

RECEIVED  
0215  
FEB 13 2004

12 Feb 2004

MEMO to Montgomery County Planning Board  
From Pamela Lindstrom  
Subject: Olney Master Plan

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

In my ongoing interest in the implementation of the balanced land use concepts, I read the draft of the Olney Master Plan, some public input and staff reports for the Planning Board worksessions. The draft plan does not fulfill the spirit of the balanced land use concept adopted by the Board and the County Council after the Transportation Policy Report. There were good reasons for adopting those principles, and they should not casually slip away.

The balanced land use (BLU) concept advises the following for Olney:

1. Most of the planning area is beyond the reach of public transit;
2. The whole Georgia Avenue corridor has a large surplus of housing over jobs, causing excessive long-distance commuting, especially to the I 270 Corridor.
3. Olney an even lower job/housing balance than the Georgia Avenue corridor as a whole.

The recommendation was to whittle away housing capacity from the undeveloped properties in the fringes, and add jobs in the Town Center. I acknowledge the underlying vision of Olney as a satellite bedroom town. But the concept has been carried too far. The overwhelming need to commute outward is bad for the residents and for the natural areas in and around Olney.

The draft master plan states the objective of improving the job/housing balance, however, it does not propose zoning or development capacities that would achieve that objective. Recent actions by the Planning Board would make the ratio even worse.

The analysis done for the TPR shows that the land use modifications contained in the transit scenario reduce Olney's peak hour vehicle trips by 10% compared to the master planned baseline, and reduce trips to the I 270 Corridor by 19%. That is a very significant reduction of traffic, on road systems that are similar. (Neither the baseline nor the transit scenario includes the ICC. The baseline contains the partial extension of Midcounty Highway; the transit scenario widens Muncaster Mill Road to four lanes.)

To achieve such a reduction, the BLU scenario added 1000 jobs to the capacity of the Town Center, and reduced the housing capacity by about 1000. The draft plan adds some job capacity (300,000 square feet, or about 600-900 jobs, depending on how much of the business is retail). But it also ADDS housing units. The j/h ratio remains at 0.57, the lowest of any fairly densely developed area of the County.

It looks like achieving the BLU reduction in housing growth below 13,000 is not possible. But it CAN be reduced to below the 14,400, which is the buildout of current zoning. The zoning capacity has apparently increased since 2000 - when the TPR analysis was done, the zoning capacity was about 13,500. We have that now existing and in the pipeline, and can still build nearly 1000 more units!

This increase is bad for more issues than just traffic. The impervious area count for many stream valleys is already over the recommended limit of 10-12%, a situation to be made worse by the ICC.

I realize that the Board is strongly motivated to stem the leaking away of moderately priced housing. But rezoning which adds hundreds of dwelling units, just for the small fraction of MPDUs makes no sense. The costs are too great. Furthermore, savings for housing will be offset by higher transportation costs, since every trip by any household member will require a car.

24

I recommend the following: Reduce the housing densities recommended in the Southeast Quadrant and the other large parcels in Southern Olney. It is a good idea to increase housing in the Town Center, but that should also be compensated by reductions elsewhere.

Set the same low limits on impervious area that were set in Upper Rock Creek. Southern Olney contains the headwaters for the same streams that you tried so hard to protect Upper Rock Creek; it makes no sense to allow more impervious area here.

Add somewhat more employment to the center. This should definitely NOT be predominantly retail. The plan refers to "retail and commercial" businesses. But commercial is often a synonym for retail. What the Olney Town Center needs is some businesses to provide jobs that can support families and avoid long commutes out of the area, not just second or third jobs in chain stores for low pay.

I will support increased housing at Shady Grove and any reasonable location at a Metro station or other places near job centers. But not in Olney. The Planning Board has received extensive testimony from the Olney civic associations that appears to oppose MPDUs. In fact, they are opposing the big increase in housing density that goes along with MPDUs. The Board members need to think more clearly about where that housing density is appropriate and where it is not. If you make the same case in Olney as you make in Shady Grove, you risk turning neighborhood activists everywhere against affordable housing.

421 Gaither Street  
Gaithersburg MD 20877  
7 April 2004

Mr. Derick Berlage, Chairman  
Montgomery County Planning Board

RE: Olney Master Plan

Dear Planning Board members:

The Board and the County Council adopted the growth policies in the Transportation Policy Report for good reasons. Balancing jobs and housing units showed itself an effective way of reducing driving and thus road congestion. Adding housing to job-heavy areas, and adding jobs to "bedroom communities" is also a good strategy for socioeconomic integration: It can make housing more affordable in hot commercial areas like the I 270 Corridor. It can improve access to jobs and service for moderate income people living in the big housing areas like Olney and Wheaton.

Planning Board and staff refer to the TPR or balanced land use principles frequently in discussions of the master plans for the I 270 Corridor, where they clearly realize the importance of adding housing in the Metro station areas. But the principles apply equally to other parts of the County, in particular to Olney.

In Olney the advice is different: whittle away the remaining capacity to build houses in the low density quarters, and add jobs to the center. Just as at Shady Grove, the principles need to be applied with care. But you should have no doubt about the beneficial results. The job/housing ratio for the whole Georgia Avenue corridor outside the Beltway from the TPR is 0.68, the lowest of any of the TPR 5 major subdivisions.

I have heard that this imbalance results from a long standing policy that Olney should be a purely residential community with locally-serving retail and services, but no primary employment. The consequences of that policy are obvious. The survey of Olney residents showed that nearly 90% commute outside Olney to work. Many respondents said that traffic congestion is the community's worst problem. As one commenter said, "Traffic is the Achilles heel of Olney."

Yet most respondents did not want to solve the traffic problem by building roads. The Olney busway or other significant transit improvements are not on the horizon. The other way to reduce congestion is to balance the land uses.

The 2030 growth forecast shows Olney growing by 1280 households but only 203 jobs. The Aspen Hill-Glenmont-Olney area would grow by 5500 households but only 539 jobs. That is a recipe for a commuting disaster.

But the TPR alternative growth scheme showed a major improvement in commuting and peak hour trip patterns. The alternative scenario for Olney currently is 181 households and 2048 jobs. The larger Olney/Aspen Hill-Glenmont area has growth of 2929 housing units and 9057 jobs. These changes are large enough to make a significant difference in the commuting and peak hour driving pattern, a change that will improve residents' lives.

26

The TPR modeling used somewhat different numbers than are possible now (We are using a new version of regional forecasts.). But the direction of changes was the same. The alternate land use reduced peak hour vehicle trips from Olney residents by 8%. It reduced work trips (by reducing household growth) by 11%. East-west vehicle trips in the peak hour were reduced by 19% from Olney to the I 270 Corridor/Bethesda. The reduction was also 19% (about 2400 trips) from the whole Eastern area to the I 270 Corridor/Bethesda. (These are comparisons between the Master Plan scenario with no IC,C and the Transit Scenario with the alternate land use. This clarifies that the reduction is due to the land use changes rather than absence of the ICC.)

On the other hand, the alternate land use increased commuting and vehicle trips to nearby destinations. It increased work destinations within the Olney/Georgia Avenue area from 10% to 14% (from 687 to 875 trips).

The travel pattern from the alternate land use is a sign of a healthier community, less dependent on long unsafe car commutes, offering residents more opportunities to work near their homes.

It goes without saying that additional jobs should be located in the Town Center. The draft plan proposes renovation of the Town Center to a more urban form, with mix of uses and pedestrian accessibility. The majority of residents responded that they do not like the Town Center. Many stated desires that it become more like the Kentlands center or even like the Olney that was demolished. Some small office buildings could easily be incorporated into the improved Town Center plan. It also goes without saying that employment growth in Olney should NOT go beyond the scale proposed in the alternate land use. This is definitely a case of "not too little, not too much, but just right".

Sincerely,

Pamela Lindstrom

**Afzal, Khalid**

---

**From:** ahl-nitz [ahlers.nitz@verizon.net]  
**Sent:** Wednesday, February 04, 2004 8:22 PM  
**To:** Afzal, Khalid  
**Subject:** Olney Master Plan

Kristoph Ahlers  
17524 Queen Elizabeth Dr.  
Olney, MD 20832

Mr. Khalid Afzal  
Community Based Planning Division  
Montgomery County Department of Park  
And Planning  
8787 Georgia Ave.  
Silver Spring, MD 20910

February 4, 2004

Dear Mr. Afzal,

My name is Kristoph Ahlers and I am 13 years old. I go to Rosa Parks Middle School in Olney. As a teen I highly suggest a teen center as part of the Olney Master Plan. A teen center is important for several reasons.

First, a teen center is important because I know of a lot of students who live in the area who don't get help with their homework. A teen center could offer this kind of help for some students. Second, a teen center also would be a great place to meet new friends. The center could offer sport activities such as basketball, ping pong or other sports. Finally, a teen center would most likely help keep kids off drugs, because they would be busy doing other things. I think a teen center with some adult supervision would be a great way to help teens academically, stay out of trouble and away from drugs.

Please consider this as you finalize the Olney Master Plan.

Sincerely,  
Kristoph Ahlers

28

**Public Testimony**  
**Olney Elementary Parent Teachers Association**  
**Kenneth J. Cusick**  
**September 25, 2003**

- My name is Kenneth J. Cusick I am an officer of the Olney Elementary PTA.
- I have been asked to provide testimony on behalf of the Olney Elementary PTA with respect to the July 3, 2003 Staff Draft Olney Master Plan.
- I am here to address concerns related to the proposed redevelopment of the Olney Elementary School into a civic center with a town commons. The Olney Elementary PTA's position concerning the future redevelopment of this site is as follows:
  - Any reference in the plan to the future redevelopment of Olney Elementary should be stricken.
  - Olney Elementary is a residential-based land use and should not be part of the proposed town center.
  - The draft plan can adequately address the civic center/town commons project through a simple notation in the plan. No site-specific recommendation is needed.
- These recommendations are based on the following facts:
  - Olney Elementary is a state-of-the-art facility that was renovated during 1990 at a cost of \$5.6 million. Accordingly, the school's remaining economic life is well beyond the usefulness of the draft master plan.
  - The draft plan clearly details that there are other town center sites that may come available during the planning period that could be acquired by the county to develop the civic center. These sites are more appropriate for development since they would minimize any adverse impact to the educational needs of our community.
  - The plan's language with respect to trigger mechanism that allows redevelopment is too vague. The plans says that the feasibility of a civic center/town commons should be explored in the event that the "site is not needed for school purposes". This statement does not allow MCPS to surplus the school property and later reopen the school when it is needed at a later time. Moreover, Montgomery County cannot commit to such a statement since the State of Maryland has decision-making authority over the ultimate reuse of the school.
  - Specifically targeting publicly owned MCPS sites for redevelopment at the master plan level is outside the scope of the planning process. This decision should be made during site plan approval process, after it has been determined by MCPS and the State of Maryland that the school is no longer needed.
  - The site specific recommendation sets a poor planning precedent and creates false hopes for both developers and residents that expect an outcome that is outside the authority of Montgomery County and has a very remote probability of ever occurring.

**Testimony of Mark Feinroth Representing the Williamsburg Village Homeowners Association Regarding the July 2003 Staff Draft of the Proposed Olney Master Plan Amendments**

**September 25, 2003**

Mr. Chairman, Members of the Planning Board, my name is Mark Feinroth. I represent the Williamsburg Village Civic Association. Our community is located on the west side of Georgia Avenue south of Queen Mary Drive and north of Hines Road. We have approximately 400 homes in the neighborhood and we estimate more than 1,000 resident.

We are generally pleased with draft revisions to the Olney Master Plan and thank Khalid Afzal for his evident willingness to listen to the concerns of our neighborhood with respect to the town center issue and the Olney Elementary School site at Queen Mary Drive and Georgia Avenue. The recommendations we support are on page 51 of the staff draft and we recommend adding one additional recommendation.

The staff recommends exploring the opportunities for a civic center with retail, offices and public space within walking distance of the Georgia Avenue and Rt. 108 intersection and further recommends exploring the feasibility of the Olney Elementary School site as a location for the town center should the school no longer be needed for educational purposes. If the school site is used for the town center staff recommends preserving the existing ballfields. Within the text on page 50 of the draft, staff suggests that other sites should be explored as they become available.

There is no mention of what should become of the Olney Elementary School site if the town center is located on another site and later on the school is no longer needed for educational purposes. At its August 2003 meeting, GOCA adopted a resolution addressing this possibility that we believe should be incorporated into the Olney Master Plan Amendments. GOCA and Williamsburg Village support a fourth recommendation concerning the Olney Elementary School located at Queen Mary Drive and Georgia Avenue. In the event that the civic center/town commons facility is built on a site other than the Olney Elementary School parcel and at a later date the School is no longer needed for educational purposes, GOCA and Williamsburg Village supports development of the property as public green space such as a park or commons. GOCA and Williamsburg Village only support structures on the site that would be consistent with recreational uses.

The Olney Elementary School site is of critical importance to Olney and Williamsburg Village because it is the only recreational area with our community that is accessible without crossing a major road. It is also the only green space within a few blocks of the Georgia Avenue and Rt. 108 intersection. We believe that it is tremendously important to preserve that green space.

In retrospect, we were quite fortunate to read in the Gazette last November that Olney Elementary School was a possible site for the town center facility and that the school might be moved to another site. Our community reacted with alarm to that possibility and we quickly became involved in the GOCA Master Plan dialogue. In this age of electronic communications the Planning Board should carefully examine its communication technique in order to let neighborhoods know about plans under consideration that might impact critical facilities like parks and elementary schools. The Master Plan Advisory Group technique is an effective means to bring a small group of committed individuals together to collaborate on drafting a revised Master Plan but the Planning Board can not assume that the individuals who sit on the Advisory Group are always able to communicate with the individuals and neighborhoods who might have an interest in a given site or proposal. The Planning Board owes it to the citizens of Montgomery County to do a better job communicating.

Thank you for this opportunity to address you concerning the Olney Master Plan.

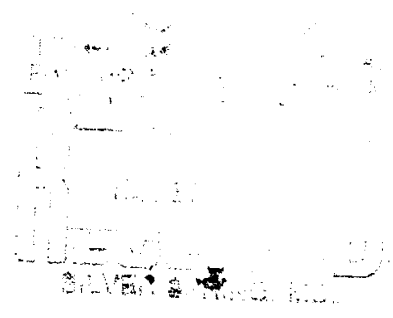
Submitted by

Mark Feinroth  
17609 Princess Anne Drive  
Olney, Maryland 20832  
(301) 774-6070  
mfeinroth@aol.com



March 10, 2003

Mr. Khalid Afzal  
Community-Based Planning Division  
Montgomery Counts Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



RE: Redevelopment of Olney Elementary School

Dear Mr. Afzal:

Thank you for taking the time to meet with the Olney Elementary PTA to solicit our input regarding the possible redevelopment of the school into a community center and the relocation of our school to another site on Bowie Mill Road. Your presentation at the meeting was very professional and provided us with a good understanding of Montgomery County Park and Planning's preliminary staff recommendations for our school.

After carefully evaluating our meeting notes and the materials that were provided to us, the PTA is extremely concerned that the proposed redevelopment of the our school and its relocation to Bowie Mill Road would create a significant hardship for our student and parent community. While we understand that the Olney community needs a community center, the benefits created by placing the center on the Olney Elementary School site do not outweigh the community and financial hardships that will be created by relocating the school to Bowie Mill Road. Accordingly, the Olney Elementary PTA does not support Park and Planning's staff recommendations.

The reasons supporting our position are as follows:

1. Olney Elementary is centrally located in a densely populated area and provides excellent access for our students. As we mentioned in our meeting, many of our students walk to school or are driven by their parents in residential communities that are in close proximity to our school. Relocating the school to a location that is several miles from the existing school will create more traffic for our community, increase commute times for our children and place an unfair burden for our parents that drive our children to school. Moreover, moving the school will discourage those parents live within walking distance and do not have a car during the day from remaining active and involved in the school.
2. Relocating our school to Bowie Mill Road does not make sense from a facilities planning point of view. Our school presently serves a stable community that is not witnessing the same explosive growth as the Norbeck Grove area. Because another elementary school will someday be needed to support growth in the

**Redevelopment of Olney Elementary**

**March 10, 2003**

**Page 2**

Norbeck Grove area, moving Olney Elementary to Bowie Mill Road actually increases our long-term student capacity problems.

3. Bowie Mill road is a two-lane roadway that handles a significant amount of traffic. Ingress and egress would be difficult and possibly dangerous for our children.
4. The Bowie Mill site is also near major power lines, which could present possible health concerns for our children and the elementary school staff.
5. The relocation of the school does not appear to make economic sense. The development of a new school to facilitate the completion of a new community center appears to be a costly proposition. The county would be financially better served by locating a site for the community center that is just outside of the town center. The land would be considerably less expensive and the development of the facility would be less disruptive to our community.
6. Georgia Avenue in the town center area is heavily congested. Replacing the elementary school with a community center would likely worsen our traffic problems. Moreover, both the Morningwood and Queen Mary Drive interchanges are currently heavily congested. With the proposed development, these interchanges would likely fail to meet our community's traffic capacity requirements.

The PTA would like to continue its involvement on this very important issue. I would appreciate being copied on any notices or additional planning information that your department publishes. Since I have a mailbox at the school, you can use Olney Elementary's mailing address to forward information to me. You can also call me at 301-774-3613, should you have any questions.

Sincerely,

*Sharon St. Pierre*

Sharon St. Pierre  
President  
Olney Elementary PTA

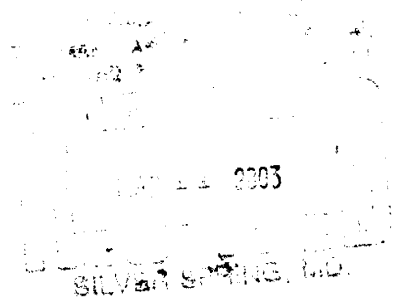
CC: Joan O'Brien, Principal, Olney Elementary  
Janice Trupin, MCPS  
Joseph Lavorgna, MCPS  
Steve Smet, GOCA



# Williamsburg Village Civic Association

March 8, 2003

Mr. Khalid Afzal  
Community-Based Planning Division  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



Olney Elementary and the  
RE: Olney Master Plan Update

Dear Mr. Afzal:

Over the past two months a committee of the Williamsburg Village Civic Association has been studying recommendations that you are considering regarding the relocation of Olney Elementary to another site on Bowie Mill Road and the redevelopment of the school into a community center. It is my understanding that the proposed community center may include a library, service center, police station, teen center and a public meeting hall, as well as possible public/private uses such as retail, office and residential housing.

I would like to take this opportunity to inform you that the Williamsburg Village Civic Association is completely opposed to any redevelopment of the Olney Elementary School site. Our most salient reasons supporting this position are as follows:

1. The elementary school has been an integral part of our community since mid-1950. The school serves all of the young children in our village and is a common bond that joins our community together.
2. Many of the students that attend Olney Elementary, either walk to school or are driven by their parents. Moving the school to a site on Bowie Mill Road would place an unreasonable burden on our children and parents. Children would have to leave earlier to attend school and bus traffic would increase since there are not nearly as many children that can walk to school in the Bowie Mill Road area.
3. The school has been a long-lasting amenity to our community. It serves as a meeting place for our annual Fourth of July and Easter celebrations and also serves as an open space for our children to play. Because Williamsburg Village is an older community, it does not have an abundance of open space, consisting of tot lots, playgrounds and community parks, that many of the newer, better-planned, communities have. Olney Elementary School is our only dedicated open space.
4. Transforming the school into a community center and mixed-use development is not consistent with the character of our community and will likely have a negative impact on home values in our community. The site presently serves as an attractive buffer between Williamsburg Village and Olney Town Center.

**Olney Elementary School**

**March 8, 2003**

**Page 2**

5. The proposed development will likely increase traffic in our neighborhood and create additional pressure on the Queen Mary and Morningwood Drive interchanges that intersect Georgia Avenue. As you may be aware, the traffic counts continue to grow on Georgia Avenue and the State Highway Administration has denied our community's request to place a light at Georgia Avenue and Queen Mary Drive.

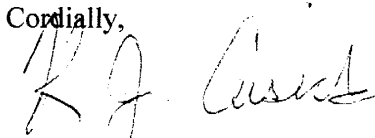
While the Williamsburg Village Civic Association does not object to the need for developing a Civic Association within Olney, the Olney Elementary School site is not the correct place.

In the future, we would appreciate receiving all notices that you publish regarding this very important issue. Your notices can be sent to me at the following address:

Kenneth J. Cusick  
Williamsburg Village Civic Association  
17820 Howe Drive  
Olney, Maryland 20832

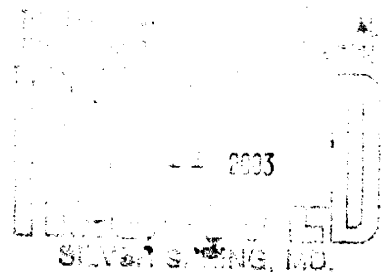
Please feel free to call me at 301-570-6068 should you have any questions.

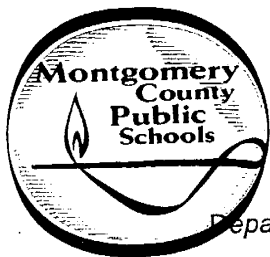
Cordially,



Kenneth J. Cusick  
Secretary

CC: Jack Kerekes, Williamsburg Village Civic Association President  
Williamsburg Village Community Residents  
Steve Smet, GOCA





Montgomery County Planning Board  
 For inclusion in Public Hearing Record  
 Re: Olney Master Plan  
 Date of Hearing: 9-25-03  
 Date Rec'd: \_\_\_\_\_  
 Corres. No.: \_\_\_\_\_

850 Hungerford Drive \* Rockville, Maryland \* 20850-1747  
 Telephone (301) 279-3425  
 Department of Facilities Management, 7361 Calhoun Place, Suite 400, Rockville, MD 20855  
 FAX: 301-279-3737

September 26, 2003

RECEIVED  
 1323  
 OCT 01 2003

Mr. Derick Berlage, Chairman  
 Montgomery County Planning Board  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910

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

Dear Mr. Berlage:

Re: Staff Draft Olney Master Plan

This is written to comment on the July 2003 Public Hearing-Draft Olney Master Plan, particularly as it relates to Olney Elementary School. A recommendation on page 51 of the Draft Plan is as follows: "Explore the feasibility of a civic center/town commons on the Olney Elementary School site if it is no longer needed for a school use." I am requesting that this recommendation be deleted from the Draft Plan. We are not opposed to the concept of a civic center/town center commons located somewhere in the town center, but we do object to a site selection recommendation within the Master Plan that targets an operating school for a different future public need when there is no indication or decision by the Board of Education that the site will be available for other uses if the school is closed.

Since site selection is a function that typically happens after the general land use is set, the fact that a recommendation for the site of the civic center/town center is included in the Master Plan creates an expectation that the community will obtain a civic center within the 10-20 year lifetime of the Master Plan. Identifying a school site for this purpose, even with the availability caveat, creates an expectation that the facility will automatically be available for a civic center/town center commons if and when the Board of Education decides to close the school.

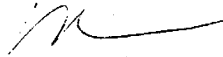
The Board of Education supports reuse of closed schools that do not compromise their integrity for reclaiming them for reopening at a later date. For this reason, when a school is declared surplus and approved for transfer to the county government, a clause is typically added to the deed to allow the Board of Education to reclaim it should it ever be needed for educational purposes. If Olney Elementary School ceases to be needed for educational purposes and is closed, the ability of the Board of Education to ensure it can be reclaimed for future educational purposes will be compromised or weakened because of the expectation created by the Master Plan.

The numbers of previously closed schools that have reopened supports our concern that the Board of Education not be placed in this position. Eight formerly closed schools have been reopened in the last 15 years, while four others are scheduled to reopen in the next three years. The Board of Education also often utilizes closed schools for other functions, such as holding facilities for schools undergoing renovation, administrative needs, and interim leasing. This is further reason why there should be no assumption that the Olney site may be available for other county purposes even if it is closed in the future.

I strongly suggest that other alternatives be investigated for the civic center/town commons facility in Olney before future development eliminates all other possibilities, and the citizens of the Olney area are left with no other options.

Thank you for the opportunity to comment.

Sincerely,



Richard G. Hawes, Director  
Department of Facilities Management

RGH:jlc

Copy to:  
Dr. Weast  
Mr. Bowers  
Mr. Lavorgna

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

April 7, 2004

**C. Robert Dalrymple**  
301.961.5208  
bdalrymple@linowes-law.com  
**Anne C. Martin**  
301.961.5127  
amartin@linowes-law.com

**Hand Delivered**

Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Olney Master Plan Public Hearing Draft Worksession No. 7  
Silo Inn Property

Dear Chairman Berlage and Members of the Planning Board:

We represent MFS Silo LLC, et al., the owners of the properties that are located on the west side of Georgia Avenue, south of Silo Inn Drive and east of Martin's Dairy Circle and referenced in the Staff Draft Olney Master Plan on page 35-36 as the "Silo Inn property" (the "Properties"). The Properties consist of a 99,140 square foot parcel in the C-1 zone (convenience commercial) known as Parcel B, Block 2 of the Brooke Manor Farms subdivision ("Parcel B") and the adjacent 37,462 square foot property in the R-200 zone known as Outlot A, Block 2 of the Brooke Manor Farms subdivision ("Outlot A"). We request that the Planning Board retain the current C-1 zoning classification on Parcel B and retain through appropriate zoning the historical use of Outlot A for off street parking for the commercial uses on Parcel B. As explained herein, the recommendation in the Staff Draft to rezone Parcel B to the R-200 zone is inconsistent with the long standing plan and vision for the Properties and surrounding area, is contrary to prior governmental approvals and agreements to retain the commercial uses that have historically been on the Properties, and is contrary to the desires of and interests of the adjacent residential homeowners.

For your reference, we have attached hereto as Exhibit A a copy of the Brooke Manor Farms subdivision plat, recorded September 8, 1992 in the Land Records for Montgomery County at Plat No. 165, Plat No. 18662 (depicting both Outlot A and Parcel B). Parcel B was previously used for the Silo Inn and Mr. T's Restaurants (approximately 32,500 square feet), and there is an existing 900± square foot building known as Higgin's Tavern which has been (and remains) located on the Locational Atlas of Historic Resources, but has never been designated on the Master Plan for Historic Preservation. Outlot A has historically served as a parking facility

Derick P. Berlage, Chairman

April 7, 2004

Page 2

serving the commercial uses on Parcel B (and the use of Outlot A for parking was established as a legally nonconforming use of residentially zoned land by action of the Department of Permitting Services ("DPS") on November 3, 1994 (Exhibit B), with DPS finding that use to have existed prior to 1958).

The continuance of the use of Parcel B for the 32,500 square feet of commercial uses and Outlot A for parking in conjunction with the commercial uses of Parcel B was confirmed by the Planning Board through the review and approval of Preliminary Plan No. 1-89086 for the Properties (being known in that process as part of the Burka/ Goldman Property)(the "Preliminary Plan"). As noted on the copy of the Preliminary Plan Concept Plan, attached hereto as Exhibit C, and the Preliminary Plan Opinion of approval dated July 6, 1990, attached hereto as Exhibit D, Outlot A was to be utilized for parking for the 32,500 square feet of commercial uses on Parcel B. The adequate public facilities approval for the continuance of the 32,500 square feet of commercial development was confirmed by your Staff on February 24, 2003, as noted in the correspondence attached hereto as Exhibit E.

The Properties were also the subject of a 1995 Consent Agreement between the previous owners of the Properties, the Planning Board and the Historic Preservation Commission ("HPC"), which Consent Agreement was negotiated in response to a demolition permit filed for the Higgin's Tavern as part of the implementation plans to develop the Properties as approved by the Preliminary Plan. The express intention of the Consent Agreement (a copy of which is attached as Exhibit F) was: 1) Parcel B would be redeveloped for commercial purposes; 2) Outlot A would be used for parking in conjunction with the redeveloped commercial uses of Parcel B; and 3) Higgin's Tavern would be restored and refurbished to preserve its historic character and to allow some productive use of the facility for future purposes. In accordance with the requirements imposed by the Consent Agreement, the then owners of the Properties withdrew their pending Higgin's Tavern demolition permit.

Consistent with the Consent Agreement, the Preliminary Plan and the Preliminary Plan Opinion, MFS Silo LLC seeks to implement the Consent Agreement and the approved Preliminary Plan through construction of commercial uses on Parcel B and the utilization of Outlot A for surface parking in conjunction therewith (there continuing to be insufficient land on Parcel B to provide the necessary parking to serve the commercial uses), and to restore Higgin's Tavern pursuant to the terms of the Consent Agreement. Shortly before the purchase of the Properties by MFS Silo LLC, the previous owners of the Properties received written confirmation from DPS (Exhibit G) concerning the continued availability of Outlot A for parking in conjunction with the commercial redevelopment of Parcel B, even though the



Derick P. Berlage, Chairman  
April 7, 2004  
Page 3

commercial uses on Parcel B had already been demolished to make way for redevelopment. Nevertheless, subsequent to the purchase by MFS Silo LLC of the Properties, DPS has sent a letter reversing itself as to the viability of continuing the use of Outlot A for parking in conjunction with the redevelopment of Parcel B with commercial uses, thereby precluding implementation of the Preliminary Plan and the Consent Agreement (this determination is currently on appeal).

The pending Master Plan amendment should ensure that the longstanding intention for the redevelopment of Parcel B and Outlot A as a small commercial center can be implemented. Not only has there been substantial reliance upon this by the owners of the Properties, but also by the surrounding immediate neighbors. MFS Silo LLC has coordinated with the adjacent residential community to the west known as the Victoria Springs Home Owners Association (the "Association"), which was also part of the Burka/Goldman property that was the subject of the Preliminary Plan. At an Association meeting on November 4, 2003, the majority of the Association representatives voted to support the proposed commercial uses on Parcel B and parking on Outlot A instead of residential uses, which is referenced in the February 2004 Association newsletter attached hereto as Exhibit H. This position of the Association is consistent with the language in the current approved Olney Master Plan that was in effect and relied upon when the Association was created (after the approval of the Preliminary Plan) supporting the commercial uses on Parcel B because of the convenience the commercial area provides to the surrounding residential neighborhood.

Strictly from a planning perspective, honoring the longstanding commitment to redevelop the Properties with neighborhood commercial uses and sufficient surface parking to serve the commercial uses is still sensible. While the larger commercial uses intended to serve the broader community and region should be centered in the Town Center of Olney, there remains a critical need and desire to locate smaller scale commercial uses on properties historically providing commercial goods and/or services to the immediate neighborhood. Furthermore, it is well established that Olney is desperately underserved from a retail perspective, as demonstrated in studies conducted by Staff. Without a commitment to the uses that have long been contemplated for the Properties, it is possible that, under existing zoning classifications, development on the Properties will deviate significantly from the immediate neighborhood's interests, will not supply the critical need for retail development outside of the Town Center, and preservation of the historic Higgin's Tavern will come into question.

To summarize, maintaining the ability to redevelop Parcel B with commercial uses and to continue to utilize Outlot A for available parking is justified in order to: 1) carry out the long

Derick P. Berlage, Chairman

April 7, 2004

Page 4

established plan and vision for the Properties; 2) honor the Consent Agreement between the owners, the Planning Board and the HPC to implement the Preliminary Plan and preserve a historic resource; 3) bring equitable relief to a pending conflict between government and private interests caused by reversal of previous governmental actions which were the basis of good faith reliance (and now detrimental reliance) by the owners of the Properties, and 4) support the interest of the immediate adjacent residential community.

We respectfully submit that the Planning Board should recommend maintaining the C-1 zoning on Parcel B to continue the historical use of the Properties for convenient commercial uses of the adjacent residential communities. Furthermore, to eliminate any uncertainty regarding the ability to continue to use Outlot A as parking for the commercial uses on Parcel B, the Planning Board should either: 1) rezoning Outlot A to the R-60 zone wherein parking is permitted for commercial uses pursuant to a special exception (with a recommendation in the Master Plan of suitability therefore); or 2) recommend a zoning text amendment to permit parking in the R-200 zone for a property with unique circumstances (as outlined herein) such as those applicable to Outlot A; or 3) rezone Outlot A to a zone permitting parking for commercial land uses.

Thank you for your consideration of this matter.

Sincerely,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple* / ACM

C. Robert Dalrymple

*Anne C. Martin*

Anne C. Martin

Enclosures

cc: Mr. Khalid Afzal  
Mr. John Carter  
Mr. Marc F. Solomon

*Henry Lee, D.D.S., F.A.C.D., P.A.*

*P.O. Box 569*

*17721 Georgia Avenue*

*Olney, Maryland 20830-0569*

(301) 774-2474

FAX (301) 570-4017

Montgomery County Planning Board  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

March 17, 2004

RE: Olney Master Plan Admendment  
17721 Georgia Avenue  
Request for C-T Zoning

Dear Mr. Berlage and Members of the Planning Board:

I understand that the Planning Board will soon be considering land use issues for the Olney Town Center as part of your review of the Olney Master Plan Amendment. As part of that review, I request that the Board please recommend rezoning of my property located at 17721 Georgia Avenue, from the R-200 zone to the C-T (commercial, transitional) zone. In support of this request, I am pleased to submit the following information.

Attached to this letter is a tax plate map on which my property has been highlighted in yellow. In 1998, I obtained a special exception from the County Board of Appeals for a non-resident medical practitioner. Since 1998, I have conducted my dental practice on my property with no complaints having been presented to me or filed with Montgomery County. Rezoning of my property to the C-T zone would allow me to eliminate the residential space required by my special exception so that I can have more storage space for patient records, for equipment and materials used in my practice and for an employees' lounge. Otherwise, I do not foresee any changes in the use or appearance of my property.

I believe that my property presents a classic C-T situation. I have attached an aerial photograph showing the area surrounding my property (outlined in red). The buildings located immediately to the north are the headquarters facilities of Sandy Spring National Bank (in the O-M zone, a "high intensity" commercial use). To the east are townhouses in the RT 12.5 zone behind which is the multi-story WSSC water tank. On the west side of Georgia Avenue, across from my property is the Julia Brown Montessori School (1996) and diagonally northwest of my lot is the Olney Elementary School. My property abuts only one single family detached residence – to the south – and would provide a distinct and logical transition from the "high intensity commercial" zoning (O-M). Furthermore, because of confronting institutional uses, and the professional orientation of my property today, rezoning my property to the C-T zone would not introduce "commercialism" any further south on Georgia Avenue than it already exists. Nor will my low volume dental practice impair the integrity of the Town Center.

Thank you for your consideration of this request.

Sincerely,

*Henry Lee*

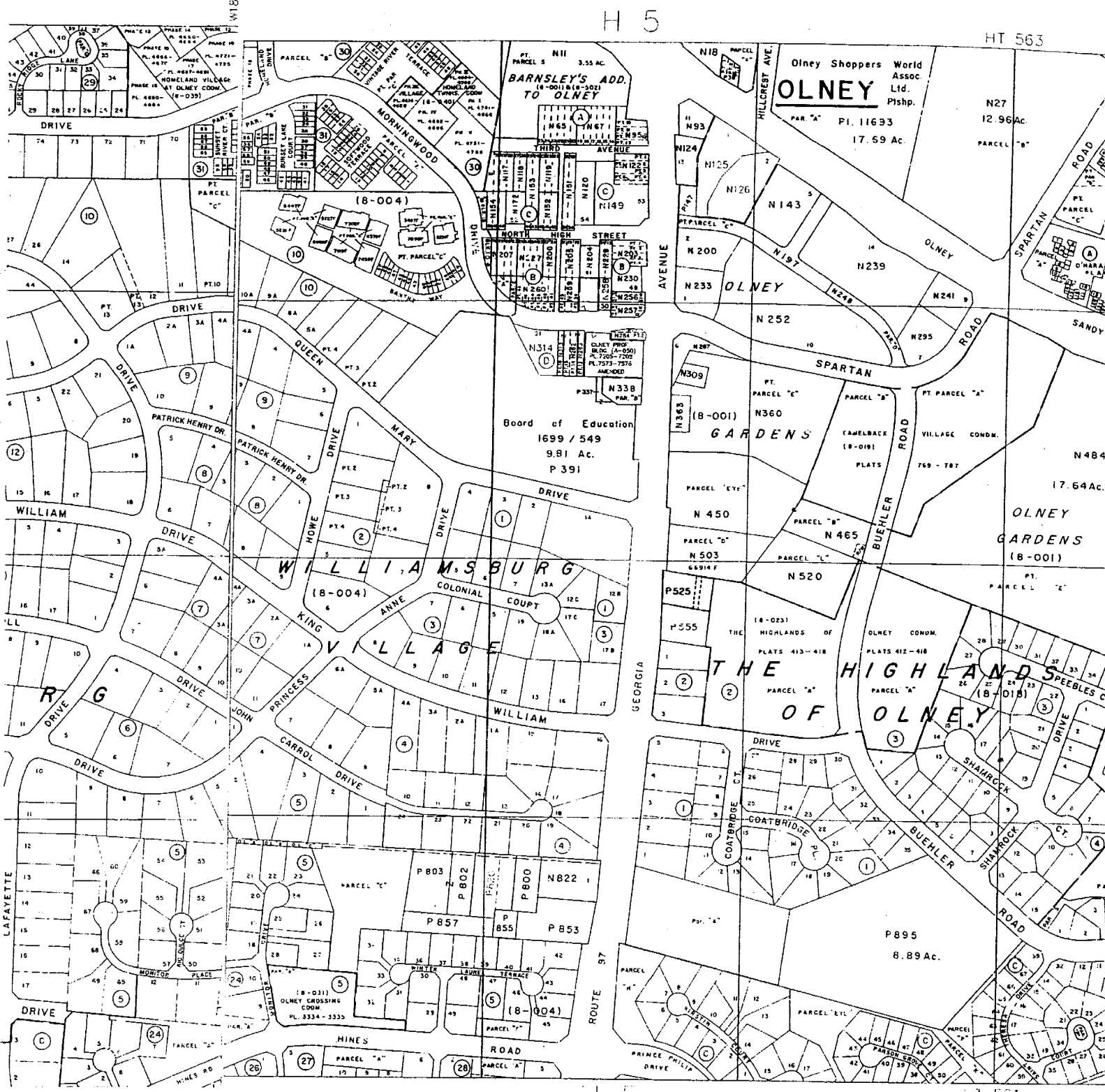
Dr. Henry Lee

Enclosure

Cc: Mr. Khalid Afzal

75

42



H 5

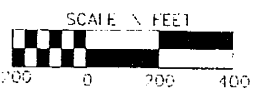
HT 563

W18000

MAP H  
W.S.S. 1992  
Teacher: WILLIAMS

COPYRIGHT - 1992 BY THE STATE OF MARYLAND ALL RIGHTS RESERVED.

THESE MAPS ARE PROTECTED BY COPYRIGHT. THEY MAY NOT BE COPIED OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC MEANS SUCH AS: DIGITIZING, SCANNING, VECTORING, OR IMAGE PROCESSING, OR BY ANY SYSTEM NOW KNOWN OR TO BE INVENTED WITHOUT PERMISSION BY WRITING FROM THE MARYLAND DEPARTMENT OF PLANNING.



REVISOR: JPL 92 18

PROPERTY LINE  
BORDERING ADJACENT  
TOWNSHIP BOUNDARY  
PROPERTY LINE  
EYEWALL LINE  
IDENTIFICATION INFORMATION  
PARCEL NUMBER (FOR PARCELS SUBJECT TO DEEDS)  
SCALE 1"=200' (RF 1:2400)  
LAMP P. NO. QUANTIFICATION

43

**2002 Digital Orthophoto Images**  
[Click on photo to enlarge]



**Current View - 600 x 400 pixels @ 25% zoom**

Set the zoom and size then click an area on the image.

Zoom to 50 %

Size 600 x 400 (pixels)

[Java Viewer](#) | [HTML Viewer](#) | [Help](#)

Note: Photo taken in March 2002.

[Close](#) | [Print](#)



44



**Abaris Realty, Inc.**

12009 Nebel Street, Rockville, MD 20852

301-468-8919 • Fax: 301-468-0983

Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



October 14, 2003

Mr. Khalid Afzal  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Mr. Afzal,

I am writing on behalf of the Environ HOA which represents 650 residential homes in Olney, Maryland. We would like to thank you and your staff for listening to our concerns regarding Appomattox Ave. by removing the Appomattox Extension from the Olney Master Plan. Your assistance has been appreciated and is commended by our community. A heartfelt thanks for preserving our way of life!

We would like to bring another serious issue to table; however, and it is essentially our desire to curb traffic from flowing right through our community. The concern is that the Olney Master Plan now calls for (1) Appomattox Ave. to be connected to the Village Mart shopping center, as well as for (2) Appomattox Ave. and Spartan Rd. to be deemed "business district streets." While a pedestrian connection between Appomattox Ave. and the Village Mart shopping center is clearly desirable, a vehicular connection would destroy our community. We are terribly concerned about vehicular traffic meandering right through our community. Further, declaring Spartan Rd. (the part between Appomattox Ave. and Route 108) and Appomattox Ave. to be business district streets will destroy the residential nature of these roads. Residential property fronts 50% of the road portions slated to become business district streets, and we respectfully do not desire increased parking, trash, and noise that comes with a business district street. Specifically, if connected to Hillcrest Ave. via the Village Mart shopping center, Appomattox Ave. will encourage traffic on Marksman Circle because Marksman Circle will become a direct route from most of the North East Quadrant into the Village Mart shopping center. In addition, Appomattox Ave. and Spartan Rd. might well become through streets for North East Quadrant commuters in reaching Georgia Avenue, rather than simply providing increased shopping access. None of these results are desirable if we are trying to preserve home values and life style, yet be adjacent to the heart of Olney.

One solution, which might be a realistic compromise in the interests of our local residents, as well as future development of the Olney Town Center and the Village Mart, is to create or to formalize traffic patterns and roads within the existing commercial land plots. The traffic patterns and roads would closely parallel and be adjacent to Rt. 108. For example, the current entrance to the Olney Town Center shopping center near the end of Spartan and Rt. 108 already has a "road-type" traffic movement to take vehicles through the Olney Town Center (behind the bank and KFC). The Olney Master Plan could and should call for this "road" to be connected to the Village Mart and to Hillcrest Ave. Thus, increased access to the future "town center" would be accomplished while ensuring that the traffic does not spill out into the surrounding community. Currently, Appomattox Ave. provides auxiliary access for the Olney Town Center, while Hillcrest Ave. provides auxiliary access for the Village Mart. These "back door" accesses have worked for many years, are under-utilized. If more access is deemed necessary, encouraging additional access in a series of parallel roads closer to Rt. 108 is not only logical but also a sensitive and thoughtful way to maintain residential Olney.

In closing, we thank you very much for taking the concerns of the Environ HOA residents into consideration.

Sincerely,

Shireen Ambush, PCAM  
Property Manager

Cc: Boards of Directors for all Environ HOA communities



45





**Abaris Realty, Inc.**

12009 Nebel Street, Rockville, MD 20852

301-468-8919 • Fax: 301-468-0983

Web Site: [www.abarisrealty.com](http://www.abarisrealty.com)



June 12, 2002

MNCPPC

Attn: Khalid Afzal

Olney Master Plan Group

Via fax: (301) 495-1304

Re: Environ HOA  
Fair Hill Farm HOA  
Waterview Condominium

Dear Mr. Afzal:

I am writing on behalf of the above referenced communities which are all located off of Spartan Road in Olney, MD. This letter represents 615 households. We understand that the Olney Master Plan draft will be presented today and on June 15, 2002. We also understand that part of the draft will most likely be suggesting extending Appamattox Road to join a Highland Avenue extension; effectively making a loop behind the Olney Town Center and the Olney Village Mart. If this is done, Park and Planning may suggest building a bus terminus somewhere along the extensions. If this is the case, residents of the above communities would be terribly opposed. As the potential benefactors of the new roads, we do not wish to have more roads in downtown Olney. Furthermore, we definitely would not benefit from having sort of bus terminus along Appamattox Road and/or Highland Avenue. We do not wish to have the increased traffic (vehicular and pedestrian) in our already over crowded community.

Please consider this letter as an official request to Park and Planning on behalf of the above referenced communities that we are adamantly opposed to the proposed extension of Appamattox Road and Highland Avenue and the proposed bus terminus. Our communities would be directly impacted by these changes and we wish our position to be known to Park and Planning before any decision is made to include these changes in the Olney Master Plan draft.

As always, if you have any questions please do not hesitate to contact me at the above referenced number.

Sincerely,

  
Shireen Ambush, PCAM  
Property Manager



Board of Directors

46



3134 Paladin Terrace  
Olney, Maryland 20832  
July 15, 2002

Khalid Afzal  
Team Leader, Georgia Avenue Corridor Team  
Community-Based Planning Division  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue, Suite 300  
Silver Spring, Maryland 20910  
Phone 301-495-4555  
Email: [khalid.afzal@mncppc-mc.org](mailto:khalid.afzal@mncppc-mc.org)  
<http://www.mc-mncppc.org>

Dear Mr. Afzal,

Thank you for sending me the June 12, 2002 Draft Concept Plan Olney Master Plan. I would like to make the following observations to the Olney Master Plan Advisory Group (MPAG) with regard to the Draft Concept of the Olney Master Plan.

- 1) With respect to page 3 item 3 (b) and page 4 items 5, the land tract between the Olney Shopping Mart and the Townes at Environ development, which would be necessary to extend Appomattox Avenue to Georgia Avenue, is currently being used by local dog owners as an unofficial dog park. Park planners may want to investigate the possibility of integrating dog parks into recreational facilities.
- 2) With respect to page 3 item 1 (a) and page 6 item 15, the current bus passenger traffic in Olney is too light to support a bus way (a roadway dedicated for buses). The current draft concept of the Olney Master Plan suggest suppressing population and commercial growth, thus current mass transit demand would not likely increase unless current pool of motor vehicle commuters were to converted to mass transit users. This does not seem probable to me in the near future. Current passenger load on Metro bus route Y8/Y9 on Georgia Ave is light and fairly quick north of Aspen Hill and only becomes significantly slower after Glenmont, so most of the speed increase from a Georgia Avenue bus way would be from Glenmont to Silver Spring. A bus way is faster than a regular bus route not only because it has a dedicated roadway (and the right of way) but because all passengers are required to prepay before boarding the bus so time is not wasted collecting fares [1] – currently, Metro bus does not require passengers to have prepaid their bus fares. An Olney park-in-ride facility with bus shelters and benches would make riding the bus more agreeable and convenient but not any faster.
- 3) With respect to page 4 items 6, to prevent bike theft, bikeways need bike racks or some facility to secure their bicycles.



- 4) With respect to page 5 items 1 (a), I agree that the woodland and watershed around James Creek and other waterways should be protected against erosion and pollution.
- 5) With respect to Appendix A item 4 (a), the Maryland Department of Natural Resources might be asked for their comments on the environmental impact of the Olney Master Plan.
- 6) When providing housing opportunities to a diverse population, avoid social segregation by economic class by not concentrating affordable housing to any one area.

Yours Truly,



Walter M. Lee

[1] Jonas Rabinovitch and Josef Leitman. Urban Planning in Curitiba. Scientific American. March 1996. Volume 274. Number 3. pages 46 to 53.