



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
3/20/08



MEMORANDUM

DATE: March 3, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Erin Grayson, Planner (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 1 lot for 1 one-family dwelling unit containing a medical practitioner's office

PROJECT NAME: Dechter

CASE #: 120070700

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: Southeast quadrant of the intersection of Georgia Avenue and Weller Road

MASTER PLAN: Glenmont

APPLICANT: Alan Dechter

ENGINEER: VIKI Inc.

ATTORNEY: Abrams & West

FILING DATE: April 4, 2007

HEARING DATE: March 20, 2008

RECOMMENDATION: Approval subject to the following conditions:

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for 1 one-family residential dwelling unit with a 2,426 square foot medical practitioner's office.
- 2) The applicant must comply with the Montgomery County Board of Appeals Opinion for Special Exception Case No. S-2629, dated December 20, 2006.
- 3) The applicant must comply with the tree save plan dated February 29, 2008.
- 4) The applicant must comply with the sidewalk layout as shown on the preliminary plan dated February 29, 2008 showing a 5-foot lawn panel and sidewalk bend on the south side of the utility pole along the Weller Road property frontage.
- 5) The record plat must provide for dedication of 67.5 feet of right-of-way from the centerline for Georgia Avenue along the property frontage.
- 6) The applicant must provide, and the record plat must reflect, a 7.5 foot Public Improvement Easement along the Georgia Avenue property frontage.
- 7) The record plat must provide for dedication of 30 feet of right-of-way from the centerline for Weller Road along the property frontage.
- 8) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated March 22, 2007.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated February 14, 2008 unless otherwise amended.
- 10) To meet Policy Area Mobility Review (PAMR) requirement to mitigate a single peak hour vehicle trip, the applicant must provide a bus bench and pad, in a location proposed in the traffic statement. Final location must be approved by MCDPWT Division of Transit Services/Passenger Facilities Unit.
- 11) The applicant must satisfy provisions for access and improvements as required by MCDPWT for Weller Road and the Maryland State Highway Administration (MDSHA) for Georgia Avenue prior to recordation of plat(s).
- 12) Before any building permit can be issued, the applicable school facilities payment required by the 2007-2009 Growth Policy must be paid to MCDPS.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) Other necessary easements must be shown on the record plat.

BACKGROUND

Special Exception Review (Case No. S-2629) (Attachment A – Board of Appeals Opinion dated December 20, 2006)

On June 2, 2005, the Montgomery County Planning Board heard Board of Appeals Case No. S-2629, a Special Exception Request by Alan and Susan Dechter to allow a non-resident medical practitioner's (dentist) office. The Planning Board voted 5-0 to recommend approval with conditions. The Hearing Examiner issued a Report and Recommendation for approval with

conditions dated October 21, 2005. The case went before the Board of Appeals on November 2, 2005 and was denied in an Opinion dated February 10, 2006.

The applicant requested reconsideration of the Board of Appeals' decision, which was granted. Extensive revisions were made to the original plan to reduce the size of the building, which MNCPPC Staff evaluated in a Staff Report dated August 29, 2006. MNCPPC Staff recommended approval with conditions. The Montgomery County Planning Board did not reconsider the application. On December 8, 2006 the Hearing Examiner issued a Report and Recommendation for approval with conditions to the Board of Appeals. At a worksession on December 20, 2006, the Board of Appeals considered the Hearing Examiner's Report and Recommendation and granted approval of the application with conditions. The Opinion of the Board of Appeals was adopted on December 20, 2006 and became effective on January 26, 2007.

SITE DESCRIPTION (Attachment B – vicinity map)

The Dechter preliminary plan "Property" or "Subject Property," pictured on the following page and in Attachment B, is located in the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Weller Road in the Glenmont Transit Impact Area and Vicinity Sector Plan area. The Subject Property contains 0.87 acres zoned R-90. Property to the north contains a church and is zoned R-90, to the east is a neighborhood containing one-family detached homes also zoned R-90 and property to the west across Georgia Avenue is zoned R-60. Directly south of the site is a 46-unit townhouse community zoned RT-12.5.

There is no forest onsite but four large and specimen trees are present. No streams or wetlands are onsite, nor any environmental buffers. The property is located within the Northwest Branch watershed (Use Class I/IP).



PROJECT DESCRIPTION (Attachment C – proposed plan)

The applicant proposes to combine the 2 unrecorded parcels (parcels 911 and 912) and record 1 lot that is 33,639 square feet in size. The proposed lot will contain a 2-story residential dwelling unit containing a 2,426 square foot medical practitioner's office with an adjacent 14-space parking lot. The parking lot is located along the eastern property line. Access to the building and parking lot is proposed from Weller Road via a 30-foot wide driveway apron. Sidewalks are proposed along the Georgia Avenue and Weller Road property frontage. The structure will connect to public water and sewer.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Subject Property lies within the Glenmont Transit Impact Area and Vicinity Sector Plan boundaries. This sector plan was adopted in 1997. The plan recommends R-90 cluster zoning for the site and relocating the existing curb cut on the Property from Georgia Avenue to Weller Road. For the area, the plan recommends an increase in residential density, an extension of a bus-way from the Glenmont station to Olney, as well as enhancing and improving upon existing viable neighborhoods. The proposed preliminary plan meets all of the previously mentioned objectives but does not constitute a significant increase in residential density. The proposed use does, however, the plan enhances and improves the existing neighborhood by replacing former

dilapidated structures on the property and providing a service to residents in the neighborhood. Master Plan compliance was considered at the June 2, 2005 Planning Board hearing regarding the special exception for the Property. Community-Based Planning Staff reviewed the revised plan at a later date and found it to be consistent with the Glenmont Transit Impact Area and Vicinity Sector Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The application is subject to Policy Area Mobility Review (PAMR) which requires 10% trip mitigation in the Glenmont Metro Station Policy Area under the 2007-2009 Growth Policy. To satisfy PAMR requirements the applicant must provide a bus bench and pad in one of six locations proposed as part of the traffic study. The final location will be decided in coordination with DPWT Transit Services.

Georgia Avenue is classified as a major highway requiring 150 feet of right-of-way. The applicant proposes to dedicate 15 feet of right-of-way for 67.5 feet of right-of-way from the centerline of Georgia Avenue and an adjacent 7.5-foot Public Improvement Easement along the Georgia Avenue property frontage. This allows for 75 feet from the centerline necessary for public improvements. The existing sidewalk along the Georgia Avenue property frontage will be removed and a new 6-foot wide sidewalk with a 14-foot lawn panel between the sidewalk and curb will be constructed by the applicant. Improvements along the Weller Road property frontage include dedication to provide 30 feet of right-of-way from the centerline and construction of a 5-foot wide sidewalk with a 5-foot lawn panel to minimize impacts on specimen trees. A 30-foot wide driveway apron will allow for safe access and adequate site distance. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed mixed-use building. The Property will be served by public sewer and water. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Public facilities including police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The school cluster in which the Subject Property is located is subject to moratorium, but the single residence included in this application is permitted by de minimus. Prior to building permit the applicant must make the applicable school facilities payment to MCDPS. Gas, electrical and telecommunications services are also available to serve the Property.

Environment

Environmental Guidelines

The site does not contain any environmentally sensitive areas, therefore, the Environmental Guidelines are not applicable.

Forest Conservation

The applicant applied for a forest conservation plan exemption which was approved on February 1, 2005. The exemption was granted under section 22A-5(s)(2) of code, which stipulates that activity must occur on a tract of land less than 1 acre in size and forest clearing cannot exceed 30,000 square feet. Section 22A-6 of the Code includes a provision requiring a tree save plan for this type of exemption. The tree save plan was submitted with the preliminary plan.

Tree Save

The tree save plan was prepared and signed by an ISA-certified arborist and shows large and specimen trees, as well as smaller trees, on the subject and adjacent properties. The plan proposes to save all four specimen trees on the Subject Property. The specimen trees will be protected using a variety of tree save measures as shown on the approved tree save plan. These measures include tree protection fencing, tree protection signage, root pruning, directional boring of utilities, air spading, and raised sidewalks. Two trees proposed for retention have more than 1/3 of the critical root zone impacted and have specific arborist recommendations. The remaining two trees have less than 1/3 of their critical root zone impacted. The specific details of each of the tree protection measures are included in the tree save plan.

Stormwater Management

The stormwater management concept for the Property was approved by MCDPS on March 22, 2007. The concept includes on-site water quality and on-site recharge via drywells, pervious pavement and other non-structural methods. Channel protection volume is not required because the one-year post development peak-discharge is less than or equal to 2 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance (Attachment D – Agency Correspondence)

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and use approved as a special exception. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

This application preceded the requirement for pre-submission meetings that is currently in effect. The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. Staff sent notice of the public hearing to these parties. No citizen concerns have been brought to the attention of MNCPPC staff as of the date of this report.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Glenmont Transit Impact Area and Vicinity Sector Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Board of Appeals Opinion dated December 20, 2006
Attachment B – Vicinity Map
Attachment C – Proposed Development Plan
Attachment D – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Dechter				
Plan Number: 120070700				
Zoning: R-90				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Office/Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq. ft.	33,639 sq. ft. is minimum proposed	EG	3/3/08
Lot Width	75 ft.	207 ft. is minimum proposed	EG	3/3/08
Lot Frontage	25 ft.	207 sq. ft. is minimum proposed	EG	3/3/08
Setbacks				
Front	30 ft. Min.	Must meet minimum ¹	EG	3/3/08
Side	8 ft. Min./ 25 ft. total	Must meet minimum ¹	EG	3/3/08
Rear	25 ft. Min.	Must meet minimum ¹	EG	3/3/08
Height	35 ft. Max.	May not exceed maximum ¹	EG	3/3/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	3 dwelling units	1 office/residential unit	EG	3/3/08
Lot Coverage	30% Max.	10.7%	EG	3/3/08
TDRs	No	N/a	EG	3/3/08
Site Plan Req'd?	No	N/a	EG	3/3/08
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	3/3/08
Road dedication and frontage improvements		Yes	Agency letter	2/14/08
Environmental Guidelines		Yes	Staff memo	3/3/08
Forest Conservation		Exempt	Staff memo	3/3/08
Master Plan Compliance		Yes	EG	3/3/08
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	3/22/07
Water and Sewer (WSSC)		Yes	Agency comments	5/29/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	5/29/07
Policy Area Mobility Review		Yes	EG	3/3/08
Local Area Traffic Review		N/a	Staff memo	5/29/07
Fire and Rescue		Yes	Agency letter	9/21/07
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2629

PETITION OF ALAN AND SUSAN DECHTER LLC

OPINION OF THE BOARD

(Opinion Adopted December 20, 2006)
(Effective Date of Opinion: January 26, 2007)

Case No. S-2629 is an application for a special exception, pursuant to Section 59-G-2.36 of the Zoning Ordinance, to permit a non-resident medical practitioner's (dentist) office. This matter originally came before the Board on November 2, 2005, and was denied in an opinion dated February 10, 2006. In a Resolution effective April 5, 2006, the Board granted the Petitioner's request for reconsideration of its decision, and remanded the case to the Hearing Examiner for further proceedings. The Hearing Examiner held a hearing on the application on reconsideration on August 30, 2006, closed the record on December 6, 2006, and on December 8, 2006, issued a Report and Recommendation for approval of the special exception.

The subject property is known as Parcels P911 and P912, St. Winexburg Subdivision, at 12817 Georgia Avenue, Silver Spring, Maryland 20906.

Decision of the Board: **Special Exception Granted Subject
to Conditions Enumerated Below.**

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on December 20, 2006. Modifications to the proposed building have greatly reduced the impact of its footprint along Georgia Avenue and on the lot. After careful consideration and review of the record the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions.

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in this report.

2. Petitioner shall maintain an appointment book showing the times of all client appointments and of all emergency patient visits.
3. Petitioner shall maintain a record of the time that each employee starts and stops work each day.
4. Staffing and patient appointments must be limited as follows:
 - a. Up to two full-time dentists.
 - b. Up to a total of nine part-time (4.5 full-time equivalent) dental assistants and office staff persons.
 - c. No more than six dental assistants and/or office staff on site at any one time, in addition to the two dentists.
 - d. No more than five scheduled appointments within any hour, excluding emergency patients.
 - e. No more than 55 scheduled patient appointments per full working day, excluding emergency patients.
 - f. Abuse of the exclusion for emergency patients may result in revocation of the special exception or the imposition of additional conditions.
5. Parking lot pole lights must be turned off no later than 30 minutes after closing each work day.
6. A five-foot sidewalk must be built along the property's entire Weller Road frontage, consistent with the recommendations of Environmental Planning Staff at the MNCPPC.
7. The site plan must be implemented with such minor revisions as agreed upon by Petitioner and Technical Staff to minimize intrusion into the critical root zones of the identified specimen trees.
8. Petitioner must comply with subdivision requirements under Chapter 50 of the County Code. At preliminary plan review, Petitioner must provide for right-of-way dedication under Section 59-G-1.21(c), (a) for truncation of right-of way of 25 feet at the corner of Georgia Avenue and Weller Road; and (b) to provide a total of 67.5 feet of right-of-way from the centerline of Georgia Avenue in accordance with the approved and adopted Glenmont Sector Plan.
9. Petitioner must submit to MNCPPC Environmental Planning Staff, before issuance of sediment and erosion control permits, a Tree Save Plan prepared by an ISA-certified arborist, which demonstrates full compliance with the requirements of Forest

Conservation Law Section 22A-12. The Tree Save Plan must incorporate every effort to preserve tree number 4, a 29" Walnut, and tree number 7, a 30" Maple.

10. In the event that either or both of trees number 4 and 7 dies, they must be replaced within the next growing season with trees of a similar species and reasonable size.
11. A representation of the sign installed on the site must be provided to the Board of Appeals for its records. The sign shall be approximately the same size as and similar in appearance to the sign at Dr. Dechter's existing practice, as shown on page 36 of this report. In the event that the Petitioner requires a sign variance, proof that such a variance has been obtained must be submitted to the Board of Appeals for its records.
12. Petitioner shall inform the Glenmont United Methodist Church, in writing, that the terms and conditions of this special exception do not permit him to make his parking lot available for use by anyone other than employees, patients, or residents and their guests, and shall submit a copy of this letter into the special exception record.
13. The special exception may not be transferred to a new special exception holder without approval from the Board of Appeals.
14. The Board of Appeals retains jurisdiction to impose additional conditions related to the driveway and/or parking, if future evidence so warrants.
15. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

The Hearing Examiner's Report and Recommendation contained two additional conditions, numbers 7 and 8, which were also adopted by the Board:

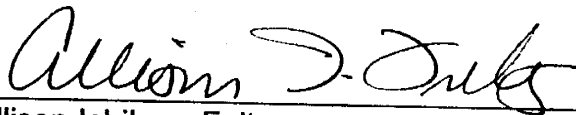
7. The site plan must be revised, before the special exception takes effect, to provide for all elements shown on Exhibit 94(a), but with 14 parking spaces as shown on Exhibit 85.

8. Petitioner must submit a revised Statement of Operations, before the special exception takes effect, to reflect the increase to 14 parking spaces.

These revised exhibits were received into the record on January 10, 2007, together with a revised Landscape Plan, as Exhibit Nos. 98-100.

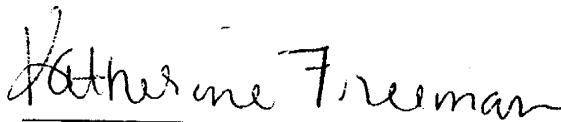
On a motion by Caryn L. Hines, seconded by Wendell M. Holloway, with Catherine G. Titus and Donna L. Barron in agreement and Allison Ishihara Fultz necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 26th day of January, 2007.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

DECHTER (120070700)



Map compiled on May 03, 2007 at 2:40 PM | Site located on base sheet no - 317VWD3

NOTICE

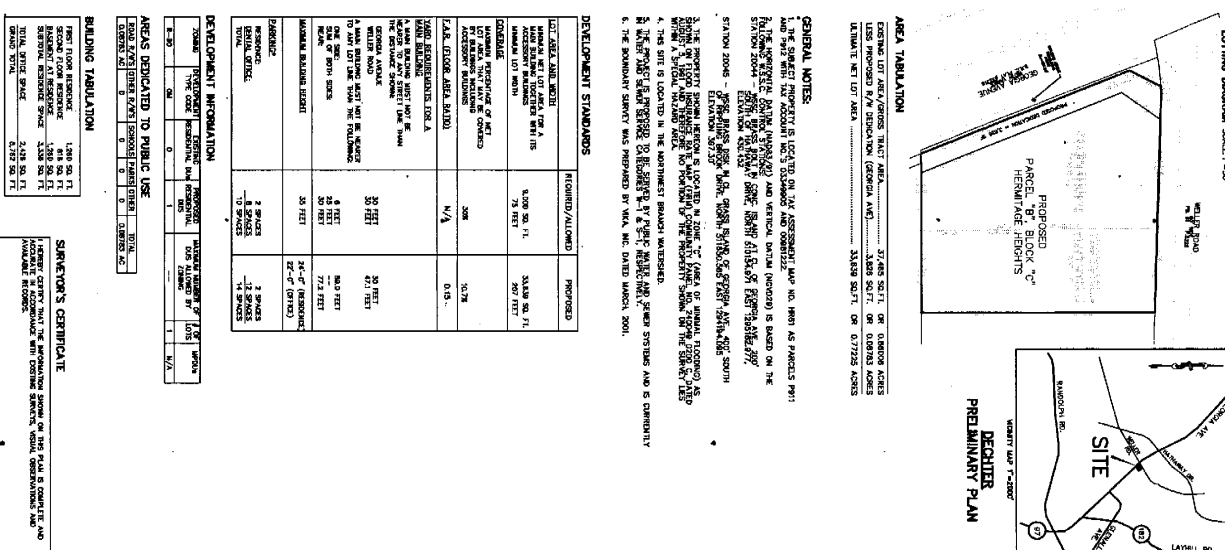
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Platymetric features were compiled from 1:24,000 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map other than for general planning purposes is not recommended. Copyright 1999



Research & Technology Center
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VIA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

VIA INCORPORATED
20251 CENTURY BOULEVARD SUITE 400 ■ MCLEAN, VIRGINIA 22102
(301) 916-4100 ■ FAX (301) 916-2252
GERMANTOWN, MD ■ MCLEAN, VA ■ LEESBURG, VA



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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

March 22, 2007

Carla Reid Joyner
Director

Mr. Ghassan Khouri
VIKA, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Dechter Property
Preliminary Plan #: Pending
SM File #: 230931
Tract Size/Zone: 0.87 acres / R-90
Total Concept Area: 0.87 acres
Lots/Block: N/A
Parcel(s): P911, P912
Watershed: Northwest Branch

Dear Mr. Khouri:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via dry wells, pervious pavement and other nonstructural methods. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Note that all stormwater practices, including nonstructural practices, require stormwater management easements and covenants for properties being used commercially.
5. Size all dry wells to contain 100% of the required water quality volume, using a 40% void ration. It is not necessary to calculate d_{max} or the exfiltration rate.
6. Please discontinue using the 1997 Montgomery County Stormwater Manual. It is no longer valid.
7. A waiver of water quality requirements for the small areas of sidewalk, mostly in the public right-of-way, is not necessary.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 230931

QN - ON; Acres: 1
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Recharge is provided



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

February 14, 2008

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20070700
Dechter

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 06/29/07. This plan was reviewed by the Development Review Committee at its meeting on May 29, 2008. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Georgia Ave in accordance with the Master Plan and as necessary for Weller Road.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distances study has been conditionally accepted. A copy of the accepted Sight Distances Evaluation certification form along with associated email clarifying our decision are enclosed for your information and reference.
4. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage on Weller Road according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
5. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to re-construct the sidewalk along Georgia Ave frontage with appropriate lawn panel.
6. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
7. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070700
Date February 14, 2008
Page 2

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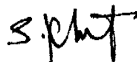
8. For safe simultaneous movement of vehicles, we recommend a commercial driveway pavement width of no less than thirty (30) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes and help alleviate the sight distance issue for this access point.
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not encroach adjacent properties frontages. Also provide proper spacing between the driveways curb returns and public utilities features.
10. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules. Also coordinate with David Wagaman at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Access and improvements along Georgia Ave (MD 97) as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
18. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
19. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
20. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Construct four (4) foot wide concrete sidewalk along the site frontage on Weller Road as per item 4 above.

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- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall provide street lights (and street trees) in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

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Enclosures ()

cc: Alan Dechter
Bill Landfair, VIKa
Stanley D. Abrams, Abrams & West
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Preliminary Plan Folder
Preliminary Plans Note Book

