



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 13, 2003

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

Sue Edwards, I-270 Corridor Team Leader *SE*
Community-Based Planning Division

FROM: Nellie Shields Maskal (301-495-4567) for the Montgomery County
Department of Park and Planning *NSM*

SUBJECT: Town of Washington Grove Annexation Resolution No. 2002-06 (Railroad Park) located west side of Railroad Street between Washington Grove Lane and the Humpback Bridge near the Baltimore and Ohio Railroad tracks in the Gaithersburg Vicinity Master Plan Area; 2,295 square feet in size; Reclassification from the County's I-1 (Light Industrial) Zone to the Town's C-L (Commercial-Local) Zone.

STAFF RECOMMENDATION: Approval to transmit the following comments to the Town of Washington Grove for the public hearing record:

1. The Planning Board should support the annexation since the proposed C-L (Commercial-Local) zoning classification is generally consistent with the recommendations of the Gaithersburg Vicinity Master Plan.
2. The County Council should review this annexation prior to final action by the Town since the proposed C-L Zone permits uses that are substantially different from the Master Plan. To meet the requirement of Section 23-A, Annotated Code of Maryland, the County Council must take specific action to approve the zoning change as proposed.
3. The proposed C-L zoning designation would not adversely affect the intent of the recommendation for this area.

BACKGROUND

The subject property generally known as "Railroad Park" is located within the Gaithersburg Vicinity Master Plan area. It is contiguous to the Town of Washington Grove's corporate limits and located on the west side of Railroad Street between Washington Grove Lane and the Humpback Bridge. It is owned by the Town of Washington Grove and situated directly across from the Town's Commercial Corner. See Figure 1. The Baltimore and Ohio Railroad (B&O) tracks are located nearby.

The Town plans to maintain the property as a gateway to the Town. The property will also serve as a park to memorialize the role of the B&O Railroad in the social and economic history of the Town.

In 1988, the Town originally annexed a long narrow strip (8,430 square feet) that included the subject property into the Town. See Attachment 1. In 1992, by Charter Amendment under authority of 72 Op. Atty. Gen. 2000, the Town de-annexed the strip as a part of a land swap agreement with Holston Brothers.

On February 10, 2003, the Washington Grove Town Council held a public hearing on the subject annexation. The Washington Grove Mayor and Council voted to defer action on this annexation until April 14, 2003 to allow comments by governmental agencies.

MASTER PLAN AND ZONING

The subject property is currently zoned I-1 (Light Industrial) in accord with the recommendations of the 1985 Approved and Adopted Gaithersburg Vicinity Master Plan. It was not studied during the 1985 Master Plan process and reflects the recommendation of the 1971 Gaithersburg Vicinity Master Plan.

The Town is requesting that the subject property be rezoned to the Town's C-L (Commercial-Local) Zone. Adjacent and nearby properties in the County are zoned I-1. The Town is essentially residential in nature and the only C-L zoned property is the 1-acre Commercial Corner located directly across from the subject property. The C-L Zone is the closest equivalent zone to the existing County I-1 Zone. Uses permitted in the C-L Zone include offices, limited personal services, and other commercial uses that are intended not to significantly burden the Town with increased noise, litter, and pedestrian or vehicular traffic.

The Town's 1995 Master Plan states the following for the subject property:

"Short and long-term plans for Railroad Park, the Town parcel that abuts the Railroad tracks west of the Humpback Bridge, can do much to improve that Gateway to the Town and be a real asset for the businesses that surround it. At present, this parcel is unsightly with a deteriorated concrete and gravel base. It is used only by vehicles related to nearby businesses for access, turn-around or parking. The Town should make a strong and immediate statement regarding ownership and use. This is a precedent setting situation.

The Master Plan recommends ways to mitigate the deteriorated concrete base of the lot, such as removing and hauling away or adding a raised boundary barrier filled with an appropriate planting medium. Install fencing or other clear boundary demarcation. At the front of the park, abutting Railroad Street, install a bench and landscaping near the bus stop sign. Invite the adjacent property owners and businesses to join the Town in the beautification effort.

Install a historic marker or appropriate sign depicting the railroad's connection with the Town's history.

Include this front area in the Town's regular maintenance schedule, seeking assistance from the County for assistance in the area of the bus stop."

Most of these Master Plan recommendations have been implemented.

Although the proposed C-L Zone is not in complete accord with the I-1 Zone recommendation of the Master Plan, the reclassification would not adversely affect the spirit or the intent of the Plan.

Action by the Montgomery County Council is required because the proposed C-L Zone is at variance with the Master Plan. The proposed C-L Zone allows retail commercial uses that are not allowed in the County's I-1 Zone except for employees in that Zone. The subject property cannot be rezoned by the Town to permit a land use substantially different from the use recommended in the County's Master Plan without the express approval of the County Council under Article 23-A, subsection 9(c) of the Maryland Annotated Code. The Code states that, "no municipality annexing land may, for a period of five (5) years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted Master Plan or Plans . . . without the express approval of the Board of County Commissioners or the County Council in which the municipality is located."

In 1988, the Planning Board voted to support Annexation Resolution No. 88-4 (which includes the subject property), and the rezoning from the County's I-1 Zone to the Town's C-L Zone. In a May 10, 1988 letter to Mayor Marc Hansen from Norman Christeller, the Planning Board states the following:

"Although the proposed C-L Zone is not in complete accord with the recommendations of the Gaithersburg Vicinity Master Plan, the Planning Board believes the rezoning would not adversely affect the intent of the recommendations for this area because the Town has indicated that it will dedicate the subject property to public use as a public park to memorialize the role of the Baltimore and Ohio Railroad in the social and economic history of the Town."

ENVIRONMENT

The Environmental Planning staff has reviewed the annexation application and recommends approval of the annexation. Staff comments are as follows:

"The site has recently been improved as a park with planted trees, shrubs, and lawn. It is adjacent to areas used for auto repair, commercial, and light industrial uses. Staff supports the Town of Washington Grove's intention to maintain the park as a gateway to the Town and to improve the park to memorialize the role of the B&O Railroad in the social and economic history of the Town. This use complements the Shady Grove Sector Plan and Gaithersburg Vicinity Master Plan efforts to create and maintain parks and green open space in the area."

There are no streams, floodplains, slopes, or wetland buffer areas on-site. No habitats of threatened or endangered species have been identified on-site.

PUBLIC FACILITIES AND SERVICES

Transportation Planning staff reviewed the subject annexation and their detailed comments are shown in Attachment 1. In summary, Transportation Planning staff comments are as follows:

"The site is an existing historic and passive recreational park. In the proposed C-L Zone, the park would remain as is and generate minimal peak-hour trips during the weekday morning and evening peak periods. If the subject property were reviewed as a subdivision case in Montgomery County, a traffic study would not be required because the total number of peak-hour trips is fewer than 50 during the weekday morning and evening peak periods."

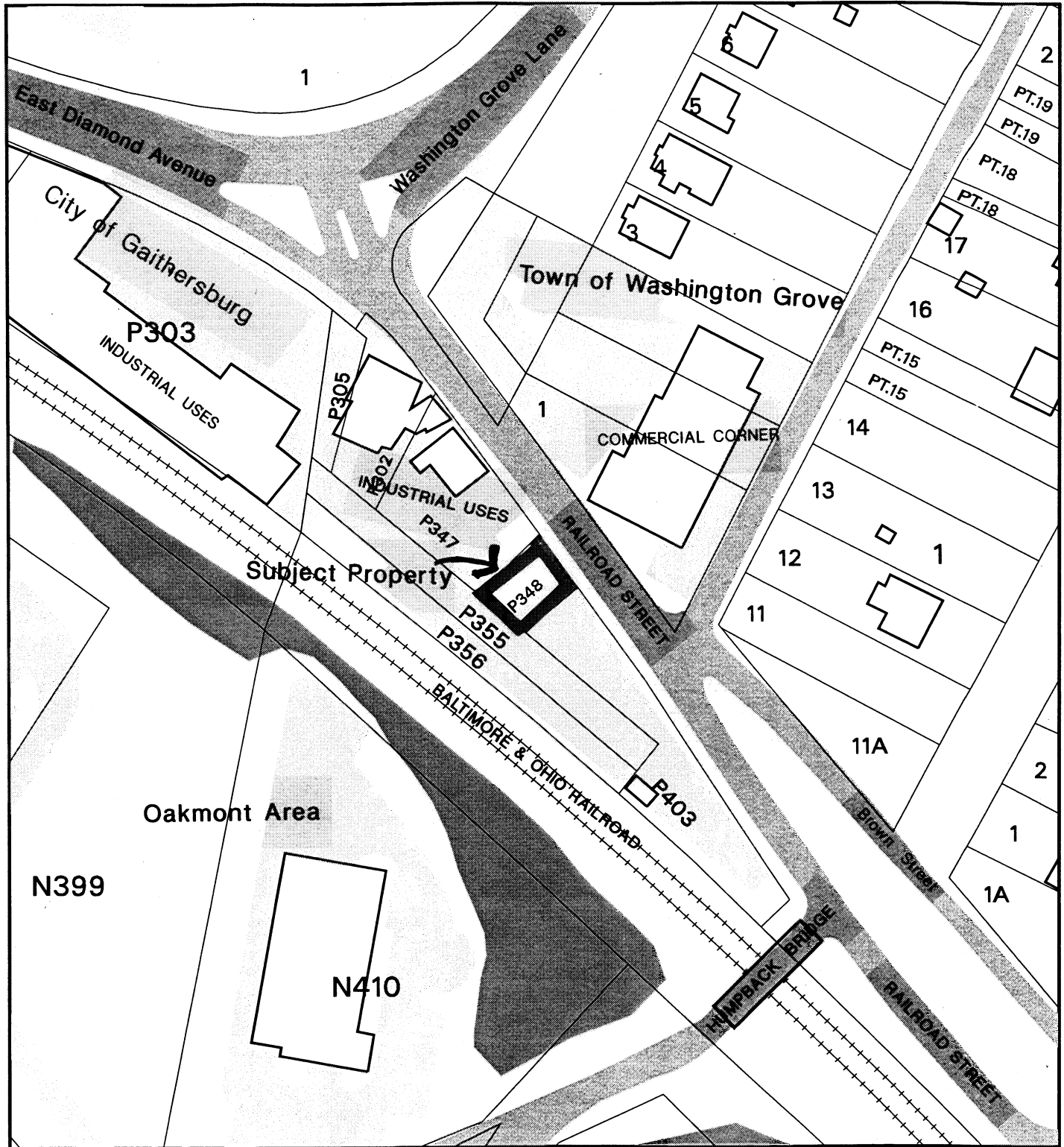
COUNTY REVENUE IMPLICATIONS

The Planning Board has recommended in previous annexation cases that the applicant volunteer to continue to pay park taxes or make a payment in lieu of taxes. The Planning Board also has recommended that the payment of park taxes be included in annexation agreements. There is no required condition of approval regarding the payment of park taxes.

The subject property is a tax-exempt property and pays no County taxes. Therefore, the annexation of the subject property by the Town will not shift any revenue sources received by the County to the Town.

CONCLUSION

Staff recommends that the Planning Board support Annexation Resolution No. 2002-06 and the rezoning of the subject property to the Town's C-L Zone for the reasons stated above.



Map compiled on March 13, 2003 at 2:45 PM | Site located on base sheet no - 223NW08

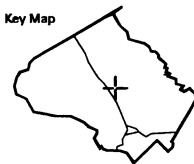
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Key Map

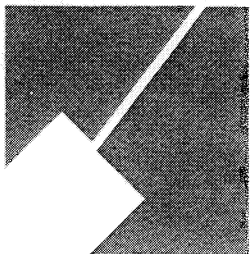


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1" = 1200'

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

March 14, 2003

MEMORANDUM

TO: Nellie Maskal, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Town of Washington Grove Annexation Resolution No. 2002-06
"Railroad Park", Parcel P348
Derwood Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject annexation resolution. The subject property is contiguous and adjoins to the existing corporate limits and is within the maximum expansion limits of the Town of Washington Grove. The petitioner proposes to reclassify the property from Montgomery County's light industrial I-1 zone to the Town of Washington Grove's CL (Commercial-Local) zone.

FINDINGS

Transportation Planning staff recommends the following as part of the Planning Board's comments to the Town of Washington Grove regarding the APF test for this annexation resolution:

1. To satisfy APF review within Montgomery County as a non-residential development within the Derwood Policy Area:
 - a. For Policy Area Review, remaining capacity in the Derwood Policy Area is available for additional jobs (and not in a moratorium).
 - b. For Local Area Transportation Review (LATR), a traffic study would not be required to analyze the impact of site-generated traffic on nearby roads and intersections because the potential number of site-generated trips is fewer than 50 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

2. The segment of Railroad Street fronting the subject property is within the Town of Washington Grove and not under Montgomery County's maintenance and access control.

DISCUSSION

Site Location and Access

The site is located on the west side of Railroad Street between Washington Grove Lane and the Deer Park ("Humpback") Bridge. The segment of Railroad Street also forms the corporate limits of the Town of Washington Grove.

Background

The proposed land to be annexed is unrecorded parcel P348. Although outside its corporate limits, the Town of Washington Grove owns and provides municipal services to Parcel P348. The site is known as the "Railroad Park" and used to memorialize the historical role of the B&O Railroad to the Town.

The Town of Washington Grove Annexation Resolution No. 88-4, Parcel P348 and other parcels located between Railroad Street and the CSX right-of-way were annexed in 1988. However, in 1992 those parcels were de-annexed as part of a property exchange with a developer.

Roadway Designation in Different Master Plans

1. According to the *Sector Plan for the Shady Grove Station Area* dated 1977 and *Gaithersburg Vicinity Master Plan* dated 1985, the nearby roadways are designated as follows:
 - a. Oakmont Avenue is designated as a four-lane arterial, A-255, with an 80-foot right-of-way.
 - b. East Deer Park Drive is designated as a primary residential street, P-9, with a 70-foot right-of-way.
 - c. Washington Grove Lane (previous MD 124) is designated as a primary residential street, P5, with a 70-foot right-of-way.
2. According to the *Oakmont Special Study Area Plan*, another nearby roadway is classified as follows:

Central Avenue is recommended for reclassification from a primary residential street to a secondary residential street.
3. According to the *1997 City of Gaithersburg Master Plan*, the City's nearby roadways are designated as follows:

- a. West Diamond Avenue between Girard Street and Washington Grove Lane is designated as a two-lane collector street.
- b. Girard Street is designated as an arterial.

Railroad Street is not explicitly designated in the master plans above. The existing right-of-way for Railroad Street varies from 30 feet to 90 feet. The segment of Railroad Street fronting P348 is a two-lane road with approximately 35 feet of right-of-way. However, this segment is part of the relocation or extension of Oakmont Avenue (A-255) described in the 1985 *Gaithersburg Vicinity Master Plan*.

Nearby Transportation Projects

The status of nearby transportation projects is as follows:

1. The site is at the north end of the Montgomery County Department of Public Works and Transportation's (DPWT) Facility Planning Project, Deer Park ("Humpback") Bridge/Oakmont Avenue Project. DPWT has just begun the Facility Planning Project.
2. A transit easement runs along the west side of the CSX railroad tracks and is located on the opposite side of the railroad tracks from the subject site.

Adequate Public Facilities Review

The APF review process is summarized in Attachment No. 1 for transportation impacts within Montgomery County. Transportation Planning staff's comments are as follows:

1. Local Area Transportation Review
 - a. Projected Site-Generated Traffic

The permitted uses in Montgomery County's I-1 zone would generate approximately six peak-hour trips during both the weekday morning and evening peak periods based on the Institute of Transportation Engineers trip-generation rates for light industrial uses. The maximum development on this I-1 zoned parcel of 2,295 square feet was based on its front setback, minimum green area, and maximum building height and assumed no other constraints.

The site is an existing historical and passive recreational park. In the proposed Washington Grove's CL zone, the park would remain as is and generate minimal peak-hour trips during the weekday morning and evening peak periods. If the site were to be developed for commercial use, a general retail use of approximately 2,000 square feet would generate 6 peak-hour

trips during the weekday morning peak period and 25 peak-hour trips during the weekday evening peak period.

b. The Need for a Traffic Study

If reviewed as a subdivision case in Montgomery County, a traffic study would not be required because the total number of peak-hour trips is fewer than 50 during the weekday morning and evening peak periods.

2. Policy Area Review/Staging Ceiling Condition

The site is currently located in the Derwood Policy Area and, if annexed, the site would remain in the same policy area. As of January 31, 2003, the remaining capacity is 715 jobs for the Derwood Policy Area under the *FY 2003 Annual Growth Policy* transportation staging ceilings.

EA/ct

Attachment

cc: Ki Kim

Annexation Resolution 2002-06.doc