

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DK*

FROM: Greg Ossont, Director
Planning and Code Administration *GO*

DATE: January 30, 2007

SUBJECT: Closing of the Record – Z-303(o)

On September 18, 2006, the Mayor and City Council and the Planning Commission held a Joint Public Hearing on this application. Both the Mayor & City Council and the Planning Commission's records were held open indefinitely in order to address architectural elevations and issues associated with Old Game Preserve Road.

Since the public hearing, staff has been working with the applicant, Montgomery County DPWT, Maryland National Capital Park and Planning staff, County and City Fire Marshal's offices and Pepco to resolve roadways issues with Old Game Preserve Road. As noted during the applicant's presentation, portions of Old Game Preserve are under both City and County jurisdiction.

MNCPPC staff has designated the County portion of Old Game Preserve a "tertiary residential" roadway and required certain design standards that the applicant has complied with which includes a 50' ROW and 26' of paving. In an effort to provide an acceptable drive aisle on the City controlled portion, the applicant has contracted to purchase land from Pepco, widen the roadway to 20' and then dedicate the entire 37' ROW to the City as a public street. Both the City Fire Marshal and Department of Public Works have approved this concept.

Additionally, staff has required the applicant to install a storm water system connection near the intersection of Arrowsmith and Old Game Preserve. This connection will enhance the existing SWM system and will prevent excessive runoff and eliminate the runoff freezing hazard noted during the public hearing.

Finally, the applicant has also revised the proposed architecture to enhance the most visible elevations and minimize the "industrial" appearance of the building. During their regular meeting on January 17th, 2007, the Planning Commission recommended approval of Z-303(o) with conditions.

Accordingly, staff recommends the Mayor and City Council announce the closing of the record on Z-303(o) during the regular meeting on February 5, 2007. Staff suggests closing the record on February 14, 2007 and anticipates policy discussion and final action during the regular meeting on February 20, 2007.

I hope this information is helpful. If you have any questions, please contact me at 301-258-6330 or gossont@gaitthersburgmd.gov