

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

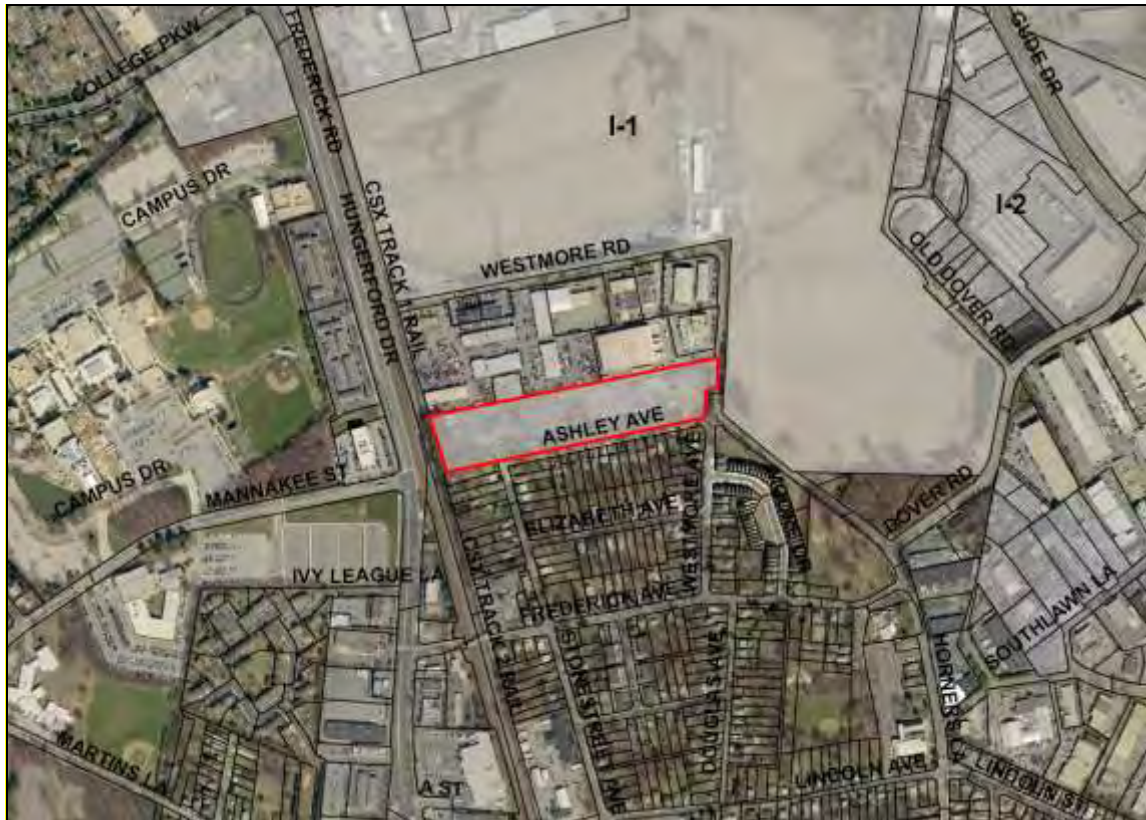
Approval of Preliminary Plan 120100170 with the following conditions:

1. The Applicant must limit the preliminary plan to two warehouse buildings totaling up to 42,160 square feet.
 2. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by contributing to the Montgomery County Department of Transportation (MCDOT) \$33,000 or \$11,000 for each of the 3 new peak-hour trips. The PAMR payment to MCDOT must be made prior to issuance of any building permit.
 3. The Applicant must dedicate additional right-of-way for a total of 35 feet from the centerline along northern half of the property's Westmore Avenue frontage and provide a 7-foot-wide sidewalk with a 7-foot-wide green panel/buffer along the property frontage as shown on the revised plan dated October 3, 2011 prior to issuance of a building permit.
 4. The Applicant must provide a 7-foot-wide sidewalk along the frontage of Ashley Avenue prior to issuance of a building permit.
 5. The Applicant must satisfy provisions for water and sewer as required by the City of Rockville prior to issuance of a building permit.
 6. The Applicant must satisfy provisions for access and improvements as required by the City of Rockville prior to recordation of plat(s).
 7. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
 8. Submit revised Final Forest Conservation Plan showing soil remediation and afforestation of the 215 foot by 8 foot strip (1,720 square feet) to be added to the Category I Conservation Easement on-site, as shown on the Preliminary Plan.
 9. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue (MCF&R) letter dated November 1, 2010. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
 10. The Applicant must comply with the conditions of approval of the MCDOT letter dated July 7, 2010. These conditions may be amended by the MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
 11. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated January 22, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
 12. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
 13. All necessary easements must be shown on the Record Plat.
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SITE DESCRIPTION

Site Vicinity

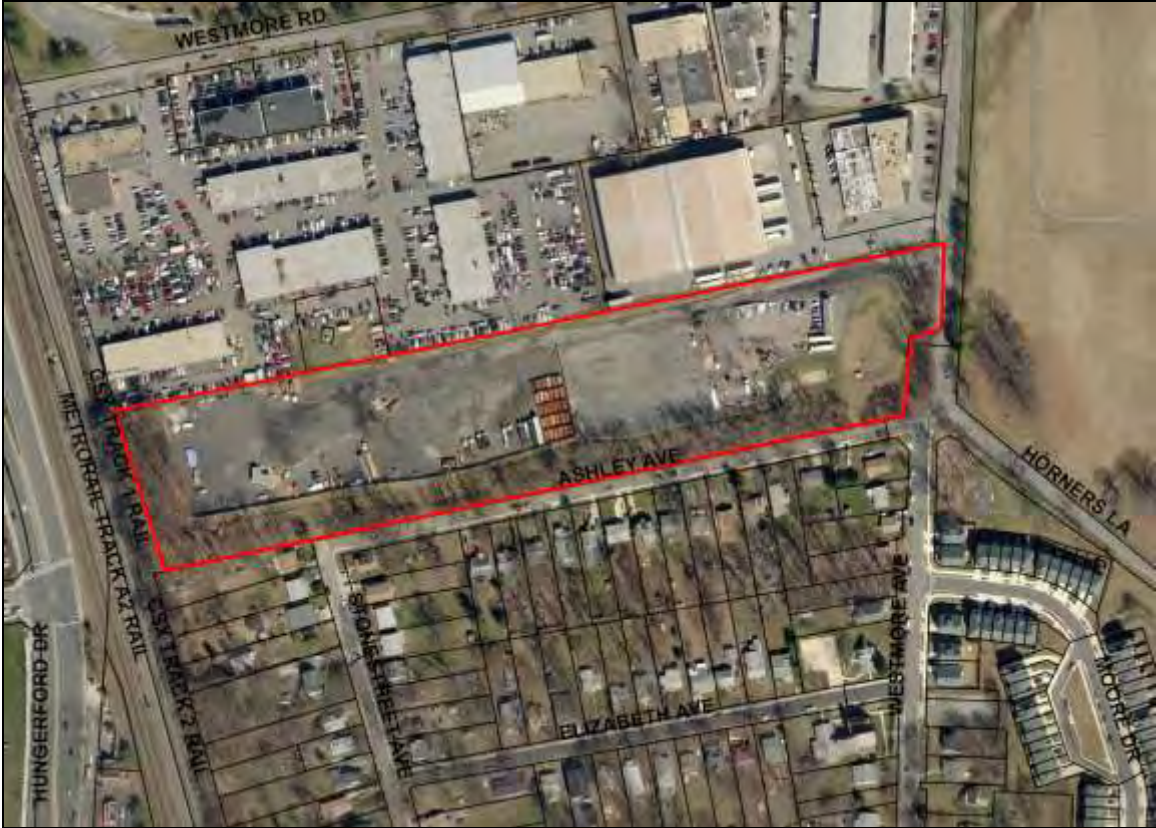
The Subject Property (outlined in red) is located in the northwest quadrant of the intersection of Westmore Avenue and Ashley Avenue in the 2004 Approved and Adopted Upper Rock Creek Area Master Plan area. The Property abuts the City of Rockville on the north, west, and south. The uses to the south of the Subject Property are predominantly residential. The uses to the north and east are predominantly industrial. The CSX and Metro lines abut the Property on the west, and the Montgomery County College property is located to the west of Rockville Pike (MD 355). There are various commercial properties along MD 355 near the Subject Property.



Vicinity Map

Site Analysis

The Subject Property is an unrecorded parcel, Parcel P92 shown on Tax Map GR343. It is approximately 10.07 acres (438,600sf) in size and contains an existing 597 square foot office building. The property is covered almost entirely with a gravel parking lot, and is currently used for outdoor storage of various vehicles, materials, and supplies. The site is gently sloping from west to east. There are no streams, wetlands, 100-year floodplains, steep slopes or highly erodible soils onsite. There are 7.97 acres of existing forest located along the western and southern borders of the Subject Property.



Site Aerial View

PROJECT DESCRIPTION

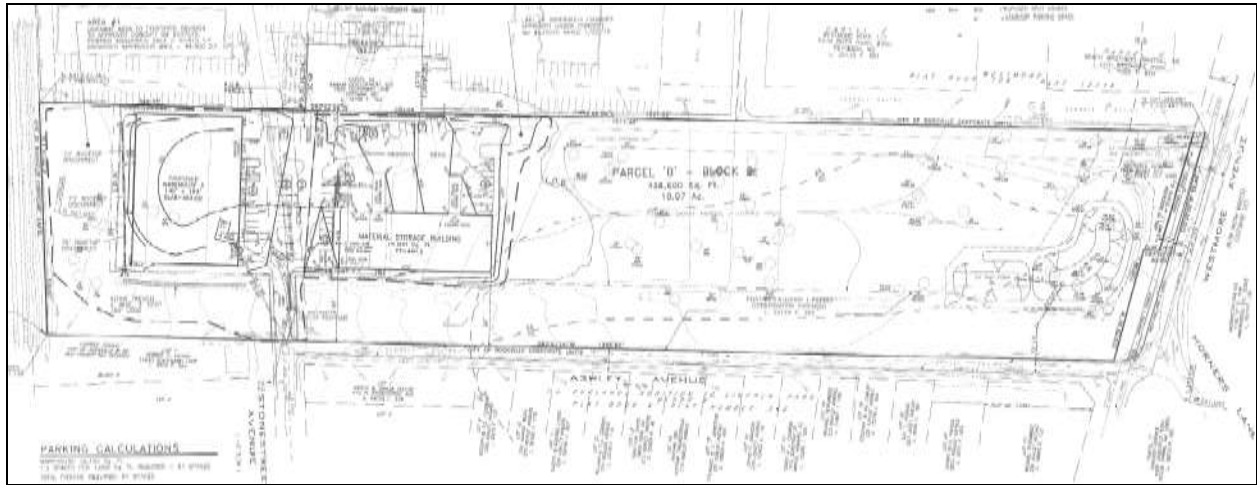
Background

The Approved and Adopted Upper Rock Creek Master Plan Area was approved in April 2004. At that time, it was assumed by both the City of Rockville and Planning Board staff that the Subject Property did not have connections to water and sewer onsite. A petition for annexation into the City of Rockville (ANX 2005-00138) followed in 2006 with a proposed residential development which was consistent with the recommendation of the Upper Rock Creek Area Master Plan. The request was heard by the Rockville Planning Commission on October 11, 2006; the Rockville Mayor and Council at a public hearing on October 23, 2006; and the Montgomery County Planning Board at a public hearing in November of 2006 (Attachment A). The annexation request for residential development had been recommended for approval, but the Applicant did not carry forward with the annexation. The Applicant cites learning of the documented environmental hazards in the vicinity of the property by the Montgomery County Fire and Rescue, Local Emergency Planning Council (LEPC) (Attachment B) as reason for withdrawing the application.

Proposal

The Application seeks approval to record one lot to allow for construction of a 15,000 square foot material storage building and a 27,160 square foot warehouse. The existing 597 square foot office building will be retained within the warehouse. The Applicant will be required to dedicate approximately 2,685 square feet of additional right-of-way for Westmore Avenue, a 70-foot wide master-planned

industrial roadway. The site will be served by public water and public sewer by the City of Rockville. No additional upgrades to the existing lines are proposed at this time. Any future upgrades to the existing water and sewer lines are subject to approval by the City of Rockville.



Preliminary Plan

Development Issues

City of Rockville Opposition

The City of Rockville has written two letters of opposition regarding this Preliminary Plan, one from the Mayor, Phyllis Marcuccio, and one from Chief of Planning, James Wasilak (Attachments C and D). The City is opposed to the proposed light industrial use primarily because the City's 2007 Lincoln Park Neighborhood Plan envisions annexation of the Subject Property and long-term redevelopment of the Property as residential.

The City is also concerned about the proposed use and the potential impacts to the surrounding residential properties. Specifically, the City is concerned about a lack of fire suppression, the impact of additional traffic and access to the site, the potential for excessive noise generated by the proposed use, negative air quality impacts, and visual impacts resulting from lighting of the site. The property is outside of the Washington Suburban Sanitary Commission (WSSC) service district. The City of Rockville supplies the site with water and sewer, and the City has extended a very limited water and sewer connection to the Property. This service is limited to the existing 1" water and 4" sewer lines, which serves the 597 square foot office on the site. The City feels that the industrial use of this property should not be continued, nor expanded, and has refused to upgrade the current capacity of the water and sewer lines for the proposed light industrial use. If upgrades to the water and sewer services become necessary, or if fire suppression or fire hydrant coverage is insufficient for the property, the City would request that the Property be annexed into the City to provide those upgrades. The City of Rockville also performed a pressure and flow test of the nearest hydrant to the Subject Property, and MCFRS indicated that a final flow test would be performed at the time of building permit. However, the nearest hydrant would be required to flow at 1,000 gpm, and according to the City's flow test, the nearest hydrant flows at 1,024 gpm.

City's 2007 Lincoln Park Neighborhood Plan

The single family residential properties to the south of the Subject Property are located within the City's Lincoln Park Neighborhood Plan. An objective of the Lincoln Park Neighborhood Plan addresses the Subject Property specifically (referred to as the WINX site, p. 16):

"Eliminate industrial uses and zoning for redevelopment areas such as the Board of Education property on North Stonestreet Avenue, the WINX site on Ashley Avenue, and the industrial areas on Frederick Avenue and North Horners Lane."

The City's Neighborhood Plan encourages the redevelopment of this property as residential, which should "seamlessly relate to the eclectic and vernacular nature of the existing homes in the Lincoln Park neighborhood", and be a mix of single-family detached, attached, and semi-detached units. Ultimately the City concludes that although they acknowledge that the proposed storage use may not negatively impact the adjacent residential properties as much as other uses allowed within the County's I-1 Zone, given the Neighborhood Plan objective to eliminate industrial uses and zoning from this site the City staff cannot support the proposed Preliminary Plan. Planning Staff suggests that the proposed use is temporary and does not preclude development of the property for a higher and better use if or when it is annexed into the City.

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has received two letters of correspondence from citizens as of the date of this report. One letter is in opposition to and one letter is in support of the proposed industrial uses (Attachments E and F).

The citizen's concern is centered primarily on the idea of locating an industrial storage facility adjacent to a residential neighborhood. The citizen is also concerned about devalued residential property near an industrial storage facility, increased commercial and truck traffic, pedestrian and child safety, aesthetically displeasing site, and a potential increase in crime.

FINDINGS

MASTER PLAN

The Property is located within the 2004 Approved and Adopted Upper Rock Creek Area Master Plan. The 2004 Upper Rock Creek Area Master Plan includes analysis and a recommendation for this property, known in the Plan as the WINX property for its primary user at the time the Plan was completed. The Plan specifically makes the following recommendations (page 31):

1. Retain the property in the I-1 Zone, to allow low intensity light industrial uses that do not require community water and sewer service.
2. Support strongly residential development of this property over the long term and support recommendations in appropriate City of Rockville master plans for residential development, including elderly housing, if annexation occurs.

The Master Plan's recommendations (Attachment G) are premised in part on the notion that the property is not part of the Washington Suburban Sanitary Commission's service area, that it is part of

the City's service area, and that it did not have water or sewer service. The final premise, it turns out, is incorrect; a small existing building on the site is indeed served by the City's water and sewer service department. The community planner working on the Upper Rock Creek Area Master Plan understood from City of Rockville planning staff that the City's policies precluded service to properties not within Rockville's service district; all parties assumed as a result that the property's location outside the city limits meant that it was not being served.

Because the property owners had no plans to annex the property to the City of Rockville, the Plan's desired outcome—residential development adhering to the City's Lincoln Park neighborhood plan—was uncertain. There were types of development available—outdoor storage facilities, automobile parking or storage, for example—that do not require sanitary facilities. Moreover, the radio transmission towers that occupied the site at the time of the master plan were likely to remain for some time. Since the owners of the Property had not expressed interest in annexation, the Plan recognized that the radio towers onsite would possibly remain in place for the life of the Master Plan. Thus, the Plan retained the existing light industrial zone, to allow some additional uses of the property while its owners determined a long-term course of action. Light industrial activities were contemplated and determined to be an acceptable interim use of the Subject Property.

The clear intent of the Upper Rock Creek Area Master Plan was for residential development—logically within the City of Rockville—to occur on this property. With water and sewer service understood to be unavailable, the only short- or medium-term use of the property was a low intensity use without such service in the existing light industrial zone. Because the Plan's primary recommendation for residential development remains in place, the availability of water and sewer service to the property should not alter the second recommendation; and should continue to only allow low intensity light industrial uses on the property.

As previously discussed, the proposed use does not require an upgrade to the existing water and sewer service provided by the City of Rockville. Therefore, staff finds the proposed interim light industrial use to be in conformance with the Master Plan recommendations.

TRANSPORTATION

Site Location and Vehicular Site Access Points

The site is located in the north side of Ashley Avenue between Westmore Avenue and the CSX railroad tracks. The subject property is surrounded by the City of Rockville's corporate limits on three sides except the east side. The two existing vehicular access points are from Ashley Avenue and Westmore Avenue.

Available Transit Service

The nearest transit service is provided by Ride-On route 59 that operates on Frederick Avenue approximately 1,000 feet south the site.

Master/Sector-Planned Roadway and Bikeway

Westmore Avenue runs along the eastern side of the property and is located within Montgomery County (i.e., outside the City of Rockville's corporate limits). According to the 2004 approved and

adopted *Upper Rock Creek Master Plan*, Westmore Avenue is designated an industrial roadway with a 70-foot right-of-way and no bikeway. Westmore Avenue has a right-of-way of 70 feet along the southern half and 35-to-40 feet along the northern half of the property frontage. Thus, additional right-of-way dedication for a total of 35 feet from the Westmore Avenue centerline is required. In addition, a 7-foot-wide sidewalk and a 7-foot-wide green panel/buffer are required along the property frontage in accordance with the County’s Road Code Standards 2005.02 and MC-2154.03.

Ashley Avenue is located within the City of Rockville’s corporate limits. Ashley Avenue is a secondary residential street that provides local access for up to 2,000 vehicles per day, and is not listed in the adopted 2002 Rockville *Comprehensive Master Plan*. Ashley Avenue has a 30-foot wide right-of-way, where the standard right-of-way width for a secondary residential road within the City is 50 feet. According to the adopted 2004 Rockville *Bikeway Master Plan Update*, a sign shared roadway is designated along Ashley Avenue.

Pedestrian Facilities

The pedestrian facilities are substandard with only an existing 4-foot-wide sidewalk on the opposite side of Ashley Avenue and no sidewalks along Westmore Avenue. The Applicant will provide pedestrian improvements (a 7-foot-wide sidewalk with a 7-foot-wide green panel/buffer) along the frontage of Westmore Avenue as shown on the Preliminary Plan.

Local Area Transportation Review (LATR)

The two warehouses generate the following number of peak-hour trips during both the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Land Use	Square Feet	Weekday Peak-Hour	
		Morning	Evening
Proposed Warehouse II	27,160	8	9
Proposed Material Storage Building	15,000	5	5
Total Warehouse Space	42,160	13	14
Existing Building	597	1	1
Net Increase of New Trips	41,563	12	13

A traffic study is not required to satisfy the LATR test because the proposed land use generates fewer than 30 peak-hour trips within the weekday morning and evening peak periods.

Policy Area Mobility Review (PAMR)

The Applicant must satisfy the PAMR test under the FY 2010 *Growth Policy* that was in effect when the preliminary plan application was filed. Under that PAMR test, the Applicant was required to mitigate 3 (i.e., 20% of the 13) new peak-hour trips generated by the proposed warehouse within the weekday peak periods. The PAMR test may be satisfied by paying MCDOT \$33,000 (\$11,000 per trip).

Other Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and public sewer systems provided by the City of Rockville. The application has been reviewed by the Montgomery County Fire and Rescue Service (MCFRS) who have determined that the Property has appropriate access for fire and rescue vehicles. The City of Rockville also performed a pressure and flow test of the nearest hydrant to the Subject Property, and MCFRS indicated that a final flow test would be performed at the time of building permit. However, the nearest hydrant would be required to flow at 1,000 gpm, and according to the City's flow test, the nearest hydrant flows at 1,024 gpm. Electrical, gas, and telecommunications services are also available to serve the Property. Police stations, firehouses, and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The preliminary plan application does not include any residential uses, so there is no impact on schools.

ENVIRONMENT

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420002570 for this property was approved on May 3, 2000. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The property contains 7.97 acres of forest. The site's topography slopes from west to east but does not include any moderate or steep slopes. The property contains no streams wetlands or environmental buffers.

The property is within the Upper Rock Creek watershed; a Class IV watershed. The Montgomery County Department of Environmental Protection's "Countywide Stream Protection Strategy" (February 1998) documents the subwatershed condition as poor.

Preliminary Forest Conservation Plan and Environmental Guidelines

This property has a previously approved forest conservation plan (#SC2001001) which showed 5.87 acres of forest clearing, 2.1 acres of forest retention, and a 0.92 acre planting requirement. The 0.92 acre planting requirement was met on-site.

As part of this preliminary plan the applicant has also submitted a revised final forest conservation plan. The forest conservation plan updates the final grading and site design as shown on the preliminary plan. The revised final forest conservation plan also proposes to remove a small section, approximately 2,981 square feet (0.068 acres), of the existing Category I Conservation Easement to allow for fire access and replace it in-kind on-site with 2,988 square feet (0.068 acres) of additional area. Of the 2,988 square feet of additional area 1,268 is existing forest and will not require additional plantings. However, 1,720 square feet area on the west side of the property is currently within the developed area of the site and is not forested. The applicant has proposed this area to be seeded and allowed to naturally regenerate. Staff believes this area is only acceptable as offset for the removal of existing conservation easement if the soil is properly remediated and planted to forest specifications. No trees are being removed or impacted by this project which would otherwise be subject to section 22A-12(b)(3) of the County code. Therefore, a variance is not required as part of this plan.

Staff finds that with the recommended conditions, the project is in compliance with the Montgomery County Environmental Guidelines and the Forest Conservation Law.

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS), Stormwater Management Section, approved the stormwater management concept for the project on January 22, 2010. The concept consists of onsite channel protection measures and onsite water quality control via the existing sand filter and detention pond on the property.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

DEVELOPMENT DATA		
	REQUIRED	PROPOSED
ZONE (H)		
MINIMUM AREA	N/A	10.07 Ac.
GREEN SPACE	10%	29.9%
SETBACKS FROM: STREETS SIDEYARDS	60' FROM \odot 0' OR 10' MIN	100' FROM \odot 10' MIN
HEIGHT: IN STORIES IN FEET	3 42'	1 25'

Development Data Table

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets the requirement and standards of all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for this type of subdivision.

The proposed subdivision was reviewed for compliance with the dimensional requirements of the I-1 Zone as specified in the Zoning Ordinance. The proposed development meets all dimensional requirements in that zone. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment H).

CONCLUSION

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms with the recommendations of the Upper Rock Creek Area Master Plan. Staff recommends approval of the Preliminary Plan subject to the conditions contained at the beginning of this report.

ATTACHMENTS:

- A. Annexation Petition
- B. MCF&R Local Emergency Planning Council – Annexation Comments
- C. City of Rockville – Mayor Marcuccio Letter
- D. City of Rockville Chief of Planning – James Wasilak Letter
- E. Citizen Letter of Opposition

- F. Citizen Letter of Support
- G. Upper Rock Creek Area Master Plan (page 31)
- H. Agency approval letters

**CITY OF ROCKVILLE PLANNING DIVISION
PRELIMINARY REPORT**

September 8, 2006

SUBJECT:

Annexation Petition ANX2005-00138

Petitioners: Westmore Development, LLC
c/o Robert E. Reiver
7825 Tuckerman Lane, Suite 210
Potomac, Maryland 20854

and

Meadow Lo Corporation
c/o Robert O. Eisinger
16220 South Frederick Avenue, Suite 325
Gaithersburg, Maryland 20877

Property Location: 950 North Stonestreet Avenue

Planning Commission Review Date: October 11, 2006
Mayor and Council Public Hearing Date: October 23, 2006

REQUEST:

The petitioners request annexation into the City of Rockville, property consisting of three parcels of land containing 10.51 acres, located on North Stonestreet Avenue and Ashley Avenue in the Lincoln Park neighborhood. Westmore Development, LLC, owns two of the parcels, Part of Parcel A and Parcel B and the other parcel is owned by Meadow Lo Corporation. The property is presently improved with three radio transmission towers and a small radio station. The petitioners request the Mayor and Council classify approximately 10-acres (Parcel B) as R-60 (One-Family Detached Residential) and the other two parcels as I-1 (Service Industrial), upon annexation from Montgomery County into the City of Rockville.

PREFACE:

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. The law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. The Mayor and Council are also required to conduct a public hearing simultaneously for adoption of a new zoning map of the affected area.

Prior to the Mayor and Council's public hearing, the Planning Commission is required to study the subject area and transmit to the Mayor and Council its recommendation as to the appropriate zoning of the property. The Rockville Zoning and Planning Ordinance requires the Planning Commission to conduct a public hearing in conjunction with recommending new zoning.

ANALYSIS:

The Property – The subject property contains approximately 10.51 acres and includes three parcels. Currently, two of the parcels, Part of Parcel A containing 12,758 square feet, and Parcel B containing 10.057 acres, are owned by the Westmore Development, LLC and the third parcel (“Meadow”) containing 6,751 square feet is owned by Meadow Lo Corporation. Part of Parcel A and Parcel B are improved with radio transmission towers that were formerly used by the WINX radio station. The Meadow Lo parcel is currently improved with a surface parking lot that is used for the adjacent industrial buildings. All three parcels are currently zoned for I-1 (Light Industrial) land usage in Montgomery County. Part of Parcel A and Parcel B has vehicular access onto Ashley Avenue. The Meadow parcel has access through the adjacent industrial development. Part of Parcel A and Parcel B are currently served by an onsite private well and septic system.

Existing Land Use & Zoning in the Area – The subject property abuts land within the City of Rockville corporate limits on the north, west and south sides. The land to the north is zoned I-1 (Service Industrial) and used for industrial purposes. The land to the west is the MetroRail and CSX railroad tracks. The land to the south is zoned R-60 (One-Family Detached, Residential) and has single-family detached dwellings. The land to the east, which is located in Montgomery County, is zoned I-1 (Light Industrial) and is owned by Washington Gas Light Company.

Public Services and Facilities – The subject site is outside the established limits for the Washington Suburban Sanitary District. Since the site can only be served with private well and septic, this limits the ability to use this property for anything other than low-intensity uses. However, this property is located in the Rockville water and sewer district, which would permit water and sewer service to the property if the land were located within the City's corporate limits. If this property were to be annexed into the City, any expense incurred in providing water and sewer services shall be the responsibility of the property owners.

Montgomery County provides no services to the subject property that would have to be compensated for if the property is annexed. There are no public facilities currently located on the property. The Annual Growth Policy (AGP) has found the local schools to be adequate. However, the City's Adequate Public Facilities Ordinance (APFO) is stricter than the County's AGP test. The City's APFO finds the schools to be of sufficient capacity. City services such as police protection will be provided through general tax revenue. Any public improvements necessitated by future development such as storm drain or storm water management facilities will be the responsibility of the property owner or future developer, which would be constructed and installed under established permit and bond procedures.

Access to the site will continue to be from Ashley Avenue and Westmore Avenue. A full Comprehensive Transportation Review (CTR) will be required for this property as a part of the

review process for the proposed development. This review will look at the impact on roads, sidewalks, bike and transit facilities, both on and off-site.

The Comprehensive Master Plan Regarding Annexation – The 10-acre portion of this annexation is discussed in the Comprehensive Master Plan, however, the other two properties are not. This Plan states that the 10-acre property is included in the City's "Urban Growth Areas" as established in the approved and adopted 2002 Citywide Master Plan of the City of Rockville. The Plan further indicates that the property should have a residential use and be developed using the R-60 development standards.

Lincoln Park Neighborhood Plan (Planning Commission Draft) – The property is recommended to be developed with a mix of single-family detached, attached (townhouse) and semi-detached (duplex) units, if those hazards by the LEPC can be adequately addressed. Should the property be annexed, the property is recommended to be placed in the R-60 Zone, the same zone as the rest of the neighborhood. The model to be followed in terms of the mix of unit types and design is the Legacy at Lincoln Park redevelopment on Moore Drive, tailored to the site conditions of the WINX property. The property is transitional in that it is located between an existing single-family neighborhood and service industrial uses. The City does not currently have a zone to accomplish this transition appropriately. Based on the desire for single family detached homes on this site, the maximum density to be achieved on the site should be limited by site considerations, required buffering from the adjacent railroad tracks and industrial property, compatible lot sizes, height limitations and setback requirements with the existing neighborhood, and provision of green space, in addition to other factors described below.

The Local Emergency Planning Council (LEPC) for Montgomery County has identified this site as being in proximity to the Washington Gas underground storage facility, and the Suburban Propane storage facility, in addition to potential hazards along the CSX railroad tracks. This plan supports additional forms of hazard mitigation, including but not limited to additional forms of egress from the neighborhood, including a potential connection of Westmore Road to MD 355, physical barriers, and leak detection and monitoring of facilities, if feasible. The LEPC should be fully engaged in any redevelopment of the property.

Montgomery County Master Plan – The Upper Rock Creek Area Master Plan recommends for the long term that this site be used for residential development, which will allow for its annexation and reclassification to a residential zone. The Plan states that some Moderately Priced Dwelling Units or elderly housing should be used at this site. Also, the Plan requests that the design of development be compatible with the Lincoln Park community. However, they state that the ability to use the property for light industrial uses that do not require infrastructure should not be excluded.

Annexation Recommendation – Since the subject site lies within the Urban Growth Area of the City of Rockville and is contiguous to the City of Rockville, approval of the annexation is recommended. Annexation of the property will assist the City's goal of promoting annexation for strategically situated properties near the City's boundaries.

The Maryland-National Capital Parks & Planning Commission (M-NCPPC) staff and Montgomery County Planning Board will review this application in the upcoming weeks. Since the County Master Plan is supporting the rezoning of the 10-acre portion of the property, the County Council would be more likely to approve the request. Also, since the other two properties are consistent with the current County zoning, it is anticipated that the Montgomery County Council would approve the annexation.

Zoning Map

Procedure – When land is annexed all zoning upon that land which was imposed by the authority previously having jurisdiction will no longer exist. Hence, the Mayor and Council must adopt a new zoning map to become effective upon annexation. State law imposes some limitation on the zoning of newly annexed land. The law requires in substance, that the land uses of the City zone must not be substantially different from the use specified in the adopted Montgomery County Master Plan, covering the subject property prior to its annexation. It also precludes the City of Rockville from consideration of rezoning to a zone that allows substantially different land uses for a period of five years without the consent of the County Council.

Montgomery County Zoning Requirements – The Upper Rock Creek Area Master Plan prepared by M-NCPPC is the most current County Plan covering the subject property. The Plan recommends residential land use for the 10-acre portion of the site. However, the Plan also retained the County's I-1 Zone.

The Rockville Plan Regarding Land Use and Zoning – The land use plan of the 2002 Citywide Master Plan recommends single family residential land use for the 10-acre portion of the site, which is similar to the land uses that are south of the large property in the Lincoln Park community. Keeping the other two sites industrial zoning is consistent with the existing surrounding land use.

Zoning Map Recommendation – Staff recommends the 10-acre property be placed in the R-60 (One-Family Detached, Residential) Zone and the two smaller sites to be placed in the I-1 (Service Industrial) Zone, if the Mayor and Council act to annex the property. The land use recommendations are consistent with the recommendations found in the Rockville Master Plan, Lincoln Park Neighborhood Plan draft and the applicable Montgomery County Plan.

/rjt

Attachment

1. Petition for Annexation



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
11/30/06

November 15, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief, Community-Based Planning Division *JAC*
Khalid Afzal, Team Leader, Georgia Avenue Planning Team *KA*

FROM: Frederick Vernon Boyd, Community Planner *FVB*
Georgia Avenue Planning Team (301-495-4654)

SUBJECT: City of Rockville Annexation Petition ANX 2005-00138

RECOMMENDATION: Approval to transmit findings and comments to the Mayor and Council of Rockville

1. The zone proposed for this property is consistent with the Upper Rock Creek Area Master Plan;
2. The properties' developer should be required to commit to a combination of physical improvements at the intersection of East Gude Drive and Dover Road and participate in the City of Rockville's proposed Transportation Management Organization;
3. The properties' developer should also enter into an agreement to participate in the city's proposed Transportation Demand Management Program when the program is established;
4. The properties' developer should build a 4-foot wide concrete sidewalk, with street trees, along the site's Ashley Avenue and Westmore Avenue frontage.

BACKGROUND

The petitioners, Westmore Development LLC and Meadow Lo Corporation, have requested that their properties be annexed by the City of Rockville. They ask that their properties be placed in the city's R-60 (One-Family Detached Residential) and I-1 (Service Industrial) zones.

THE SITE

The petitioners own three separate parcels, totaling 10.51 acres, on Westmore and Ashley avenues, in an unincorporated part of Montgomery County that is adjacent to the Lincoln Park neighborhood in Rockville. The property is generally flat and largely wooded. It houses three radio transmission towers and an associated transmission facility. The properties are located within Rockville's water and sewer service district and outside the established limits of the Washington Suburban Sanitary District. Washington Suburban Sanitary Commission's (WSSC) water and sewerage systems cannot reasonably serve this site. Any relatively intensive residential or non-residential use requires the properties to be annexed, because existing city policy allows for the provision of water and sewer service only to properties within the city's corporate limits.

THE NEIGHBORHOOD

The petitioners' properties are bounded on three sides by land in the city. On the fourth side, across Westmore Avenue, is a Washington Gas Light Company Rockville station, used for the underground storage of natural gas. The properties can be reached only through Lincoln Park, one of the county's oldest African-American communities.

Lincoln Park, to the south of the properties, is a community largely made up of one-family detached houses. To the west are the CSX railroad tracks and a mix of non-residential uses along Hungerford Drive and Frederick Road (MD 355). To the north is land that is used for a variety of light industrial uses, ranging from auto repair to printing. These properties are in the city's I-1 Zone. The gas storage facility is located to the east.

ROCKVILLE PLANNING COMMISSION RECOMMENDATION

The Rockville Planning Commission held a public hearing on the annexation petition on October 11, 2006. The Commission recommended approval of the petition and that the property be classified in the city's R-60 Zone following approval of the annexation.

ANALYSIS

Upper Rock Creek Area Master Plan

The 2004 Upper Rock Creek Area Master Plan evaluated this property and made specific recommendations for it. The Plan recognized that the properties' water and sewer status gave the city effective control over their development potential and acknowledged the city's long-term interest in residential development of the property. It recommended residential uses for the property, in accord with city master plan recommendations, so that annexation could occur without the Council review required when a municipality's desired use for an annexed property is substantially different from the use recommended in the relevant county master plan. At the same time, the Plan recommended retaining the I-1 Zone on the properties, because, at the time of the Plan, the landowners were not contemplating annexation and wanted to maintain the ability to use the land for light industry.

City of Rockville Master Plan

The petitioners' properties are within the city's Urban Growth Limits, which encompass areas the city considers within its policy and land use planning "sphere of influence." The city's 1993 Master Plan reiterated recommendations from a 1984 Neighborhood Plan for Lincoln Park for residential development of the property. More recently, a 2005 draft update of the Lincoln Park plan recommended a mix of one-family housing types on the property, with a residential density of nine units to the acre. The draft recommended adequate screening and buffering of the new community from nearby industrial uses and from the railroad tracks.

Public Facilities

As noted earlier in this report, the petitioners' properties are outside the Washington Suburban Sanitary District. They are in the city's service district and would be served once they are included in the city. The City Planning Commission has determined that Montgomery County does not provide other services to the property, with the exception of routine police surveillance.

The city's Planning Commission has also determined that residential development on the properties would not affect school capacity under the city's Adequate Public Facilities Ordinance and that such municipal services as police protection would be funded from general tax revenue. Public improvements would be the responsibility of the property owner or developer.

Environment

These properties have an approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), which was submitted for a previous development application. The NRI/FSD indicates that there are no streams, wetlands, floodplains or environmental buffers on the properties.

The properties also have an approved Forest Conservation Plan, which remains in force. The approved plan shows 2.1 acres of forest to be retained and 0.92 acres of reforestation. These areas are shown within a Category I conservation easement.

The petitioners have recorded the necessary easement in the county's land records and have devised a maintenance and management agreement for it. Environmental Planning staff have reviewed and approved the agreement and an escrow account has been established to secure the required reforestation. These steps are part of the Forest Conservation Plan approval process.

The M-NCPPC will continue to be the grantee of the easement; revisions to the conservation easement must be reviewed and approved by the M-NCPPC staff.

Transportation

The Transportation Planning unit undertook two informal analyses of transportation facilities' adequacy following the properties' development. The unit determined the number of *additional* peak hour trips that would be generated if the residential development proposed by the city's master plan occurred, rather than development likely if the properties remained in the county. The unit also analyzed a traffic study prepared for residential development in the city.

The first transportation analysis determined that a mix of light industrial and residential development on the properties would generate 47 morning peak and 58 afternoon peak trips. (The Upper Rock Creek Area Master Plan, as noted earlier in this report, endorsed residential development on the properties. A small amount of light industrial development may have been possible if the smaller two parcels remained in an

industrial zone.) Development at the densities proposed in the city's 2005 draft plan (nine units to the acre) would generate 60 morning peak hour and 92 afternoon peak hour trips, a difference of 13 morning and 34 afternoon trips.

The second analysis evaluated the traffic study prepared for the city. The city study evaluated five intersections, only three of which would have been required for a traffic study in the county. The city's evaluation criterion for critical lane volumes differs from that used by the county, with the result that critical lane volume totals are slightly higher than those that would be calculated using county criteria. The analysis found that critical lane volumes at three intersections (Norbeck Road/East Gude Drive and MD 355/Park Road/Middle Lane in the city; East Gude Drive and Dover Road in the county) exceeded Montgomery County congestion standards.

The Transportation Planning unit recommends that the developer of the properties be required to participate in physical improvements at the East Gude Drive/Dover Road intersection and participate in the city's proposed Transportation Management Organization. The unit recommends that the developer and the city develop a Traffic Mitigation Agreement in which the developer would join the Transportation Demand Management Program proposed for establishment by the city. The agreement should establish trip reduction goals equal to the number of trips generated on the site that pass through intersections exceeding congestion standards.

The Transportation Planning unit also evaluated site access and circulation issues. The unit recommends that the developer of the properties build a 4-foot wide sidewalk, with street trees, along the properties' Ashley Avenue and Westmore Avenue frontage.

COMMUNITY CONCERNS

No speakers other than representatives of the petitioners spoke at the Rockville Planning Commission's October 11, 2006 public hearing. No letters or other expressions of concern had been received by Department staff at the time this staff report was completed.

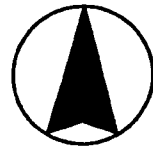
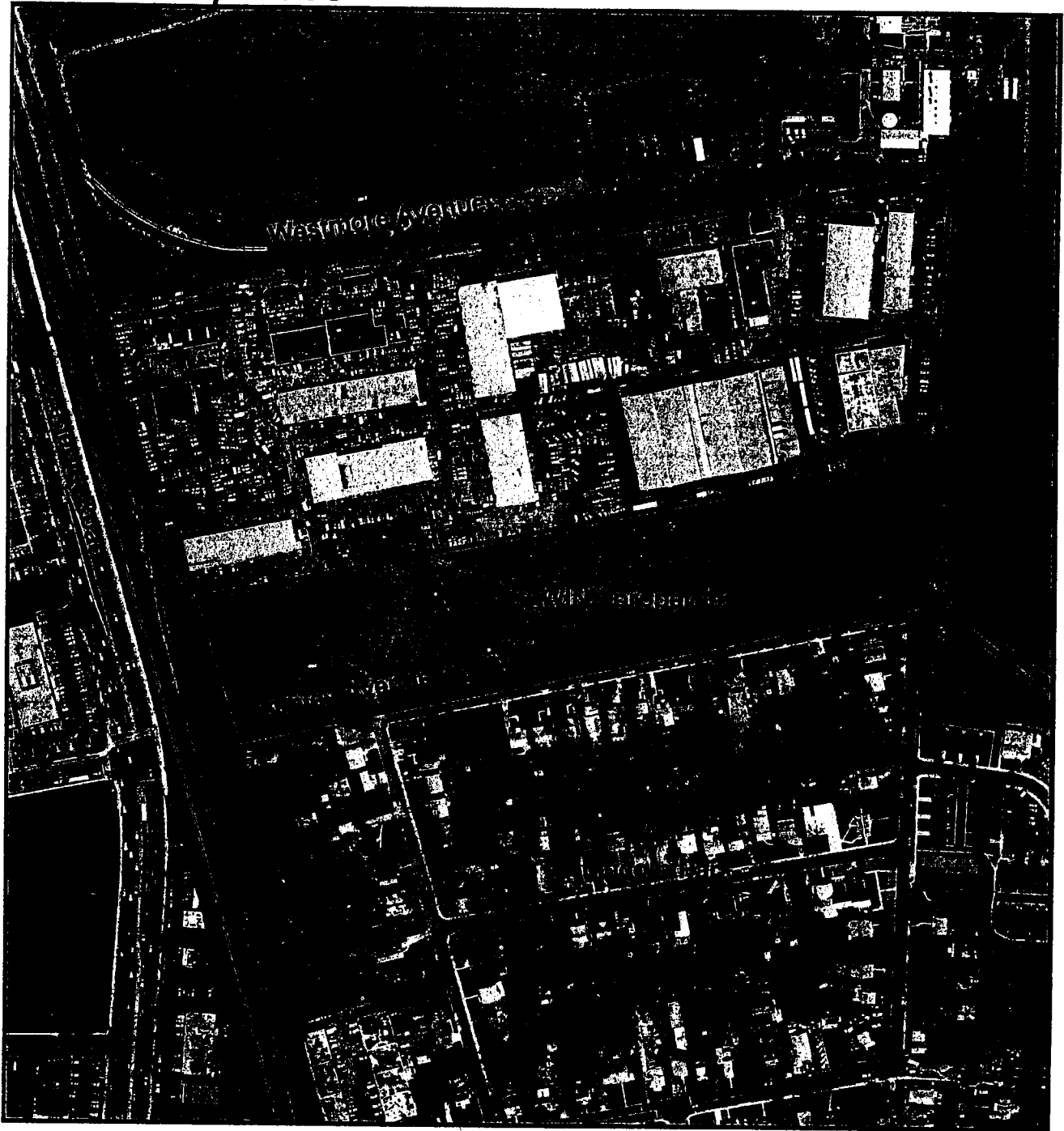
CONCLUSION

The land uses proposed by this annexation reflect the recommendations of the 2004 Upper Rock Creek Area Master Plan. Department staff recommends that the Planning Board support this petition and transmit to the Mayor and Council of Rockville the comments and recommendations noted at the beginning of this staff report.

FVB:ha: j:\2006 staff reports\team 5\Rockville Annexation WINX

Attachment

WINX Properties

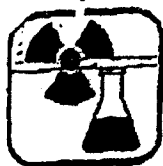


 Municipal boundary

300 0 300 Feet



Attachment B



Montgomery County
Fire and Rescue Service
Local Emergency Planning Council

Emergency Management c. P.O. Box 4117 • Gaithersburg, Maryland 20885-4117 • 240/777-2300, Hotline: 240/777-2341

May 8, 2006

Ms. Kate Ostall, Chair
Rockville Planning Commission
111 Maryland Avenue
Rockville, Maryland 20850

In re: Lincoln Park Annexation / WINX Tower Property

Dear Ms. Ostall,

The Rockville Planning Commission has requested that the Montgomery County Local Emergency Planning Council (LEPC) comment on the proposed annexation by the City of Rockville of the property located at 950 N. Stonestreet Avenue (the "WINX Tower Property") and the proposed change in zoning from industrial to moderate density residential. After investigating the proposed change to land use, the LEPC has determined that there are several public safety concerns that must be addressed in any approved development plan for the WINX Tower Property.

The WINX Tower Property is uniquely situated by being bordered on three sides by proximate hazards. While such hazards exist throughout many communities as stand alone activities, the existence of three hazards in close proximity to each other compounds the potential hazards for the area. With the subject property being bordered by three hazards, the property is considered as being in a location with significant hazards. Attached is a map outlining the property and showing the adjacent potential hazards. The Washington Gas Pipeline property sits to the north and east of the property. On the west side of the property are located the CSX train tracks, which carries passenger and freight traffic. CSX freight operations at times involve the transport of hazardous materials. Adjacent to the CSX train track is the WMATA Metrorail tracks which carries high frequency, heavy rail public transit passenger service. Immediately north of the Washington Gas property is Suburban Propane which operates a propane storage facility.

Each of these adjacent uses complies with existing state and federal regulations regarding the use, storage and transport of hazardous materials. The overall area, and these specific uses, have had few or very limited releases or reported incidents which speak to their overall safety records. However, the regulatory functions and evaluation of

101 Monroe Street, Rockville, Maryland 20850-2540
(240) 777-6700 • TTD (240) 777-2545 • FAX (240) 777-6706



the overall safety records of any particular facility does not fall within the purview of the LEPC. Furthermore, in evaluating hazards, the LEPC projects the "worst case scenarios" with regard to mitigation. The comments provided by the LEPC should be considered in this context.

The Washington Gas Property

Washington Gas supplies an extensive segment of the East Coast population with fuel through the pipelines at this facility. Any release of materials at this facility could be expected to impact a development adjacent to its facility. However, Washington Gas maintains a comprehensive emergency response plan to respond to a release should one occur. Numerous safety checks have been installed and are monitored constantly.

The CSX and Metrorail Train Tracks

CSX Inc. operates several rail and freight lines that carry hazardous materials through this corridor. In the event of a freight train derailment, a potential hazardous materials incident could ensue. While hazardous materials transported by rail enjoy an excellent safety record, the potential exists for mishap involving the release of hazardous materials. In addition, an incident occurring at either the Washington Gas or Suburban facilities could also disrupt passenger and freight rail operations by damaging the tracks or could impact a freight or passenger train if it happened to be in this vicinity at the time of an event on an adjacent facility. Because of the train tracks and adjacent land uses, there is no immediate access to the site from the adjacent major arterial, MD355. There is no access or limited access from the north or west. Principal access to the subject property is limited to Gude Drive on the east or neighborhood streets from the south. If an incident on the train tracks damages or destroys the bridge overpass at Gude, then traffic impacts will severely affect emergency responses.

Suburban Propane Facility

The LEPC in coordination with the United States Environmental Protection Agency and Montgomery County Department of Environmental Protection conducted a hazard risk analysis on this facility. Any building or residence occupying the WINX property would be destroyed or receive extensive damage in a projected worst case scenario involving an explosion of materials stored on the site.

Analysis and Recommendations

The subject property is immediately adjacent to the CSX/Metrorail tracks and the Washington Gas property. Immediately adjacent to Washington Gas is Suburban Propane. The proximity of these three hazards to each other and their being adjacent to or bordering the subject site results in the situation being very unique. The hazards,

which may be acceptable if standing alone, could potentially compound each other in "worst case scenarios" because of their proximity to each other resulting in very significant impact to the subject property.

More importantly is the limited access to the site. The adjacent train tracks and existing uses limit access to the area to two bridges at separate ends of the subject property. The potential disruption to either of these bridges is presumed to be greater because of the proximity to the three potentially hazardous uses. The geography of the site and existing land uses surrounding the site limit emergency access to and escape routes from the WINX property should an incident occur at any one or a combination of the three potentially hazardous adjacent sites. The closest fire and rescue resources are located at Fire Station 3 at 380 Hungerford Drive. While the distance from the fire station is not great, fire and rescue vehicles must follow a circuitous route to reach the subject Property. They must drive South on 355, then turn by the Metro Station, and then backtrack up through the Lincoln Park community to reach the property. The other fire and rescue companies that would be responding with Station 3, including units located from Station 21 at Viers Mill Road and Parkland Drive, Station 23 on Rollins Avenue and Station 28 at Muncester Mill Road and Shady Grove Road. Arriving units will also have to wind their way through the surrounding neighborhood streets. Many of the routes to and from the subject Property involve narrow secondary roads. These roads are narrow, congested, and in many cases, border at least one of the hazards at issue.

We recommend that consideration be given to the hazards outlined in this letter, and that any development plan approved for this Property contain adequate strategies to mitigate the impact of an incident involving one or any combination of the three proximate potentially hazardous uses. We feel the close proximity of potentially hazardous uses and limited evacuation and emergency access points make the subject property more suitable for low-density commercial or industrial development, placing fewer residents at risk from the existing uses which involve the storage, transport and use of hazardous materials.

Again, the role of the LEPC is to identify potential risk factors in this area associated with worst case scenarios. Thank you for the opportunity to comment on this matter. LEPC staff would be happy to meet with you to discuss any particular questions you may have about risks involved, or any recommendations for mitigation of those risks.

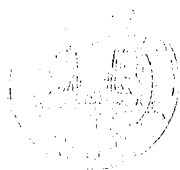
Sincerely,


Gordon Aoyagi, Chair
Local Emergency Planning Council

cc: Bruce Romer, Chief Administrative Officer

E.Y

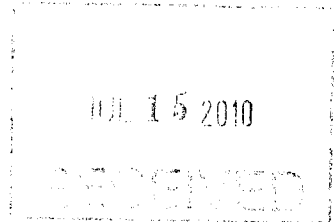
Attachment C



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Mayor & Council
240-314-8280
TTY 240-314-8137
FAX 240-314-8289

July 13, 2010



Ms. Francoise Carrier, Chair
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Preliminary Plan #120100170 (1000 Westmore Avenue)

Dear Ms. Carrier:

Thank you for the opportunity to comment on the Preliminary Plan for the proposed development at 1000 Westmore Avenue (Preliminary Plan 120100170). As described in the materials submitted to the City, the project consists of a 15,000 square foot utility building proposed for the storage of vehicles. We are writing to express our strong opposition to the project, and urge the Planning Board to deny the preliminary plan application.

The property is bordered to the south (across Ashley Avenue) by property within the City of Rockville, zoned and developed for detached single-family residential use. These abutting residential properties are located within the City's Lincoln Park Neighborhood and subject to the goals and policies of the 2007 Lincoln Park Neighborhood Plan and Conservation District Plan. A primary goal of both plans is to maintain and enhance Lincoln Park as a stable and secure residential neighborhood, while ensuring that redevelopment is compatible with the community.

A primary objective of the plan addresses the subject property specifically (referred to as the WINX site, p. 16):

"Eliminate industrial uses and zoning for redevelopment areas such as the Board of Education property on North Stonestreet Avenue, the WINX site on Ashley Avenue, and the industrial areas on Frederick Avenue and North Horners Lane."

The neighborhood plan encourages the redevelopment of this property as residential, which should "seamlessly relate to the eclectic and vernacular nature of the existing homes in the Lincoln Park neighborhood", and be a mix of single-family detached, attached and semi-detached units. The City, working with the Lincoln Park neighborhood in developing the neighborhood and conservation district plans, has adopted them in order to protect the predominantly single-family character of this area. The proposed project is inconsistent with these adopted policies, and serves to continue the use of the property as industrial, clearly inconsistent with the goals and objectives of the Neighborhood Plan.

Additionally, the City has significant concerns related to the operation of the proposed use and its potential impacts upon the surrounding residential properties. Notably the areas of concern include lack of adequate fire suppression; the impact of additional traffic and access to the site; the potential for excessive noise

MAYOR
Phyllis Marcuccio

COUNCIL
John B. Britton
Piotr Gajewski
Bridget Donnell Newton
Mark Pierzchala

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Debra Yerg Daniel



Francoise Carrier, Chair
Montgomery County Planning Board
7/13/10
Page 2

RE: Preliminary Plan #120100170 (1000 Westmore Avenue)

generated by the proposed use; negative air quality impacts; and visual impacts resulting from lighting of the site. Access to the site is limited and the potential for cut-through traffic in the Lincoln Park residential neighborhood south of the property is high. Any increases in the volume of commercial traffic in this area create a concern for pedestrian, as well as vehicular safety.

As you may know the City of Rockville has extended a very limited water and sewer connection to the property. The service is limited to the 597 square foot building on the site that served the previous radio transmission facility. The expanded use of this site from the 597 square-foot building to the proposed 15,000 square-foot facility, represents a substantial change to this utility service. The City is not prepared to upgrade the utility service for this proposed development.

In closing, it is the City's position that the industrial use of this property should be not continued, nor expanded. This proposed application is an effort to intensify the industrial use of the property. The application represents an opportunity to look at the long-term use of the site, and encourage the type of development that is compatible with the residential character of the surrounding neighborhood. This was the purpose and intent of the Lincoln Park Neighborhood Plan, and this site is a key component to the overall success of that Plan.

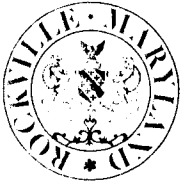
Thank you again for the opportunity to comment on this project. We understand that County staff is requesting plan revisions, and additional materials, as a result of the initial development review committee meeting on this project. The City anticipates providing additional comments once these revised plans have been submitted.

Sincerely,



Phyllis Marcuccio
Mayor

C: Rockville City Council
Scott Ullery, City Manager
Susan Swift, Director of Community Planning & Development Services
Debra Yerg Daniel, City Attorney
Craig Simoneau, Director of Public Works
Bobby Ray, Principal Planner
Hjarman Cordero, Senior Neighborhood Resources Coordinator
Rose Krasnow, Chief of Development Review - MNCPPC
Erin Grayson, Senior Planner - MNCPPC



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

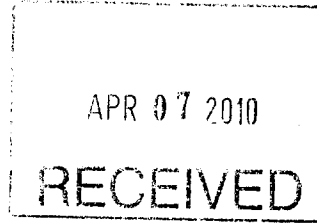
Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing Division
 240-314-8200

Attachment D



April 2, 2010

Development Review Division
 Maryland-National Capital Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD. 20910-3760
 Attention: Erin Grayson, AICP, Senior Planner

RE: Preliminary Plan 120100170, 1000 Westmore Avenue

Dear Ms. Grayson:

Thank you for the opportunity to comment on the Preliminary Plan for the proposed development at 1000 Westmore Avenue (Preliminary Plan 120100170). As provided in the materials submitted to the City, the project consists of a 15,000 square foot utility building requiring no upgrades to the City of Rockville water or sewer services. The property is outside of the Washington Suburban Sanitary Commission (WSSC) service district (WSSD), therefore the City of Rockville would provide water and sewer. However, the City's policy is to provide water and sewer only to properties within the corporate limits.

The City currently provides water and sewer service to the guard shack on-site, and has for many years. It appears that the overall development intent of the property has changed, and for this reason Rockville no longer supports the use of the existing water connection but will not disconnect service. However if upgrades to water and sewer services become necessary, or if fire suppression or fire hydrant coverage is insufficient for the property, we would request that the property be annexed into the City of Rockville to provide these upgrades. This is significant in that should an annexation petition be filed the County Council would be required to approve a residential land use and zoning of the property that differs from the County's existing industrial land use and zoning.

MAYOR
 Phyllis Marcuccio

COUNCIL
 John B. Britton
 Piotr Gajewski
 Bridget Donnell Newton
 Mark Pierzchala

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Debra Yerg Daniel

The property is bordered to the south (across Ashley Avenue) by property incorporated into the City of Rockville, zoned and developed for detached single-family residential use. These abutting residential properties are located within the City's Lincoln Park Neighborhood and subject to the goals and policies of the 2007 Lincoln Park Neighborhood Plan. One of the primary objectives of this plan addresses the subject property specifically (referred to as the WINX site):

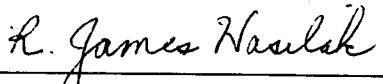
Eliminate industrial uses and zoning for redevelopment areas such as the Board of Education property on North Stonestreet Avenue, the WINX site on Ashley Avenue, and the industrial areas on Frederick Avenue and North Horners Lane.

Additional discussion of this site is contained in the neighborhood plan and provided as an attachment to this letter. In summary the neighborhood plan encourages the redevelopment of this property as residential, which should "seamlessly relate to the eclectic and vernacular nature of the existing homes in the Lincoln Park neighborhood". The plan recommends a mix of single-family detached, attached and semi-detached units on the property with a specific prohibition against retail and multi-family residential uses.

The County's "Upper Rock Creek Master Plan" echoes many of the recommendations outlined in the City's neighborhood plan and recognizes that the property is "logically part of the Lincoln Park neighborhood". The County plan strongly supports residential development of the site over the long term. However the plan also recognizes that low intensity industrial uses not requiring water or sewer service, such as the current proposal, may be appropriate.

Given the neighborhood plan objective to eliminate industrial uses and zoning from this site, the City staff cannot support the proposed preliminary plan. We acknowledge that the proposed storage use may not negatively impact the adjacent residential properties as much as other uses allowed within the County's I-1 zone. However the project will further continue the industrial use of the site inconsistent with the neighborhood plan.

Sincerely,



R. James Wasilak, AICP
Chief of Planning

- C: Susan Swift, Director of Community Planning & Development Services
Susan Strauss, P.E., Chief Engineer
Bobby Ray, AICP, Principal Planner
John Hollida, P.E., Civil Engineer II
Hjarman Cordero, Senior Neighborhood Resources Coordinator
Nicole Walters, Planner I

Attachment E

Butler, Patrick

From: BRay@rockvillemd.gov
Sent: Friday, June 04, 2010 4:48 PM
To: Grayson, Erin
Subject: Fw: Legacy at Lincoln Park - STOP DEVELOPMENT OF INDUSTRIAL STORAGE FACILITY

Bobby Ray, AICP
Principal Planner
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8228 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

Hello everyone,

I'm a resident at the newly developed residential neighborhood called Legacy at Lincoln Park in Rockville. I'm writing you all today to let you aware our deep concern and opposition to the potential development of an industrial storage facility located next to our **residential** neighborhood. Legacy at Lincoln Park Development was a monumental joint cooperation between the Public and Private sector to **better improve a struggling area of Rockville**. As you are all aware, Lincoln Park has **been plagued with high crime and social economic inequalities** compared with the rest of Rockville. The joint cooperative development between the local government and private sector to provide a mixed income development in a challenging neighborhood was a tremendous positive step forward to bring the "other side" of Rockville in line with the rest of the Rockville residential community. To develop an industrial storage facility next to our residential development is **a huge step backwards in reviving a budding and emerging community**.

An industrial storage facility dramatically **lowers value to any residential area**. This is especially true for the location of the development b/c there is only two access ways to the development and both are residential roads. Our community already suffers from semi-trucks and other commercial vehicles that drive through Frederick Avenue and the back access roads; and to develop a storage facility further complicates the issue and ultimately makes the area **UN-SAFE** for children and residents. An industrial storage facility is also **unattractive** to the neighborhood and does not mix with the rest of the residential community. You are also **risking increase in crime** in the area.

If this storage facility is built, what you may face is a **potential exodus** of many residents who came into the community with the expectation that the community is on the way up with the support and promise of the local government to be committed to the resurgence of the Lincoln Park Community. I read numerous articles, reviewed 10-YR county plan, and heard all of you during your presentations at the Lincoln Park Community Center that you were all committed to the Lincoln Park Community. I strongly urge you all to deny this development. **We vehemently oppose the development.** I can assure you that an industrial storage facility in our neighborhood will **discourage future residents and encourage existing residents to flee the neighborhood**. If that happens, Rockville will have again, another socioeconomic problem that will challenge the city's valuable resources.

I would love to communicate my views during your visit to Lincoln Park, but unfortunately, I will not be able to attend. Please take this email to heart and hopefully you will see and hear our deep concerns.

Sincerely,

Doug Jung, LEED-AP

Asset Management

CW Capital Asset Management, LLC

701 13th Street NW, Suite 1000

Washington, DC 20005

(202)715-9620 (Direct)

(202)549-1293 (Mobile)

(202)715-9699 (Fax)

djung@cwcapital.com

WESTMORE DEVELOPMENT, LLC

7825 TUCKERMAN LANE
SUITE 210
POTOMAC, MD 20854

Steve → Advice
JK

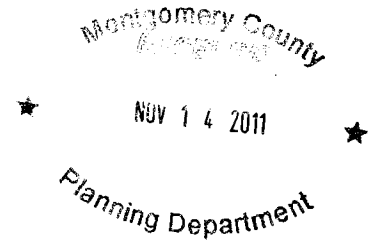
Attachment F

301•983•2555

301•983•6665 FAX

November 4, 2011

Ms. Francoise Carrier, Chair
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
Re: Preliminary Plan # 120100170 (Westmore Avenue)



Dear Ms. Carrier:

I am writing to you in response to the July 13, 2010 letter that Mayor Phyllis Marcuccio sent to you regarding the above captioned Preliminary Plan (copy enclosed). I would like to emphasize that I am sending this letter to you on my own initiative without being requested by the applicant or any other party. The primary reason for sending this letter is so that you and the other members of the Planning Board are aware of the lack of transparency and concealment of environmental/safety hazards by Mayor Marcuccio and her predecessors relating to the Lincoln Park Neighborhood Plan, which is the primary basis for opposing the subject Preliminary Plan Approval.

Prior to the adoption of the Lincoln Park Neighborhood Plan which designated the WINX property for residential use, I obtained several emails, letters and notes under a Freedom of Information Act Request which would indicate that any reasonable person would never permit residential housing to be developed on the WINX property.

Mayor Marcuccio and her predecessors, Mayors Giammo and Hoffmann, actually received an email from Montgomery County Fire and Rescue that "it would be irresponsible of any political entity to allow a zoning change that would permit residential housing in that area." They also had a diagram obtained from Suburban Propane that the WINX property (not the Lincoln Park neighborhood) was actually within the 3,000-foot "area of vulnerability" (blast zone) from the Suburban Propane tank facility. Further, they had handwritten notes taken by Scott Ullery, City Manager, when he met with County officials and confirmed that the WINX property was the confluence of five major risks which included CSX, Metro, Suburban Propane, Washington Gas and Colonial Pipeline, thus making the property "of all the risks in the County, this is the biggest." All of these documents were concealed from the public relating to the Lincoln Park Neighborhood Plan.

Page Two: Ms. Francoise Carrier
November 4, 2011

For your records, I am enclosing copies of the various documents referred to in this letter and a picture of tanker cars containing non-oxidized liquefied petroleum gas that are occasionally parked approximately 600 feet from the WINX property. In addition, I am enclosing three pages of a website that I created, WINXPropertyStory.com, which sets forth “**QUESTIONS THAT NEED TO BE ANSWERED.**” So far, Mayor Marcuccio has failed to answer these questions.

In considering the application for preliminary plan approval and the obvious lack of candor on the part of Mayor Marcuccio, it is important for you to review the enclosed letters from the residents on Ashley Avenue who fully support the granting of sewer and water for the subject property so that it can be developed for a clean industrial use. Presently, the property is being used as a construction/truck storage facility.

Please note that I do not have any financial interest in the applicant and I am forwarding this letter to you since it is my belief that the Lincoln Park Neighborhood Plan relating to the WINX property is nothing but fraud by concealment. When public officials violate their duty of being transparent and honest, they need to be held accountable. Personally, I believe the actions of Mayors Giammo, Hoffmann and Marcuccio are worthy of a “60 Minutes”/Prime Time Investigation.

Thank you for taking the time to read this letter and review the enclosures.

Very truly yours,

Robert E. Reiver

Enclosure
RER:pa

cc: Marye Wells-Harley, M-NCPPC Vice Chair and Commissioner
Amy Presley, M-NCPPC Member and Commissioner
Norman Dreyfuss, M-NCPPC Member and Commissioner
Casey Anderson, M-NCPPC Member and Commissioner

The Hon. Isiah Leggett, Montgomery County Executive
Joy Nurmi, Special Assistant to Montgomery County Executive
Constantia Latham, Special Assistant to Montgomery County Executive
Charles Short, Special Assistant to Montgomery County Executive
Timothy L. Firestine, Chief Administrative Officer, Montgomery County

Page Three: Ms. Francoise Carrier
November 4, 2011

cc (cont.):

Phil Andrews, Montgomery County Councilmember
Roger Berliner, Montgomery County Councilmember
Marc Elrich, Montgomery County Councilmember
Valerie Ervin, Montgomery County Councilmember
Nancy Floreen, Montgomery County Councilmember

George Leventhal, Montgomery County Councilmember
Nancy Navarro, Montgomery County Councilmember
Craig Rice, Montgomery County Councilmember
Hans Riemer, Montgomery County Councilmember

Phyllis Marcuccio, Mayor, City of Rockville
Scott Ullery, City Manager, City of Rockville
Susan Swift, Director of Community Planning and Development Services, City of
Rockville
Debra Yerg Daniel, City Attorney, City of Rockville
Rose Krasnow, Chief of Development Review, M-NCPPC
Erin Grayson, Senior Planner, M-NCPPC

INDEX OF ENCLOSURES

1. July 13, 2010 letter from Mayor Phyllis Marcuccio.
2. Email from Montgomery County Fire and Rescue Services.
3. May 8, 2006 letter from Gordon Aoyagi, Chair, Local Emergency Planning Council, to Kate Ostell, Chair, Rockville Planning Commission.
4. Diagram from Suburban Propane outlining the 3,000-foot “Area of Vulnerability” (i.e., “blast zone”).
5. Picture of tanker cars containing non-oxidized liquefied petroleum gas.
6. Copy of September 26, 2006 notes taken by Scott Ullery.
7. Numerous letters and a Petition from residents on Ashley Avenue supporting the industrial development of the WINX property.
8. Three pages from the website titled **WINXPropertyStory.com** setting forth “questions that need to be answered.”



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Mayor & Council
 240-314-8280
 TTY 240-314-8137
 FAX 240-314-8289

July 13, 2010

Ms. Francoise Carrier, Chair
 Montgomery County Planning Board
 M-NCPPC
 8787 Georgia Avenue
 Silver Spring, Maryland 20910

RE: Preliminary Plan #120100170 (1000 Westmore Avenue)

Dear Ms. Carrier:

Thank you for the opportunity to comment on the Preliminary Plan for the proposed development at 1000 Westmore Avenue (Preliminary Plan 120100170). As described in the materials submitted to the City, the project consists of a 15,000 square foot utility building proposed for the storage of vehicles. We are writing to express our strong opposition to the project, and urge the Planning Board to deny the preliminary plan application.

The property is bordered to the south (across Ashley Avenue) by property within the City of Rockville, zoned and developed for detached single-family residential use. These abutting residential properties are located within the City's Lincoln Park Neighborhood and subject to the goals and policies of the 2007 Lincoln Park Neighborhood Plan and Conservation District Plan. A primary goal of both plans is to maintain and enhance Lincoln Park as a stable and secure residential neighborhood, while ensuring that redevelopment is compatible with the community.

A primary objective of the plan addresses the subject property specifically (referred to as the WINX site, p. 16):

"Eliminate industrial uses and zoning for redevelopment areas such as the Board of Education property on North Stonestreet Avenue, the WINX site on Ashley Avenue, and the industrial areas on Frederick Avenue and North Horners Lane."

The neighborhood plan encourages the redevelopment of this property as residential, which should "seamlessly relate to the eclectic and vernacular nature of the existing homes in the Lincoln Park neighborhood", and be a mix of single-family detached, attached and semi-detached units. The City, working with the Lincoln Park neighborhood in developing the neighborhood and conservation district plans, has adopted them in order to protect the predominantly single-family character of this area. The proposed project is inconsistent with these adopted policies, and serves to continue the use of the property as industrial, clearly inconsistent with the goals and objectives of the Neighborhood Plan.

Additionally, the City has significant concerns related to the operation of the proposed use and its potential impacts upon the surrounding residential properties. Notably the areas of concern include lack of adequate fire suppression; the impact of additional traffic and access to the site; the potential for excessive noise

MAYOR

Phyllis Marcuccio

COUNCIL

John B. Britton

Piotr Gajewski

Bridget Donnell Newton

Mark Pierzchala

CITY MANAGER

Scott Ulery

CITY CLERK

Claire F. Funkhouser

CITY ATTORNEY

Debra Yerg Daniel



Francoise Carrier, Chair
Montgomery County Planning Board
7/13/10
Page 2

RE: Preliminary Plan #120100170 (1000 Westmore Avenue)

generated by the proposed use; negative air quality impacts; and visual impacts resulting from lighting of the site. Access to the site is limited and the potential for cut-through traffic in the Lincoln Park residential neighborhood south of the property is high. Any increases in the volume of commercial traffic in this area create a concern for pedestrian, as well as vehicular safety.

As you may know the City of Rockville has extended a very limited water and sewer connection to the property. The service is limited to the 597 square foot building on the site that served the previous radio transmission facility. The expanded use of this site from the 597 square-foot building to the proposed 15,000 square-foot facility, represents a substantial change to this utility service. The City is not prepared to upgrade the utility service for this proposed development.

In closing, it is the City's position that the industrial use of this property should be not continued, nor expanded. This proposed application is an effort to intensify the industrial use of the property. The application represents an opportunity to look at the long-term use of the site, and encourage the type of development that is compatible with the residential character of the surrounding neighborhood. This was the purpose and intent of the Lincoln Park Neighborhood Plan, and this site is a key component to the overall success of that Plan.

Thank you again for the opportunity to comment on this project. We understand that County staff is requesting plan revisions, and additional materials, as a result of the initial development review committee meeting on this project. The City anticipates providing additional comments once these revised plans have been submitted.

Sincerely,



Phyllis Marcuccio
Mayor

C: Rockville City Council
Scott Ullery, City Manager
Susan Swift, Director of Community Planning & Development Services
Debra Yerg Daniel, City Attorney
Graig-Simoneau, Director of Public Works
Bobby Ray, Principal Planner
Hjarman Cordero, Senior Neighborhood Resources Coordinator
Rose Krasnow, Chief of Development Review - MNCPPC
Erin Grayson, Senior Planner - MNCPPC

-----Original Message-----

From: Stephan, Robert
Sent: Monday, December 05, 2005 8:26 PM
To: Ascarrunz, Miguel
Subject: FW: Safety zone for Washington Gas Light facility on Rt 355 (Hungerford Drive) between Westmore Ave and Gude Drive
Importance: High

-----Original Message-----

From: Resnick, James
Sent: Sat 11/19/2005 3:26 PM
To: Carr, Tom; Love, Michael; Stephan, Robert; Gutschick, Scott
Cc: Graham, Scott; Dowdy, Linda
Subject: FW: Safety zone for Washington Gas Light facility on Rt 355 (Hungerford Drive) between Westmore Ave and Gude Drive

I wanted to give you all a heads-up on this request for information with a very short turn-around.

The area in question is adjacent to one of the highest risk/hazard locations in Montgomery County. In addition to Suburban Propane, I am aware of both Columbia Gas Pipeline, Colonial Pipeline, and I believe one other pipeline located in that immediate vicinity.

According to the 2004 DOT Emergency Response Guide, the recommended evacuation distance for a large leak or spill of Propane (Guide #115) is "...initial downwind evacuation for at least 800 meters (1/2 mile)" and for a Fire, "If tank, rail car or tank truck is involved in a fire, ISOLATE for 1600 meters (1 mile) in all directions; also, consider initial evacuation for 1600 meters in all directions". I have included a Mapquest map of the area, below, and I'm sure that Sarah Terley can provide much better visual evidence of the area, including an overlay of the recommended evacuation zones.

Figure 1 - Look at 800 meter diameter for evacuation

I know that there are currently a number of businesses located within the area, especially along Westmore Road, but there is a significant risk/benefit between having businesses occupied by adults who are awake and alert and having residences which are populated with children, elderly, sleeping and others who are less likely to be in a position to evacuate or take protective actions quickly. Based upon the preliminary information that I have provided, I believe it to be irresponsible of any political entity to allow a zoning change that would permit residential housing in that area.

To reiterate, I have not provided this feedback to Ms. Medearis, but she is looking for a reply from the LEPC prior to 11/30/05.

Jim Resnick



From: Ascarrunz, Miguel [mailto:Miguel.Ascarrunz@montgomerycountymd.gov]
Sent: Tuesday, December 06, 2005 12:16 AM
To: Medearis, Sarah (N-Earth Tech)
Cc: Loconte, Anthony
Subject: FW: Safety zone for Washington Gas Light facility on Rt 355 (Hungerford Drive) between Westmore Ave and Gude Drive
Importance: High

Ms. Medearis: Attached below is additional analysis by Montgomery County LEPC.

According to the 2004 DOT Emergency Response Guide, the recommended evacuation distance for a large leak or spill of Propane (Guide #115) is "...initial downwind evacuation for at least 800 meters (1/2 mile)" and for a Fire, "If tank, rail car or tank truck is involved in a fire, ISOLATE for 1600 meters (1 mile) in all directions; also, consider initial evacuation for 1600 meters in all directions".

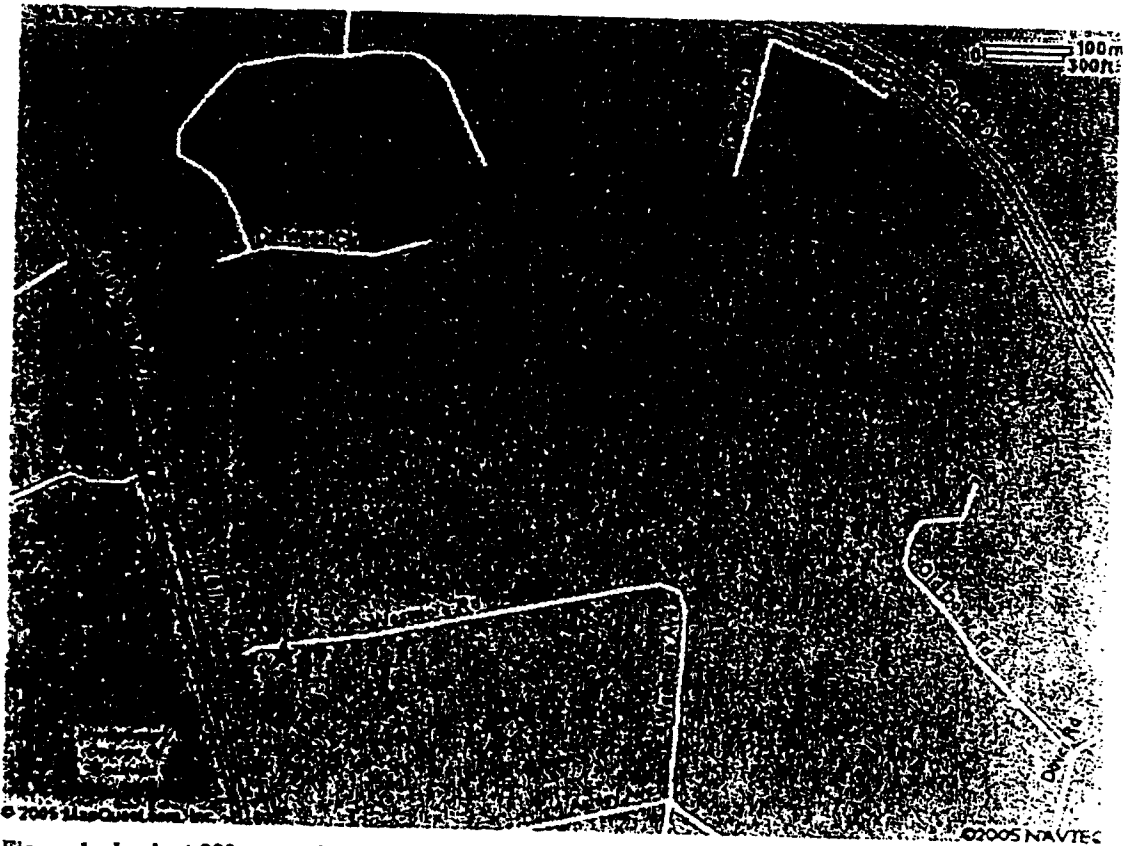
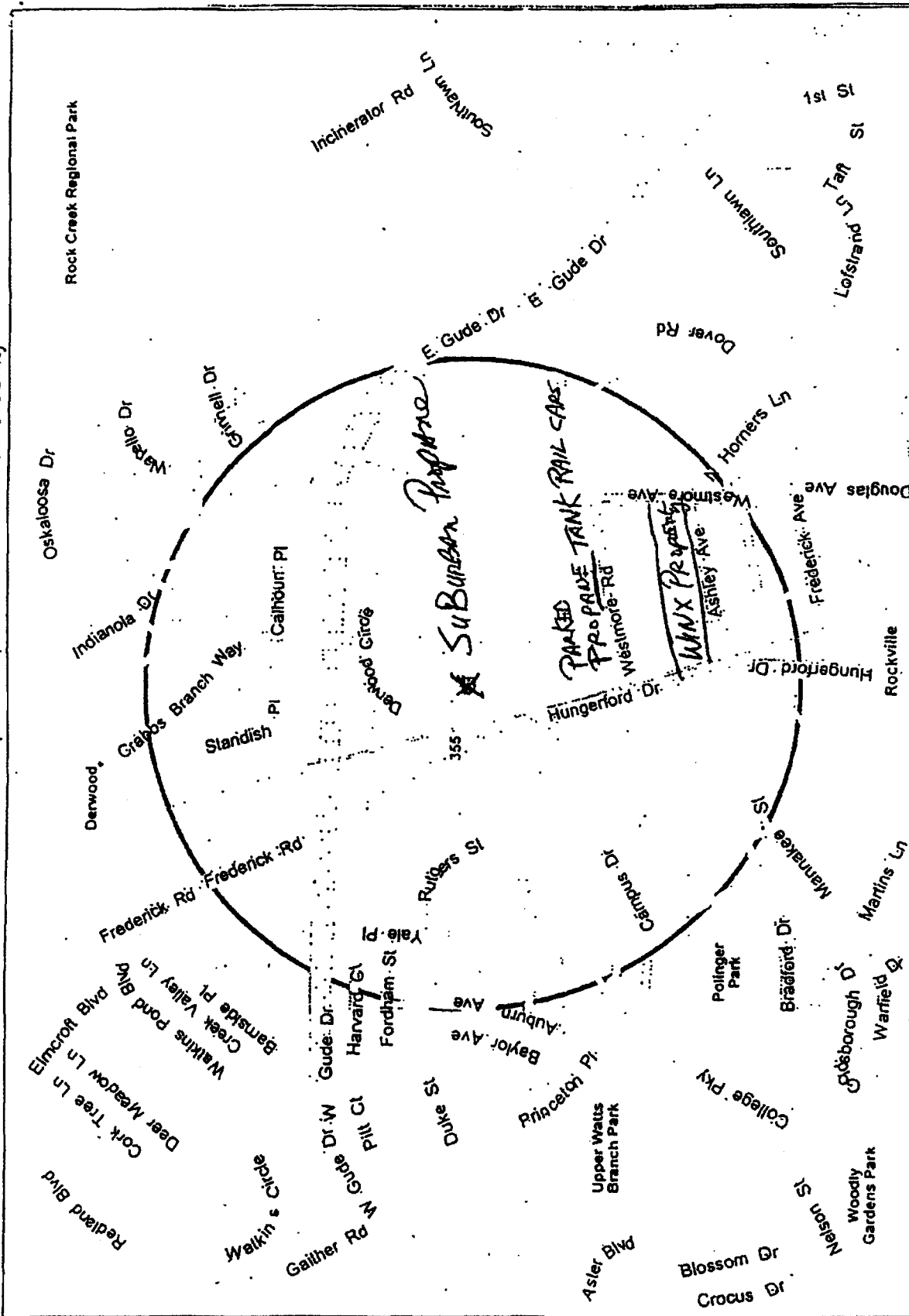


Figure 1 - Look at 800 meter diameter for evacuation

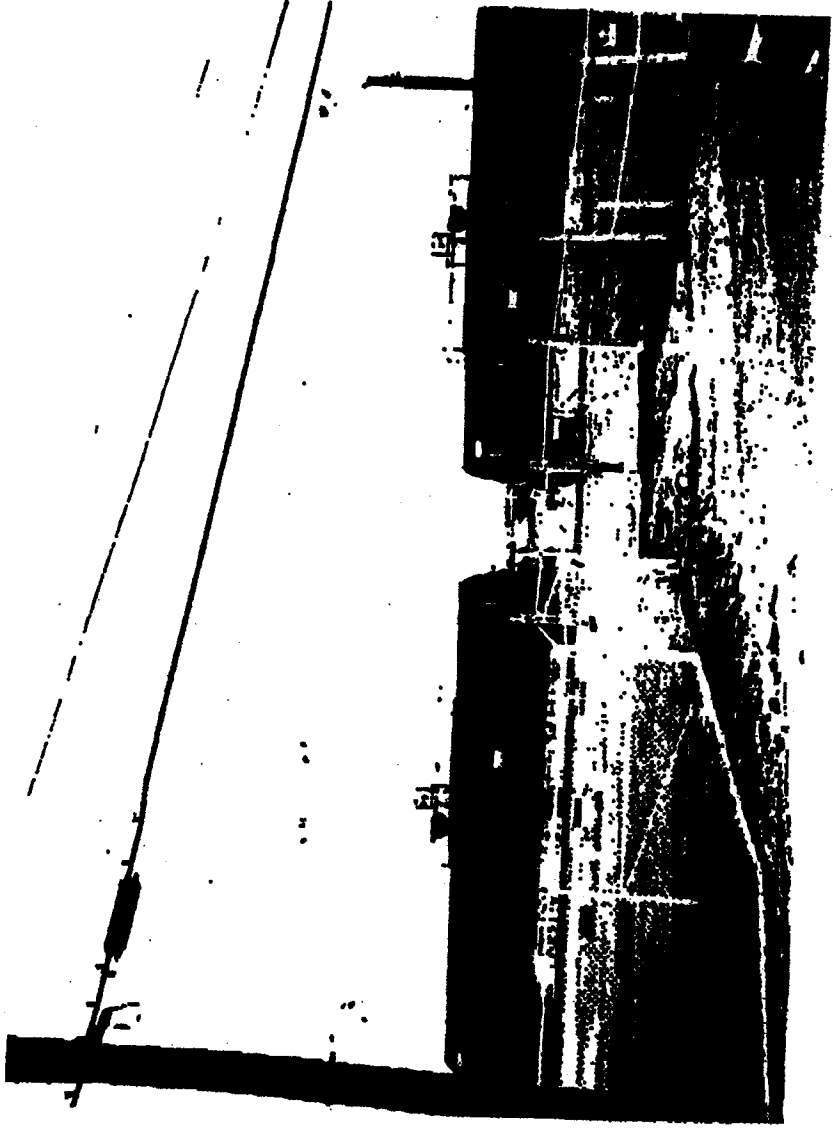
We know that there are currently a number of businesses located within the area, especially along Westmore Road. Should development include residential homes, people may not be in a position to evacuate or take protective actions quickly. The attached google image also identifies a one mile zone that may be impacted by a potential propane leak or explosion.



CSC #1112 Rockville, MD - 3,000 Ft Area of Vulnerability



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9/26/06

Gordon A + Tony

- We didn't "fly" we were solicited.
- What's the bigger picture?
- Influence of 2 major risks of WNT, a potential of compounding.
 - CSX
 - Metro
 - Sub prop
 - West Gas - How get their product
 - Colonial Pipeline
- What's the sphere of impact from this correlation?

• Risk

→ 1. Train derailment precipitating submer propane tank explosion.

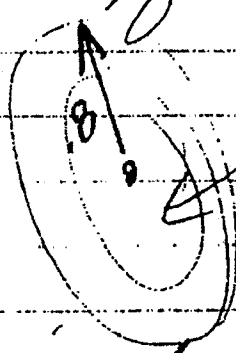
• Little concern of derail, at West Gas.

• No concern with safety of internal operation of Submer Propan.

• worst case: "release of 4^{million} Tanks"

• 8 mi elliptical impact

• Tanks only fall in winter mos



yellow = total bls derivative

• Suburban is above ground + high volun

Import on gauges at Westington Gas +
Colonial.

Very improbable all 4 tanks go at one.

How protected from a terrorist attack?
A truck bomb driven in?

What are Colonial, Subco, & Westington
Gas doing security-wise? They
have someone on duty 24-7.
They need to bolster their
fencing.

Westington Gas also has propane
tanks adjacent to suburban
propane. Could they be
part of the worst case scenario?

be completely
in next
+ 11
guess
of

→

CSX - Don't know what's coming
through. LEPC is doing a "complete
flow survey" - this will tell us about
what's coming through. Can we have material

Trains coming through come at a
slower speed (20 mph?)

LEPC did a simulation of this,
not preplanning
→ Sent us after-action report

• With new use all we can notify for evacuation -

• If there is a leak, the first thing we do is "fog it" with water to prevent an explosion. Propane is heavier than air.

Colonial Pipeline (Public Safety mtg on this Oct 12 in Fedex)

- DK how deep it is.

- It is "pigged" every 6 mos.

- Question: If gauges are improved, by another even, what does that do?

Work Bag: Haven't assessed yet.

Proximity & above ground concerns us. We'll be talking to them.

Awareness - In an urban environment - be aware of risks; e.g., you need to know stuff is coming through your community.

"Awareness" vs.

Rel of LEPC is to not recommend mitigation MSAs. Those are policy matters. An absolute is "the community's"

right to now.

- Of all the Risks in the Co. This is the biggest, Top rated threat -

Other stuff
Nothing that stands out in Rkv:

Other: I-270 / 490

. 495 / 270

. Any interruption & repetition has effect on entire eastern Seaboard -

Awareness Plan

- Use Town Forums throughout the County
- No specific plan to specific hazard - be careful it creates panic, or exposes an opportunity.

What are their safety needs? - No problems; however, C&P is created to look at worst case.

Revin has system of Wash Gas & Suburban

PETITION
in support of Industrial Development of the
WINX PROPERTY

We, the undersigned, who reside on Ashley Avenue directly across from the WINX property, hereby register our support for the 10-acre parcel to be developed by Interstate Westmore, LLC, a division of Interstate Corporation, for industrial use subject to the following conditions:

1. Interstate Westmore, LLC will initially develop a building consisting of approximately 30,000 square feet for its use to be constructed at the western portion of the property near Joe Carpenter's house.
2. The remaining portion of the property would be developed with a building or buildings that would not be greater than 30 feet in height and would be within 20 feet of the Conservation Easement in order to provide a buffer from the remaining portion of the property. Access to those buildings shall be away from Ashley Avenue.
3. The entrance to the WINX property shall be solely from Westmore Avenue.
4. Tenants who occupy the property will be required to agree in their leases that all employees and suppliers shall agree to use Dover Road when traveling to and from the subject property and shall not use North Stonestreet Avenue, Woodland Road, Crabb Avenue, Howard Avenue, Lincoln Avenue, Spring Avenue, Frederick Avenue, Elizabeth Avenue and Ashley Avenue.

- 5. That all lighting on the property shall be directed away from the homes facing Ashley Avenue.
- 6. That the fence that will be separating the industrial property from the residential property will be erected on the other side of the Conservation Easement away from our homes so that it will not be immediately facing us across Ashley Avenue. The fence will also have privacy buffer inserts to create a shrubbery appearance.

SIGNATURE:

ADDRESS:

1. Gail Koening

(Print name) GAIL KOENIG

227 Ashley Ave

DATE: 1/5/08

2. Joseph D Cooper

(Print name) JOSEPH COOPER

205 ASHLEY AVE

DATE: 1-5-08

3. Andrew Carley

(Print name) Andrew J Carley

225 Ashley Ave

DATE: 1/5/08

4. Erik O. Parada

(Print name) Erik O. Parada

227-A Ashley

DATE: 1/5/08

5. _____

(Print name) _____

209 - Signed Reever's

DATE: _____

6. _____

(Print name) _____

DATE: _____

7. _____

(Print name) _____

DATE: _____

5. That all lighting on the property shall be directed away from the homes facing Ashley Avenue.

6. That the fence that will be separating the industrial property from the residential property will be erected on the other side of the Conservation Easement away from our homes so that it will not be immediately facing us across Ashley Avenue. The fence will also have privacy buffer inserts to create a shrubbery appearance.

SIGNATURE:

1. Charles Hawkins
 (Print name) CHARLES HAWKINS

2. _____
 (Print name) _____

3. _____
 (Print name) _____

4. _____
 (Print name) _____

5. _____
 (Print name) _____

6. _____
 (Print name) _____

7. _____
 (Print name) _____

ADDRESS:

219 Ashley Ave
 DATE: 1-29-08

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

- 5. That all lighting on the property shall be directed away from the homes facing Ashley Avenue.
- 6. That the fence that will be separating the industrial property from the residential property will be erected on the other side of the Conservation Easement away from our homes so that it will not be immediately facing us across Ashley Avenue. The fence will also have privacy buffer inserts to create a shrubbery appearance.

SIGNATURE:

1. *Gladyce Mae Lyons*
 (Print name) *Gladyce Mae Lyons*
 2. _____

(Print name) _____

3. _____

(Print name) _____

4. _____

(Print name) _____

5. _____

(Print name) _____

6. _____

(Print name) _____

7. _____

(Print name) _____

ADDRESS:

209 Ashbery Ave
 DATE: *Jan 15, 2008*

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

DATE: _____

May 23, 2008

The Hon. Susan R. Hoffmann, Mayor
City of Rockville
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

Re: WINX Property

Dear Mayor Hoffmann:

I am sending this letter to you after speaking to my friend and neighbor, Joe Carpenter. Joe told me that he, Perry Cho and Bob Reiver met with you on May 12th in hopes of getting you to reconsider your decision with respect to providing expanded sewer and water service for the WINX property.

Previously, other neighbors on Ashley Avenue and I signed a petition supporting Mr. Cho's development of the WINX property for industrial use because he agreed to many conditions that were favorable to the residents of Ashley Avenue, and the Lincoln Park community. Personally, I thought after you received the February 26, 2008 letter from Bob Reiver and met with Perry Cho on March 6 that there would be no problem for Mr. Cho to receive the additional sewer and water service.

Since the trees were taken down from the WINX property, the noise and dust from the trains and automobile body shops on the other side of the property has become much more noticeable. In reconsidering Mr. Cho's development plan, I would like for you to realize that the buildings that he proposes to construct will substantially reduce the noise and dust level from the WINX property. Further, the buildings will screen our homes from the bothersome spotlights that are located on the other side of the property.

The homeland security directive forbids housing on this property, so that is no longer a possibility. If we ignored that directive, not only would it cause trouble for us, but it might be difficult or impossible to sell homes - especially with the existing radio towers and the industrial uses that are right next door.

Mr. Cho has agreed to install an attractive privacy fence along the Ashley avenue side of the property. The buildings he proposes will back on Ashley on the other side of the fence so that all business will be conducted away from Ashley Avenue and only fences and architecturally interesting building backs will be visible from our homes. That combination will effectively eliminate the noise, dust, lights and sights we currently live with. It will also make a nice transition between housing and industrial areas.

If you do not approve Mr. Cho's proposal, we will be stuck with the current ugly truck parking with all the noise and dust associated with it – OR WORSE. Our whole community would be adversely affected. Please truly act as our representative and honor our wishes rather than the wishes of those who don't even live near Ashley Avenue.

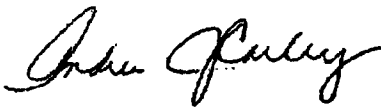
Thank you for considering the interests of the residents on Ashley Avenue in making your decision.

Very truly yours,

Gail Koenig, 227 Ashley Avenue



Steve and Andrea Carley, 225 Ashley Avenue



cc: John Britton, Councilmember
Piotr Gajewski, Councilmember
Phyllis Marcuccio, Councilmember
Anne M. Robbins, Councilmember
Scott Ullery, City Manager

From: Andrea Carley <lazzcarley@hotmail.com>

To: rereiver@aol.com

Subject: FW: Winx Property

Date: Tue, Jun 1, 2010 9:02 pm

From: lazzcarley@hotmail.com

To: britton@rockvillemd.gov

Subject: Winx Property

Date: Tue, 1 Jun 2010 21:00:44 -0400

Dear Mr. Britton,

My name is Andrea Carley and I live at 225 Ashley Ave across from the Winx Property. I would like to know why the City will not access water and sewer to Mr. Cho? I e-mailed the Mayor last month with the same questions am asking you and still have not heard from her as yet about letting Mr. Cho be able to access water and sewer. Is there more reports we have not seen on Ashley concerning this property? This nightmare has been going on for too many years and I can't believe the City won't resolve this matter already with the access of water and sewer. If someone can please explain to us on Ashley Ave and give us some good reasons why he should not be able to access water and sewer? I would think the money they want Mr. Cho to spend on an under ground tank would benefit the Lincoln Park Community in more better uses. Like a BIG nice buffer fence to shield the lighting and noise we put up with everyday. Any information would be appreciated. Thank you for your time on this matter.

Sincerely,

Steve & Andrea Carley
301-424-7852

=

From: Betty Carpenter <jbcarpenter2@verizon.net>
To: jbritton@rockvillemd.gov
Cc: reneiver@aol.com
Subject: WINX property
Date: Tue, Jun 1, 2010 8:54 pm

Good evening Mr. Britton-

My husband and I are residents bordering the WINX property at 916 N. Stonestreet Ave. We are both in favor of granting sewer and water accessibility to the WINX property.

Joe and Betty Carpenter


[Contact Us](#)

Lack of Transparency, Concealment and Irresponsibility by City of Rockville Officials Relating to Known Environmental/Safety Hazards for the WINX Property

NOTICE TO WEBSITE VISITOR: *You must click through to all sections on this website in order to appreciate the content.*

This website documents the blatant wrongdoing on the part of Mayor Marcuccio and former Mayors Giammo and Hoffmann relative to their concealment of environmental/safety hazards when they designated the WINX property to be developed for residential use in the Lincoln Park Neighborhood Plan. After you review this website completely, you will understand that the property should have been designated for industrial use.

Questions that Need to be Answered:

1. Why did Mayors Giammo, Hoffmann and Marcuccio and other elected officials from the City of Rockville ignore the requests from the residents on Ashley Avenue to the City to provide sewer and water for the WINX property so that it could be developed for industrial use in accordance with their Petition?
2. Why did Laurence D. Giammo, Susan R. Hoffmann, Phyllis Marcuccio and John B. Britton designate in the Lincoln Park Neighborhood Plan the WINX property to be developed for residential purposes after being informed by various governmental agencies, including but not limited to Montgomery County Fire and Rescue Services and the Montgomery County Local Emergency and Hazardous Materials Planning Council (LEPC) that the property should not be residential housing?
3. Why did Laurence Giammo, Susan R. Hoffmann, Phyllis Marcuccio and John B. Britton designate the WINX property to be annexed into the City of Rockville for residential housing after the City received an email from Montgomery County Fire and Rescue that "it would be irresponsible of any political entity to allow a zoning change that would permit residential housing in the area?"
4. Why did Laurence Giammo, Susan R. Hoffmann, Phyllis Marcuccio and John B. Britton designate the WINX property to be annexed into the City of Rockville for residential housing after being provided with a diagram indicating that the WINX property was the 3,000-foot "area of vulnerability" (blast zone) from the Suburban Propane tank facility?
5. Why did Mayors Giammo, Hoffmann and Marcuccio conceal from the public known environmental/safety hazards relative to the adoption of the Lincoln Park Neighborhood Plan?

[Read more important questions that need to be answered by Rockville City Officials »](#)

The WINX property consists of 10.25 acres of land bordered by Ashley Avenue, Westmore Road, the automotive industrial part on the north side, and the Metro/CSX rail line on the west side. The property is actually located in Montgomery County (not within the City limits of Rockville) and is zoned for industrial use. It is completely surrounded by properties within the City of Rockville and is basically the hole in the doughnut.

In 2007, Westmore Development, LLC (realizing that its industrial property could not be used for residential housing), refused to sell the WINX property to a well-known trash disposal company as a storage lot for trucks. Mindful that the residents take care and pride in their neighborhood, Westmore declined the offer because the trash trucks would bring additional traffic, noise and noxious odors to the WINX property and thus would be the residents' unlikely choice for a neighbor. Subsequently, Westmore sold 10 acres (retaining 1/4 of acre for a radio tower) to the principals of Interstate Corporation, a well-known roofing contractor in Rockville, who agreed to a development plan that was requested by the residents on Ashley Avenue; however, the City of Rockville has refused to provide the additional required sewer and water service.

The WINX property has limited sewer and water service from the City and cannot obtain additional service from the Washington Suburban Sanitary Commission which normally provides utilities for properties outside of Rockville.

Because of the existing environmental/safety hazards, the WINX property can only be developed for industrial use. Review the available options for the development of the property. [Read more »](#)

In order for the WINX property to be completely developed for industrial or residential use, the City must provide it with additional sewer and water service. **The residents on Ashley Avenue have submitted a Petition and numerous letters requesting the City to provide sewer and water service for the property so that it can be developed for an industrial use that would have the least impact upon the residential community.** [See letters of support »](#)

THE FOLLOWING DOCUMENTS WERE PROVIDED TO MAYOR MARCUCCIO AND HER PREDECESSORS, GIAMMO AND HOFFMANN, PRIOR TO THE ADOPTION OF THE LINCOLN PARK NEIGHBORHOOD PLAN AND WERE CONCEALED FROM THE PUBLIC. These documents were obtained only after Westmore Development, LLC filed a Freedom of Information Act Request. [Read more »](#)



According to Law.com concealment is defined as *"fraudulent failure to reveal information which someone knows and is aware that in good faith he/she should communicate to another."*

Mayor Marcuccio's 2010 action of irresponsibility and concealment. [Read letter »](#)

If you would like additional information explaining why Mayors Giammo, Hoffmann and Marcuccio designated the WINX property in the Neighborhood Plan for residential use as opposed to industrial use, [please contact us.](#) »

Lack of Transparency in Rockville

"The right to search for truth implies also a duty; one must not conceal any part of what one has recognized to be true." – Albert Einstein

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[Contact Us](#)[Home](#)

Questions that Need to be Answered

1. Why did Mayors Giammo, Hoffmann and Marcuccio refuse, after repeated requests, to have a Public Hearing concerning the environmental/safety issues relating to the Washington Gas/propane tank facility and Suburban Propane?
2. Why did Mayors Giammo, Hoffmann and Marcuccio, after repeated requests, refuse to have an independent, third party environmental/safety analysis in order to determine the appropriate use of the WINX property?
3. Why did Mayors Giammo, Hoffmann and Marcuccio designate the WINX property to be developed for residential use after officials from Suburban Propane testified that the odorant used at their facility would cause headaches for the residents on Ashley Avenue? (William Chen, the attorney for Suburban Propane, testified that if the WINX property is developed for residential use, the residents will be unhappy after they move in and even more unhappy when they try to sell their properties because there is a problem with their propane odor.)
4. Why did Mayor Marcuccio refuse to accept from the owner of the WINX property an \$80,000 donation to various charities and for community purposes, i.e., improvements to the Lincoln Park Community Center, subject to obtaining sewer and water service so that the WINX property could be developed in accordance with a plan approved and supported by the residents on Ashley Avenue?
5. Have Mayors Giammo, Hoffmann and Marcuccio been transparent and honest? Please read the following letters that were sent to them. ([February 6, 2007](#); [February 22, 2007](#), and [February 26, 2007](#).)
6. **If you owned 10 acres of clearly industrial land with several known and documented environmental/safety hazards, would you be a responsible developer if you permitted homes to be constructed on that property?**

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WINX Property

This 10-acre property is surrounded on three sides by the City of Rockville. On the fourth, across Westmore Avenue, is Washington Gas Light Company's storage facility. The site is wooded and is currently used to house radio transmission towers.

The WINX property can only be reached through Rockville's Lincoln Park community, one of the County's oldest African-American communities. It is bounded on three sides by the City of Rockville, and, importantly, is located in Rockville's water and sewer service district and outside the established limits of the Washington Suburban Sanitary District. Therefore, any relatively intensive residential or non-residential use requires the property to be annexed, because existing city policy allows for the provision of water or sewer service only to properties within the city's corporate limits. WSSC's water and sewerage systems cannot reasonably serve this site.

The City has included this parcel within its Urban Growth Limits, which encompass areas the City considers within its policy and land use planning "sphere of influence." It meets criteria established in 1970 for setting these limits. It is in an area that can be efficiently served by City water and sewer service and it is logically part of the Lincoln Park neighborhood. The City's 1993 Master Plan reiterated recommendations from a 1984 Neighborhood Plan for Lincoln Park for residential development of the property in the city's R-60 Zone.

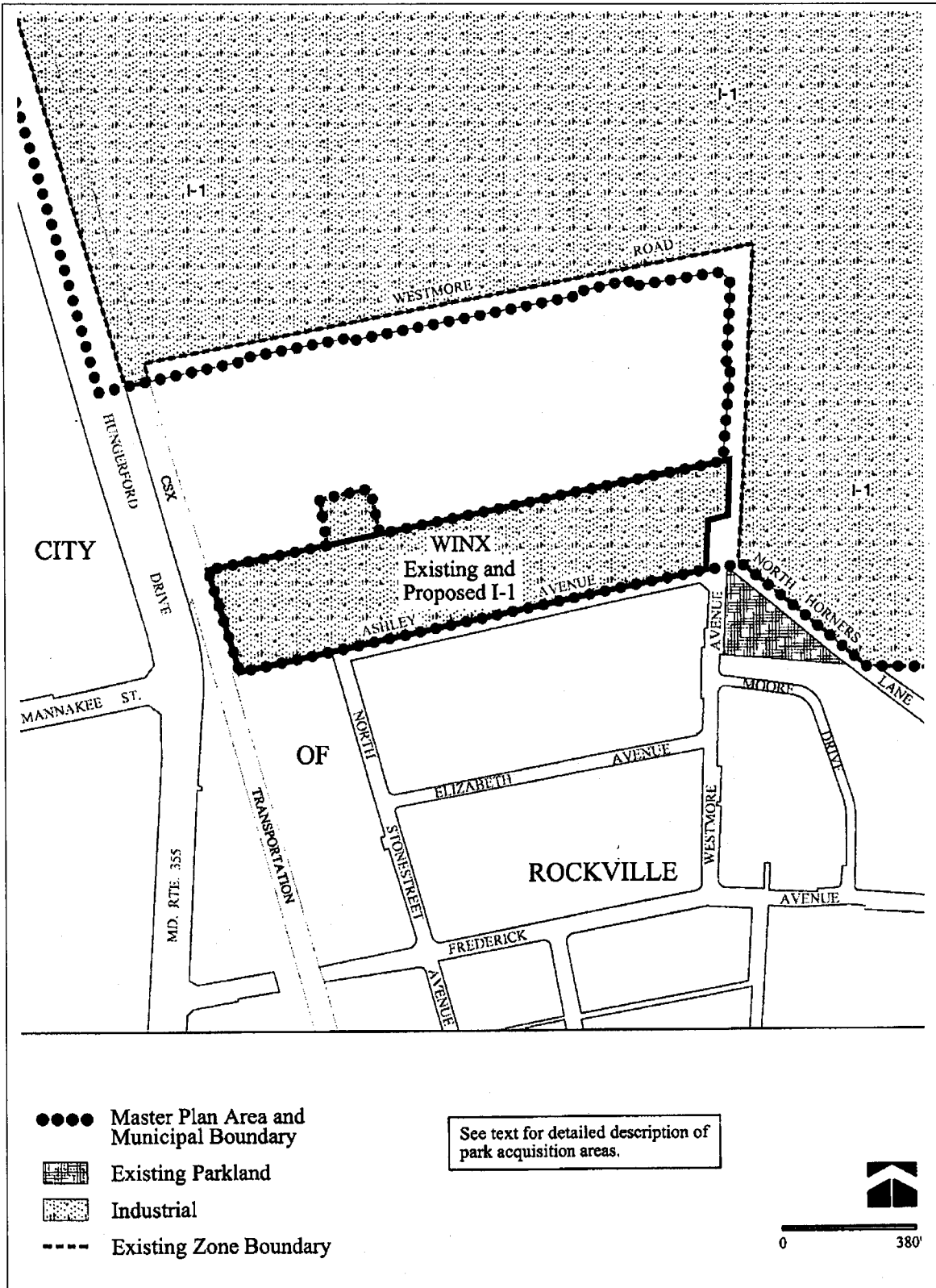
The property's sewer and water service status limits its usefulness for light industrial uses to low-intensity uses, such as outdoor storage or off-street parking, that do not require sanitary sewer service. The radio transmission towers now on this property may remain in place for the life of this Master Plan, and the owners of the property have not expressed interest in annexation, which they must initiate. The ability to use the property for light industrial uses that do not require infrastructure should therefore not be foreclosed.

This Plan recognizes that the 10-acre WINX property has issues of access and compatibility that diminish its usefulness for light industrial activities. For the long term, this Plan recommends residential development for this property, which will allow for its annexation and reclassification to a residential zone by the City of Rockville. The City maintains a Moderately Priced Dwelling Unit program similar to the County's and development of this property would include such units. The property also is suitable for an elderly housing project. Such a project, designed in a way that insures compatibility with the Lincoln Park community, could make a significant contribution to affordable or elderly housing.

Recommendations

- Retain the property in the I-1 Zone, to allow low intensity light industrial uses that do not require community water and sewer service.
- Support strongly residential development of this property over the long term and support recommendations in appropriate City of Rockville master plans for residential development, including elderly housing, if annexation occurs.

PROPOSED LAND USE/ZONING – WINX PROPERTY





Attachment H
EG

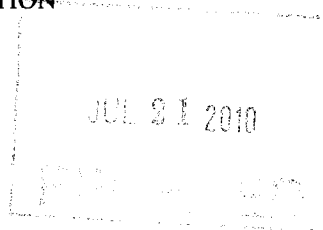
DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

July 7, 2010

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 120100170
Lincoln Park

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on January 18, 2010. This plan was reviewed by the Development Review Committee at its meeting on March 1, 2010. An end-of-the-fiscal year program analysis revealed we had not provided this letter to your Office and the applicant; please accept our apology for this oversight.

Further research indicated the section of Westmore "Avenue" adjacent to this site is listed on the 2009 Montgomery County Road Inventory as Westmore "Road" and is maintained by the County (between the current terminus and the intersection with Horners Lane). We believe the "I-2" Industrial Road recommendation in the April 2004 Approved and Adopted Upper Rock Creek Area Master Plan also applies to this section of that road. Our comments at the Development Review Committee meeting have been revised in light of these discoveries.

We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for widening of Westmore Avenue site frontage in accordance with the master plan. Dedicate right-of-way truncation on Westmore Avenue at the intersection with Ashley Avenue.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Access and improvements on Ashley Avenue as required by the City of Rockville.
4. Submit storm drain study and site plan prior to submission of the record plat. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

5. Prior to approval of the record plat by the Department of Permitting Services, submit corrected, executed and sealed MCDOT Sight Distances Evaluation certification form (noting that Westmore Avenue is under MCDOT jurisdiction) for the existing driveway, for our review and approval.
6. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
7. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
8. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy.
9. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
10. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
11. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter with our Division of Highway Services, Tree Maintenance Section. Mr. Linkletter may be contacted at (240) 777-7651.
15. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Across the Westmore Road site frontage, widen the existing pavement to twenty (20) feet and construct curbs, gutters, five (5) foot wide concrete sidewalk and handicap ramps, and storm drainage and appurtenances, and plant street trees.

Ms. Catherine Conlon
Preliminary Plan No. 120100170
July 7, 2010
Page 3

* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall provide street lights along Westmore Road in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Team Area Engineer for this vicinity, at david.adams@montgomerycountymd.gov or at 240-777-2197.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team

m:/subd/DCA/PreLetters/120100170, Lincoln Park, gml revs.doc

Enclosure

cc: Perry Cho, Interstate Westmore, LLC
Dean Packard, PG Associates, Inc
Erin Grayson; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TPD
Edward Axler; M-NCPPC TPD
Emad Elshafei; Rockville Traffic & Transportation
Preliminary Plan Folder
Preliminary Plans Notebook

cc-e: Sarah Navid; MCDPS RWPR
Henry Emery; MCDPS RWPR
Dan Sanayi, MCDOT, DTEO
Brett Linkletter; MCDOT DHM
David Adams, MCDOT DTEO



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 22, 2010

Carla Reid
Director

Mr. Dean Packard
PG Associates, Inc.
16220 Frederick Road, Suite 300
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for 1000 Westmore Industrial Park (Lincoln
Park)
Preliminary Plan #: Pending
SM File #: 237075
Tract Size/Zone: 10.04 acres / I1
Total Concept Area: 10.04 acres
Lots/Block: N/A
Parcel(s): 92
Watershed: Lower Rock Creek

Dear Mr. Packard:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures and on-site water quality control via the existing sand filter and detention pond on the property.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this project.
4. Although you suggested modifying the existing detention facility to attempt to bring it into compliance with current channel protection requirements, we feel that in light of the proposed project this would not be necessary. It is our understanding that the proposal is to construct a 15,000 square foot utility building within the originally approved parking lot. We further understand that there will be no water or sewer connections made to this building. Since the existing facilities are in place with approved as-built plans and since the project will result in no additional impervious area (with a decrease in vehicular imperviousness by adding a roof), the existing facilities should suffice to meet the minimum requirements for stormwater management.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**.

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ON, D.C.
10 F.



FIRE MARSHAL COMMENTS

DATE: 01-Nov-10
TO: Dean Packard - pgai@verizon.net
P.G. Associates, Inc
FROM: Marie LaBaw
RE: Lincoln Park
120100170

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **01-Oct-10** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

ASHLEY AVENUE
L. 9072 F. 56.3