



MID-COUNTY CITIZENS ADVISORY BOARD

Isiah Leggett
County Executive

Ana L. van Balen
Director

June 19, 2014

Dear Council President Rice and County Executive Leggett:

As you are aware, the construction of a grade-separated interchange at Georgia Avenue and Norbeck Road ("97/28 Interchange") is a high priority road project on Montgomery County's 2014 list of transportation priorities to the State. The project has the strong support of mid-county residents. The Mid-County Citizens Advisory Board (MCCAB) would like to call to your attention a matter currently before the Office of Zoning and Administrative Hearings, which has the potential of making planning and construction of the 97/28 interchange much more difficult and costly.

Zoning Request G-960 is scheduled to be heard by the Office of Zoning and Administrative Hearings on July 28, 2014. If this zoning request is approved, it would raise the development density and therefore raise the value of a parcel of land that would fall within the right-of-way for the 97/28 interchange, thereby increasing the cost to Maryland taxpayers for purchasing the land for the 97/28 interchange.

To avoid this unnecessary cost, MCCAB recommends that the Council direct that the July 28 hearing be delayed until the Maryland State Highway Administrator has completed action on the State's exercising its right of eminent domain to acquire the land need for the 97/28 interchange right-of-way. This direction would appear to be permissible, as the Office of Zoning and Administrative Hearings is a creature of the County Council and such action would be merely a procedural measure. Such action would not pass judgment on the merits of the zoning request to be later adjudicated. If, however, this directive is not possible for legal reasons, the County Executive should ensure that Montgomery County provides appropriate testimony or that other evidence is presented at the hearing detailing plans for the 97/28 interchange and its current status, and that the implications of approving the request are made known. Further, the County Executive should be in close contact with the Maryland State Highway Administrator to ensure that the State is taking appropriate, timely action to secure the State's right of eminent domain to acquire lanes for the 97/28 Interchange right-of-way.

Sincerely,

Kieran McHargue
Chair