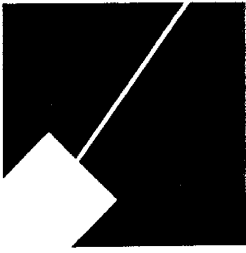


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION9500 Brunett Avenue
Silver Spring, Maryland 20901

AGENDA DATE: Dec. 1, 2005

November 23, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Michael F. Riley, Chief, Park Development Division
Gwen Wright, Acting Chief, Countywide Planning Division

FROM: William E. Gries, ^{weg}Land Acquisition Specialist
Brenda Sandberg, Legacy Open Space Coordinator

SUBJECT: Authorization to Acquire 4.45 acres, more or less, improved, from Bristol Kensington, LLC, located at 10231 Carroll Place, Kensington, Maryland, as a Legacy Open Space Heritage Resource, maintaining an option to reuse a portion of the property for public uses including but not limited to open space, historic preservation, housing, senior citizen services, etc.

RECOMMENDATION:

Staff recommends that the Montgomery County Planning Board authorize the County's acquisition of 4.45 acres, more or less, improved, from Bristol Kensington, LLC, located at 10231 Carroll Place, Kensington, Maryland as a Legacy Open Space Heritage Resource, with the understanding that the County maintains the option to reuse the property for public uses including but not limited to open space, historic preservation, housing, senior citizen services, etc.

BACKGROUND:

This property is specifically identified as a Heritage Resource recommended for protection in the *Legacy Open Space Functional Master Plan* approved by the Montgomery County Council in July 2001. The Legacy Plan identified the Warner Property (known as Carroll Place in the Legacy Plan and often called the Circle Manor property) as a heritage resource of significance that is "essential to preserve" because it includes both the house of Brainard H. Warner (the founder of Kensington) and a town green. The Warner property, including the Warner house, carriage house, and park-like setting, is the centerpiece of the Town's designated Historic District and is the central,

outstanding feature of the historic district. The site currently contains not only the historic structures but also an 11,000 square nursing home annex that until recently housed nearly 80 residents.

An Option for Purchase of Real Estate has been negotiated with Bristol Kensington, LLC, owners of Circle Manor, that generally provides for the County to acquire the property known as "Circle Manor" for a total consideration of \$6,390,000, of which six million dollars is for the cost of the property and \$390,000 is for interest over the two-year installment period. Possession of the property will be taken in two phases with the Brainard Warner House on 2.68 acres being acquired in September of 2006 and the nursing home annex and carriage house on 1.77 acres being acquired in September of 2007. Staff will be available to discuss any questions the Board may have with respect to the specific terms and conditions of the Option Agreement when this matter is discussed.

The Town of Kensington has expressed an interest in partnering with the Commission and Montgomery County in the acquisition of this property in the same way that Chevy Chase Village and the City of Takoma Park did with the acquisitions of the Wohlfarth and Sligo Mills properties, respectively. As part of this partnership, the Town of Kensington would contribute 25% of the total purchase price or \$1,597,500 to assist with this acquisition. A Memorandum of Understanding between the Town, the County and the Commission will be developed that details the agreements of this partnership, including a payment schedule for the financial contribution and an acknowledgement that the property has the ability to provide for many public uses including, but not limited to, open space, historic preservation, housing, senior services, etc. In addition, the MOU will provide for a planning process for the reuse of the property that includes 1) negotiating agreements with the Town for community use of the open space, 2) soliciting proposals for reuse of the buildings for a public purpose and 3) providing opportunities for substantial citizen input in the decision making process.

FUTURE USE OF PROPERTY

Reuse of the historic structures and the fate of the non-historic nursing home annex is a major issue to be discussed and determined during the months following the approval of this option contract. Staff feels this site is an appropriate one to consider partnerships that will provide for restoration of the historic structures for an appropriate use and save the taxpayers from funding significant restoration expenditures. The site is being acquired for the primary purpose of historic and open space preservation, but the site also has the ability to possibly provide for additional public uses including but not limited to housing, senior services, etc. The Commission and the Town of Kensington will both play roles in determining the best use of the buildings on the site and the property as a whole, as outlined in the MOU currently under negotiation. There will be opportunities for substantial citizen input in the decision making process.

In addition, all proposed changes to the property's physical layout and buildings, including changes to the historic buildings, removal of non-historic ones, or proposed new structures, must be reviewed and approved by the Historic Preservation Commission

(HPC) according to its regulations. Acquisition of the property by the Commission does not change the requirement for HPC review and approval of all plans for exterior alterations, demolition and/or new construction.

The Planning Board has requested that the acquisition be structured to keep all possible options for reuse open. To achieve that flexibility, staff will ask the County to fund this acquisition with current receipt revenue, rather than County bond money since bond money may present a complication when pursuing private/public partnerships on publicly owned land. In addition, since the title to the Phase 1 portion of this acquisition will not be taken for nearly a year and title to the Phase 2 portion will not be taken for nearly two years, staff will have time to investigate the possibility of using Advance Land Acquisition Funds or other funding sources to complete the acquisition of a portion of this property, if those fund sources would be more appropriate.

Also, there is significant language in the Legacy Open Space Master Plan that allows for partnerships on Legacy resources with other agencies and organizations. This should give the Board confidence that it will have sufficient flexibility in making future reuse decisions for the Warner Property that are in the public interest.