



June 19, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Glenn Kreger, Acting Chief *GK*
Vision Division

FROM: Sue Edwards, Team Leader, North Central Transit Corridor *Sue*
Vision Division (301-495-4518)

SUBJECT: Mandatory Referral 09302-MCDGS-1: Site selection for acquisition of the Casey 6 & 7 properties, Crabbs Branch Way, I-3 Optional Method of Development, Shady Grove Sector Plan

STAFF RECOMMENDATION: APPROVE transmittal of the following comments to the Montgomery County Department of General Services (DGS):

1. The applicant must recertify the Natural Resource Inventory Forest Stand Delineation (NRI/FSD) for the site.
2. The applicant must submit new Preliminary and Final Forest Conservation Plans for the site for the Equipment Maintenance and Operations Center (EMOC).
3. The applicant must comply with transportation conditions applied in Preliminary Plan #120070320, including the unbuilt portions of Crabbs Branch Way and Amity Drive Extended in accordance with the Shady Grove Sector Plan.
4. The applicant should meet with the Town of Washington Grove in the early stages of facility planning and at regular intervals during design development.
5. The applicant should consult with the Shady Grove Implementation Advisory Committee and the Smart Growth Initiative Implementation Advisory Group during facility design.

PROJECT DESCRIPTION

Montgomery County proposes to acquire two parcels, known in the Shady Grove Sector Plan, as Casey 6 (19.05 acres +/-) and Casey 7 (16.95 acres +/-) for a combined total of approximately 36 acres +/- of unimproved land. The extent of this review is for site selection only (Attachment B).

The purpose of the acquisition is for relocation of the Equipment Maintenance and Operations Center (EMOC) which is currently located on Crabbs Branch Way within the County Service Park. A facility will be designed and built on the subject site for this purpose; a second Mandatory Review application will be submitted for facility design.

These properties were selected as part of Montgomery County's Smart Growth Initiative which implements the relocation of the 92-acre County Service Park as recommended in the 2006 Shady Grove Sector Plan.

Site Description

The Casey 6 and Casey 7 properties consist of two parcels located on the north and south sides of I-370 immediately west of the CSX railroad tracks. The future Western Maintenance Facility for the Intercounty Connector (ICC) occupies a 4.80-acre tract between Casey 6 and Casey 7.

The properties confront The Grove Shopping Center across Crabb's Branch Way to the east and adjoin the Robert's Oxygen property to the north. The Town of Washington Grove lies further to the north.

The property is relatively flat and partially forested. Details of existing conditions of the site are discussed in the Environmental Resources section of this report.

On October 11, 2007, the Planning Board granted approval (#120070320) for 340 dwelling units with 43 MPDUs on the Casey 7 property. The approval includes a structured parking garage between the residential buildings and the CSX railway.

The Casey 6 property has been approved for 329,000 square feet of commercial office space.

Access and Parking

The subject site is located along Crabbs Branch Way. This roadway will be extended under I-370 to provide access to Casey 7. The Preliminary Plan of Subdivision requires extending Crabbs Branch Way to Amity Drive.

Access, circulation and parking will be evaluated as part of the facility design and subsequent Mandatory Referral review.

ANALYSIS

Master Plan

The 2006 Approved and Adopted Shady Grove Sector Plan recommends several options on both properties for residential and non-residential development as well as potential relocation of the County Service Park. The Plan recommends "Acquiring land adjacent to Robert's Oxygen for a local park of approximately 5 acres to meet recreational needs. Achieve park through dedication if Casey 6 is part of a joint development with the County Service Park." (page 30)

For Casey 6, ... "The Plan provides land use options that help satisfy the community's recreational needs and provide options for office, housing or relocation of County facilities while respecting the environmental constraints."

Further, the Sector Plan recommends “requiring significant landscaping and noise buffers to mitigate development impacts on adjacent residential communities of the Town of Washington Grove and Mill Creek.”

Regarding Casey 7...“Its high visibility and access to two roadways make the property a key site for development and may be a potential location for some County Service Park facilities, but must be developed to maximize compatibility with adjacent uses. Alternatively, this site provides options for housing or technology uses if no County facilities are relocated. Noise mitigation should be provided.” (page 30)

The land use recommendations of the Shady Grove Sector Plan explicitly consider relocation of County facilities to the Casey 6 & 7 properties. The County’s proposed action to acquire these properties is consistent with the Plan recommendations.

Because the properties have also received subdivision approval for residential and office use, the County must assume the obligations for the needed roadway, pedestrian and bikeway facilities recommended in the Shady Grove Sector Plan.

Development Standards

This review covers site selection only. Development standards will be evaluated as part of the facility design.

Environmental Resources

The Preliminary Plan of Subdivision staff report describes the site as relatively flat and partially forested. The site includes 5.95 acres of existing forest cover and 2.0 acres of wetlands. There are three streams on-site with an associated 14.11 acres of environmental buffers. Two of the three streams are on Parcel 6; the remaining stream is on Parcel 7. All of these streams continue to flow off-site.

There are 5.95 acres of existing forest on Parcels 6 and 7 of this property. The on-site forest is comprised of five (5) separate forest stands. The largest stand is 2.50 acres in size and is located on Parcel 7. This stand is comprised of Tulip Poplar with some non-native invasive plant material beginning to dominate the area. The other four (4) forest stands are located on Parcel 6. The largest of these stands is 1.82 acres in size and is dominated by Red Maple and Persimmon. There is no understory layer and the shrub layer is dominated by Blackberry, Multiflora Rose and Tatarian Honeysuckle. The remaining three (3) stands vary in size from 0.26 acres to 1.07 acres. There are five (5) trees 24 inches in diameter and greater on the subject property and one (1) tree 30 inches in diameter.

Historic Resources

The properties are adjacent to the Town of Washington Grove which is listed on the National Register of Historic Places. The Town has commented on the proposed acquisition.

Staff recommends that the County engage with the Town of Washington Grove and the M-NCPPC Historic Preservation staff during the facility planning process in order to minimize any impacts to the historic town.

Transportation

The County will be bound by all transportation, pedestrian, and bikeway conditions of Preliminary Plan #120070320. Transportation will be evaluated as part of the facility design; during facility design the County should pay special attention to providing safe and attractive pedestrian routes from the surrounding residential communities to the Shady Grove Metro Station.

COMMUNITY CONCERNS

Staff circulated the County's letter requesting site selection review to:

- The Town of Washington Grove
- Members of the Shady Grove Implementation Advisory Committee
- Civic groups and homeowners' associations in the vicinity of the Shady Grove Metro Station node

Darrell Anderson, Mayor of the Town of Washington Grove stated a number of concerns (Attachment C):

- The Town's conclusion that this action does not support the County's stated tenets of the Smart Growth Initiative and does not protect existing communities such as Washington Grove;
- Substantial noise, loss of tree cover and light intrusion from ICC construction;
- Lack of County responsiveness to Town concerns regarding noise, light, and pollution impacts from ICC construction and Robert's Oxygen operations;
- Severing the communities of Amity, Briardale and Washington Grove from access to the Shady Grove Metro except by walking past unpleasant industrial facilities;
- Upsetting the balance contained in the Shady Grove Sector Plan which exchanged County industrial facilities for higher density development. The Town concludes that this proposal retains the industrial character and also adds the effects of additional residential and commercial development.
- Direct, indirect and cumulative effects of County actions on the 135-year old historic town.

Several other Washington Grove residents shared similar concern. A member of the Shady Grove Implementation Advisory Committee asked that the County's proposal to relocate EMOC be considered at the September 2009 meeting.

CONCLUSION

The County's proposal to relocate the EMOC facilities from the County Service Park to the Casey 6 & 7 properties is consistent with the 2006 Shady Grove Sector Plan. In approving the Preliminary Plan for this property, the Planning Board imposed conditions of approval for transportation, environmental protection, and compatibility. These conditions, and a new Forest Conservation Plan, should form the basis for the County's design of the new facilities.

The Town of Washington Grove and other persons or groups with direct interest in the compatible development of these properties should be included in the County's facility design process.

SE:ha: G:\EDWARDS\MR 09302-MCDGS-1.casey 6 & 7 site selection. staff report.061609.doc

Attachment A: Letter from David Dise, Department of General Services
Attachment B: Casey 6 & 7 Property Acquisition Map
Attachment C: Letter from Darrell Anderson, Mayor of Washington Grove

ATTACHMENT A



DEPARTMENT OF GENERAL SERVICES

RECEIVED
0471
MAY 15 2009

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

Isiah Leggett
County Executive

David E. Dise
Director

May 13, 2009

Mr. Royce Hanson, Chairman
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Mandatory Referral for Casey 6 & 7 Property Acquisition

Dear Mr. Hanson:

The Department of General Services is hereby requesting an administrative mandatory referral review for the acquisition of certain property in the Gaithersburg area. The subject property consists of two parcels, known in the Shady Grove Sector Plan as Casey 6, consisting of 19.05 acres and Casey 7, consisting of 16.95 acres, for a combined total of 36 acres +/- of unimproved land.

Montgomery County proposes to acquire the subject 36 acres +/- of land in fee simple for the relocation of the Equipment Maintenance and Operations Center (EMOC). EMOC is currently located on Crabbs Branch Way within the County Services Park (CSP). A facility will be designed and built on the subject 36 acres +/- of land for this purpose. The subject property was selected as part of Montgomery County's Smart Growth Initiative. The relocation of CSP facilities to Casey 6 and Casey 7 is consistent with a goal of the Shady Grove Sector Plan.

Both parcels are located north of Shady Grove Road. Casey 6 and Casey 7 are bisected by Interstate I-370 and will be accessible from Crabbs Branch Way. The parcels are more particularly identified as follows:

Casey 6 – A portion of the property of Betty B. Casey, et al., recorded in Liber 13830 at Folio 424, among the Land Records of Montgomery County, Maryland. Casey 6 is currently under contract of sale with RST Development, L.P. It is comprised of 19.05 acres of land. Casey 6 is part of Parcel P131 as shown on Montgomery County Tax Map GS13. It also contains all of parcel P823 on Tax map GT11.

Casey 7 – A portion of the property of Betty B. Casey, et al., recorded in Liber 13830 at Folio 424, among the Land Records of Montgomery County, Maryland. Casey 7 is currently under contract of sale with RST Development, L.P. It is comprised of 16.95 acres of land. The northernmost 1.82 acres have been split from the rest of the parcel by an extension of Crabbs Branch Way. Casey 7 is part of Parcel P131 as shown on Montgomery County Tax Map GS13.

Office of the Director

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
www.montgomerycountymd.gov


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Royce Hanson
May 13, 2009
Page 2

The County has entered into a contract of sale to purchase Casey 6 & 7. The contract is the culmination of many months of negotiations with the ownership group. A legal description showing the location of each parcel is enclosed for your reference. The County must close on the purchase no later than July 1, 2009.

The County will later submit for mandatory referral on the development of the property and that will be a much more detailed application.

Please feel free to contact Bernard Fitzgerald at 240-777-7151 should you have any questions.

Sincerely,

David E. Dise, Director
Department of General Services

DD:bf

Enclosure

Copy: Bernard Fitzgerald, DGS

EXHIBIT A Property Description



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

JUNE 19, 2008
DESCRIPTION OF A PORTION
OF THE PROPERTY OF
BETTY B. CASEY, ET AL
LIBER 13830 FOLIO 424
NINTH (9TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being part of the property acquired by Betty B. Casey, et al from Betty Brown Casey, trustee, by deed dated December 12, 1996 and recorded in Liber 13830 at folio 424 among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Part I

Beginning for the same at a point marking the common corner with Oxbridge development at Washington Grove, LLC, recorded in Liber 21490 at Folio 47 and the common corner of Oakmont Limited Partnership as recorded in Liber 11809 at Folio 338 and also the common corner of Outlot "A", Block 36, Washington Grove, recorded as Plat No. 19440 all among the aforesaid Land Records; thence running with the common line of said Oxbridge Development at Washington Grove the following two (2) courses and distances

- 1.) South 72° 02' 10" East, 363.12 feet to a point; thence
- 2.) 553.78 feet along the arc of a non-tangent curve to the left having a radius of 550.00 feet and a chord bearing and distance of South 22° 11' 20" East, 530.68 feet to a point marking the northerly line of State Road Commission Plat No. 57003; thence running with said northerly line of State Road Commission Plat No. 57003, the following three (3) courses and distances
- 3.) South 20° 10' 23" West, 5.35 feet to a point; thence
- 4.) South 33° 46' 39" West, 229.43 feet to a point; thence
- 5.) South 29° 21' 08" West, 34.98 feet to a point on the easterly line of Crabbs Branch Way, width varies, recorded as Plat No. 23793 among the aforesaid Land Records; thence running with the outline of said Crabbs Branch Way, the following four (4) courses and distances
- 6.) North 47° 02' 25" West, 37.13 feet to a point; thence
- 7.) North 42° 57' 35" East, 10.00 feet to a point; thence
- 8.) North 47° 02' 25" West, 100.17 feet to a point; thence
- 9.) South 42° 57' 35" West, 106.00 feet to a point marking the line of State Road Commission Plat No. 57749; thence running with the common line of State Road Commission Plat No. 57749 the following four (4) courses and distances
- 10.) North 47° 02' 40" West, 59.72 feet to a point; thence

VIKA Incorporated
20251 Century Boulevard, Suite 400 ■ Germantown, MD 20874 ■ (301) 916-4100 ■ Fax (301) 916-2262
McLean, VA ■ Germantown, MD

- 11.) South 44° 59' 57" West, 257.12 feet to a point; thence
- 12.) South 07° 30' 50" East, 68.92 feet to a point; thence
- 13.) South 37° 18' 36" West, 452.95 feet to a point on the easterly line of CSX Transportation, Inc., as recorded in Liber 6090 at Folio 708 among the aforesaid Land Records; thence running with a portion of said easterly line of CSX Transportation Inc.
- 14.) North 31° 48' 52" West, 1599.85 feet to a point in Ridge Road; thence running with said Ridge Road
- 15.) North 49° 38' 28" East, 40.45 feet to a point marking the common line of Oakmont Limited Partnership, recorded in Liber 10216 at Folio 108 among the aforesaid Land Records; thence running with the property of Oakmont Limited Partnership, recorded in said Liber 10216 at Folio 108 and Liber 11809 at Folio 338, the following three (3) courses and distances
- 16.) South 31° 48' 52" East, 742.30 feet to a point; thence
- 17.) North 58° 09' 41" East, 637.17 feet to a point; thence
- 18.) North 25° 46' 43" East, 316.46 feet to the point of beginning containing 829,068 square feet or 19.03278 acres of land.

Part 2

Beginning for the same at a point marking the southerly end at the North 46° 30' 00" West, 55.00 foot southwesterly right-of-way line of Crabbs Branch Way, 80 feet wide, as recorded on a plat entitled "Parcel A, The Grove" recorded as Plat No. 12665 among the aforesaid Land Records; thence running with said southwesterly right-of-way line of Crabbs Branch Way, the following three (3) courses and distances

- 1.) 485.90 feet along the arc of a tangent curve to the right having a radius of 960.00 feet and a chord bearing and distance of South 31° 56' 50" East, 480.73 feet to a point; thence
- 2.) South 17° 26' 50" East, 205.00 feet to a point; thence
- 3.) South 27° 33' 10" West, 79.27 feet to a point on the northerly right-of-way line of Shady Grove Road, width varies, as shown on un-recorded Montgomery County Department of Transportation Plats 6, 7 and 12; thence running with said northerly right-of-way line of Shady Grove Road, the following six (6) courses and distances
- 4.) South 87° 29' 03" West, 4.08 feet to a point; thence
- 5.) South 75° 24' 55" West, 100.13 feet to a point; thence
- 6.) South 78° 15' 48" West, 50.25 feet to a point; thence
- 7.) South 72° 33' 10" West, 150.00 feet to a point; thence
- 8.) South 78° 15' 48" West, 301.50 feet to a point; thence



9.) South 72° 33' 10" West, 266.03 feet to a point on the easterly line of CSX Transportation, Inc. as recorded in Liber 6090 at Folio 708 among the aforesaid Land Records; thence running with said easterly line of CSX Transportation, Inc.

10.) North 31° 47' 52" West, 380.88 feet to a point on the southerly right-of-way line of Interstate 370, width varies, as shown on State Road Commission Plats 48416 and 49208; thence running with said southerly right-of-way line of Interstate 370, the following two (2) courses and distances

11.) North 37° 19' 05" East, 835.40 feet to a point; thence

12.) North 44° 53' 52" East, 105.09 feet to a point marking the southwesterly right-of-way line of Crabbs Branch Way, 86 feet wide, recorded as Plat No. 23793 among the aforesaid Land Records; thence running with said southwesterly line of Crabbs Branch Way, the following two (2) courses and distances

13.) South 47° 02' 25" East, 192.88 feet to a point; thence

14.) North 43° 33' 10" East, 3.11 feet to a point on the aforesaid southwesterly right-of-way line of Crabbs Branch Way (Plat No. 12665); thence running with said southwesterly right-of-way line of Crabbs Branch Way

15.) South 46° 26' 50" East, 55.00 feet to the point of beginning containing 658,492 square feet or 15.11690 acres of land.

Part 3

Beginning for the same at a point marking the southerly end of the North 53° 30' 00" East, 491.86 foot plat line of Parcel A as recorded on a plat entitled "Parcel A, The Grove" recorded as Plat No. 12665 among the aforesaid Land Records; thence running with said plat line of Parcel A

1.) South 43° 33' 10" West, 231.87 feet to a point on the northerly right-of-way line of Crabbs Branch Way, 86 feet wide, recorded as Plat No. 23793 among the aforesaid Land Records; thence running with said northerly right-of-way line of Crabbs Branch Way

2.) North 47° 02' 25" West, 190.86 feet to a point on the southerly right-of-way line of Interstate 370, width varies, as shown on State Road Commission Plats 48416 and 49208; thence running with said southerly right-of-way line of Interstate 370, the following two (2) courses and distances

3.) North 44° 53' 52" East, 190.04 feet to a point; thence


4.) North 71° 56' 23" East, 557.77 feet to a point on the northerly line of said Parcel A, The Grove; thence running with said northerly line of Parcel A

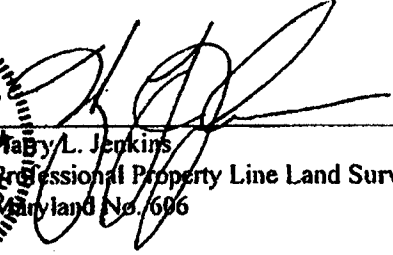
5.) South 53° 33' 10" West, 453.74 feet to the point of beginning containing 79,649 square feet or 1.82849 acres of land.



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 8 of the Code of Maryland Regulations (COMAR) as enacted and amended.

June 19, 2005
 Date



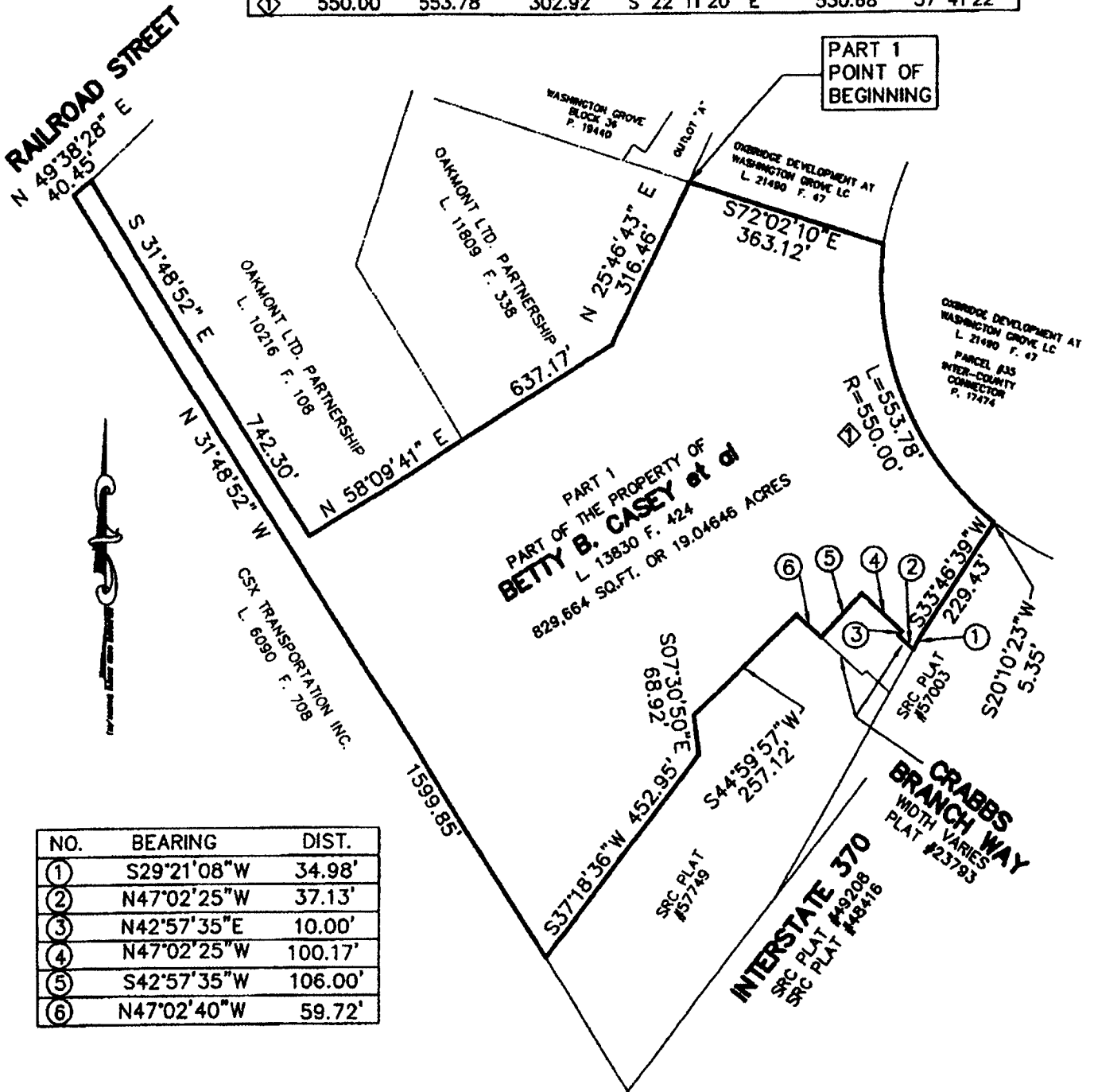


Harry L. Jenkins
 Professional Property Line Land Surveyor
 Maryland No. 606



CURVE TABLE

NO.	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE	DELTA
◇	550.00'	553.78'	302.92'	S 22°11'20" E	530.68'	57°41'22"



NO.	BEARING	DIST.
①	S29°21'08"W	34.98'
②	N47°02'25"W	37.13'
③	N42°57'35"E	10.00'
④	N47°02'25"W	100.17'
⑤	S42°57'35"W	106.00'
⑥	N47°02'40"W	59.72'

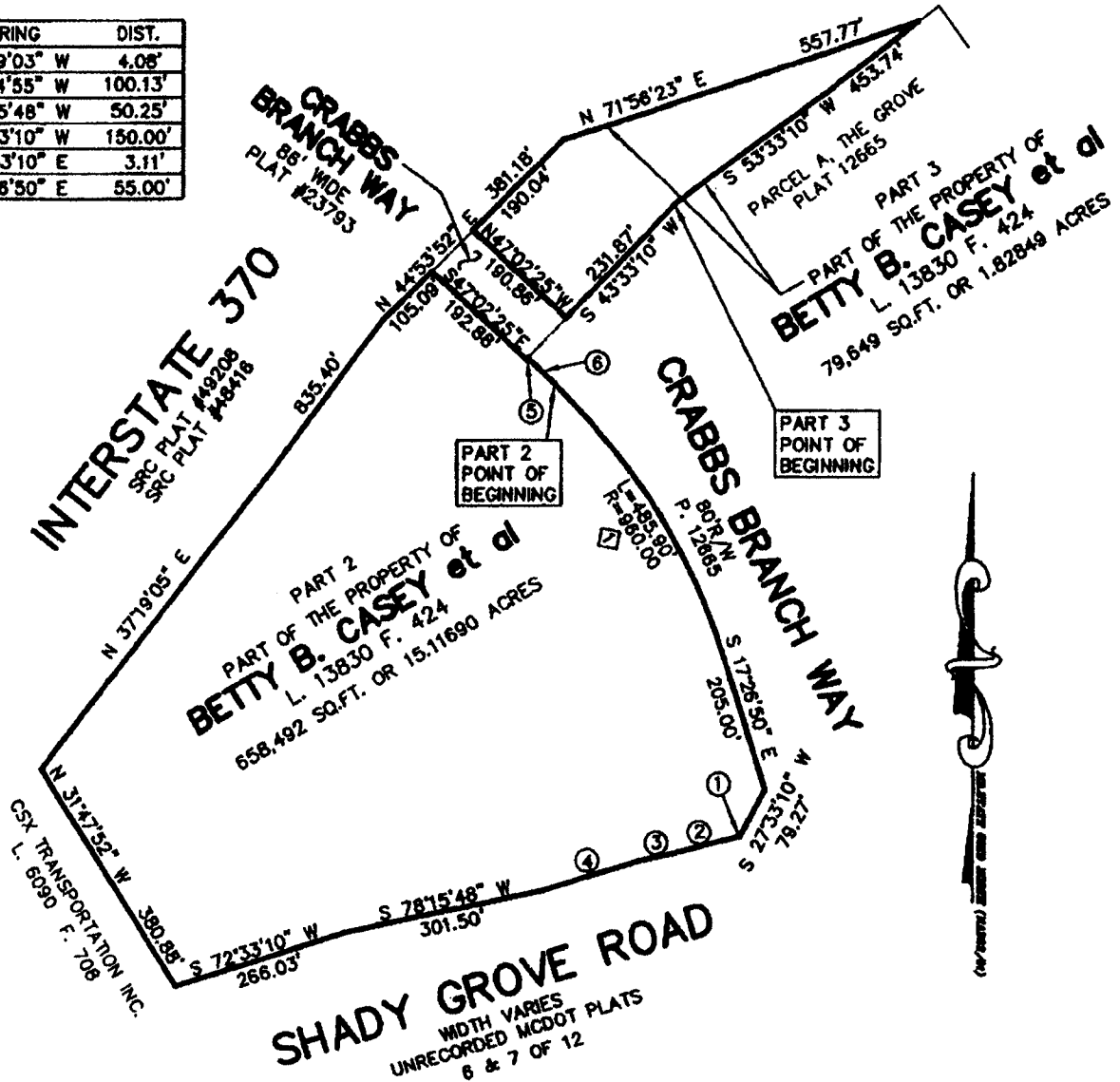
SKETCH SHOWING A PORTION OF THE PROPERTY OF **BETTY B. CASEY et al**
 L. 13830 F. 424
 9TH ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 250' JUNE, 2008
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VIA
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 VIKI INCORPORATED
 20281 CENTURY BOULEVARD - SUITE 6400 ■ GERMANTOWN, MARYLAND 20874
 (301) 918-4100 ■ FAX (301) 918-2382
 GERMANTOWN, MD. WOLFE, VA.

CURVE TABLE

NO.	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE	DELTA
①	960.00'	485.90'	248.27'	S 31° 56' 50" E	480.73'	29° 00' 00"

NO.	BEARING	DIST.
①	S 87° 29' 03" W	4.08'
②	S 75° 24' 55" W	100.13'
③	S 78° 15' 48" W	50.25'
④	S 72° 33' 10" W	150.00'
⑤	N 43° 33' 10" E	3.11'
⑥	S 48° 26' 50" E	55.00'



SKETCH SHOWING A
 PORTION OF THE PROPERTY OF
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 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 250' JUNE, 2008
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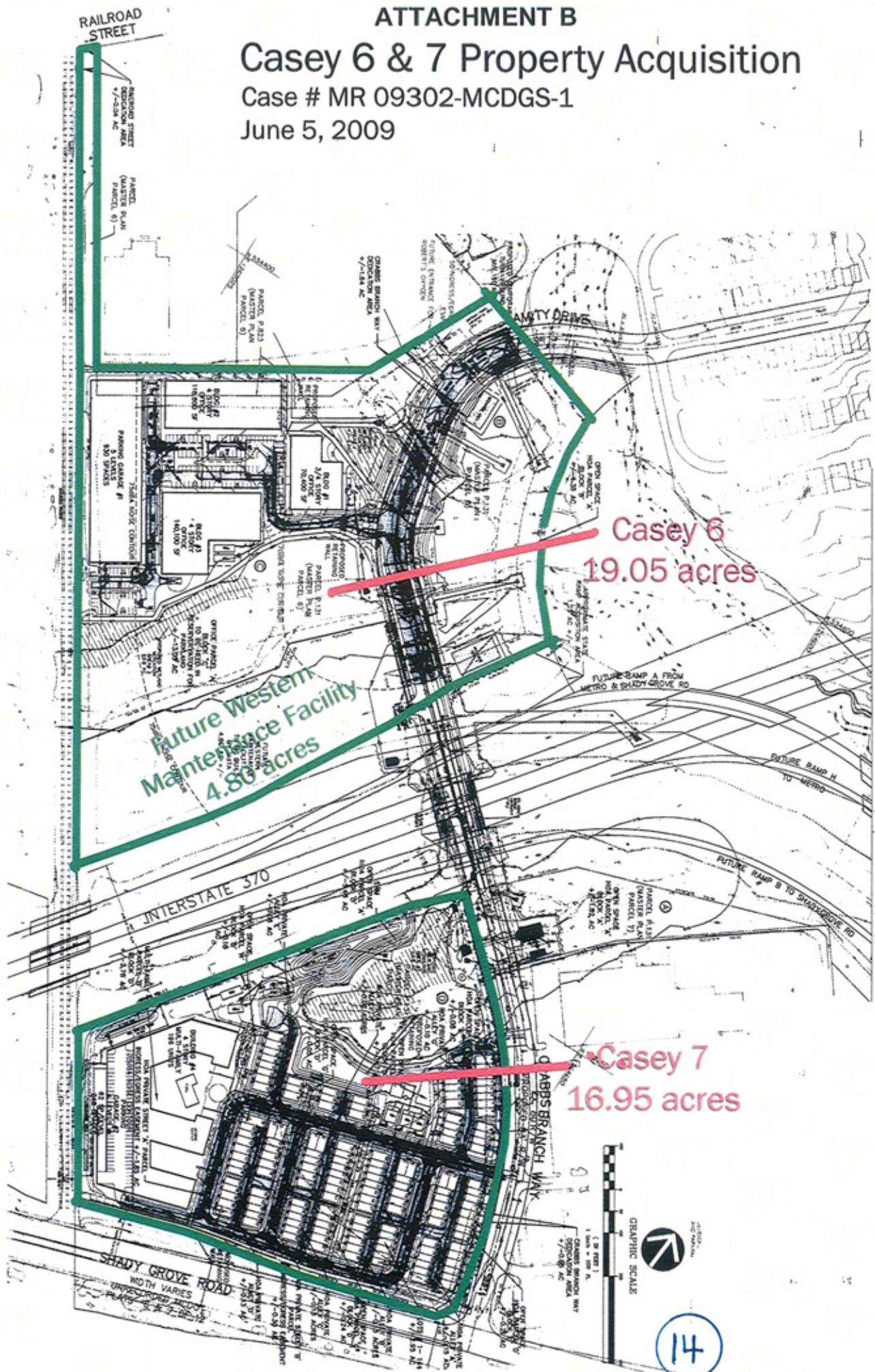
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ATTACHMENT B

Casey 6 & 7 Property Acquisition

Case # MR 09302-MCDGS-1

June 5, 2009



ATTACHMENT C

June 10, 2009

Darrell Anderson, Mayor
The Town of Washington Grove
P.O. Box 216
Washington Grove, MD 20880

Sue Snaman Edwards, AICP
North Central Transit Corridor Team Leader
Montgomery County Planning Department

Ms. Edwards,

Thank you for the opportunity to provide comments for the staff report regarding the proposal to purchase of Casey 6 & 7 for use as part of the distribution of the Crabbs Branch Service Park facilities. The Town Council of the Town of Washington Grove met on June 8, 2009, to determine the Town's position; the meeting was attended by Town residents who provided testimony in support or in opposition to the proposed use for Casey 6 & 7.

The Town Council voted unanimously to OPPOSE the purchase of Casey 6 & 7 for service facilities. This was in concert with the vast majority of resident comments.

The following are the primary reasons for opposition to the proposed purchase for use of Casey 7 for EMOC and Casey 6 for the County Service Yard.

- Such use is incompatible with the stated tenets of the Smart Growth Initiative (SGI), which supports maintaining residential development close to transportation centers; in this case, the Shady Grove Metro Center. One of the main tenets of the SGI is to protect and maintain existing communities, such as Washington Grove. This proposal falls short in each area, and is not a plan for a livable, vibrant community as was envisioned.
- The Town of Washington Grove currently is being significantly impacted by the construction of the ICC on our southern border. Already, with the loss of thousands of trees that buffered the considerable impact of I-370 regarding noise and light, construction of the ICC has degraded our environment.
- Our responses from the County and State regarding noise, light, and pollution impacts from the ICC, as well as Roberts Oxygen, have gone largely ignored, and there is no reason to expect this will improve substantially as the industrialization of Casey 6 & 7 proceeds.
- The existing communities around Amity, Briardale, and Washington Grove will be cut off from the Metro. This is counter to the vision of the original Shady Grove Sector Plan which was intended to promote connectivity and transitional zoning between the old and new communities. The connection under this proposal will be unpleasant, industrial facilities that

will discourage walking or biking. It encourages those in the new community into cars to get out and everyone else into cars to get there.

- The benefit of the Shady Grove Sector Plan to the old communities was that the intense industrial uses would be moved out of the neighborhood. Overall, the exchange of high density residential, commercial and office space would be a net improvement in terms of traffic and environment. The Town conceded the exchange as balanced. Now with this proposal, the older communities reap the harm of continued intense industrial uses combined with the same higher density development. This creates a mix that unquestionably degrades the quality of life.
- Washington Grove is a historic resource that is in danger of being lost because of inattention by those with the goal of unending development on an area that can least afford it. As hard as we work to preserve this 135-year-old Town, it cannot be done without the County's commitment to preserve it, too. This must include ensuring compatible uses adjacent to the Town, keeping it connected to the vibrant area to be developed around the Metro, and refraining from adding even more burdens to this already overburdened area of the county.

The above are many good reasons for opposition to placement of County services next to residential neighborhoods. On the assumption that the County will proceed with the purchase and placement of services on Casey 6 & 7 regardless of community input, I am asking the Planning Board to work closely with the Town and other neighborhoods to alleviate our specific concerns.

Again, thank you for the opportunity to provide comments for the staff report. The Town of Washington Grove remains committed to working to improve neighborhoods, increase access to public transportation, and creating a livable environment for our residents and neighbors. We feel placing County services on Casey 6 & 7 is contrary to that vision.

Best regards,



(e-signature)

Darrell Anderson
Mayor of the Town of Washington Grove