



Greater Olney Civic Association

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www.goca.org

MINUTES –November 9, 2004

The meeting was called to order by President Stephen Smet. Following introductions, the September and October minutes were approved with no corrections or additions. The agenda was approved with no additions.

SPECIAL PRESENTATION

Dialogue with Montgomery County Council Members Regarding Provisions of the Draft Olney Master Plan – Steve Smet noted that GOCA had invited a number of the local and at-large members of the County Council so that we could have discussion with them about the Draft Olney Master Plan prior to the Planning, Housing and Economic Development (PHED) Committee and the full Council begin to consider the Planning Board draft. Steve noted that Mr. Silverman was unable to attend, However, he had a brief meeting with Mr. Silverman earlier that day at which Steve clarified the timeline on the Silo Inn property, briefly discussed some land use issues, and gave a rundown on GOCA's reaction to the draft master plan process to date – a good advisory group, the 1980 plan was good and just needed a little tweaking, and a consensus that the draft is a good fine-tuning. Steve also noted that Ms. Floreen was not able to attend due to a death in the family.

Steve noted that the plan calls for 1% new growth in the town center area in a zone that was still not defined. The plan accommodates growth in the town center area to make the town center more of a “living” community with a mix of commercial and residential development. He also noted that as this master plan review process was coming to an end as it moved to the Council for their review, other land uses zoning text amendments (ZTA) are being considered by the Council. Issues GOCA's focus will be one during the Council's review of the plan include: the Silo Inn, the 32-acre Bowie Mill site, the town center, several road reclassifications, limiting the density in the Rural Neighborhood Cluster (RNC) zone to .33 units per acres.

Councilmember Marilyn Praisner noted that the Council's review is not as far along as they had hoped because the PHED Committee has had to postpone several meetings in Ms. Floreen's absence and because they have a very full plate right now. Mr. Silverman hopes to have the MPDU review completed by the end of November, but before considering the Olney Master Plan. They will not be looking at the Shady Grove Sector Plan till 2005. The PHED Committee has had 2 ½ discussions so far. They have looked at transportation issues and there are several road reclassifications still open. They have had some preliminary discussions about areas closest to Norbeck Road including the Silo Inn, Small's Nursery, and the Southeast Quadrant. While she was not in government in 1978 she is familiar with the current plan, the concept of the town center, and the Transfer of Development Program which was originally a closed system with all its receiving and sending zones being within the Olney Planning Area, and the rural entryway concept. She understands that Olney is seen as a “bedroom” community with jobs principally being elsewhere, and with commercial development concentrated in the town center. She agreed that the hope is to stay close to that plan, but the town center area may provide an opportunity for some public uses.

One thing she sees missing is analysis of government/community needs in the town center area, e.g. is the library adequate, is that where it should be, is the post office adequate, is the US Postal Service interested in joining in a “government center” effort. There does not seem to be enough detail about where the Georgia Avenue busway will end and how other bus routes will merge with it. The ZTA for the town center zone has not been introduced yet. The Council's preference is that if a new zone is introduced in a master plan, that they receive it at the same time they are reviewing the plan. She has only talked with their staff about it. Her view of the Bowie Mill site is that they should stay with the current zoning because it fits the area. She felt the Board of Education has made a good case for why that site will not help with school needs in the area because the site is not big enough for a high school, and she liked Barbara Falcigno's suggestion to use the site in brokering some of the goals for the town center area. There is nothing in code yet for the “work force” housing concept, so it is difficult to say whether it can be provided without any legislation to define what it is. The county attorneys are working on drafting the legislation, but are very busy on other projects, so it is not certain when they will be able to complete that. One possibility is to refer to it in the draft by saying something about the site being appropriate for MPDU or work force housing if the County establishes such a zone. She is concerned that with the current zoning it is not clear how much land would percolate, so it may be that what the Planning Board staff has proposed with the .33 units per acre density of the RNC zone may already be giving an increase in density. Some developers are asking for even greater density packaging it as a way to get additional affordable housing.

With respect to the Silo Inn, Ms. Praisner indicated that she did not think it should be zoned commercially any longer, even though the adjacent community is supporting a commercial use currently being proposed for the commercial portion of the site. There is a complicated history there, and there has not been a commercial use there for some time, so there is a question of whether this takes precedence. There is a question about what assumptions a developer can make when given certain

information. With respect to transportation issues, Ms. Praisner noted that they are still considering whether the portion of Bowie Mill Rd near Rte. 108 with houses and driveways on it should be designated as a primary road. She noted as well that most of the straw votes so far have been consistent with the Planning Board recommendations.

Councilmember George Leventhal noted that this is only the second master plan that he has been involved with. He has seen Olney grow, and is enjoying learning more detail about the area as they work through the master plan review. He added that he thought it was important to consider both the needs of the current residents and of future development. They should consider the needs to meet the needs of the growing population, but they do not want to lose those qualities that attracted people to the community. He indicated that he would have voted against the Potomac Master Plan because it did not do enough for transportation needs for the County as a whole. He feels strongly that we need to spend transportation money on more transit, so the Georgia Avenue Busway needs to be well-defined in the Olney Master Plan so it will work.

Mr. Leventhal indicated that he has an open-mind on the Bowie Mill site. The County does need affordable housing, and they are looking at it as a possible site. Since the County owns this land, they can do things there it cannot do elsewhere. He liked the idea of swapping the land for land in the town center area. He did not think he would recommend anything that would add density beyond what the PHED Committee recommends. He supported Ms. Praisner's position on the Upper Rock Creek Master Plan because he was persuaded by the argument that it was the only master plan named for a watershed. Olney is a place, a town, so he will look at it in the same way they analyzed the Upper Rock Creek area with respect to the imperviousness cap, etc. He noted that Olney is not the Upper Rock Creek area, but its not Silver Spring either, its not Bethesda, but not the Agricultural Preserve either. It is a different area with different needs. It is an area that is a mix of rural, residential, and commercial development that has its own character and he wants to make decisions that maintain that character.

The following points were made during the Q & A period that followed:

- John Lyons noted that Olney is not a monolithic area, but has elements of sensitivity of the Upper Rock Creek area, some parts of the Agricultural Preserve, and part of the Patuxent Watershed. He asked the Councilmembers what their feelings are on (1) the idea of Olney being a satellite town with commercial development limited to the town center and stepped down density in the residential development in rings around the town center area; and (2) the Bowie Mill site being looked at for a test for alternative housing such as work force housing rather than going straight to the HOC whose concept seems to be moving ahead too quickly. With respect to the affordable housing question, Mr. Leventhal felt that the first question is what the impact on schools will be. There is a clear need for affordable housing at every income level, but they need to look at whether it can be accommodated on this site. The question of whether the HOC proposal or productivity housing makes more sense relates to the density and the impact on schools. Ms. Praisner noted that until the recent discussion of the MPDU program it was felt that large lots did not yield enough additional housing to make it worthwhile putting them into these areas. But there has been pressure to expand the program into areas not originally intended for this type of housing. Productivity housing is a new program, so there are not many examples. Work Force housing is above productivity housing, but still below market rates. She felt that based on her 20 years of experience with the MPDU program, this type of development needs to be paced with the development of infrastructure.

- There was concern expressed that the process for determining how land being disposed of by the County is going to be used is not a very public, transparent process and it should be. Ms. Praisner noted that the Council has asked Park & Planning and Council staff to develop a set of rules for this process. It was also suggested that the County should not rezone a piece of property just because they own it. It should be done in a setting such as a master plan review process in which the public has an opportunity to comment on the action.

- Mr. Leventhal noted that he has not made up his mind yet on whether it is appropriate to have commercial development on the Silo Inn site. John Lyons noted the concern with commercial creep along Georgia Avenue. Changing the zoning on this property could lead to more commercial development being introduced on the street. There is a concern about the impact on traffic, especially with the changes to the Rte. 28/97 intersection and the ICC interchange on Georgia Ave. Arnie Gordon added that the community supports the idea of providing affordable housing and having a diverse community, but there are concerns about increasing density to achieve this goal to a point that it outstrips an infrastructure that is already having difficulties. Mr. Leventhal noted that giving the developers providing affordable housing bonus density has always been a part of the program. The land is privately owned, and while the County can use its zoning authority to limit development, they cannot tell developers they cannot make a profit. The original concept was that the developers were not suppose to pay for participating in this program. The changes the Council is looking at will not liberalize the program, but does look at issues like the system of buyouts and the length of time units are in the program.

- It was noted that no one gets a guarantee of getting the maximum density when developing a property, but they should expect to make a reasonable profit. A question was asked about what requirements are placed on a developer to provide for the community. It was also noted that often, as in areas like the southeast quadrant, there are physical conditions such as the water table and situations that prevent a developer from getting the maximum density allowed by a zone. Across the State, the development community is asking for more certainty in the density they can achieve, but government needs to be careful that they don't give more guarantees than a developer can expect. They should forget the limits of the zones. It was noted that

developers do get more assurances now with the Rural Neighborhood Cluster zone than they do with the RE-2 zone, so that needs to be kept in mind as the Council considers program incentives being added to that.

- When asked how the PHED Committee looks at the cumulative effect of developing all the sites and parcels the Planning Board looked at piecemeal for affordable housing, Ms. Praisner noted that they have to go parcel by parcel, it is the nature of the process. However, they begin with a discussion of philosophy and the philosophy used by the Planning Board in making its recommendations. Then they look at each piece relative to that philosophy. Then they go back and look at the plan globally. Mr. Leventhal added that they need to know where the density started in the 1980 plan as they make decisions about adding density to the Planning Board recommendations.

- It appears that the impact of new private schools in the area on intersections are not being considered as they assess the impact of residential development. Ms. Praisner noted that we need institutional uses, but the problem in master plan perspective is that there is no method for deciding where private institutions should go. There is no direct way to control that these institutions will go in the best places in terms of impact on infrastructure. Imperviousness limits, and transportation limits are backdoor kinds of ways of getting at these issues.

- In response to a question about whether the County is bound by the zoning on a site, Mr. Leventhal noted that if the County Council makes an agreement with the Housing Opportunities Commission, the zoning on that site would reflect that agreement. He also noted that the County is not only looking at the 4 County-owned sites for addressing affordable housing needs, but are considering acquiring other sites. However, it was noted that it is not clear who makes the decision on the "mix" of housing on these, and that is one of the problems with the lack of transparency of the current disposal process.

- Ms. Praisner noted that the school system is required to look at potential yields for what is being proposed in a draft master plan and assess how it would impact their needs. The County Council has gotten input from the schools on why Bowie Mill is not needed and where the needs can be addressed so they do not need the site. It is a question of staging. Mr. Knapp noted that the impact on school was taken into account, but school need projection is not an exact science, so they need to put more vigilance on the process and ask more questions as they plan. Mr. Leventhal added that the master plan process identifies where development should go, the growth policy influences the staging of development. It may not have always worked well in the past, but they have added the school's test in the new policy and will be looking at it again next year.

- They do need to fix the recordation process and the Council is working on developing a process. However, the records are so poor now, it will take time to clear things up, so we don't have problems like the current Olney Master Plan records showing that the Bowie Mill site belonging to the school system when it doesn't. People should not feel that the Council is not aware of this concern. The Council asked the County Executive to defer action on the property in this Planning Area till the master plan process is complete. They are looking at ways to use electronic methods for incorporating some of this information along with the master plans.

- There were concerns raised about the vision of the entryway into Olney coming north on Georgia, for example, with the accumulative affect of the proposal to make the ICC an above-grade crossing at Georgia, the proposal for the Rte. 28 intersections, the potential for significant density increases on the golf course, etc. Ms. Praisner noted that they had talked about the entryway in the Norbeck plan and had agreed to keeping the road 4 lanes, and even with the ICC, it doesn't mean that there has to be more development there. She noted some concern about the density proposed on the Golden Bear property and what they do with the rest of the southeast quadrant is key. Mr. Knapp indicated he was not necessarily willing to accept the idea that the Golden Bear property can support so much density because the land will be isolated. Mr. Leventhal indicated that he had not made any decision yet on what the impact was of these roads and intersections on the Golden Bear property and the southeast quadrant.

- Ed Weisel hoped that the staging on the Georgia Avenue busway happens soon. It is needed now and will be needed even more as Good Counsel High School and Washington Christian Academy are built and as the other projected density is added to the area.

- When a request is made to rezone a parcel outside of the master plan process, a number is assigned to the application, it goes to the Planning Board for a recommendation, then to a zoning hearing examiner who makes a recommendation to the County Council which makes the final decision on the request. Once the number is assigned to the request, the Councilmembers cannot hear about the case – i.e., no "exparta communication". Their decision must be made solely on the information contained in the record presented to the Council by the hearing examiner. The Councilmembers should not have any contacts outside of the record to make sure that the decision is made in a legal, transparent way. However, the master plan process is a more public process in general, so it lends itself more to open discussion. All the points discussed at this meeting are not exparta and can be followed up with any of the Councilmembers.

- The deadline for providing input to the Council is technically when they vote. However, the closer they are to final decisions, the harder it is to impact a decision. It is best to participate in the public hearing process and to provide input as the PHED Committee reviews the plan and makes its recommendations to the full Council.

NO OFFICERS/COMMITTEE REPORTS**NEW BUSINESS**

2004 GOCA Awards – Helene Rosenheim reminded everyone that they are now accepting nominations for the 2004 GOCA Awards. Each year GOCA tries to recognize individuals and groups that make noteworthy contributions to the greater Olney community. She stressed that we rely on people throughout the community to make us aware of nominees for the various awards that include the Howard J. Garber Memorial Citizen of the Year Award, Contribution to Community Awards, and Olney Heritage Awards. GOCA delegates and officers are encouraged to nominate individuals for the GOCA Worker of the Year Award. The deadline for nominations is the January 11th meeting. Following the January meeting, the ballot will be mailed to GOCA delegates and officers. Winners will be determined at the February meeting. Awards will be presented to the recipients at GOCA's annual Awards Ceremony which will be held at Longwood Recreation Center on Sunday, March 6 2005. Nomination forms are available at the Olney Library (on the check-out desk) and at GOCA's website, www.goca.org.

Following this discussion the meeting was adjourned.

Respectfully submitted,

Helene Rosenheim

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Recording Secretary

People in attendance: Khalid Afzal, Marian Alton, E. Baxter, S. Bhatra, Jackie and Danny Benn, Joe Buffington, Grace Colacicco, Joe Cobert, Rick Coburn, Paula Cooley, Leslie Cronin, Andrea Cunningham, Christopher Cutino, Christopher Doyle, Patrick Dunne, Brenda Egeland, Barbara Falcigno, Jay Feinberg, Mark Feinroth, Chris, Regina, & Sean Freedman, Arnold Gordon, Ben & Walter Greenspan, David Griffith, Judy & Ed Goodwin, Chuck Graefe, Grace Grohs, Marianne & Tom Hamerski, Joe & Marilyn Hess, Howard Heuberger, Kevin Hillman, Dave Holbert, Terri Hogan (Gazette), Kathy Hughes, Clair Iseli (Councilmember Praisner's office), Lee Kidd, Councilmember Mike Knapp, Rick Koshi, Pat Kuntz, Kevin Lea, Councilmember George Leventhal, Laura Levin, Ken Lubel, John Lyons, Duffy Cahill & Jr. Kirkpatrick McDonald, Karen Milstein, Jennifer Newell, Astrid Pages, Roy Peck, Susan Petrocci, Councilmember Marilyn Praisner, Ingrid Romer, Helene Rosenheim, Steve Russ, Robin Shea, Sandy & Larry Shulman, Steve Smet, Barak Stussman, Michael Sullivan, Ruth & Lowell Toliver, Mark Torrence, Tony Wilbur, Edward Weisel, Nancy Wendt, and Carol Wolfe