**MCPB** ITEM# 3/29/07

### **MEMORANDUM**

DATE:

March 16, 2007

TO:

Montgomery County Planning Board

VIA:

Rose Krasnow, Chief K

**Development Review Division** 

Catherine Conlon, Supervisor

Development Review Division

FROM:

Richard A. Weaver, Coordinator (301-495-4544) **EAU** 

**Development Review Division** 

**REVIEW TYPE:** 

Preliminary Plan of Subdivision

**APPLYING FOR:** 

Planning Board approval of a portion of the Crabbs Branch Road right-of-

**PROJECT NAME:** Shady Grove, Casey Parcels 6 and 7 – Phase I

CASE NO.

120070320

**REVIEW BASIS:** 

Pursuant to Chapter 50, the Subdivision Regulations

**ZONE:** 

I-3

**LOCATION:** 

Northern terminus of Crabbs Branch Road extending under I-370

underpass.

**MASTER PLAN:** 

Shady Grove Sector Plan

**APPLICANT:** 

EYA, Inc.

**ENGINEER:** 

**VIKA** 

**ATTORNEY:** 

Holland and Knight

**FILING DATE:** 

January 22, 2007

**HEARING DATE:** March 29, 2007

### **BACKGROUND AND DISCUSSION**

At the mandatory referral review hearing for the ICC, the Planning Board reviewed the location of the State Highway Administration's – ICC Western Maintenance Facility (WMF), which is proposed to be located on the Casey Parcel 7 portion of the subject preliminary plan. To better implement the vision of the Shady Grove Sector Plan the Planning Board recommended that the WMF be located on adjacent Casey Parcel 6 on the north side of the ICC. The Board reiterated this recommendation on November 9, 2006 during discussion of a prepreliminary plan (No. 720070110) for the two parcels. That plan was brought to the Board to seek advice on MPDU calculations, setbacks from the ICC and stream crossings; however, the proposed maintenance facility was also discussed.

In a letter dated January 2, 2007 (Attachment 1), the Maryland Transportation Authority expressed a willingness to participate with local agencies to investigate the possibility of locating the WMF on Parcel 6. However, their willingness to consider this alternative is dependent upon Parcel 6 having public road access via Crabbs Branch Road. The letter mandates a tight timeline in which critical events must occur in order for the WMF to be in place 12 months prior to the completion of the initial section of the ICC. One critical step for locating the facility on Parcel 6 is that the alignment of Crabbs Branch Road be approved by the Planning Board by March 2007. Since the overall preliminary plan for Casey Parcels 6 and 7 is far from ready to be discussed with the Board, staff recommended phasing of the plan so the road could be expeditiously reviewed.

# **Staff Recommendation:** Approval, Subject to the Following Conditions:

- The forest conservation plan for the Phase I roadway shall be incorporated into the forest conservation plan for the overall Casey 6 and 7 preliminary plan. If clearing or grading of the roadway project proceeds prior to Planning Board approval of the overall preliminary plan of subdivision for Casey 6 and 7, the applicant shall submit a final forest conservation plan only for the area within the limits of disturbance needed to construct the road.
- 2) The applicant shall record a plat to dedicate an 80-foot right-of-way as recommended in the Shady Grove Sector Plan for the segment of right-of-way shown on the plan.
- The applicant must construct all road improvements within the right-of-way shown on the approved preliminary as follows, unless otherwise amended by the MCDPWT approval:
  - a. Crabbs Branch Way Extended shall be extended approximately 750 feet and have a 50-foot-wide roadway pavement section consistent with County Road Code Standard No. MC-214.01, Commercial-Business District Road, with exceptions noted below.
    - 1) South and north of the I-370/future ICC bridge, the sidewalks shall be at least five feet wide on the west side, and the bike path/shared use path SP-53 shall be at least eight feet wide on the east side. Both the sidewalk and

- bike path shall be within the dedicated right-of-way and have a landscape panel with street trees separating them from the curb.
- 2) A reduction in roadway pavement width to minimize wetland impacts may be required per Montgomery County Department of Public Works and Transportation (DPWT) direction.
- b. The sidewalk and bike path along Crabbs Branch Way Extended shall be continued under the I-370/future ICC bridge with the continuation of the sidewalk and bike path and no landscape panel separating them from the curb. This segment's right-of-way width will be reduced for bridge support structures to approximately 76 feet.
- c. A temporary turnaround shall be provided at the northern terminus as required by DPWT.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services stormwater management concept approval dated March 9, 2007.
- 5) Other necessary easements must be included on the record plat.

### SITE DESCRIPTION

The property subject to this preliminary plan application consists of 42.5 acres of land described as Casey Parcels 6 and 7 in the Shady Grove Sector Plan. The property is located on either side of I-370 north of Shady Grove Road. The Phase I portion of this plan consists of a portion of the Crabbs Branch Road right-of-way which is planned to extend through this property from north to south. In the subject location, the right-of-way consists of a 750-foot long, and 80-foot wide portion of the master plan alignment located on both sides and under I-370, east of the CSX railway and north of Shady Grove Road. The property is currently unimproved except for where it passes under I-370, where certain abutments for the bridge exist. The site lies within the Rock Creek watershed, which is classified as Use I-P. A wetland crosses the proposed right-of-way segment.

## **PROJECT DESCRIPTION (Attachment 2)**

The entire alignment for Crabbs Branch Road is established in the Shady Grove Sector Plan. The road is planned to continue north from its current terminus adjacent to The Grove Shopping Center, and connect to the existing terminus of Amity Lane. The portion of the alignment that is included in this Phase I plan is rigidly fixed in this specific location by the existing underpass at I-370 where the road must pass. With this Phase I plan, the applicant is requesting Planning Board approval only of this portion of the alignment. Approvals of the final cross section design for construction of the roadway, including pavement width and sidewalks will need to be approved by MCDPWT. Transportation Planning has provided recommendations on the elements of the cross section that coincide with the Shady Grove Sector Plan. The applicant has also proposed a streetscaping plan that will also need MCDPWT approval.

## Compliance with Subdivision Regulations (Attachment 3)

Staff has reviewed the alignment for compliance with the Subdivision Regulations. Because this is a road right-of-way, some of the elements of a typical APF review, such as availability of water and sewer, do not apply. While final approval of the cross section of Crabbs Branch by MCDPWT is pending, Transportation Planning has established the minimum dimensions required to be built within the right-of-way, which are outlined in the Transportation Planning memorandum. MCDPS has approved a stormwater management concept by letter dated March 9, 2007.

# Conformance to the Sector Plan (Attachment 4)

Phase I conforms to the Shady Grove Sector Plan by constructing a portion of Crabbs Branch Way from its current terminus just beyond The Grove Shopping Center to just north of I-370, providing street access to Casey 6. The resulting plat will provide a means for timely construction of vehicular access to the State Highway Administration's Western Maintenance Facility on Casey Parcel 6.

The Sector Plan calls for Crabbs Branch Way to be extended under I-370 with an 80 foot right-of-way to its ultimate connection with Amity Drive. Phase I proposes an 80 foot right-of-way and extends Crabbs Branch Way only under I-370. Sidewalk and bikeway recommendations also have been incorporated into the proposed plan in accordance with the Sector Plan recommendations. The streetscape treatment for lighting, tree species and sizes will be established by this approval but will require MCDPWT final approval.

Phase II will include the full extension of Crabbs Branch through Casey 6 to its connection with Amity Drive and include the proposed land use for both Casey 6 and Casey 7. At that time, environmental mitigation will be considered for the roadway design where it crosses sensitive wetland areas. Also, street trees, lighting, sidewalks and the bikepath along both sides of Crabbs Branch Way will be requested to encourage pedestrian access from nearby residents to their shopping center, The Grove.

### **Community Comments (Attachment 5)**

Phase I was presented to the Shady Grove Sector Plan's Citizen Advisory Group on December 18, 2006. There was general support for the proposal in order to encourage the State Highway Administration to relocate the Western Maintenance Facility from Casey 7 to Casey 6. The committee did not feel that the State's facility belonged in the Metro Station area but recognized that since it was going to be located there, Casey 6 was the better choice than Casey 7. A copy of a letter from the Shady Grove Sector Plan Implementation Committee to the State Highway Administration is attached.

# Attachments

Attachment 1 – MTA Letter

Attachment 2 – Preliminary Plan

Attachment 3 – Transportation Planning Memo
Attachment 4 – Community Based Planning Memo
Attachment 5 – Shady Grove Letter



# MARYLAND TRANSPORTATION AUTHORITY

Robert L. Ehrlich, Jr. Governor

> Michael S. Steele Lt. Governor

Robert L. Flanagan Chairman

Susan M. Affleck Bauer, Esq. Louise P. Hoblitzell John B. Norris, Jr., P.E. Carolyn Y. Peoples Carol D. Rieg Walter E. Woodford, Jr., P.E.

Trent M. Kittleman Executive Secretary

Engineering Division 300 Authority Drive Baltimore MD 21222-2200 410-537-7800 410-537-7801 (fax)

> 410-355-7024 (TTY) 1-888-754-0098

e-mail: mdtaengineer@ mdtransportation authority.com

www.mdtransportation authority.com

January 2, 2007

Mr. Brian Allan Jackson Development Executive EYA 4800 Hampden Lane Suite 300 Bethesda, Maryland 20814

Dear Mr. Jackson:

The Maryland Transportation Authority (MdTA) will own, operate and maintain the Intercounty Connector toll road connecting I-370 in Montgomery County to US 1 in Prince Georges County. Through previous correspondence and subsequent meetings, EYA understands that this commitment will involve construction of extensive support facilities in close proximity of the highway providing immediate access for Authority Police, Courtesy Patrol and maintenance resources. These facilities will operate on a twenty-four (24) hour, seven (7) day a week basis to assure our customer's safe travel. A significant factor to opening the roadway to traffic on time is the completion of the Western Maintenance Facility in the Shady Grove vicinity a minimum of twelve (12) months prior to completion of roadway segment 'A' (I-370 to MD 97).

MdTA is willing to cooperate with EYA, the Planning Board, and the County to better accommodate the goals of the Shady Grove Sector Plan provided that doing so does not impact the timely completion of the Western Maintenance Facility. MdTA wishes to continue a cooperative working relationship with all stakeholders including the adjacent communities of Shady Grove and Washington Grove as well as M-NCPPC, the County and EYA. With these objectives stated time is of the essence for all parties to resolve the property and facility location issues.

Schedules from both an MdTA and EYA perspective need to be evaluated to identify critical dates and milestones. The design and construction schedule for the Western Maintenance Facility to be built on Casey 7 has been developed. This schedule was established with a constraint for completion and occupancy of the building twelve (12) months in advance of the proposed completion for roadway segment 'A'. The schedule reflects a 15-month construction duration considering a notice-to-proceed of December 2007 resulting in a project completion date of February 2009. EYA presented a proposed

Mr. Brian Allan Jackson EYA January 2, 2007 Page 2

schedule in October 2006 for construction of the Crabbs Branch Way extension to the Casey 6 property identifying essential activities and timeframes for completion of the NEPA documentation, plan development, and permitting submissions/approvals. The schedule indicated a start date of October 2006 with proposed completion of all activities by April 2008. EYA must document and demonstrate that the Crabbs Branch Way extension can be completed to provide unimpeded access to the Casey 6 property without impact while meeting MdTA's deadline. Attached for your reference is the design and construction schedule for the Western Maintenance Facility on Casey 7.

During previous discussions MdTA and EYA have jointly identified critical activities essential to maintaining the construction schedule and timely MdTA facility completion. This letter will serve to outline these points for the Western Maintenance Facility location. The main topics to be evaluated are NEPA coordination and property accessibility. Each point is addressed below in a manner providing background information, decisions reached and potential risks associated with events impacting the Western Maintenance Facility construction and completion dates.

### 1. NEPA Coordination

Casey 7 was selected for the Western Maintenance Facility following an extensive search of properties along the corridor. During this process coordination meetings were held and County representatives provided input. Casey 7 was identified as satisfying the MdTA's requirements; therefore this site location was included as part of the Final Environmental Impacts Statement (FEIS) for the ICC (dated January 2006). Based on FEIS review and acceptance by FHWA, the Record of Decision was issued on May 29, 2006 designating Casey 7 as the location for the Western Maintenance Facility.

In order to move to any other property not included in the FEIS/ROD including Casey 6, a review of NEPA is required. This will require a re-submission to the FHWA requesting concurrence for a change in the approved location. In order to meet our schedule for the construction of the Western Maintenance Facility and open the ICC on the committed date, the NEPA review will need to be submitted to FHWA for approval by late January 2007 with approvals issued by March 2007.

Mr. Brian Allan Jackson EYA January 2, 2007 Page 3

Another key element of the NEPA review involves the Town of Washington Grove which is on the National Register of Historic Places. Coordination with the Town and the Maryland Historic Trust is required to move the Western Maintenance Facility closer to this community. A delay in this coordination will preclude relocation of the Western Maintenance Facility to Casey 6.

## 2. Property Accessibility

Crabbs Branch Way currently terminates on the east side of I-370 and must be extended to the west side to provide access to Casey 6. Preliminary Plan approval from the Montgomery Planning Board will need to be in place by March 2007 and the necessary federal, state and county permits in place by September 2007. The road extension must be in place one month prior to the start of construction of the Western Maintenance Facility on Casey 6 in order to maintain our building schedule. The projected construction starting date is April 2008 for building on Casey 6.

If any of these interim deadlines are not met for either the NEPA review or the Crabbs Branch Way extension, the MdTA will proceed with building on Casey 7 and discontinue attempts to move to Casey 6.

EYA verbally agreed to perform NEPA and property accessibility components if MdTA would consider their proposal. It is imperative that EYA demonstrate that these parameters can be achieved without impacting our facility construction completion. Absent the NEPA determination MdTA cannot enter any properties outside the established FEIS and designated limits of disturbance to complete essential site engineering. This site engineering work includes topographic survey for grade establishment, metes and bounds for plats and soil borings for building foundations, pavement, and stormwater management analysis. This information is necessary to re-engineer the site grading, erosion and sediment control, and stormwater management plans to obtain required environmental permits. Therefore, the MdTA is requesting that EYA consider performing these engineering tasks on the Casey 6 property concurrently with the NEPA examination. Obtaining this information at the earliest possible date allows our consultant to proceed without significant loss of design efficiency and schedule impacts.

Mr. Brian Allan Jackson **EYA** January 2, 2007 Page 4

As emphasized the Western Maintenance Facility must be opened one year prior to the completion of roadway segment 'A' permitting MdTA sufficient time to staff the facility, coordinate with local law enforcement and fire/rescue operations, and to test/monitor/troubleshoot the new electronic tolling system. This facility will function as the central operations center until the Eastern Operations Center and roadway contract 'E' located in Prince Georges County are completed.

Thank you for your consideration of our proposals. Please provide a written response to these important issues within two (2) weeks of receipt of this letter. If you have any questions or concerns please contact Mr. Dennis Simpson, Deputy Director for Capital Planning, at 410-537-5650 or dsimpson@mdta.state.md.us for clarification.

Sincerely

Trent M. Kittleman **Executive Secretary** 

## Attachment

cc:

Mr. Neil J. Pedersen, SHA Ms. Melinda Peters, SHA

Mr. Daniel K. Hardy, MNCPPC

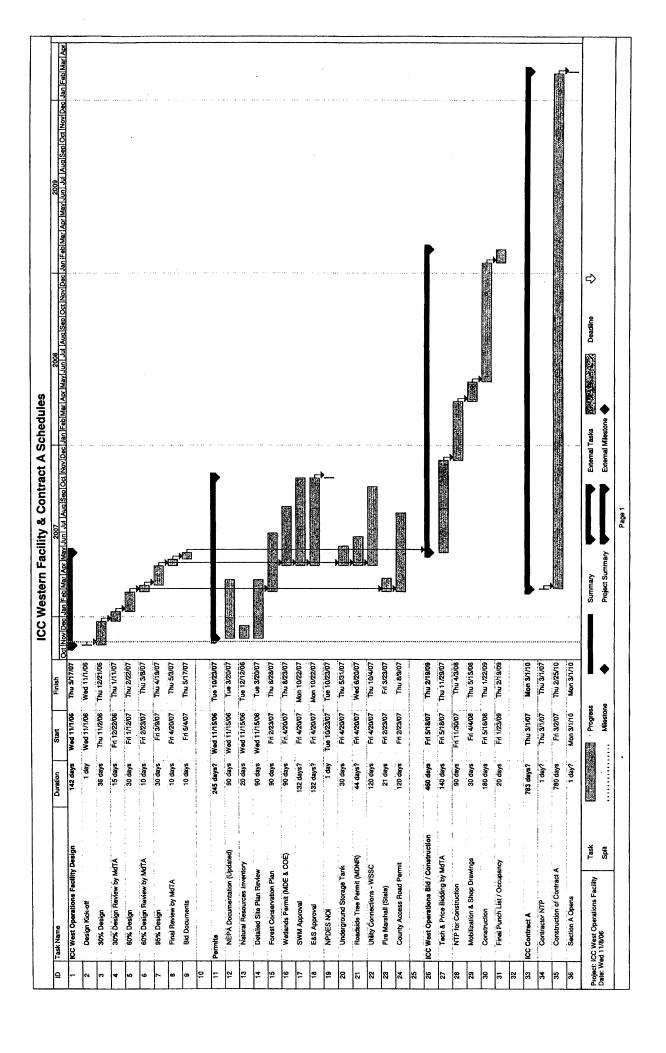
Mr. Joseph Waggoner, MdTA

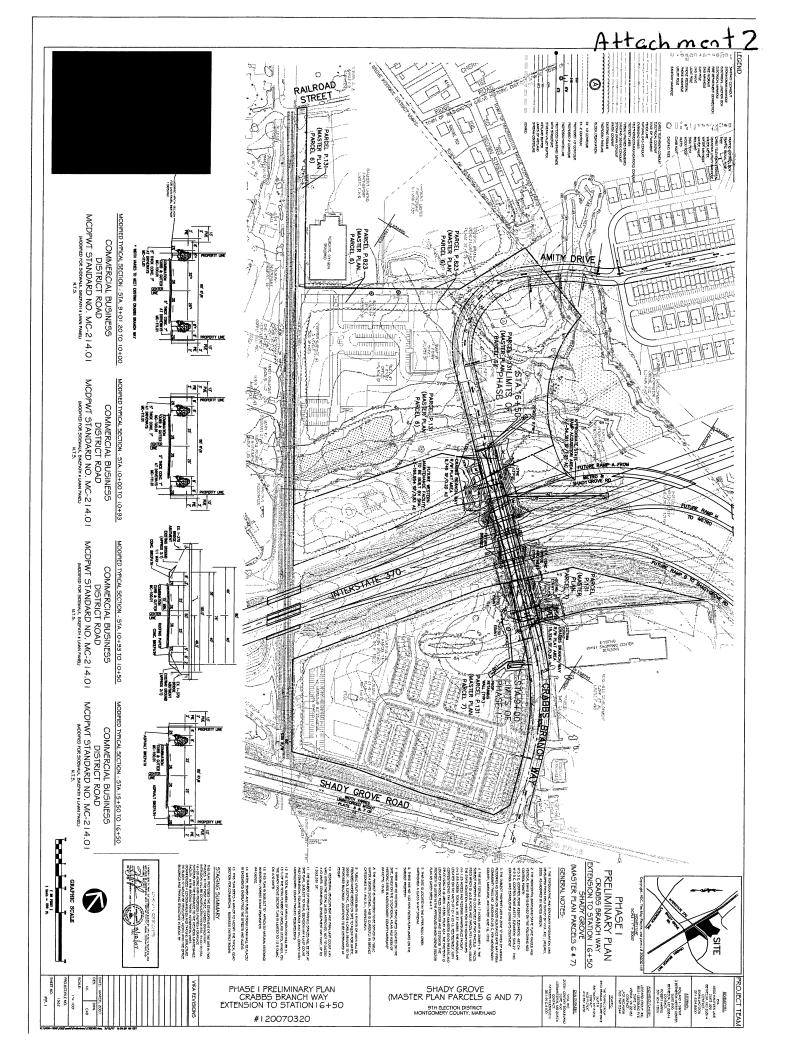
Mr. Geoffrey V. Kolberg, MdTA

Mr. Dennis N. Simpson, MdTA

Mr. Robert R. Michael, MdTA

File





March 16, 2007

## **MEMORANDUM**

TO:

Richard Weaver, Planner/Coordinator

**Development Review Division** 

VIA:

Shahriar Etemadi, Supervisor

**Transportation Planning** 

Daniel K. Hardy, Supervisor

Transportation Planning

FROM:

Ed Axler, Planner/Coordinator

**Transportation Planning** 

SUBJECT: Preliminary Plan No. 120070320

Shady Grove Road Parcels 6 & 7, Phase I

Derwood Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Phase I of the mixed-use development in the I-3 zone. Phase I is constructing Crabbs Branch Way Extended 750 feet north of its existing terminus, north of Shady Grove Road. This extension would serve as the vehicular access to the proposed Western Maintenance Facility (WMF) for the Intercounty Connector (ICC) on the north side of I-370. Phase I is being expedited in order to meet the Maryland State Highway Administration's (SHA) ICC time schedule, as indicated in Attachment A. Crabbs Branch Way Extended will also serve as access to the proposed Phase II land uses on the northern side of the I-370 bridge or "Casey 6" section.

During the mandatory referral review for the ICC the Planning Board recommended that the WMF be located on the "Casey 6" section. The Shady Grove Sector Plan proposes that both Casey 6 and the section south of the I-370 bridge, Casey 7 would be a suitable location to relocate some of the County Service Park facilities.

#### RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to the subject Phase I preliminary plan:

- 1. The applicant shall record a plat to dedicate the recommended sector-planned right-of-way and construct Crabbs Branch Way Extended 750 feet north of its existing terminus to the entrance of the proposed SHA Western Maintenance Facility. This extension shall be constructed as a commercial business district street, designated B-2, as follows:
  - a. Crabbs Branch Way Extended shall have an 80-foot right-of-way and a 50-foot-wide roadway pavement consistent with County Road Code Standard No. MC-214.01, Commercial-Business District Road, with exceptions noted below.
    - 1) South and north of the I-370/future ICC bridge, the sidewalks shall be at least five feet wide on the west side and the bike path/shared use path, SP-53, shall be at least eight feet wide on the east side. Both the sidewalk and bike path shall be within the dedicated right-of-way and have a landscape panel with street trees separating them from the curb.
    - 2) A reduction in roadway pavement width to minimize wetland impacts may be required per Montgomery County Department of Public Works and Transportation (DPWT) directions.
  - b. The sidewalk and bike path along Crabbs Branch Way Extended shall be continued under the I-370/future ICC bridge with the continuation of the sidewalk and bike path and no landscape panel separating them from the curb. This segment's right-of-way width will be reduced for bridge support structures to approximately 76 feet.
  - c. A temporary turnaround shall be provided at the northern terminus as required by DPWT.
- 2. The applicant shall upgrade the existing sidewalk and bike path along Crabbs Branch Way between Shady Grove Road and its current terminus in accordance with DPWT directions.

### **DISCUSSION**

## Site Location and Vehicular Access Points

The proposed site is located on Parcel 131 on the north side of Shady Grove Road between the CSX railroad tracks and Crabbs Branch Way Extended's master-planned right-of-way. The I-370/future ICC crosses the site from southwest to northeast and divides it approximately in half between the Casey 6 section and Casey 7 section. An I-370 bridge exists for the future northern extension of Crabbs Branch Way. Vehicular, bicycle, and pedestrian access to the Casey 6 section would be via the construction of Crabbs Branch Way Extended with its bike path and sidewalk.

### Available Transit Service

Ride-On routes 43 and 62 operate along this segment of Shady Grove Road. The Shady Grove Metrorail Station is located on the south/opposite side of Shady Grove Road and within a walking distance of approximately a mile from the subject site.

### Sector-Planned Roadways and Bikeways

In accordance with the *Shady Grove Sector Plan*, the following are the sector-planned roadways and bikeways:

- 1. Existing Crabbs Branch Way and Crabbs Branch Way Extended are designated as a commercial business district street, B-2, with a recommended 80-foot right-of-way and shared use path, SP-53. This roadway connects into the future terminus of the primary residential street, Amity Drive Extended, P-6, with a 70-foot right-of-way and a shared use path/bike path.
- 2. Shady Grove Road is designated as a Major Highway, M-42 with a recommended 150- foot right-of-way and bike lanes, BL-30.
- 3. The existing I-370 and future ICC is designated as a freeway, F-9, with a recommended 300-foot right-of-way.

# **Transportation Mitigation Requirements**

The Transportation Mitigation Requirements recommended in the *Shady Grove Sector Plan* will be discussed with the preliminary plan review of the Phase II mixed-use development.

# Adequacy of the Public Transportation Facilities

The applicant must satisfy the APF test for the proposed mixed-use land uses at the time of Phase II preliminary plan review. The Phase II APF review will be discussed with the Phase II preliminary plan review. A traffic study will be required for Phase II to

satisfy the Local Area Transportation Review (LATR) because the Phase II land uses generate 30 or more peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the weekday evening peak period (4:00 to 7:00 p.m.).

Under the current *Annual Growth Policy*, Policy Area Transportation Review is no longer required as part of APF test.

### EA:nm

cc:

Larry Cole Sam Farhadi Bob Harris

Barbara Kearney Chuck Kines

Kathleen Kulanguski

Erica Leatham Greg Leck

Gail Tait-Nouri

March 9, 2007

### Memorandum

To:

Richard Weaver, Development Review

From:

Karen Kumm Morris, Lead Planner

Shady Grove Sector Plan

Subject:

Casey 6 and 7, Phase 1 Preliminary Plan 1-07320

### Conformance to the Sector Plan

Phase I conforms to the Shady Grove Sector Plan by constructing a portion of Crabbs Branch Way from its current terminus just beyond The Grove Shopping Center to just north of I-370 providing street access to Casey 6. This will permit State Highway to relocate their Western Maintenance Facility from Casey 7 to Casey 6 with timely roadway construction for vehicular access.

The Sector Plan calls for Crabbs Branch Way to be extended under I-370 with an 80 foot right-of-way to its ultimate connection with Amity Drive. Phase I proposes an 80 foot right-of-way and extends Crabbs Branch Way under I-370. Sidewalk, and bikeway recommendations also have been incorporated into the proposed plan in accordance with the Sector Plan recommendations. The streetscape treatment for lighting, tree species and sizes will be established by this approval.

Phase II will include the full extension of Crabbs Branch through Casey 6 to its connection with Amity Drive and include the proposed land use for both Casey 6 and Casey 7. At that time, environmental mitigation will be considered for the roadway design where it crosses sensitive wetland areas. Also, street trees, lighting, sidewalks and the bike along both sides of Crabbs Branch Way will be requested to encourage pedestrian access from nearby residents to their shopping center, The Grove.

### **Community Comments**

Phase I was presented to the Shady Grove Sector Plan's Citizen Advisory Group on December 18, 2007. There was general support for the proposal in order to encourage the State Highway Administration to relocate the Western Maintenance Facility from Casey 7 to Casey 6. The committee did not feel that the State's facility belonged in the Metro Station area but recognized that it was going to be located here and Casey 6 was the better choice than Casey 7.

See attached letter from Citizen Advisory Group.

# **Shady Grove Sector Plan Implementation Committee**

421 Gaither Street Gaithersburg MD 20877 [W [22] Panuary 2007

DECEIVE

OFFICE OF THE CHAIRMAN THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mr. Neil Pedersen State Highway Administration

Dear Mr. Pedersen:

This committee has the task of monitoring and advocating for implementation of the Shady Grove Sector Plan. This is a plan for a transit and pedestrian oriented urban center. It recommends that the ICC service facility not be located in the sector plan area. We support that recommendation.

Given the alternative sites currently being considered for this facility, however, Casey 6 would be less damaging to the vision of this sector plan than Casey 7. The facility on Casey 7 would perpetuate the vision of industrial land use along Shady Grove Road without furthering the sector plan's purpose of moving the County Service Park facilities farther from the Metro station. The facility would use a large fraction of Casey 7, precluding residential use of the remainder.

Before Casey 6 is selected, we want assurance that the site will be well buffered from Crabbs Branch Way and from the nearby residential areas. A site plan must be submitted to the Planning Board as a mandatory referral, and must meet their approval for location of the facility, landscaping, size of trees for screening, etc.

We look forward to working with you on the plan for this facility.

Sincerely,

Pamela Lindstrom

Parlilla

Chair

cc. 

Royce Hanson, Chairman, Montgomery County Planning Board

Trent Kittleman, Executive Secretary, Maryland Transportation Authority

Arthur Holmes, Director, Montgomery County DPWT