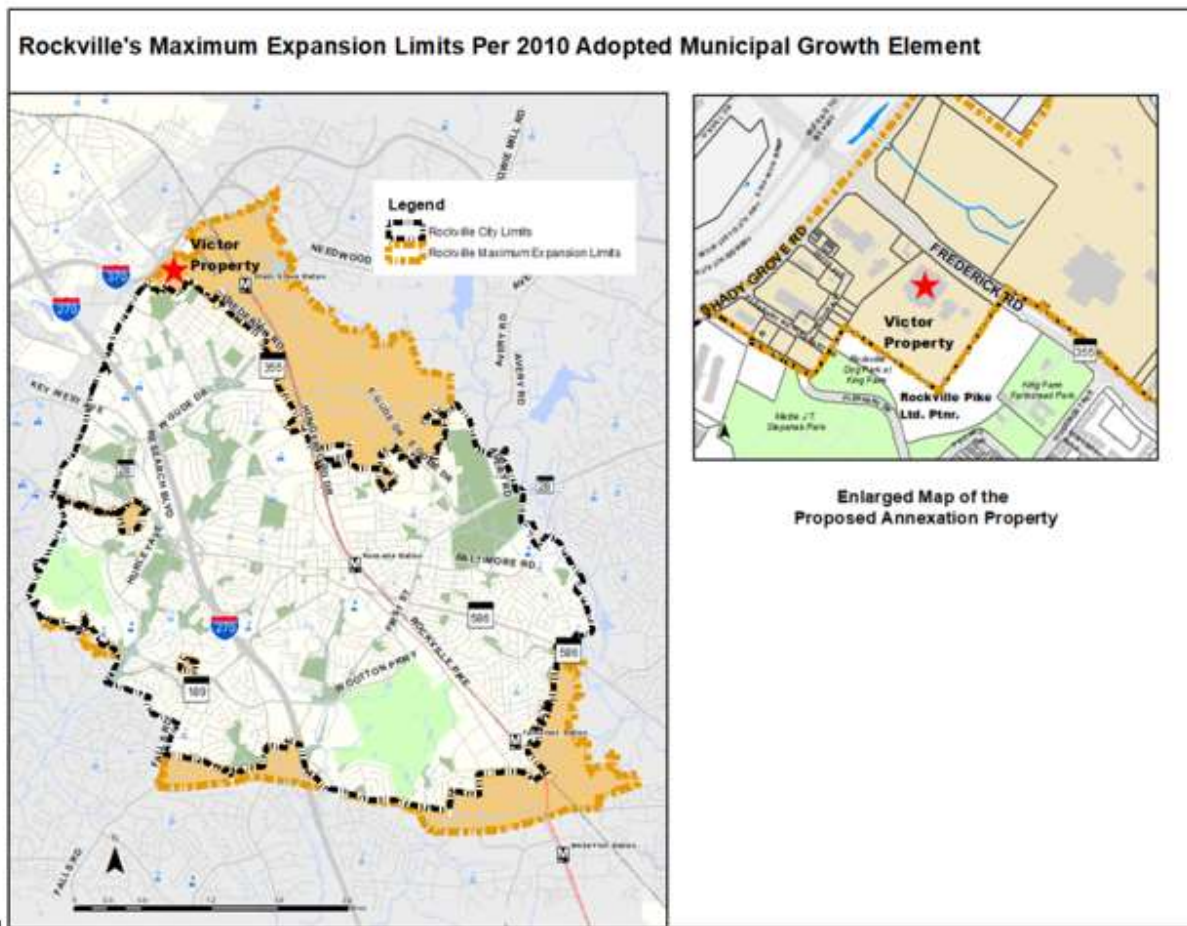


## Annexation Plan Annexation ANX2020-00146

This Annexation Plan is prepared as a result of an applicant-initiated request to annex land into the City of Rockville. Pursuant to Local Government Article, Section 4-415 of the Annotated Code of Maryland, the Annexation Plan must be consistent with the Municipal Growth Element ("MGE) of the comprehensive plan of the municipality.

The area proposed for annexation is within unincorporated Montgomery County, and within the City's maximum expansion limits (MEL), as established in the MGE, adopted in December 2010, of the City's Comprehensive Master Plan.

**Figure 1 - Rockville's MEL per 2010 adopted MGE**



Rockville's MGE notes that, because there is no expectation that the entire area as defined as the maximum expansion limits in the document will be annexed, the public facilities capacities will be determined in the context of specific annexation petitions. Accordingly, in addition to a

description of the land use pattern proposed for the area to be annexed, this Annexation Plan includes an approach for extending public services to the annexed area, a description of the anticipated means of financing the extension of services, and a demonstration of available land for public facilities that may be considered reasonably necessary for the proposed use.

The following fulfills the Local Government Article requirement for the Annexation Plan.

### **General Information and Description**

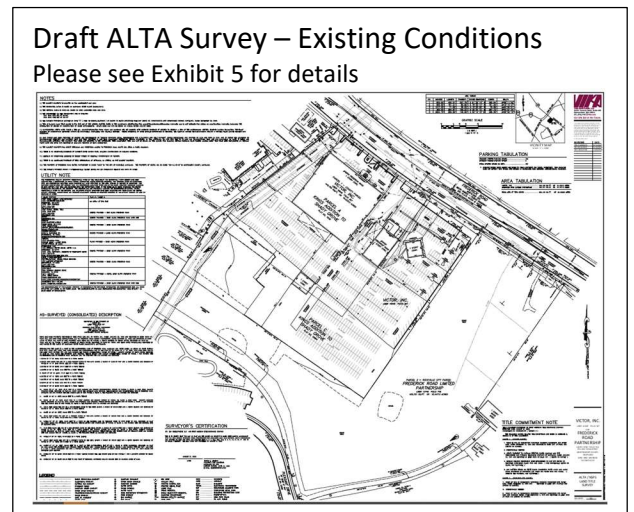
#### **Petitioner:**

Victor, Inc.  
16200 Frederick Road  
Gaithersburg<sup>1</sup>, MD 20877

#### **Location:**

The parcels of land proposed for annexation (“Annexation Area”) are located approximately 800 feet south of the intersection of Shady Grove Road and MD 355, also described as (a) 16160 and 16200 Frederick Road and (b) Parcel A, recorded among the Land Records of Montgomery County (“Land Records”) at Plat No. 7936 and a portion of Parcel C, recorded among the Land Records at Plat 10684. The Annexation Area is approximately 11.96 acres, or 521,154 square feet, consisting of 10.23 acres of privately owned parcels (“Victor Property”) and 1.73 acres of State of Maryland Highway 355 right-of-way (“SHA Property”). The Annexation Application and the property description are enclosed with this document.

**Figure 2 - Survey Plat**



### **Background**

Pursuant to Section 4-415(a) of the Local Government Article of the Annotated Code of Maryland, an annexation plan shall be adopted by the legislative body for the area to be annexed. The Mayor and Council introduced the Annexation Resolution for the Annexation Area on November 23, 2020 and set the public hearing on the Resolution for May 17, 2021. The Mayor and Council are scheduled to adopt the Annexation Plan for release for their public hearing at the April 12, 2021 meeting.

### **Land Use Patterns of Area Proposed to be Annexed**

#### **Existing Conditions**

The Victor Property is a developed site with existing buildings that house an automobile dealership and service shop constructed prior to its current County zoning. The Victor Property abuts a 10.34-acre parcel (“Partnership Parcel”), owned by Frederick Road Limited Partnership, which is located within the municipal boundaries of Rockville. The Partnership Parcel is zoned

<sup>1</sup> Despite a mailing address indicating “Gaithersburg”, the properties are not within the municipal boundaries of the City of Gaithersburg, but in unincorporated Montgomery County.

MXCD. EYA Development LLC (“EYA”) is the contract purchaser of both the Victor Property and the Partnership Parcel.

The Victor Property is adjacent to a series of Rockville park features that are part of the King Farm neighborhood, including the Dog Park, the King Farm Farmstead and the broader Mattie J. T. Stepanek Park. Various developed commercial properties are to the west/northwest, including an office building, a hotel, and retail space. On the opposite side of Frederick Road (MD 355) are the Montgomery County transfer station site and a vacant lot owned by the Betty B. Casey Trust.

Figure 3 - Location Map



The Victor Property lies within the boundaries of the County’s 2006 Approved and Adopted Shady Grove Sector Plan, which recommends maintaining the existing commercial uses. It further recommends that properties along MD 355 be developed in the long term to achieve a mixed-use classification of employment.

A minor amendment to the 2006 Shady Grove Sector plan is currently underway. On October 15, 2020, the Montgomery County Planning Board voted to approve and send the Shady Grove Sector Plan Minor Plan Amendment Planning Board Draft Plan (Draft Amendment) to the Montgomery County Council and the County Executive, who are currently reviewing the plan. The expected timeline is that the updated plan will be adopted in the summer of 2021.

### **Montgomery County Zoning**

The current zoning of the Victor Property is GR-1.5, H-45 (General Retail) within Montgomery County. The County zoning allows for a mixture of retail, commercial and residential uses. It regulates these uses based on a prescribed floor-to-area ratio (FAR) and sets forth certain percentage limitations for some uses, such as residential. The maximum height permitted is 45 feet. Bonus residential density is permitted based on the provision of affordable dwelling units.

The Draft Amendment recommends rezoning the Property to the Commercial Residential Town (CRT) 1.5, C-0.5, R-1.0 H-80' Zone. If approved, this new zoning would permit a development with FAR of 1.5, if developed with both residential and commercial uses, FAR of 0.5 with only commercial development, and FAR of 1 with only residential development. The height limit would be 80 feet. The intent of the proposed County zoning is consistent with the City's MXCD zoning as requested, and the development as proposed by the applicant, as the MXCD zoning also permits a mix of uses and has a height limit of 75 feet.

### **Requested City Zoning**

The petitioner has requested that the City's MXCD zoning be placed on the Victor Property when annexed. By doing so, it would match the MXCD zoning of the adjacent Partnership Parcel that is already within the city limits. EYA, the contract purchaser of both properties, proposes a combined residential project ("Project") under the City's MXCD Zone. The concept of the proposed Project contains a combination of townhomes and two-over-two multi-family residences with a total number of units in the range of 365-370 units, public and private streets, open spaces, public use space and other amenities. 15% of the residences would be Moderately Priced Dwelling Units. As indicated previously, the City's MXCD zoning allows for buildings of up to 75 feet in height. EYA is proposing building heights of up to 55 feet.

MXCD zoning is appropriate for the Victor Property, upon annexation. The Victor Property's location facing MD 355 and its adjacency to the MXCD-zoned Partnership Parcel provide a similar context as the majority of Rockville's existing MXCD zoning. Most of the land within the City that is along the MD 355 corridor has this same zoning. Furthermore, the draft Rockville 2040 Comprehensive Plan assigns to this site a Land Use of OCRM (Office Commercial Residential Mix), which is the mixed-use designation that aligns with MXCD (or MXTD). Residential development is also appropriate at this location, because 1) there is a great need for various types of housing in Rockville, to serve various income levels; 2) residential development would be well served by transit and the road system and 3) other community amenities, such as parks and schools, are within sufficient proximity.

### **Compliance with Municipal Growth Element of City's Comprehensive Plan**

The proposed annexation is within the boundaries of the City's Maximum Expansion Limits ("MEL"), as delineated in the MGE of the City of Rockville Comprehensive Master Plan. No change in this regard is anticipated in the draft Rockville 2040 Comprehensive Plan, which is currently under review, as the existing draft continues to show this site as well within the MEL (see Figure 1).

### **Adequacy of Public Facilities**

This section discusses the public facilities and services that are currently existing or proposed for the area. In general, this urbanized portion of Montgomery County, including the nearby neighborhoods within Rockville and the commercial areas along MD 355, are well served by public facilities. As a result, the City of Rockville has confidence that the Victor Property will also be well served after annexation, as it is at present. However, impacts on public facilities will be evaluated as detailed development plans are submitted to the City.

The City of Rockville's Adequate Public Facilities Ordinance (APFO) and the Adequate Public Facilities Standards that implement the Ordinance, together, establish procedures and standards necessary to ensure that adequate public facilities and services are provided with new development. It requires tests of the capacity of public facilities based on current and projected data available at the time of development application. The City utilizes the development review process to ensure that adequate public facility systems exist during and after a development project and ensure that all concerns are adequately addressed and mitigated.

The public facilities and services needed by the proposed development and the methods to provide such facilities and services to the annexed parcels as hereby outlined.

### **Water and Sewer**

The Washington Suburban Sanitary Commission (WSSC) currently provides public water and sewer services to the property within the annexation area. No changes in service will occur as a result of the annexation, although the specifics of the sewer and water service will be evaluated as part of a project plan application. WSSC will confirm that their system has the capacity to provide service to the Property upon review of a Hydraulic Planning Analysis ("HPA"). The HPA has been filed with the WSSC and is currently under review.

### **Roads**

The existing public roads are adequate to serve the existing use of the Victor Property, which is currently an auto dealership. A traffic analysis is currently under way for the proposed new development. It is anticipated that new public and private roads will be required for construction to manage the traffic generated by the new development. It is anticipated that the developer will construct any new roads that serve the development.

### **Transit**

The site is less than one mile to the Shady Grove Metro Station. Bus service is also available through Ride On and WMATA, both at the station and along MD 355 and Shady Grove Road. In addition to these current transit options, the MD 355 corridor is on the route of one of the planned Montgomery Bus Rapid Transit (BRT) routes. In general, the Victor Property is, and will be, very well served by transit.

### **Police Services**

Police protection will be provided by the Rockville Police Department, in conjunction with the Montgomery County Police Department that already serves this area. County Police District 1 serves Rockville, though the resources of the entire County Department are available if needed. Rockville anticipates no concerns in being able to extend service to the Victor Property.

### **Fire, EMS and Rescue Services**

Montgomery County Fire and Emergency Services (MCFRS) provides fire and disaster protection to the Victor Property and will continue to do so after annexation, as this service is a County function. Station 3, at 380 Hungerford Drive, serves this area, although other stations are available to supplement service, including Station 28 on Muncaster Mill Road, Station 8 on Russell Avenue in Gaithersburg, and Station 32 at 9615 Darnestown Road. In addition, the Montgomery County Fire and Rescue Services have also proposed a new fire station in the Shady Grove Sector Plan area to meet the needs of additional growth.

### **School Services**

The current use on the Victor Property has no impact on school services, as it is an automobile dealership. The petitioner is proposing a zoning designation of MXCD. That zoning would permit a variety of uses on the property, including commercial and residential, though the petitioner has indicated that a residential project is being proposed. As such, the annexation itself will have no impact on schools, but the impact of the proposed development will need to be assessed.

An analysis of school capacity will be conducted during the review of the project plan. The petitioner's current proposal is to develop a total of 370 units, consisting of 252 townhomes and 118 two-over-two multifamily units. Using the student generation rates adopted by the Board for FY2021, approximately 52 elementary school students, 25 middle school students, and 34 high school students will be generated as proposed with the Project. At this time, the Gaithersburg cluster (Rosemont Elementary, Forest Oak Middle School and Gaithersburg High School) can adequately support the additional increase in students at each school under the current FY2021 School Test and will remain adequate under the proposed school test in the Montgomery County Public Schools 2020-2024 Growth and Infrastructure Plan, which the County Council adopted on November 16, 2020. Approval of the Project Plan will depend on this adequacy being affirmed at the time of approval. However, the final number and type of housing units will be determined through the development review process. If deficiencies emerge that are not adequately addressed, the project will not be permitted to move forward.

### **Parks and Recreation and Public Libraries**

Currently, the closest park facilities are located in the King Farm development and include the King Farm Farmstead, Mattie Stepanek Park, King Farm Park, Pleasant Park, and King Farm Stream Valley Park. The current and proposed zones have open space requirements, including requirements for public use space, that must be met with redevelopment. The County GR designation requires 10% of the site be maintained as open space, while the MXCD district requires 15%. The developer is proposing at least 15% open space, including a recreation center to serve the development, and assistance in providing parking for the Farmstead.

The closest library to the Project is the Rockville Memorial Library, which is approximately 3 miles away, though any Montgomery County resident has access to the full resources of any library branch and all online services. The MGE has assessed library capacity for the city and found it to be well beyond general standards used to assess adequacy. Additional residences from the proposed annexation and project will not stress this assessment.

### **Stormwater Management**

If annexed, all properties shall be required to pay an annual Stormwater Management Utility Fee in accordance with Section 19-116 of the City Code. The City Stormwater Management Utility Fee will replace the Water Quality Protection Charge, an annual fee assessed by the Montgomery County Department of Environmental Protection. Additionally, a review of stormwater management will be conducted as part of the project plan process required for future development of the Victor Property and the Partnership Parcel. The development will not be approved unless it is found to be in compliance with all regulations.

### **General Fiscal Considerations**

No detailed fiscal impact of annexation has been conducted for this one application. However, previous analysis can provide evidence that the impact is very likely to be net positive for Rockville, whether the Victor Property remains in its current use or it is redeveloped similarly to that of the proposed development concept.

The City of Rockville charges residents a real property tax and charges businesses real and personal property taxes. The amounts charged are based on the City's tax rates and the value of the properties. The current tax rates equal \$0.292 per \$100 of assessed value for real property and \$0.805 per \$100 of assessed value for personal property. Property value is determined by the assessed value of real estate (including land and structures on the land) and the assessed value of personal property of business establishments (inventory, furniture, and fixtures).

The assessed value of the Petitioner's taxable annexation area is \$10,551,200 per the 2020 Tax Assessment Records. At minimum, the property will result in approximately \$30,000 per year in real property taxes to the City if annexed in its current condition. Very few additional costs would be added from the added impact on City services, as there would be no costs attributable to residences. As such, the annexation, in itself, is likely to have a positive fiscal impact if the current use remains in place.

General considerations regarding the proposed development concept are as follows. A 2012 the Development Fiscal Impact Analysis conducted for the City concluded that, at that time, a single-family dwelling unit valued at \$315,000 and a multiple family dwelling unit valued at approximately \$190,000 (based on 2012/2013FY dollars) would result in a break-even fiscal impact to the City. Therefore, any housing values above those levels were judged to be net fiscally positive. Any below would be negative.

According to the U.S. Bureau of Labor Statistics, the Consumer Price Index (CPI) rose approximately 13% from November 2012 to November 2020. Assuming that all costs and revenues moved higher in a common manner, the breakeven points for single-family and multifamily dwelling units would be \$356,000 and \$215,000, respectively.

The development concept currently envisions townhomes and “missing-middle” housing that are two-story units. Townhomes are single-family dwelling units. According to [www.trulia.com](http://www.trulia.com), asking prices for recently built or under-construction townhomes in nearby developments include: Westside at Shady Grove in Derwood at between \$460,000 and \$650,000; Downtown Crown at between \$600,000 and \$950,000; and the new Tower Oaks townhomes at between \$925,000 and \$1.25 million. EYA anticipates sales prices for the market-rate townhouses to range between \$600,000 to \$800,000, and that the comparable sales that they are using to model the development have average prices of \$680,000. Taking into account the need to factor in the reduced prices of the 15% that will be MPDUs, the anticipated product at this site would still average well beyond the anticipated breakeven point of approximately \$356,000.

Assumptions regarding the “missing-middle” housing of 2-story units, which the developer anticipates as having three bedrooms, are more speculative because this product is not found in significant numbers nearby and they appear to be a hybrid between townhomes and multifamily units. Examples of current asking prices for recently built condominium units of at least 2 bedrooms include \$389,000 in Town Center (The Fitz: 3 BR, 2 BA); \$435,000 in King Farm (2BR, 2BA); \$650,000 in Falls Grove (3BR, 3BA); \$810,000 in King Farm (3BR, 3BA). The developer has indicated that they anticipate sales price for the market-rate two-over-two units to range between \$450,000 and \$600,000.

As before, assuming that 15% of the units will be MPDUs, thereby lowering the average price, the anticipated average assessed value at this site would be well beyond the breakeven point, whether the units are considered to be single-family (\$356,000) or multifamily (\$215,000).

It is important to recall that this review does not constitute a full fiscal impact analysis, but it does provide evidence that the impact on Rockville of both the annexation with the current land use and the potential development project is likely to be net fiscally positive.

### **Conclusion**

In summary, annexation of the annexation area, including the Victor Property, is consistent with the Municipal Growth Element of the City’s Comprehensive Master Plan. A zone of MXCD would be consistent with City policies and is recommended for the Victor Property. The City of



Rockville is also confident in the City's ability to support the required public facilities and services, and in the County's continued ability to support its required services.

**Enclosed**

Annexation Petition and Property Description



Application for  
**Annexation Application**

**ANX**

2/09

**City of Rockville**  
 Department of Planning and Development Services

Victor Inc  
 c/o Conrad V. Aschenbach  
 16200 Frederick Road  
 Gaithersburg, Maryland 20898  
 Email:

111 Maryland Avenue, Rockville, Maryland 20850  
 Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: pds@rockvillemd.gov • Web site: www.rockvillemd.gov

**Please Print Clearly or Type**

Property Address Information 16200 Frederick Road, Rockville, MD 20855  
 Subdivision Kings Addition to Shady Grove Lot(S) Parcel A & C Block N/ A  
 Zoning MXCD (proposed) Tax Account(S) 09-00 7233 5  
 Property Size (insquarefeet) 521,154  
 Property's Use Existing (to include office, industrial, residential, commercial) Commercial - Car Dealership

**Applicant Information:**  
 Please supply Name, Address, Phone Number and E-mail Address

Applicant EYA Development LLC, 4800 Hampden Ln, Bethesda, MD 20814, c/o Jason Sereno (jsereno@eya. com)

Property Owner Victor, Inc., 16200 Frederick Road, Gaithersburg, MD 20898, c/o Conrad Aschenbach (cva@kingauto. com)

Architect Not Applicable

Engineer VIKA Maryland, LLC, 20251 Century Boulevard, Suite 400, Germantown, MD 20874  
Michael Goodman, goodman@vika. com 301-916-4100

Attorney Miles & Stockbridge, 11 North Washington Street, Suite 700, Rockville, MD 20850  
Barbara Sears, bsears@MilesStockbridge.com, 301-762-1600

Property Current Zoning In Montgomery County GR-1 .5H-45

**STAFF USE ONLY**

**Application Acceptance:**

Application # \_\_\_\_\_  
 Date Accepted \_\_\_\_\_  
 Staff Contact \_\_\_\_\_

**Application Intake:**

OR Date Received \_\_\_\_\_  
 Reviewed by \_\_\_\_\_  
 Date of Checklist Review \_\_\_\_\_  
 Deemed Complete: Yes  No

Project Name King Buick

Metes and Bonds Description See Attached.

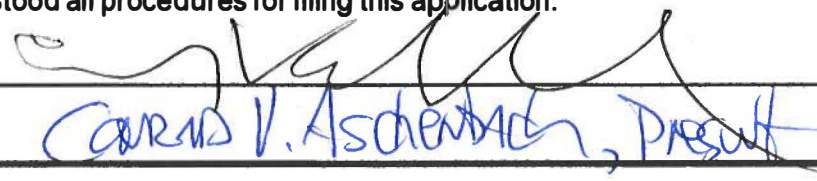
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**A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.**  
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here   
CONRAD V. ASCHENBACH, PRESIDENT

**Application Checklist:**

**The following documents are to be furnished as part of this application:**

**Submitted**

- Complete Application
- Filing Fee
- Petition
- Metes and Bonds description and graphic plan prepared and certified by a professional engineer.  
Twelve (12) copies: (size 8.5 x 11, 11x14, or 11x17)
  - Electronic Copy

**Comments on Submittal: (For Staff Use Only)**

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## **PETITION FOR ANNEXATION**

**TO THE MAYOR AND COUNCIL OF THE CITY OF ROCKVILLE:**

COMES NOW, Petitioner, VICTOR, INC. (the "Property Owner") pursuant to Maryland Code (2013), § 4-404 of the Local Government Article to petition the Mayor and Council of the City of Rockville, Maryland, to annex certain property into the jurisdiction of the City of Rockville and in support thereof states as follows:

1. Annexation is sought for property consisting of 11.96405, more or less, acres of land, as more particularly described by metes and bounds on Exhibit "A" and depicted by sketch on Exhibit "B". The subject property consists of all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 (the "Victor Property") and a portion of Fredrick Road, Maryland 355 as shown on State Highway Administration Plat No. 44224 and 44325 (the "SHA Property"), all among the Land Records of Montgomery County, Maryland and collectively referred to as, the "Property". The Victor Property is also collectively referred to as Parcel

N979 on Tax Map GS 122 and GS 123. The tax account number for the Victor Property is 09-00772335.

2. Annexation is sought by the Property Owner in its capacity as the current and sole owner of the Victor Property.

3. The Property lies in a location contiguous to and adjoining the existing corporate boundary of the City of Rockville and is within the Maximum Expansion Limits of the City of Rockville.

4. No persons registered as voters in Montgomery County or the City of Rockville reside on the Property. Accordingly, no consent is necessary for the granting of this Petition.

5. Petitioner requests that the Mayor and Council include as part of the annexation resolution, the reclassification of the Property to the MXCD zone. Petitioner believes the MXCD zone is substantially similar to the current GR-1.5 H-45 classification of the Property.

6. Petitioner presents the following Exhibits: (1) Exhibit "A" (a metes and bounds description of the Property) and (2) Exhibit "B" (a sketch of the Property).

Respectfully submitted:

VICTOR, INC.,  
a Maryland corporation

By:  (SEAL)

Name: CONRAD V. A. SCHENBARCH

Title: President

STATE OF Maryland )  
COUNTY OF Prince Georges )

I HEREBY CERTIFY that on the 6<sup>th</sup> day of November, 2020, before me, the subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared Conrad V. Aschenbach, the President of Victor FNC a Maryland corporation, who acknowledged himself/herself to me, and that he/~~she~~ executed the foregoing instrument for the purposes therein contained by signing his/~~her~~ name on behalf of said Victor FNC.

Witness my hand, at office, this 6<sup>th</sup> day of November, 2020.

Notary Public  
Doree L. Green

My commission expires: 12/3/2021

[Notarial Seal]



**EXHIBIT "A"**

**DESCRIPTION OF THE PROPERTY OF  
VICTOR, INC.  
LIBER 16849 FOLIO 367  
AND A PORTION OF  
FREDERICK ROAD  
MARYLAND 355  
(9<sup>TH</sup>) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND**

Being all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland Corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 and also being a portion of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat No. 44324 and 44325 all among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Plane ( NAD83/2011 ) as follows:

Beginning for the same at a point on the southwesterly line of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat Nos. 44324 and 44325, said point marking the northwesterly end of the fifth (5th) or South 49° 11' 44" East, 40.54 foot deed line of said Liber 16849 at Folio 367, and also marking the common northeasterly corner of Parcel 1, Huntt's Addition to Shady Grove, recorded as Plat No. 9426 among the aforesaid Land Records; thence leaving said common northeasterly corner of Parcel 1 and running so as to cross and include a portion of said Frederick Road, Maryland 355

1. North 40° 37' 53" East, 125.67 feet to a point on the northeasterly line of said Frederick Road, Maryland 355, said point also marking the southwesterly line of Betty Brown Casey, Trustee, recorded in Liber 9304 at Folio 343 among the aforesaid Land Records; thence running with said northeasterly line of Frederick Road and with the common line of said Betty Brown Casey, Trustee and with the common line of Montgomery County, Maryland, recorded in Liber 5369 at Folio 441 among the aforesaid Land Records, the following two (2) courses and distances
2. 363.99 feet along the arc of a non-tangent curve to the left, having a radius of 2804.79 feet and a chord bearing and distance of South 53° 05' 11" East, 363.74 feet to a point; thence
3. South 56° 48' 15" East, 207.55 feet to a point; thence leaving said northeasterly line of Frederick Road and running so as to cross and include a portion of said Frederick Road
4. South 34° 50' 12" West, 137.55 feet to a point on the said southerly line of Frederick Road and also marking the common northwesterly deed line of Frederick Road Limited Partnership as recorded in Liber 13746 at Folio 746 among the aforesaid Land Records; thence leaving said southwesterly line of Frederick Road and running with the common line of said Frederick Road Limited Partnership, the following two (2) courses and distances



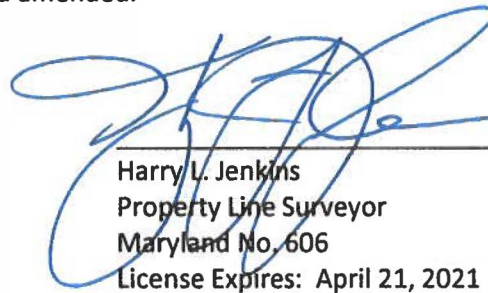


5. South 34° 50' 12" West, 649.86 feet to a point; thence
6. North 55° 10' 02" West, 726.21 feet to a point on the southeasterly line of Lot 3, Block B, Zetts Subdivision, recorded as Plat No. 1525 among the aforesaid Land Records; thence leaving said common line of Frederick Road Limited Partnership and running with the common line of said Lots 3 and 4, Zetts Subdivision and with a portion of Parcel 3, Huntt's Addition to Shady Grove, recorded as Plat No. 15074 among the aforesaid Land Records
7. North 32° 26' 32" East, 192.40 feet to a point; thence running with the common line of said Parcels 1 and 3, Huntt's Addition to Shady Grove
8. North 52° 22' 22" East, 500.49 feet to the point of beginning, containing 521,154 square feet or 11.96405 acres of land.

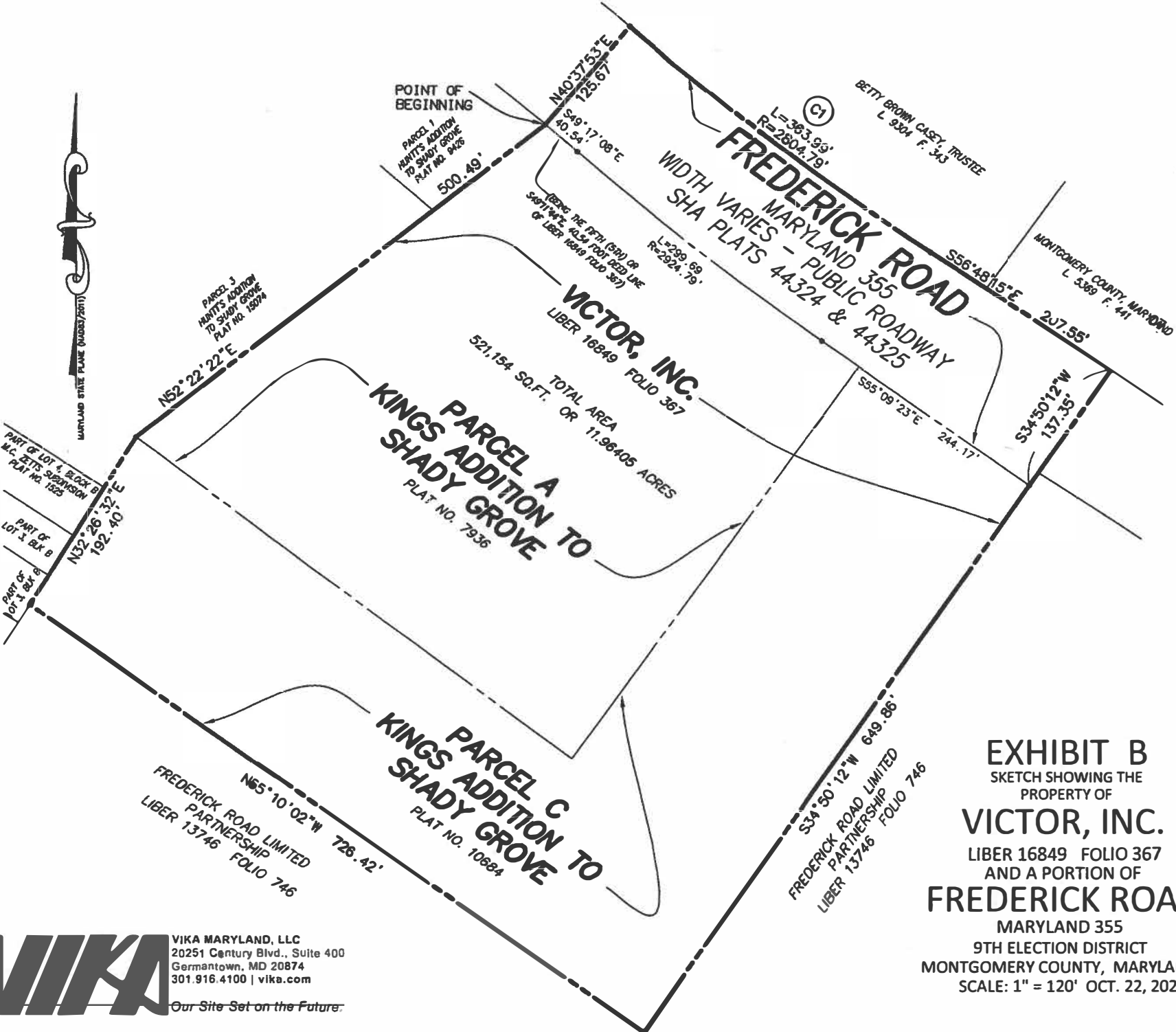
The undersigned hereby states that the metes and bounds description hereon was prepared by myself or under my direct supervision and that it complies with the Minimum Standards of Practice for Metes and Bounds Descriptions as established in Title 9, Subtitle 13, Chapter 6, Section .08 and .12 of the Code of Maryland Regulations (COMAR) as enacted and amended.

OCT. 22, 2020

Date

  
\_\_\_\_\_  
Harry L. Jenkins  
Property Line Surveyor  
Maryland No. 606  
License Expires: April 21, 2021





ARC TABLE

NO.	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD	DELTA
C1	2804.79'	363.99'	182.25'	S 53°05'11" E	363.74'	Δ=07°26'08"

**EXHIBIT B**  
 SKETCH SHOWING THE  
 PROPERTY OF  
**VICTOR, INC.**  
 LIBER 16849 FOLIO 367  
 AND A PORTION OF  
**FREDERICK ROAD**  
 MARYLAND 355  
 9TH ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1" = 120' OCT. 22, 2020

**VIKA**  
 VIKA MARYLAND, LLC  
 20251 Century Blvd., Suite 400  
 Germantown, MD 20874  
 301.916.4100 | vika.com  
 Our Site Set on the Future.

Resolution No. \_\_

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 11.96 acres of land, more or less owned by Victor, Inc. and the State Highway Administration

WHEREAS, public notice of a resolution to annex property of Victor Inc. and State Highway Administration, totaling 11.96 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on May 17, 2021, at 7:00 p.m. or virtually, consistent with current City protocols for public hearings; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an annexation plan consistent with the municipal growth element of the comprehensive plan of the City was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice was provided to the County Executive of Montgomery

County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

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

Section 1. That the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

Being all of the property acquired by Victor, Inc., a Maryland corporation, from Lois, Inc., a Maryland Corporation, by deed dated January 22, 1999 and recorded in Liber 16849 at Folio 367, part of said property also being all of Parcel A, King's Addition to Shady Grove, recorded as Plat No. 7936 and all of Parcel C, King's Addition to Shady Grove, recorded as Plat No. 10684 and also being a portion of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat No. 44324 and 44325 all among the Land Records of Montgomery County, Maryland, and being more particularly described in the datum of Maryland State Plane ( NAD83/2011 ) as follows:

Beginning for the same at a point on the southwesterly line of Frederick Road, Maryland 355, width varies, as shown on State Highway Administration Plat Nos. 44324 and 44325, said point marking the northwesterly end of the fifth (5th) or South 49° 11' 44" East, 40.54 foot deed line of said Liber 16849 at Folio 367, and also marking the common northeasterly corner of Parcel 1, Hunt's Addition to Shady Grove, recorded as Plat No. 9426 among the aforesaid Land Records; thence leaving said common northeasterly corner of Parcel 1 and running so as to cross and include a portion of said Frederick Road, Maryland 355

1. North 40° 37' 53" East, 125.67 feet to a point on the northeasterly line of said Frederick Road, Maryland 355, said point also marking the southwesterly line of Betty Brown Casey, Trustee, recorded in Liber 9304 at Folio 343 among the aforesaid Land Records; thence running with said northeasterly line of Frederick Road and with the common line of said Betty Brown Casey, Trustee and with the common line of Montgomery County, Maryland, recorded in Liber 5369 at Folio 441 among the aforesaid Land Records, the following two (2) courses and distances

2. 363.99 feet along the arc of a non-tangent curve to the left, having a radius of 2804.79 feet and a chord bearing and distance of South 53° 05' 11" East, 363.74 feet to a point; thence
3. South 56° 48' 15" East, 207.55 feet to a point; thence leaving said northeasterly line of Frederick Road and running so as to cross and include a portion of said Frederick Road
4. South 34° 50' 12" West, 137.55 feet to a point on the said southerly line of Frederick Road and also marking the common northwesterly deed line of Frederick Road Limited Partnership as recorded in Liber 13746 at Folio 746 among the aforesaid Land Records; thence leaving said southwesterly line of Frederick Road and running with the common line of said Frederick Road Limited Partnership, the following two (2) courses and distances
5. South 34° 50' 12" West, 649.86 feet to a point; thence
6. North 55° 10' 02" West, 726.21 feet to a point on the southeasterly line of Lot 3, Block B, Zetts Subdivision, recorded as Plat No. 1525 among the aforesaid Land Records; thence leaving said common line of Frederick Road Limited Partnership and running with the common line of said Lots 3 and 4, Zetts Subdivision and with a portion of Parcel 3, Huntt's Addition to Shady Grove, recorded as Plat No. 15074 among the aforesaid Land Records
7. North 32° 26' 32" East, 192.40 feet to a point; thence running with the common line of said Parcels 1 and 3, Huntt's Addition to Shady Grove
8. North 52° 22' 22" East, 500.49 feet to the point of beginning, containing 521,154 square feet or 11.96405 acres of land.

Section 2. That all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City.

Section 3. That as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning

Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of August 2, 2021

---

Sara Taylor-Ferrell, City Clerk

Resolution No. 12-20

RESOLUTION: To provide for public hearing in connection with the annexation of 11.96 acres of land, more or less, owned by Victor, Inc. and the State Highway Administration

WHEREAS, a petition has been presented by Victor, Inc. requesting that a parcel of land totaling 11.96 acres, more or less, be annexed by the Mayor and Council, which parcel is located at 16200 Frederick Road, Gaithersburg, Maryland, and further described as Parcel A and Parcel C, in the subdivision known as Kings addition to Shady Grove, and a portion of Frederick Road, MD 355; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that there are no residences in the area to be annexed, and the persons signing the said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property land in the area to be annexed; and

WHEREAS, pursuant to the provisions of the Local Government Article, Division II, Title 4, Subtitle 4, "Annexation" of the Annotated Code of Maryland, a resolution has been introduced which, if adopted, would annex the additional property referenced herein, which property is more particularly described in said resolution.

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

1. That the City Clerk is instructed to cause a public notice of the resolution which has been introduced which, if adopted, would annex property of Victor Inc. and State Highway Administration, to be published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice to specify that a public hearing will be held on the resolution and annexation plan for the area



proposed to be annexed at 7:00 p.m. or as soon thereafter as it may be held, on the 17<sup>th</sup> day of May, 2021, in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850 or virtually, consistent with current City protocols for public hearings.

2. That the City Clerk is instructed to provide a copy of the annexation plan for the area proposed to be annexed to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing.

3. That immediately upon the first publication of the public notice of said resolution, the City Clerk is instructed to cause said public notice to be provided to the County Executive of Montgomery County, Maryland, Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission.

\*\*\*\*\*

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 November 23, 2020.

  
Sara Taylor-Ferrell, City Clerk  
Director of Council Operations

RECEIVED



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 18, 2021

The Honorable Tom Hucker  
President, Stella B. Werner Council Office Building  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

SUBJECT: City of Rockville Annexation, ANX2020-00146, for 16160 and 16200  
Frederick Road (MD 355), King Buick property.

Dear Council President Hucker:

At its regular meeting of the Montgomery County Planning Board on March 4, 2021, we reviewed the City of Rockville annexation petition, ANX2020-00146, for the King Buick property located at 16160 and 16200 Frederick Road (MD 355) within the Shady Grove Sector Plan area.

After the Planning staff presentation and discussion with the property representatives, the Board voted unanimously to support the Planning staff recommendation and transmit the following comments on the annexation petition:

- Approval is limited to up to 370 residential units (up to 1.5 FAR residential) and up to 2,500 square feet of non-residential development.
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project.
- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

Annexation of the King Buick property from the County's General Retail (GR 1.5 H-45) Zone to the City's Mixed-Use Corridor District (MXCD) Zone would allow the proposed development to be comprehensively reviewed by one jurisdiction. The proposed densities of the development are within the limits of the existing zone and the proposed Commercial Residential Town (CRT C0.5 R1.0 H-80) Zone recommended in the Planning Board's Draft Plan of the Shady Grove Sector Plan Minor Master Plan Amendment (2020).

The Honorable Tom Hucker  
March 18, 2021  
Page Two

There are some differences between the County's GR Zone and the City's MXCD Zone, such as the allowable percentage of residential development, but these differences do not warrant delaying the enactment of the proposed annexation.

Thank you for the opportunity to provide the Planning Board's comments on this annexation petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Anderson', with a stylized flourish at the end.




Casey Anderson  
Chair

CA:ny:ha

cc: Bridget Donnell Newton, Mayor, City of Rockville

**16160 and 16200 Frederick Road (MD 355), City of Rockville Annexation Request (ANX 2020-00146)**

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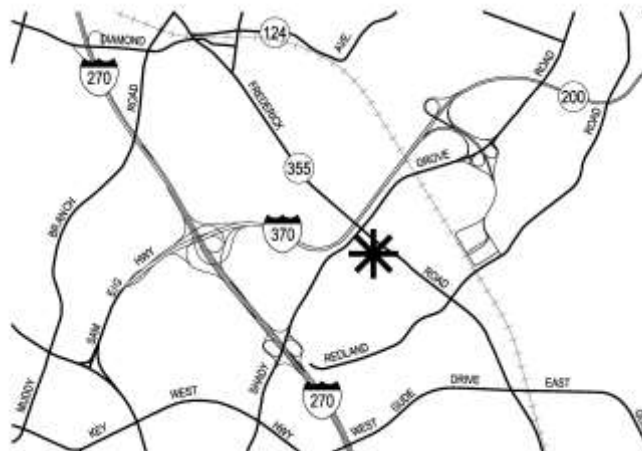
-  Nkosi Yearwood, Planner Coordinator, Mid-County Planning, [Nkosi.Yearwood@montgomeryplanning.org](mailto:Nkosi.Yearwood@montgomeryplanning.org), (301) 495-1332
-  Jessica McVary, Master Plan Supervisor, Mid-County Planning, [Jessica.McVary@montgomeryplanning.org](mailto:Jessica.McVary@montgomeryplanning.org), (301) 495-4723
-  Carrie Sanders, Chief, Mid-County Planning, [Carrie.Sanders@montgomeryplanning.org](mailto:Carrie.Sanders@montgomeryplanning.org), (301) 495-4653

Completed: 02/25/21

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**Description**

- Request to annex approximately 11.96 acres of property into the City of Rockville from the County’s General Retail (GR) 1.5 H-45 Zone.
- 16160 and 16200 Frederick Road (MD 355).
- Approximately 800 feet southwest of the intersection of Shady Grove Road and MD 355, located in the Shady Grove Sector Plan area.
- Applicant: EYA Development LLC, contract purchaser.
- Owner: Victor Property.
- Petition Submitted: January 20, 2021.



**Summary**

- Staff recommends the approval of the annexation petition and the transmittal of comments to the Montgomery County Council and the City of Rockville.
- The current use of the property is an automotive sales center, King Buick GMC.
- The property is within the Maximum Expansion Limits of the City of Rockville. The petition proposes a new zone that includes similar land uses, which are comparable to uses in the proposed Commercial Residential Town (CRT) Zone in the Planning Board’s Draft 2020 Shady Grove Minor Master Plan Amendment. The existing General Retail (GR) Zone permits similar commercial uses to the proposed zone, but residential uses are constrained. The proposed development Floor Area Ratio (FAR) is within the overall 1.5 FAR recommended in the Planning Board’s Draft Plan for the subject property.
- The property is within the approved Maximum Expansion Limits of the City of Rockville.

## RECOMMENDATIONS

Approve transmittal of the following comments to the Montgomery County Council and the City of Rockville regarding the City of Rockville Annexation Petition (ANX 2020-00146) for 16160 and 16200 Frederick Road (MD 355), King Buick property:

- Approval is limited to 365 residential units and up to 2,500 square feet of non-residential development.
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project.
- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

## BACKGROUND AND LOCATION

The King Buick property, also known as the Victor property, is located approximately 800 feet south of the intersection of Shady Grove Road and Frederick Road (MD 355). The proposed annexation area is approximately 11.96 acres, including 10.23 acres of the dealership property and 1.73 acres of the MD 355 right-of-way, owned by the State of Maryland. The property is in the General Retail (GR) 1.5 H-45 Zone. There are several buildings on the property with surface parking for vehicles. An additional 10-acre property in the City of Rockville, known as Frederick Road Limited Partnership, will be included with the proposed annexed King Buick property (Figure 1).

The Shady Grove Plaza property is located to the immediate north with various commercial uses, including an office building and a Comfort Inn hotel.

The King Farm community is located to the immediate south and west, including the Mattie J.T. Stepanek Park and the King Farm Farmstead Park. Across MD 355 is a vacant property at the intersection of MD 355 and Shady Grove Road, and the Shady Grove Transfer Station and Recycling Center are located adjacent to the vacant property.

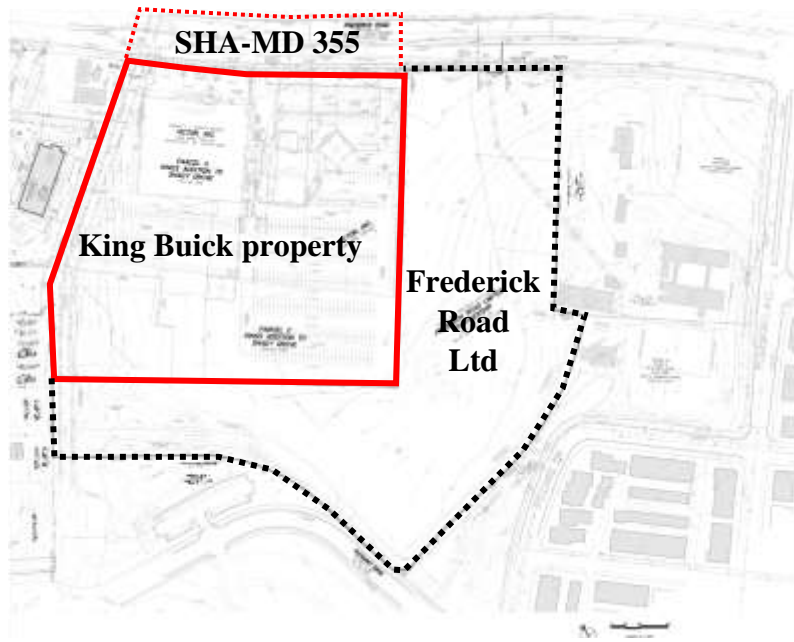


Figure 1: Properties associated with the proposed development and annexation

There are two prior City of Rockville annexations, which are located further south of this property at the northeastern and southeastern intersection of MD 355 and King Farm Boulevard Extended.

## ANNEXATION PROPOSAL

The proposed annexation seeks to reclassify the 10.23-acre King Buick property from the County's General Retail (GR)1.5 H-45 Zone to the City of Rockville's Mixed-Use Corridor District (MXCD) Zone. In addition, a portion of the King Farm development, known as Frederick Road Limited Partnership, will be included with the King Buick property.



*Figure 2: Illustrative Concept Plan for the King property and the adjacent City of Rockville property.*

The proposed development would permit up to 365 residential units, including 247 townhouses and 118 two-over-two units. It is anticipated that the development would include up to 15 percent Moderately Priced Dwelling Units (MPDUs). EYA is the contract purchaser for both properties (Figure 2).

The City of Rockville's MXCD Zone permits a range of uses, including residential townhouses, multifamily residential, commercial and institutional uses. The County's existing GR Zone is a commercially oriented zone that permits a broad range of non-residential uses. However, residential uses are limited in the GR Zone. Section 59.4.6.3.C.2.a of the County's Zoning Ordinance notes that the "gross floor area of all Household Living uses is limited to 30 percent of the gross floor area in the subject site."

The Planning Board's Draft Plan of the Shady Grove Minor Master Plan Amendment (2020) recommends rezoning the King Buick property to the Commercial Residential Town (CRT) C0.5 R1.0 H-80 Zone. The County Council will begin reviewing the Board's Draft Plan in March. If approved, the CRT Zone would permit more residential uses than the GR Zone.

## CITY OF ROCKVILLE MAYOR AND COUNCIL

The City of Rockville Council introduced an Annexation Resolution for the annexation area on November 23, 2020 and set the public hearing on the resolution for April 17, 2021. The Mayor and Council are scheduled to adopt the Annexation Plan at their meeting on March 29, 2021. The Maryland Annotated Code requires an Annexation Plan. The City of Rockville planning staff supports the proposed annexation because the property is within the Maximum Expansion Limits (MEL), and the proposed MXCD Zone is consistent with the City's policies.

## SHADY GROVE SECTOR PLANS

The King Buick property is within the Shady Grove Sector Plan area. Located within the Shady Grove Plaza area in the 2006 *Shady Grove Sector Plan*, the Plan recommended "maintaining the commercial and mixed-use zoning" for the area, which for this property was the Convenience Commercial (C-3) Zone (p.25). The 2014 District Map Amendment rezoned the King Buick property to the General Retail (GR 1.5 H-45) Zone from the C-3 Zone.

The Planning Board's Draft of the Shady Grove Minor Master Plan Amendment (2020) recommends "new non-residential and residential development" for the Shady Grove Plaza properties, including the dealership property (p.57). The 2020 Draft Plan recommends rezoning the dealership property to the Commercial Residential Town (CRT 1.5 C0.5 R1.0 H-80) Zone (Figure 3). If approved by the Council, the proposed development could be accomplished within the CRT Zone.

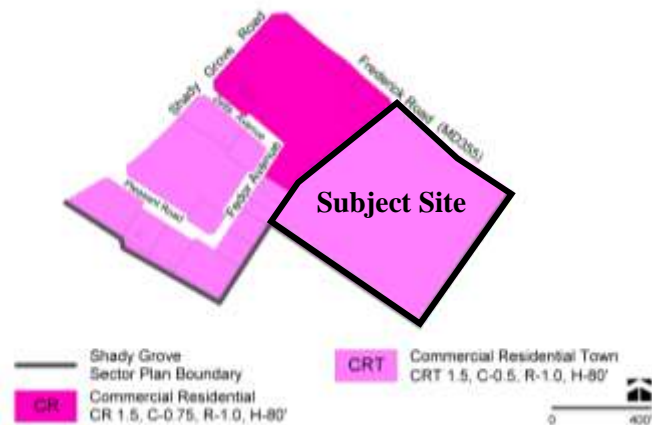


Figure 3: Planning Board's 2020 Draft Plan zoning recommendation for the King Buick property.

## PUBLIC SCHOOLS

The King Buick property is located within the Gaithersburg Cluster, which is served by a high school, two middle schools, and seven elementary schools. A new high school at the Downtown Crown property is anticipated by September 2026, and both middle schools in the cluster, Forest Oak and Gaithersburg, are within their projected program capacities. Gaithersburg High School is currently above its enrollment capacity. The proposed annexation area is within the Rosemont Elementary School service area.

A new elementary school at Kelley Park, which is in the City of Gaithersburg, is anticipated by September 2022. The Planning Board's FY 2021 Annual School Test indicates the elementary school is within the utilization standards for Rosemont elementary school. According to Montgomery County Public Schools (MCPS) FY 2021-26 CIP, the projected Rosemont enrollment indicates an enrollment surplus of 22 students. If the property were developed within the County, no utilization premium payments would be required.

## ANNOTATED CODE OF MARYLAND

The Annotated Code of Maryland establishes the rules and procedures for municipal annexations. Section 4-401 of the Code, titled “Power to enlarge municipal boundaries by annexation”, states that: Land to which power applies

(b) The power of annexation applies only to land that:

- (1) is contiguous and adjoining to the existing boundaries of the municipality; and
- (2) does not create an unincorporated area that is bounded on all sides by:
  - (i) real property presently in the boundaries of the municipality;
  - (ii) real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or
  - (iii) any combination of real property described in item (i) or (ii) of this item.

The proposed annexation request adheres to these requirements since the King Buick property adjoins the existing boundary of the City of Rockville; the annexation would not create an unincorporated area bounded on all sides by real property within the boundaries of the municipality; and the property is not within another municipality. The property is within the City’s Maximum Expansion Limits (MELs) and is consistent with the City’s Municipal Growth Element (MGE), shown in Figure 4.

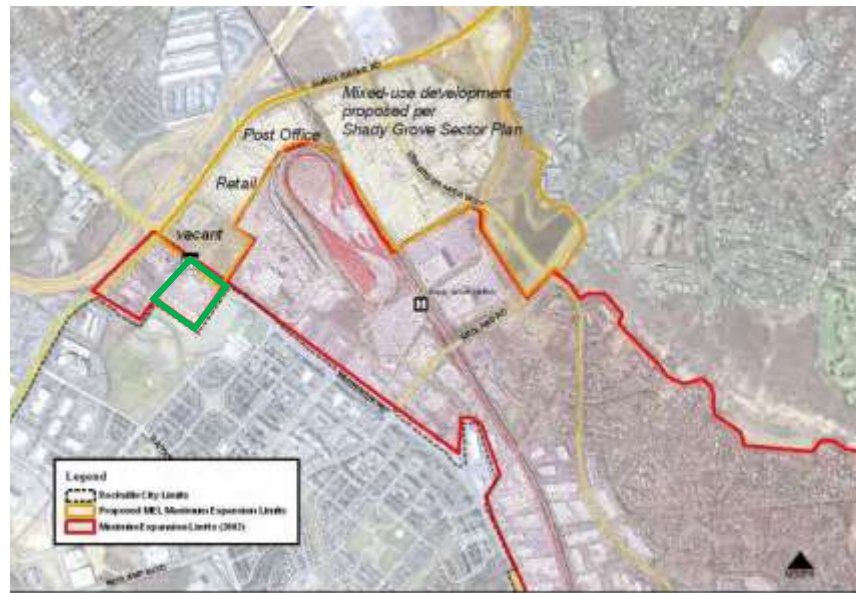


Figure 4: City of Rockville existing and proposed Maximum Expansion Limits (MELs).

Section 4-406 of the Maryland Code’s, titled “Public notice and hearing on resolution,” states in part:

- (a) After an annexation resolution is introduced, the chief executive and administrative officer of the municipality shall publish notice in accordance with the requirements of this section that:
- (1) briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and
  - (2) specifies the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.

### Notice to county and planning agencies

- (d) Immediately after the first publication of the public notice, the municipality shall provide a copy of the public notice to:
- (1) the governing body of the county in which the municipality is located; and



(2) any regional or State planning agency with jurisdiction in the county.

The January 20, 2021 submission from the City of Rockville serves as the public notice, which is required by Section 4-406 of the Maryland Code. The City of Rockville's Mayor and Council introduced an Annexation Plan on November 23, 2020 and set the public hearing on the Resolution for April 17, 2021. The Mayor and Council are scheduled to adopt the Annexation Plan at their meeting on March 29, 2021.

#### Different Land Use and Density

The Annotated Code, planning and zoning authority (Section 4-416), places some limits on land use changes and zoning, when a property is annexed from the County into a municipality.

(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50 percent, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

#### County approval of zoning classification

(c) Notwithstanding § 4-204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.

The non-residential land uses permitted in the existing General Retail (GR) Zone are similar to those in the proposed Mixed-Use Corridor District (MXCD) Zone. However, residential uses are more constrained in the GR Zone where residential development is allowed as a limited use, rather than as a permitted use, and is restricted to 30 percent of a property's gross floor area.

The Draft Plan's proposed mixed-use Commercial Residential Town (CRT) Zone for the King Buick property is more aligned to the City's MXCD Zone than the GR Zone. Both the CRT and MXCD Zones are intended to create mixed-use and pedestrian-oriented centers, either near transit areas or along major highway corridors (City of Rockville Ordinance, Article 13, 25.13.02).

Without the Council's express approval, the proposed development may be delayed for five years under the Maryland Annotated Code, Local Government Article, Section 4-416(b). The County's current GR 1.5 H-45 Zone does not allow the residential density, or height, to permit this development.

As proposed, the density for the development is approximately 1.23 FAR. The proposed FAR is within the existing GR 1.5 Zone of the property, as well as the Planning Board's Shady Grove Minor Master Plan Amendment Draft Plan, which recommends the Commercial Residential Town (CRT 1.5 C0.5 R1.0 H-80) Zone. The main difference is the land use mix, which is permitted more in the CRT Zone than the GR Zone.

## **ENVIRONMENT**

The 2006 *Shady Grove Sector Plan* recommends various strategies towards creating a sustainable environment, such as a network of urban parks, recreation parks, and green buildings. Similarly, the Planning Board's Shady Grove Minor Master Plan Amendment recommends a broad range of approaches, such as striving for "maximum shade cover over paved areas in streetscapes and plazas" and prioritizing environmental public benefit points (p.82). There are no streams, wetlands, or forests on the subject site.

## **TRANSPORTATION**

The King Buick property is located along Frederick Road (MD 355). This segment of MD 355 is classified as a major highway with a minimum 150-foot right-of-way. Areas identified as the Metro Neighborhoods in the Shady Grove Plan area have different recommended right-of-way widths, based on which BRT option is pursued. The 2020 Draft Plan envisions MD 355 with an enhanced streetscape, safe pedestrian access and bus rapid transit (BRT) opportunities. The Draft Plan recommends that the roadway provide "enlarged pedestrian refuges along MD 355 to provide areas for pedestrians, bicyclists, and micromobility users to wait safely while crossing the street. This vision would be consistent with the urban boulevard design of the 2006 Sector Plan" (p.112).

The County's Vision Zero Action Plan (2020) indicates that MD 355, within the Shady Grove area, is within the High Injury Network (HIN) for roadways. The Draft Plan recommends several Vision Zero measures, including providing a minimum six-foot landscaped buffer between pedestrian/bicycle facilities and vehicular travel lanes, and limiting curb radii to a maximum of 25 feet within the Plan area to make the roadway safer (p.120).

## **CONCLUSION**

The proposed annexation is in substantial conformance with uses authorized in both the CRT Zone and the recommendations in the Planning Board's 2020 Draft Shady Grove Sector Plan Amendment. However, it does not conform to the current GR Zone because of the existing height and the residential limits in the zone. The proposed zone is not substantially higher than the current zone, nor the Draft Plan's proposed zone and recommendations. It is also within the density limits permitted under Section 4-416 of the Annotated Code. The Council's upcoming action on the Shady Grove Minor Master Plan Amendment will likely change the GR zone on the King Buick property; therefore, staff recommends that the Montgomery County Council grant the annexation request.

### **ATTACHMENT:**

1. Annexation Plan

**ADDENDUM**  
AGENDA ITEM #10  
April 13, 2021

**WORKSESSION**

**MEMORANDUM**

April 8, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Worksession – City of Rockville Annexation Request (ANX 2020-00146),  
16160 and 16200 Frederick Road (MD 355)

PURPOSE: Correction to Council Staff recommendation in memorandum

*The original Staff memorandum for this worksession incorrectly worded the Council Staff recommendation (page 4 of the memorandum) for rezoning of the parcel as CRT-1.5 C-0.5 R-1.5 H-80. Council Staff recommendation is for the parcel to be rezoned MXCD.*

**Expected Participants**

Casey Anderson, Chair, Montgomery County Planning Board  
Carrie Sanders, Chief, Mid-County Planning  
Jessica McVary, Master Plan Supervisor, Mid-County Planning  
Nkosi Yearwood, Planner Coordinator, Mid-County Planning

**Background**

The City of Rockville is proposing to annex approximately 11.96 acres of land from Montgomery County into the City. The Rockville City Mayor and Council is scheduled to hold its public hearing on the annexation petition on May 17, 2021.

The parcels of land proposed for annexation are located approximately 800 feet south of the intersection of Shady Grove Road and MD 355, also described as (a) 16160 and 16200 Frederick Road and (b) Parcel A, recorded among the Land Records of Montgomery County (“Land Records”) at Plat No. 7936 and a portion of Parcel C, recorded among the Land Records at Plat 10684. The Annexation Area is approximately 11.96 acres, or 521,154 square feet, consisting of 10.23 acres of privately owned parcels (“Victor Property”) and 1.73 acres of State of Maryland

Highway 355 right-of-way (“SHA Property”). The proposed annexation area is within unincorporated Montgomery County and within the City’s maximum expansion limits, as established by the City’s Comprehensive Master Plan.

The Victor Property is also known as the “King Buick Property”, as it is a developed site with existing buildings, including the King Buick GMC automobile dealership and service shop constructed prior to its current zoning. It abuts a 10.34-acre parcel owned by Frederick Road Limited Partnership. EYA Development, LLC is the contract purchaser of both the Victor Property and the Frederick Road parcel. The Victor Property is adjacent to several Rockville parks, including the Dog Park, the King Farm Farmstead, and the Mattie J. T. Stepanek Park. Commercial properties are located to the west/northwest, including an office building, a hotel, and retail space. On the opposite side of Frederick Road (MD 355) are the Montgomery County transfer station site and a vacant lot owned by the Betty B. Casey Trust.

The Victor Property is within the Shady Grove Sector Plan area. Montgomery County’s 2006 Approved and Adopted Shady Grove Sector Plan recommended maintaining the existing commercial uses and recommended that properties along MD 355 be developed long-term to achieve a mixed-use classification of employment. A minor amendment to the Shady Grove Sector Plan was recently before County Council and will be discussed further below.

The current zoning of the Victor Property is GR-1.5, H-45 (General Retail), which allows for a mix of retail, commercial, and residential uses. These uses are regulated based on a floor area ratio (FAR) with certain percentage limitations for some uses. The maximum height permitted is 45 feet. The petitioner requests the City’s Mixed-Use Corridor District (MXCD) zoning, to match the MXCD zoning of the adjacent parcel that is already within City limits. The contract purchaser proposes a combined residential project, with a combination of townhomes and two-over-two multi-family residences, totaling 365 to 370 total units, public and private streets, open spaces, public use space, and other amenities. Fifteen percent of the residences would be Moderately Priced Dwelling Units. While the City’s MXCD zoning allows for buildings up to 75 feet in height, the contract purchaser is proposing building heights of up to 55 feet.

The annexation plan indicates that there will be adequate public facilities, including: water and sewer; roads; transit; police services; fire, EMS, and rescue services; school services; parks and recreation and public libraries; stormwater management; and general fiscal considerations.

### **Planning Board Recommendation**

The Planning Board voted unanimously to support the Planning Staff recommendation and transmit the following comments:

- Approval is limited to up to 370 residential units (up to 1.5 FAR residential) and up to 2,500 square feet of non-residential development;
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project; and

- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

The Planning Board found that while there are some differences between the County’s GR zone and the City’s MXCD zone, such as the allowable percentage of residential development, those differences do not warrant delaying the enactment of the proposed annexation. The Planning Board noted that annexation of the property from the County’s General Retail (GR 1.5 H-45) zone to the City’s Mixed-Use Corridor District (MXCD) would allow the proposed development to be comprehensively reviewed by one jurisdiction; and that the proposed densities of the development are within the limits of the existing zone and the proposed Commercial Residential Town (CR-1.5 C-0.5 R-1.5 H-80) zone of the Fall 2020 Shady Grove Sector Plan Minor Master Plan Amendment.

### **PHED Committee Recommendation**

The Planning, Housing, and Economic Development Committee reviewed this annexation as part of its review of the Fall 2020 Shady Grove Sector Plan Minor Master Plan Amendment on March 1, 2021. At the time, Council Staff recommended supporting the contract purchaser’s request to change the recommended zoning in the 2020 Planning Board Draft Plan from CRT-1.5 C-0.5 R-1.0 H-80 to CRT-1.5 C-0.5 R-1.5 H-80. This request was made because the maximum 1.5 FAR overall density would help achieve the County’s goal of supporting housing growth in transit-oriented locations. The property is within walking distance of the Shady Grove Metro Station and along the future 355 BRT line, so is an ideal location to implement this goal. Under annexation, the property will remain under its sector plan-approved zoning for five years.

### **County Council**

The County Council adopted the Shady Grove Sector Plan Minor Master Plan Amendment on April 6, 2021. The adopted resolution notes that:

Upon annexation of the 10-acre King Buick property by the City of Rockville, that property and the adjacent 10-acre property within the City will be excised from the Shady Grove Metro Station Policy Area and the Rockville City Policy Area, respectively, and become part of the Rockville Town Center Policy Area.

Under State law, if the parcel is within the maximum expansion area and is for the same zoning—use and density—the Council has no authority to prevent annexation. If the zoning is different, it can “veto” the annexation, which would delay the new zoning for five years.<sup>1</sup> The

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<sup>1</sup> State law provides, “(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of

County's current GR 1.5 H-45 zone does not allow the residential density or height to permit this development. However, both the Council's recently approved CRT zone and the City's MXCD zone are intended to create mixed-use and pedestrian-oriented centers, either near transit areas or along major highway corridors.

**Council Staff therefore recommends approval of the annexation request, with the parcel to be rezoned MXCD. Council Staff also recommends transmittal of the Planning Board's comments:**

- Approval is limited to up to 370 residential units (up to 1.5 FAR residential) and up to 2,500 square feet of non-residential development;
- The minimum right-of-way recommended for Frederick Road (MD 355) is 150 feet and the development should incorporate the design alignment for the MD 355 Bus Rapid Transit (BRT) project;
- The development should incorporate Vision Zero improvements along MD 355, including a minimum 6-foot landscape buffer adjacent to vehicular travel lanes and limit curb radii to a maximum of 25 feet.

### **Next Steps**

Council Action is scheduled for April 20, 2021.

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the annexation. (c) Notwithstanding § 4-204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.” Md. Code, Local Gov't § 4-416.