



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Tuesday, September 8, 2015

I. CALL TO ORDER

A Mayor and City Council regular session was called to order at 7:30 p.m. with Mayor Ashman presiding. Council Members present: Drzyzgula, Harris, Marraffa, Sesma and Spiegel. Staff present: City Manager Tomasello, Deputy City Manager Enslinger, City Attorney Board, Economic and Business Development Director Lonergan, Public Works Director Johnson, Planning and Code Administration Director Schlichting, Director of Information Technology Cottrell, Network Operations Division Manager Goodenough, Parks, Recreation & Culture Director Potter, Arts and Events Division Chief Kayser, Long Range Planning Manager Robinson, Community & Public Relations Director Monaco, Community Planning Manager Schwarz, Clinical Supervisor Jansky, Public Works Operations Division Chief Scafide, and Municipal Clerk Stokes.

XI. ORDINANCES / RESOLUTIONS / REGULATIONS

D. Introduction of a Resolution of the Mayor and City Council Authorizing the Annexation (Petition Number X-7089-2015) of Approximately 8.28 Acres of Land Adjacent to the Present Corporate Limits, Located at Southeast Quadrant of Quince Orchard Road (MD RTE 124) and Darnestown Road (MD RTE 28), Gaithersburg, Maryland, and Adjacent Road Rights of Way, and Known as the Potomac Valley Shopping Center Property

Community Planning Manager Schwarz presented the above resolution for introduction authorizing the Annexation (Petition Number X-7089-2015) filed by Miles & Stockbridge, PC, on behalf of Darnestown Valley-WHM LP and Darnestown Valley Petroleum WHM, LLC owner of the Potomac Valley Shopping Center (south of Darnestown Road). Stated that the Potomac Valley Shopping Center north of Darnestown Road is located within the City's municipal boundary. The area proposed for annexation is located at the southeast quadrant of the intersection of Darnestown Road (Maryland Route 28) and Quince Orchard Road (Maryland Route 124.) The addresses for the property include: 12110, 12114,

12116, 12118, 12120, 12126, 12130, 12132, 12136, 12140, 12146, 12150, 12154, 12158, 12162, 12166, and 12168 Darnestown Road.

The Applicant's petition requests that the City annex approximately 8.2877 acres of land from Montgomery County into the City. The area of annexation consists of Parcel C, Parts of Parcel D and F, Quince Orchard Shopping Center (now identified as Potomac Valley Shopping Center), which includes 4.6734 acres of land. Additionally, the petition includes 2.3209 acres of right-of-way for Darnestown Road (Maryland Route 28) and 1.2934 acres of right of way for Quince Orchard Road (Maryland Route 124.) The annexation petition requests annexation of the property and rezoning from the Montgomery County Neighborhood Retail (NR) Zone to the City's Mixed Use Development (MXD) Zone. The property is located within the City's Maximum Expansion Limits as identified within the Municipal Growth Element of the 2003 Master Plan. The Land Use Element of the 2009 Master Plan of the City of Gaithersburg recommends that The Potomac Valley Shopping Center property be designated as Commercial-Office land use and be zoned MXD (Mixed Use Development). The application includes a Sketch Plan, an MXD Justification Statement and an Annexation Plan for providing services for the property. Verification by Mayor Ashman states that the petition meets State requirements for it to go forward. This includes a letter from the Montgomery County Board of Elections and two memorandums from City Attorney Board. The Introduction of the annexation resolution will commence the annexation process. If introduced, staff tentatively anticipates scheduling the Planning Commission public meeting for October 7, 2015 and the Mayor and City Council public hearing for November 16, 2015. The footprint of the proposed annexation was questioned and the possible imposition upon the City to maintain the roads and rights-of-ways. Staff responded that information will be included in staff's analysis, but the roads and rights-of-way will continue to be maintained and serviced by the State Highway Administration.

Motion was made by Michael Sesma, seconded by Ryan Spiegel, that a Resolution of the Mayor and City Council Authorizing the Annexation (Petition Number X-7089-2015) of Approximately 8.28 Acres of Land Adjacent to the Present Corporate Limits, Located at Southeast Quadrant of Quince Orchard Road (MD RTE 124) and Darnestown Road (MD RTE 28), Gaithersburg, Maryland, and Adjacent Road Rights of Way, and Known as the Potomac Valley Shopping Center Property, be introduced.

Vote: 5-0

E. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate an Annexation Agreement for the Potomac Valley Shopping Center Property (X-7089-2015)

This resolution authorized the City Manager to negotiate an Annexation Agreement with the owners of the Potomac Valley Shopping Center Property to be submitted for approval by the City Council with the Annexation Resolution. With the above introduction of the Potomac Valley Shopping Center property, staff requested the authority to negotiate the annexation agreement. City Attorney Board stated that staff has had preliminary discussions with the owners of the shopping center and provided a memorandum to the Mayor and City Council describing the key terms and conditions the property owners are requesting for inclusion in the Annexation Agreement. She reiterated that it is the owner's ask, not what the final agreement would include. Terms requested by the applicant included:

- 1) Zoning of the Property to be MXD.
- 2) Acknowledgement that existing uses, improvements and parking are conforming uses that would be allowed to continue and any alteration, expansion, repair and maintenance of the existing improvements would comply with all City Codes and no further approvals except building permits would be required.
- 3) For alternation, expansion, repair and maintenance of existing improvements, the following exceptions would be applied:
 - i) Green building codes would not apply;
 - ii) For 20 years the APFO would not apply, including expansions of up to 20% of the existing floor area (39,097 sq. feet);
 - iii) For 20 years the forest conservation and stormwater management requirements triggered by an expansion would be limited to the expansion areas and could be met by fee-in-lieu or off-site reforestation; and
 - iv) No Mayor and Council approval needed for expansions below 20% of the existing floor area (Planning Commission approval would be required).
- 4) Future development density will not be reduced and the City would agree to waive modify the MXD standards as allowed by the Zoning Ordinance to facilitate the maximum allowable density.
- 5) The City would not modify the Master Plan for a period of 99 years in a manner that is inconsistent with the terms of the Annexation Agreement.
- 6) No City property taxes on the Property for a period of 5 years.

City Attorney Board noted that negotiations would start the process and come back to the Mayor and City Council for approval of the Annexation Agreement. The Mayor and City Council expressed several concerns with the requests, but understand that the terms are open and the acceptance of any would be considered during negotiations. Cautious was made to offering incentives to invest for annexations and granting waivers. Staff noted that at this time, the applicant is only required to submit a sketch plan without knowing what the intentions are and what is being proposed.

Motion was made by Henry F. Marraffa, seconded by Neil Harris, that a Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate an Annexation Agreement for the Potomac Valley Shopping Center Property (X-7089-2015) (Resolution No. R-69-15), be approved.

Vote: 5-0

XV. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 9:35 p.m.

Respectfully submitted,

Doris Stokes, Municipal Clerk

From: [Cirner, Casey L.](#)
To: [Trudy Schwarz](#)
Cc: [Bill Maguder \(bill@magudercos.com\)](mailto:bill@magudercos.com); [Orens, Stephen J.](#)
Subject: Annexation X-7089
Date: Wednesday, October 14, 2015 3:16:37 PM

Hi Trudy,

The Planning Commission, in reviewing the above-referenced Annexation Petition last week, requested the current FAR of the Potomac Valley Shopping Center (South) (the "Subject Property"). In response to our discussion immediately following that review, I am writing to provide the requested information. According to our consultant the existing FAR at the Subject Property is approximately 0.148 (39,097 sq. ft./263,797 sq. ft. = 0.1482), as the Subject Property is improved with a single story strip center. We understand that the MXD zone provides for 0.75 FAR of commercial/office since there no contrary recommendation in the Master Plan and, as you mentioned to the Planning Commission, any redevelopment of the Subject Property will be subject to a Schematic Development Plan and Site Plan Amendment, under which the development will be reviewed by the City.

Please let us know if you need any further information.

Thank you!

Casey



**MILES &
STOCKBRIDGE P.C.**

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Mayor and City Council
X-7089-2015
Ex. 24

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CITY OF GAITHERSBURG PLANNING COMMISSION

MEETING HELD ON OCTOBER 7, 2015

7:30 p.m.

DISCUSSION HEARING FOR RECOMMENDATION TO MAYOR AND CITY COUNCIL
ANNEXATION PETITION X-7089-2015 - POTOMAC VALLEY SHOPPING CENTER-SOUTH

TRANSCRIBED BY: MYRIAM GONZALEZ, RECORDING SECRETARY

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COMMISSIONERS PRESENT:

- JOHN BAUER, Chairman
- MATTHEW HOPKINS, Vice-Chair
- LLOYD KAUFMAN, Commissioner
- DANNY WINBORNE, Commissioner

STAFF PRESENT:

- MARTIN MATSEN, Planning Division Chief
- FRANK JOHNSON, Assistant City Attorney
- TRUDY SCHWARZ, Community Planning Manager
- MYRIAM GONZALEZ, Recording Secretary

A T T E N D A N C E

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SPEAKERS ON BEHALF OF APPLICANT:

CASEY CIMER, Esq, Miles & Stockbridge, PC
BILL MAGRUDER, Darnestown Valley, LP, and
Darnestown Valley Petroleum, LLC

SPEAKERS FROM THE PUBLIC:

None

P R O C E E D I N G S

(7:36 P.M.)

CHAIR BAUER: So, we'll move on to a recommendation to the Mayor and Council, which is for an Annexation X-7089-2015, and Trudy Schwarz from Staff will be introducing that.

COMMUNITY PLANNING MANAGER SCHWARZ: Good evening, Planning Commissioners, as John stated, I am Trudy Schwarz, Community Planning Manager, if you could turn your attention to the monitor: [SLIDE - Annexation Schedule is shown] Tonight's meeting is part One of a two-part process for the Planning Commission for their recommendation to the Mayor and City Council concerning Annexation Petition X-7089-2015 for the property known as Potomac Valley Shopping Center (South).

Tonight is a Public Discussion to allow testimony to the Planning Commission from the public concerning the petition. On Wednesday, October 21, the Planning Commission will discuss their recommendation and there will not be public testimony at that time.

The Mayor and City Council will conduct a Public Hearing on the same subject on November 16, 2015. The public will again have an opportunity to testify.

[SLIDE - address for submittal of written testimony is shown] Additional written testimony can always be submitted via e-mail to Plancode@gaitthersburgmd.gov or via regular mail to City Hall until the record of the application is closed.

1 [SLIDE] The exhibits that are part of the petition can be viewed
2 on the City's web site under City's Projects page, which is called
3 Potomac Valley Shopping Center Annexation.

4 The Annexation process is outlined in the Annotated Code of
5 Maryland, Local Government Article, and also Chapter 24 (Zoning) of
6 the City of Gaithersburg Code, requires that the Planning Commission
7 review the proposed annexation and associated rezoning and land use
8 plan for consistency with the City's master plan, and provide a
9 recommendation to the Mayor and City Council at least 15 days prior to
10 the Mayor and City Council public hearing. The Mayor and City Council
11 are required to hold a public hearing prior to making a final decision
12 on the requested annexation and zoning. As mentioned before the
13 scheduled public hearing before the Mayor and City Council is November
14 16, 2015.

15 CHAIR BAUER: and I guess that anticipates, or it's expecting
16 that there won't be a work session and it will go straight to the
17 public hearing process.

18 COMMUNITY PLANNING MANAGER SCHWARZ: work session by the Mayor
19 and City Council?

20 CHAIR BAUER: yes

21 COMMUNITY PLANNING MANAGER SCHWARZ: well, they will have their
22 public hearing and a lot of times they will have a work session...

23 COMMISSIONER KAUFMAN: so there's still a possibility...

1 COMMUNITY PLANNING MANAGER SCHWARZ: right. [SLIDE] The
2 property for X-7089-2015 is known as Potomac Valley Shopping Center
3 (South) and is in the southwest corner of Gaithersburg.

4 [SLIDE] at the intersection of MD Rte. 124 - Quince Orchard Road
5 and MD RTE 28 - Darnestown Road. The acreage of the annexation
6 contains 8.28 acres of land.

7 [SLIDE] The property is shown within the City's Maximum Expansion
8 limits as adopted in the City by the [SLIDE] Municipal Growth Element
9 of the 2003 Master Plan.

10 [SLIDE] Exhibit 2-J is in the record and shows the expansion
11 limits on a larger map and, specifically, on Page 56, [SLIDE] shows
12 the property as part of the maximum expansion limits.

13 [SLIDE] The property is currently located in the Montgomery
14 County and is zoned NR 0.75, which stands for Neighborhood Retail with
15 a .75 FAR. The applicant is requesting to zone the property to the
16 MXD Zone. The surrounding land uses include Quince Orchard HS to the
17 West, Quince Orchard Library to the South, the Montgomery County Fire
18 and Rescue Station to the East and the Potomac Valley Shopping Center
19 (North), which is within the City limits to the north.

20 [SLIDE] The City's 2009 Land Use Plan, also part of Exhibit 2-J
21 shows both the shopping center to the north and [SLIDE] and the
22 shopping center to the south proposed to be zoned MXD. Please note
23 that the Staff Analysis had an error in and it said that it was... that

1 the recommendation was for both CD and the MXD Zone. It is only for
2 the MXD Zone and we apologize for that.

3 [SLIDE] This drawing outlines the boundary of the property and
4 the road rights of way.

5 [SLIDE] The current shopping center contains 4.67 acres and the
6 road rights-of-way approx. 3.61 acres. The roadways, MD Rte. 28, or
7 Darnestown Rd., and MD Rte. 124 (Quince Orchard Rd) will continue to
8 be maintained by the State Highway Administration.

9 [SLIDE] The shopping center contains 39,097 gross square feet of
10 commercial uses. The following maps & photos show some of the
11 buildings and the uses:

12 [SLIDE] from this direction of Md. Rte. 28 you can see the gas
13 station, the bank and the McDonald's and its drive thru.

14 [SLIDE] From this direction, which is closer in the shopping
15 center, you can see the retail strip center, and some of the offices.

16 [SLIDE] And then looking in this direction, you can see the two-
17 story portion of the shopping center, which has instructional uses,
18 which is a driving school, ballet, tutoring and also they're looking
19 for instruction such as Komon, that kind of tutoring.

20 [SLIDE] Since the request is for MXD Zoning, in accordance with
21 City's 2009 Land Use Element Master Plan, the applicant has submitted
22 a sketch plan in accordance to the requirements of the MXD Zoning as

1 part of the petition. And with that I'd like to introduce, Ms. Casey
2 Cirner, from Miles & Stockbridge, who is representing the applicants.

3 JOHN BAUER: Good evening.

4 CASEY CIRNER: Hi, good evening. For the record, Casey Cirner,
5 with Miles & Stockbridge, I'm here on behalf of the co-petitioners,
6 Darnestown Valley WHM-LP, and Darnestown Valley Petroleum LLC. With
7 me in the audience is Bill Magruder, representative of the co-
8 petitioners, as well as Kevin Mack, with Dewberry, the consulting firm
9 that prepared the drawings.

10 So the co-petitioners have filed this petition to annex the
11 Potomac Valley Shopping Center, South, and the adjacent right-of-way
12 into the City as well as requesting a simultaneous reclassification of
13 the property to the MXD Zone. The petition is consistent with the
14 City's Master Plan and aligns with the City's future vision in
15 accordance those Master Plan documents for two main reasons: first,
16 the subject property is located within the maximum expansion limits,
17 as set forth in the Municipal Growth Element, and that's Pg. 22 & 56
18 of the Element, and the City's Land and Use Plan also recommends MXD
19 classification for the property, following annexation.

20 Now currently the subject property is located in the County and
21 is zoned, as Trudy mentioned, in NR (Neighborhood Retail) .75 at FAR,
22 and 45 height zone. You will note that the County Master Plan, the
23 Potomac Sub-Region Master Plan, recommends the C-1 zoning for the

1 property; however, back in 2014, the County eliminated the C-1 Zone
2 and replaced it with the NR Zone, and that was part of the
3 comprehensive amendment to the County's Zoning Ordinance, among a lot
4 of other changes to the existing Zoning Ordinance. The existing NR
5 Zone and the proposed NR Zone are very similar. They both have a 75
6 FAR and they both allow similar uses. In fact the existing uses at
7 the shopping center are permitted by right in the MXD Zone, and some
8 of those existing uses are drive-thru's, McDonald's and the Wendy's
9 and the M&T Bank, retail-commercial office, and instructional and
10 tutoring uses.

11 So the co-petitioners intend on operating the shopping center,
12 following annexation, and with that they've submitted the Existing
13 Conditions Plan for the shopping center as it is today, and also
14 submitted a Conceptual Sketch Plan that provides for the uses
15 following redevelopment, and those uses are recommended in the Land
16 Use Plan and our Commercial Office Focus.

17 The co-petitioners are subsidiaries of the Magruder Companies,
18 that's a local family-owned and operated business and they actually,
19 in fact, they are 14-generation property owner in Montgomery County
20 and they own the Potomac Valley Shopping Center, North, which is
21 across the street, and that's the shopping center with the Starbucks.
22 It is currently in the City's limits, zoned C-1, it's about 6½ acres,
23 and it's recommended for reclassification to the MXD Zone. So in

1 essence, this annexation petition is really reconnecting two parts of
2 the shopping center to allow their comprehensive redevelopment under a
3 single set of zoning development standards and that will also allow
4 for redevelopment of two landmark properties at the intersection of
5 Darnestown and Quince Orchard Roads.

6 There are a few other benefits to this, and the timing of the
7 annexation and I was going to ask Mr. Magruder to address those, as to
8 why we are undertaking the annexation at this time, both for practical
9 and short-time benefit reasons.

10 CHAIR BAUER: OK. Good evening.

11 BILL MAGRUDER: For the record, Bill Magruder, with the Magruder
12 Companies and the Potomac Valley Shopping Center. As quickly as I can
13 say it, in 2009 when we realized that this annexation was actually
14 something that the City was looking at and wanted to entertain as well
15 as the change to MXD on both sides of the street, we were excited to
16 see the possibility of that in the future for two basic reasons. And
17 the basic reasons is why we pursued this annexation and rezoning. For
18 many years, and since we've owned the shopping center in 1984, both
19 sides of the center has been in two municipalities; not a deal breaker
20 by any means, but a cumbersome process to have to deal with when
21 dealing with permitting and different things of that nature. The
22 opportunity to have both sides in one municipality and, especially,
23 having them both in the City of Gaithersburg, which we've had a long

1 history, and have had a good history with, was a very positive change
2 for us. So in the short term, the benefits for us are having both
3 sides of the street in the same municipality for practical reasons
4 more than anything, but also for the relationship that we've
5 maintained with the City up until this point, and for many years. For
6 the long term, that's a little less specific; the opportunity to react
7 to the market in a quick manner when the time is right. And when we
8 look at our time frame, the horizon of 20 years is probably somewhere
9 when we would even consider the possibility of redevelopment happening
10 maybe beyond that. We're still signing 10-year leases so we have no
11 intentions of doing anything any time soon. I don't think that the
12 economic landscape there is even close to where we would need to be
13 for us to redevelop. But when the times come, we would much rather be
14 developing the property as one piece; whether it's... they're done
15 simultaneously or not, they'll be designed to complement each other.
16 And I think this is the best way that we can do that. We also will be
17 able to react the best way we can by already having this process done
18 when the time comes. And that's an exciting process for the long term.
19 So as of right now, I couldn't tell what that structure would be, but
20 I look forward to, when the time comes, working with the City to
21 figure out what the best outcome would be.

22 CHAIR BAUER: OK Thank you. Before we go too much further,
23 would you mind just stepping through the sketch plan real quick, for

1 anybody looking in for the first time. Just run down what exactly is
2 being proposed for the rezoning, or, excuse me, annexation. Trudy,
3 can you get that up on the screen? [SLIDE] Ok, thanks.

4 CASEY CIRNER: so the sketch plan proposes the commercial focus
5 for the portion of the shopping center that abuts MD Rte. 28, and then
6 to the rear of the shopping center property, will be an office-
7 commercial focus, and we're estimating about 50,000 to 95,000 square
8 feet of use and for the commercial focus to the front we're estimating
9 about 60,000 to 100,000 square feet of use.

10 CHAIR BAUER: so it's a relative comparison um... Do you know, I
11 know it's currently zoned for .75 FAR, do you know what's developed on
12 the site now?

13 CASEY CIRNER: there's currently less than 40,000 sq. ft.

14 CHAIR BAUER: so what does that calculate to... do you know?

15 CASEY CIRNER: um... I don't know off hand, but I'm happy to look
16 at that and submit something into the record.

17 CHAIR BAUER: I think it would be good to understand the
18 potential for this site into its current zoning and then to be brought
19 into the MXD to be clear, that would be subject to an SDP or a plan
20 before any particular capacity to be approved but... you know it's not
21 really an FAP per se, but it would be nice to know, kind of by
22 comparison, what's there versus what's allowed currently by right or

1 by zone, County zone, and then that gives us a sense of scale for what
2 is being proposed on the sketch plan as well, I think.

3 CASEY CIRNER: Sure. We will analyze that and..

4 COMMUNITY PLANNING MANAGER SCHWARZ: Both the MXD and the
5 Neighborhood Retail have a .75 FAR max density.

6 COMMISSIONER KAUFMAN: Right.

7 COMMUNITY PLANNING MANAGER SCHWARZ: so it's the same density.

8 CHAIR BAUER: I think my point is that it wouldn't necessarily
9 be .75 in an MXD project. It would be whatever the SDP proposed.

10 COMMUNITY PLANNING MANAGER SCHWARZ: Right. Right now the zone
11 only allows you to go to .75

12 CHAIR BAUER: O no, I understand that, but the actual... what
13 would be developed would be part of that plan, or part of the SDP
14 process. It would be interesting to know what that looks like in
15 terms of capacity, or current versus the potential. Alright, I'm
16 sorry, I probably cut you off in the middle of a thought, so..

17 CASEY CIRNER: No, no, that's ok. I was going to highlight some
18 of the points that we made in the MXD Justification Statement that was
19 submitted with the annexation package that addresses the findings that
20 need to be made in order to reclassify the property to MXD. And those
21 are that the application meets the objectives and purposes of the MXD
22 Zone, which is really the implementation of the Master Plan and this
23 application does that by requesting annexation of property that is

1 located within the Maximum Expansion Limits as well as reclassifying
2 to the MXD Zone, in accordance with the recommendation of the Land Use
3 Plan. Additionally, we're working with staff on finalizing an
4 annexation agreement that will include development standards that
5 mirror the footprint of the existing shopping center and so inherently
6 the future development will be compatible with the surrounding areas,
7 since it mirrors what's actually there. And finally, the redevelopment
8 will be compatible and harmonious, which, as Mr. Magruder indicated,
9 the redevelopment will be part of a comprehensive redevelopment with
10 the north side of the shopping center and so that will allow both
11 developments to be compatible... and they're compatible with the
12 existing uses, which are primarily institutional and commercial uses
13 that surround that.

14 So in closing, the proposed annexation is consistent with the
15 Master Plan, it's within the MEL and because it's consistent with the
16 Maximum Expansion Limits, it was analyzed with regard to the Adequate
17 Public Facilities and since police service is really the only facility
18 that will be extended to this property following annexation,
19 annexation will have a very minimal effect on the City as well as the
20 City residents. And we're asking the Planning Commission to look
21 favorably upon our application.

22 CHAIR BAUER: Good, thank you. Trudy, one other question
23 about the process. If this moves forward, and it's annexed, and then

1 it's in the MXD Zone, there's some individual buildings that's on the
2 site and it's not one contiguous shopping center per se, those can be
3 redeveloped individually if the market calls for it, or the tenant
4 calls for it, or the owners wanted to, it wouldn't call into question
5 the whole comprehensive plan, or would it need to?

6 COMMUNITY PLANNING MANAGER SCHWARZ: it would... we would
7 certainly want to see the overall plan because each of those pad sites
8 are integral to the shopping center with all their access points, so I
9 think we would do an... ask for an SDP overall...

10 CHAIR BAUER: for the whole thing?

11 COMMUNITY PLANNING MANAGER SCHWARZ: but, you know, two of the
12 properties are owned by the applicant and then one property is owned
13 by the bank. Is that correct?

14 CASEY CIRNER: That's correct. So economically it would
15 probably make more sense for the bank property to join in with the two
16 larger properties for comprehensive redevelopment.

17 CHAIR BAUER: That's the top of that plan

18 COMMUNITY PLANNING MANAGER SCHWARZ: Yes, right here (pointing
19 to the top right-hand corner of the sketch plan). All the other... rest
20 of the property belongs to the Magruder Companies.

21 CHAIR BAUER: So is there any conversation about that now or
22 is that... has that been talked about at all to include...

1 COMMUNITY PLANNING MANAGER SCHWARZ: No. Mr. Magruder said
2 they're looking 20 years out.

3 CHAIR BAUER: Right. OK.

4 COMMISSIONER WINBORNE: I had a question traffic flow and
5 parking. I understand that... I guess there are 230 parking spaces and,
6 using our Ordinance, it's 166, does that mean that once this is... if
7 this is approved, there'll be some reconfiguration needed of a parking
8 space? And the other thing about that area, you know my kids went to
9 school right across the street, so I spent a lot of time in that area.
10 Is the flow of traffic... to me it's almost like two or three different
11 driving flows in that area. Has the City looked at that and is there
12 anything that they think might be an issue?

13 COMMUNITY PLANNING MANAGER SCHWARZ: We really haven't really
14 looked at the site plan to analyze it because it's an existing plan,
15 so that's not... we will evaluate to make sure there's the correct
16 number of accessible spaces on the site. That's the only thing that
17 we want to double check as part of the annexation.

18 COMMISSIONER WINBORNE: OK. So there'll be a... I mean... But I
19 mean I think there was a traffic study or traffic impact analysis but
20 there hasn't been a traffic study or anything like that about an
21 access or egress into that space yet?

22 COMMUNITY PLANNING MANAGER SCHWARZ: No. And it won't be
23 required until redevelopment.

1 COMMISSIONER KAUFMAN: Going from the C-1 on Potomac Valley
2 North, to an MXD in the future, what would that involve and what kind
3 of time frame are we talking about so that when we go from C-1 to MXD,
4 and basically if it's the same FAR-wise, .75 and so on and so forth,
5 what was the analysis for a C-1 rather than an MXD?

6 COMMUNITY PLANNING MANAGER SCHWARZ: That property has been C-1
7 probably since it was annexed in 1969. The Master Plan recommended
8 the MXD, but as you may recall the Mayor and Council chose not to do a
9 comprehensive rezoning in accordance with the Master Plan, so the
10 process would be either the City would do a comprehensive rezoning at
11 some point or the applicant would come in with the rezoning request
12 and those applications generally take four to six months for review.
13 It would come in with a conceptual sketch plan for the City's review
14 and the Mayor and Council and the Planning Commission would evaluate
15 on the requirements at that time.

16 COMMISSIONER KAUFMAN: OK. Thanks.

17 CHAIR BAUER: So we're in Step One, Phase One, so we're
18 looking for comment from the public. Is there any one that would like
19 to comment or testify on this application? [No speakers] Well, I
20 don't see anybody popping up out of their chair for this one. So..
21 What's next, Trudy?

1 COMMUNITY PLANNING MANAGER SCHWARZ: Staff would recommend that
2 you hold the record open for eight days until October 15, and then we
3 will bring this back to you on October 21.

4 CHAIR BAUER: For recommendation?

5 COMMUNITY PLANNING MANAGER SCHWARZ: For recommendation.

6 CHAIR BAUER: And then after that, as you said in the earlier
7 schedule, the Mayor and Council would then have a public hearing.

8 COMMUNITY PLANNING MANAGER SCHWARZ: Yes. And just for
9 everyone's information, this also will be reviewed by the Maryland-
10 National Capital Park and Planning... Montgomery Planning Board for the
11 requirements of annexation as to make a decision or their
12 recommendation to the County Council as to whether this is substantial
13 change or not.

14 CHAIR BAUER: Sure, sure. Well staff's recommending that we
15 hold the record open for eight days and close at 5 p.m. on October 15.
16 Is there a motion please?

17 COMMISSIONER KAUFMAN: I so move.

18 COMMISSIONER WINBORNE: Second.

19 CHAIR BAUER: OK. It's been moved and seconded. All in favor,
20 please say aye...

21 COMMISSIONERS KAUFMAN AND WINBORNE: Aye.

22 CHAIR BAUER: That passes unanimously. Thank you very much.
23 We look forward to the next step in that process.