

Resolution No.: 20-294
Introduced: September 26, 2023
Adopted: September 26, 2023

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Approval of the City of Gaithersburg reclassification of 16531 South Frederick Avenue (Walnut Hill Shopping Center), 8939 North Westland Drive, and 8941 North Westland Drive from the CRT zone to the C-D and C-2 zones (ANX-9510-2023).

Background

1. The City of Gaithersburg is proposing to annex approximately 9.0 acres of land from Montgomery County into the City.
2. Three parcels of land are proposed for annexation:
 - a) Block A, Parcel B, “Walnut Hill Section One”, recorded in the Land Records of Montgomery County at Plat 4267 in the northeast quadrant of the intersection of MD Route 355 and South Westland Dive. This property is 8.28 acres (or 360,477 square feet). The address is 16531 South Frederick Avenue, Gaithersburg, MD.
 - b) Block G, “Parcel B, Walnut Hill”, recorded in the Land Records of Montgomery County at Plat 24052 in the northeast quadrant of MD Route 355 and North Westland Drive. This property is 20,886 square feet. The address is 8939 North Westland Drive, Gaithersburg, MD.
 - c) Block G, “Parcel A-2, Walnut Hill”, recorded in the Land Records of Montgomery County at Plat 8290 in the northeast quadrant of Md Route 355 and North Westland Drive. This property is 10,784 square feet. The address is 8941 North Westland Drive, Gaithersburg, MD.
3. The County’s existing CRT (Commercial Residential Town) zone allows for a mix of retail, commercial, and residential uses. Under the annexation proposal, the property would be reclassified to the City’s C-2 and C-D zones, which allow a mix of retail, commercial, and residential uses.
4. On July 13, 2023, the Montgomery County Planning Board reviewed ANX-9510-2023 and unanimously recommended support of the proposed annexation. The Planning Board

found that the proposed annexation is consistent with the Annotated Code of Maryland municipal annexation provisions; the annexation petition is in substantial conformance with uses authorized in the County’s Commercial Residential Town (CRT) zone and the recommendations in the 2010 Great Seneca Science Corridor Master Plan; the proposed densities in the City of Gaithersburg’s General Commercial (C-2) and Corridor Development (CD) zones are not substantially higher than the current zone; and the properties are within the City of Gaithersburg's Maximum Expansion Limits.

- 5. Article 23A, Section 9(c) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council.
- 6. On September 26, 2023, the County Council reviewed Annexation Petition No. 9510-2023 and found that the new zoning classification would not be substantially different from the use for the land specified in the current and duly adopted master plan. The Council supports the proposed reclassification of 16531 South Frederick Avenue (Walnut Hill Shopping Center), 8939 North Westland Drive, and 8941 North Westland Drive from the CRT zone to the C-D and C-2 zones.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

District Council expressly approves the reclassification by the City of Gaithersburg of the area within Annexation No. 9510-2023 from Montgomery County’s CRT-2.25 C-1.5 R-0.75 H-45 to the City of Gaithersburg’s C-D and C-2 zones.

This is a correct copy of Council action.



Sara R. Tenenbaum
Clerk of the Council