



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

M-NCPPC Item _____
Date: 2 / 16 / 2022

MEMORANDUM

DATE: February 7, 2022

TO: Maryland-National Capital Park and Planning Commission

VIA: Michael F. Riley, Director of Parks
Miti Figueredo, Deputy Director, Administration
Gary Burnett, Acting Deputy Director, Operations
Andrew Frank, Division Chief, Park Development Division (PDD)

FROM: Brenda Sandberg, Real Estate Management Supervisor, PDD
Henry Coppola, Real Estate Specialist, PDD

SUBJECT: Building Disposition Recommendation: Warner Circle Special Park
Warner Circle Manor and Carriage House
10231 Carroll Place
Kensington, MD 20895

STAFF RECOMMENDATION

Montgomery Parks Staff requests that the Maryland-National Capital Park and Planning Commission adopt M-NCPPC Resolution No. 22-02 to:

- Adopt the Montgomery County Planning Board Resolution No. 22-016 and approve the disposition of the Manor and Carriage House buildings in Warner Circle Special Park (Park) to Warner Circle Mansion Condominiums LLC (Developer) for a negotiated price of \$677,500, to allow a development for operation of the Park and re-purposing of the said buildings for multi-use residential structures under a condominium regime to be established.

A copy of M-NCPPC Resolution No. 22-02 (MCPB Resolution 22-016 approved by the Montgomery County Planning Board on February 3, 2022) is attached to this memo. This disposition also requires Montgomery County Council approval since the Park is Montgomery County-titled and Commission-operated pursuant to the 1972 Agreement with the Montgomery County (County).

SUMMARY

Warner Circle Special Park was acquired as County-titled parkland in 2005-2006 through the Legacy Open Space program to preserve the historic landscape as public parkland and to preserve the historic buildings by providing a public benefit through their adaptive reuse. After much study and

consideration, Montgomery Parks and the County have reached an agreement with the Developer to sell the buildings to be developed as residential units.

Figure 1: Vicinity Map, Warner Circle Special Park in red

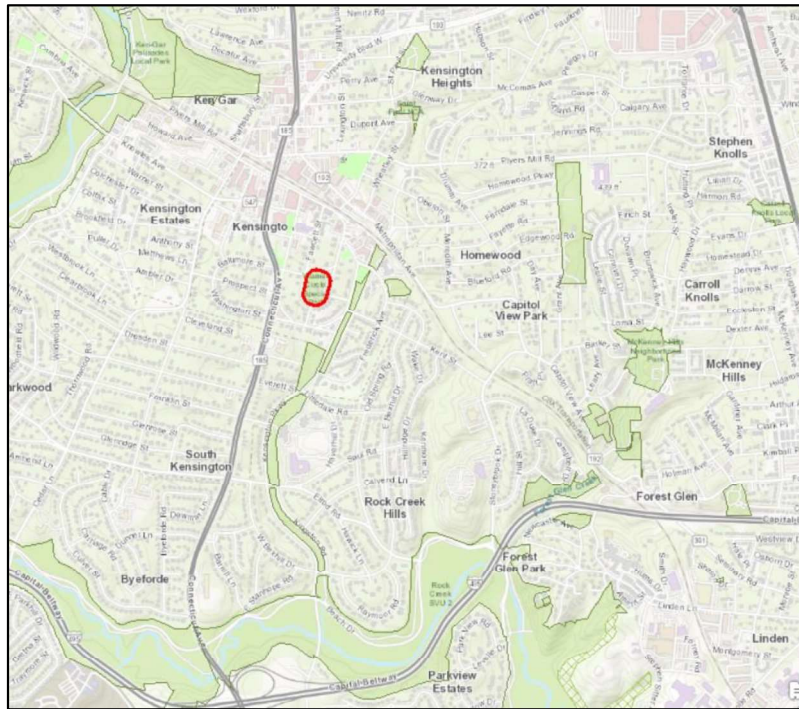


Figure 2: Warner Circle Special Park 2020 Aerial Imagery



PARK DESCRIPTION & HISTORY

Warner Circle Special Park consists of two parcels containing approximately 4.44 acres of land improved with a historic manor house and carriage house. The Park is in the Town of Kensington in the circle created by Carroll Place and Montgomery Avenue. The parcels composing the Park are legally described as Tax-IDs 13-01022343 and 13-03554268 on Tax Map HP43.

The site was acquired to create a public park in 2005-2006 through the Legacy Open Space (LOS) program. The new Park was acquired to preserve the historic landscape that served as *de facto* public parkland since the 1950's and to preserve the historic buildings within the Park by providing a public benefit through their adaptive reuse. County Bonds in the LOS CIP project were used to acquire the property on behalf of the Commission under the auspices of the 1972 Agreement, resulting in the parkland being titled to the County.

This Park was originally the home of Brainard Warner, the founder of the Town of Kensington and a significant figure in the development of Montgomery County and Washington, DC. The Park includes a large 1892/1914 Queen Anne house and a 1914 carriage house. From the 1950's to the early 2000's, the property served as a nursing home and included two large cinder block additions to the historic structures (removed after Parks' acquisition). The property is a primary resource in the Kensington Historic District, listed on the Montgomery County Master Plan for Historic Preservation. The district is also listed in the National Register of Historic Places. The site and buildings are subject to a preservation easement held by the Maryland Historical Trust that requires review of any proposed alterations to ensure the preservation of the site's architecturally and historically significant features.

Figure 3: Warner Circle Manor 2014



Although the buildings have been vacant for more than fifteen years, the Park surrounding the buildings continues to be used by the public on a daily basis for neighborhood-serving, walk-to recreation. The Park also is used for special events that serve the broader Montgomery County community such as Opera in the Circle and Pumpkin Rock-n-Roll. Future uses of the park may include additional unique amenities such as the proposed Reading Garden in partnership with the adjacent Noyes Children's Library.

Figure 4: Carriage House 2014



BUILDING STABILIZATION

Since the Park was acquired, significant work has been undertaken by the Parks Department to improve and expand the public open space and stabilize the historic structures to prepare for adaptive reuse. State Bond Bills and Legacy Open Space CIP funds have supported many stabilization and restoration projects from land acquisition through today. The use of State Bond funds resulted in a Maryland Historical Trust (MHT) easement over the entire park that provides some MHT control over changes to the park and the exterior and interior of the buildings.

Initial projects completed include demolition of the non-contributing nursing home wings, construction of walls to enclose the openings created by the demolition, reconstruction of the south stone terrace, construction of a porch on the east elevation, reconnection of the loop driveway that once encircled the house, roof repairs to both buildings, and minor landscaping. These projects not only restored the manor house to its historic configuration, but also created additional open space and improved the functionality of the park for public use. The building exteriors were painted with the original historic colors based on paint chip analysis. Additional stabilization projects in recent years to prepare the

buildings for future reuse include repair of the front porch, clean-out of the interior, window repairs, and other tasks.

ADAPTIVE REUSE EFFORTS

Initial efforts by Parks to find a use for the historic buildings focused on identifying a private partner to fund the capital costs of rehabilitation in return for a low- or no-cost lease on the buildings. Significant coordination with the community over a two-year period resulted in an RFP issued in 2008 seeking a private partner for an appropriate adaptive reuse. Despite extensive outreach efforts and significant interest in the buildings, the lengthy search process did not result in any viable applicants that met the RFP criteria.

Parks then pursued a publicly funded reuse of the buildings that would be compatible with the maintenance of the open space and provide for historic interpretation on the site. The Planning Board approved a Facility Plan in 2011 calling for the historic buildings to be used as offices and lab spaces for the Parks Department. However, implementation of that Facility Plan did not occur since plans were moving along a separate track for the Parks Department to consolidate headquarters staff in the newly proposed Wheaton Headquarters Building.

Over the past decade, Park staff have worked with the community, Commission and County leadership, and other interested parties to find an appropriate adaptive reuse for these significant buildings, resulting in the proposal in front of the Board today.

PROPOSED ADAPTIVE REUSE AND BUILDING DISPOSITION

Park staff started discussions with Karl Voglmayr, principal manager of Washington Landmark Construction (WLC), in 2016 - 2017 regarding the potential for creating a residential adaptive reuse in the two historic buildings on Warner Circle Special Park. WLC is a preservation award winning company specializing in historic building projects. They are the company responsible for the highly successful rehabilitation of the Gymnasium and The Power Plant at the National Park Seminary (NPS), part of a National Register of Historic Places District in Forest Glen. The NPS project converted unused historic structures into residences, similar to the current proposal at Warner Circle Manor. WLC has extensive experience working with historic preservation regulations and agencies to achieve effective projects that retain the historic nature of the properties as well as a commitment to continued public access.

In November 2018, the Commission entered a non-binding Letter of Intent with Karl Voglmayr setting forth the basic terms and conditions for the creation of a condominium regime and sale of the Buildings for a residential use within the Park. In April 2019, the Maryland Board of Public Works (BPW) approved the proposed condominium regime and the proposed sale of the Buildings to the Developer, an approval required by the fact that State Bond Bills had been used to fund building stabilization projects.

Parks now has finalized the contract for the sale of the Buildings through a tri-party Development Agreement and Contract of Sale (Contract) with the Developer, County, and M-NCPPC. The basic terms of the Contract are as follows:

- The Park will be turned into a condominium regime divided into three units: the Park itself (which will remain public), the Manor House, and the Carriage House.
- The Developer will purchase the two building condominium units in exchange for cash and in-kind benefits totaling \$677,500.
- The Developer intends to create up to 19 residential units out of Warner Circle Manor and the Carriage House totaling approximately 13,888 square feet of developed space.
- Public access will be provided to the restored Stone Terrace on the Manor House up to three times per year; a Recreation Room in the Carriage House up to eight times per year; and other public access as required by a Maryland Historical Trust easement.
- An indoor historic exhibit on Kensington/Warner Manor will be made accessible to the public at certain times during the year, and regular Open Houses also will be held.

The Contract and the subsequent residential development project will be subject to the following approvals and conditions:

- Approval of the disposition of the Buildings by the full Commission.
- Completion of the County's disposition process and County approval to sell the Buildings to the Developer.
- Approval of the building use, design, proposed addition, and archaeological treatment plan by the Montgomery County Historical Preservation Commission (HPC) and Maryland Historical Trust (MHT), including any necessary amendment to the MHT easement over the parkland.
- Approval of Zoning, Site Plan, and other necessary plans and use approvals by the Planning Board or other public entities.
- Obtain a Park Construction Permit and ancillary Archaeology Permit from the Parks Department of the Commission for all construction and ground disturbing activities within the Park.

POLICY RATIONALE AND PARK BENEFIT

Approval of this agreement to dispose of the buildings will allow for a successful adaptive reuse of a nationally recognized historic property while also preserving the surrounding parkland for the benefit of current and future County residents. The adjacent community has been a tireless advocate for the Park and for finding an appropriate use for these special buildings. The community strongly supports maintaining this park as a space for public events, and this agreement will provide for use of the Stone Terrace and the Recreation Room to support those events. Once rehabilitated, this housing also will be a source of tax revenue to the County while preserving an important part of the history of Kensington and Montgomery County.

USE OF PROCEEDS

Proceeds from the transaction will be payable to the County since the property is County-titled parkland under the 1972 Agreement. The funds will then be appropriated to the Parks Department's Warner Circle Special Park CIP project through Council CIP budget action.

CONCLUSION

Disposition of the Warner Circle Special Park buildings for their redevelopment as residential units will put these buildings back into productive use while preserving their historic character and maintaining the public's ability to use and enjoy Warner Circle Special Park, thus implementing the vision for this Park when the land was first acquired.

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MCPB No. 22-016

M-NCPPC No. 22-02

Warner Circle Special Park:

- **Disposition of Warner Circle Manor and Carriage House**

RESOLUTION

WHEREAS, the Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized under the Md. Code, Ann., Land Use, §§ 17-205 and 17-206(a), to dispose and transfer land held by it when the Commission determines such land is no longer needed for public use and where the proceeds from such disposition will be used for improvements to recreational facilities in the metropolitan district; and

WHEREAS, the Commission holds certain property interest, via a 1972 Agreement with Montgomery County, in two parcels of property known as the Warner Circle Special Park, located at 10231 Carroll Street, Kensington, Maryland, 20895 (the “**Park**”), containing approximately 4.44 acres of land, improved with a historic manor house and carriage house among the parkland, recorded among the Land Records of Montgomery County at Liber 32994 folio 733 and Liber 34694 folio 523 (Tax Account Nos. 13-01022343 and 13-03554268) (the “**Property**”); and

WHEREAS, on November 20, 2018, the Commission’s Montgomery County Department of Parks (“**Parks Department**”) entered into a Letter of Intent with the principal of Warner Circle Mansion Condominiums, LLC (the “**Developer**”), for the disposition of the manor and carriage houses at the Property (the “**Buildings**”), and a development whereby the Buildings and the Park would be operated under a condominium regime (the “**Park Development**”); and

WHEREAS, following review and analysis of the Park Development by the Commission staff, the said staff issued a memorandum to the Montgomery County Planning Board (“**Planning Board**”), dated January 28, 2022, setting forth its analysis and recommendation to establish a condominium regime in which the Buildings and the underlying land would constitute individual condominium units, and for approval of the disposition of those condominium units containing the Buildings, subject to certain conditions (“**Staff Report**”); and

WHEREAS, on February 3, 2022, the Planning Board held a public hearing at which the Planning Board heard testimony and received evidence submitted for the record and voted to approve the establishment of a condominium regime at the Property for the operation of the Buildings and Park; and

WHEREAS, on February 3, 2022, the Planning Board also approved the Park Development, and voted to recommend that the Commission approve the disposition of the condominium units containing the Buildings by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, subject to the conditions set forth in the Staff Report, the Planning Board has determined that with the Park Development, the Buildings are no longer needed for public use, and that the proceeds from the sale of the condominium units containing the Buildings will be used to further improve the Park.

BE IT FURTHER RESOLVED that, the Planning Board hereby recommends that the Commission approve creation of the condominium regime and conveyance of the condominium units containing the Buildings to the Developer, conditioned on the following:

- (i) Completion of the Montgomery County's ("**County**") disposition process and the County approval to sell the Buildings to the Developer.
- (ii) Approval of the building use, design, proposed addition, and archaeological treatment plan by the Montgomery County Historical Preservation Commission (HPC) and Maryland Historical Trust (MHT), including any necessary amendment to the MHT easement over the parkland.
- (iii) Approval of Zoning, Site Plan, and other necessary plans and use approvals by the Planning Board (in its capacity as a regulatory body) or other public entities
- (iv) Developer obtaining a Park Construction Permit and ancillary Archaeology Permit from the Commission's Parks Department for all construction and ground disturbing activities within the Park.
- (v) Designation of the sales proceed from the Buildings into Warner Circle Special Park CIP No. P118703.
- (vi) Final approval by the Commission's Office of General Counsel for all Park Development documents, including the sale and purchase agreement for the Buildings, condominium documents, and other related contracts and documents.

BE IT FURTHER RESOLVED that, the Commission hereby adopts the Planning Board's finding, accepts the Planning Board's recommendation and approves establishment of a condominium regime and the disposition and conveyance of those condominium units containing the Buildings to the Developer in accordance with the terms and conditions recommended and imposed by the Planning Board.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Gerald Cichy, seconded by Commissioner Carol Rubin, with Chair Anderson and Commissioners Cichy, Rubin, Patterson, and Verma voting in favor at its regular meeting held on Thursday, February 3, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY:

By:  2/3/2022
M-NCPPC Legal Department Date

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-02 adopted by the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Hewlett, seconded by Commissioner Geraldo, with Chair Anderson, Vice Chair Hewlett, Commissioners Bailey, Cichy, Doerner, Geraldo, Patterson, Rubin, Verma and Washington voting in favor of the motion, at its regular meeting held on Wednesday, February 16, 2022 via video-conference, and broadcast by the Department of Parks and Recreation, Prince George's County.



Asuntha Chiang-Smith Executive Director