



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

MCPB
Item #
3/18/10



MEMORANDUM

DATE: March 5, 2010

TO: Montgomery County Planning Board

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

FROM: *NB*
Neil Braunstein, Planner Coordinator (301-495-4532)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One lot for 179,050 square feet of office use and 23,900 square feet of retail use

PROJECT NAME: Metro Plaza Silver Spring
CASE #: 120090380
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: CBD-3
LOCATION: Located in the northwest quadrant of East West Highway (MD 410) and Colesville Road (MD 384)
MASTER PLAN: Silver Spring CBD

APPLICANT: Metro Group JV
ENGINEER: Bohler Engineering
ATTORNEY: Holland & Knight

FILING DATE: June 17, 2009
HEARING DATE: March 18, 2010

RECOMMENDATION: Approval subject to the following conditions:

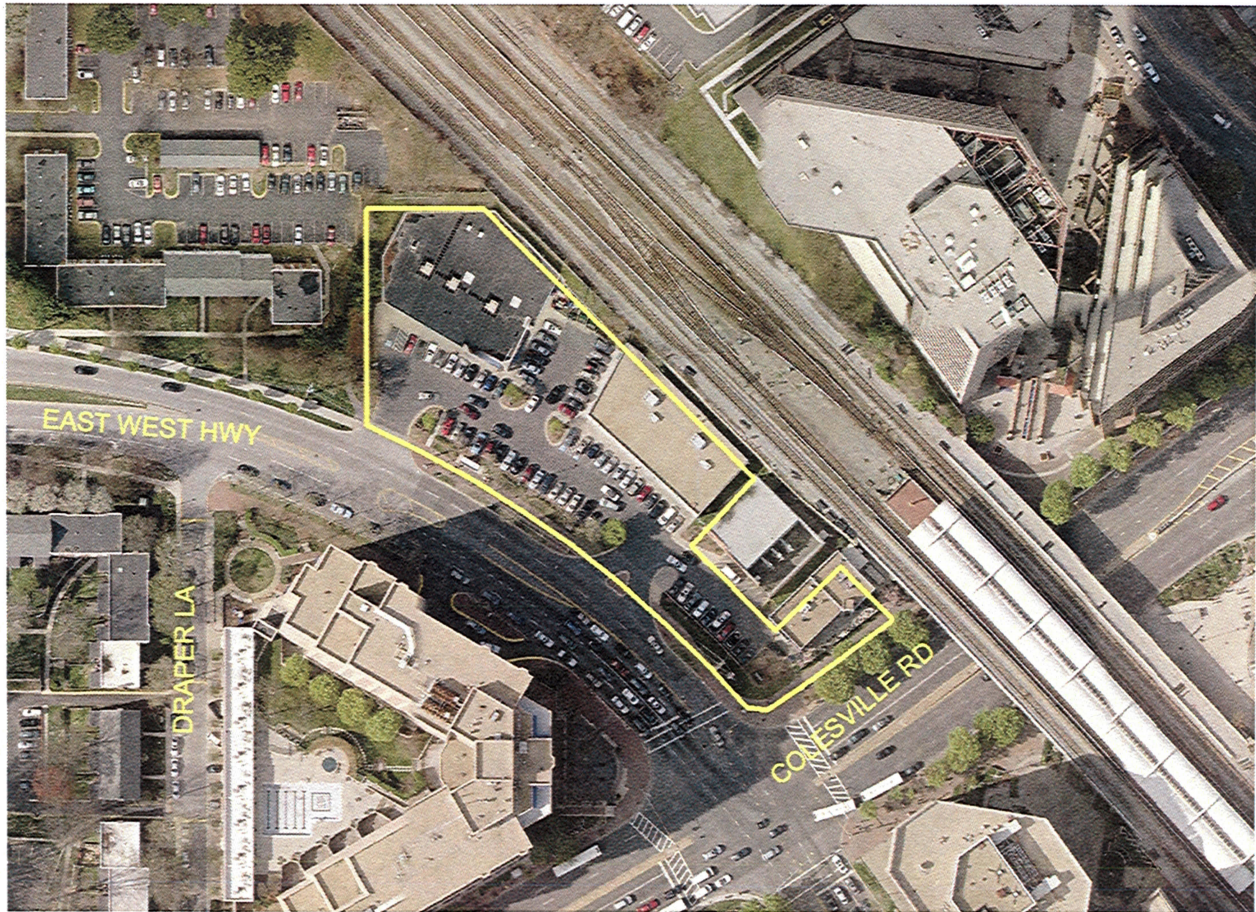
- 1) Approval under this preliminary plan is limited to one lot for 179,050 square feet of office use and 23,900 square feet of retail use.
- 2) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated December 30, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 3) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated August 5, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 4) The applicant must exercise reasonable efforts to coordinate with the owner of the adjacent Falklands Property to replace the existing northwest driveway access with a shared access to be used by the subject property and the Falklands Property. A shared driveway is not required if shared access is not practical due to circumstances that are beyond the applicant's control.
- 5) The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 6) The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 7) Prior to the issuance of any building permit, the applicant must record a reservation plat which shows an area of the property to be placed in reservation for right-of-way for the proposed Purple Line. The area of reservation shown on the plat must be consistent with the area shown on a drawing entitled "Metro Plaza Right-of-Way Reservation" dated February 2010, which is an enclosure of a February 19, 2010 letter from the Maryland Transit Administration (MTA). The reservation will be in effect for three years from the date of the mailing of the Planning Board resolution, but the reservation will expire before the end of the three year period in the event that MTA either acquires the property in the reservation area or otherwise releases the property from reservation.
- 8) During the time that the above referenced reservation is in effect, no building permit may be issued for any structure within the reservation area.
- 9) In the event that a portion of the property is acquired by MTA, no building permit may be issued pursuant to this preliminary plan approval until such time as an amendment to the preliminary plan is approved. The amendment must correctly depict the revised lot area, lot shape, and maximum allowable building floor area of the portion of the lot that is not acquired by MTA.

- 10) The Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD). The final agreement must be executed prior to the release of any building permit for the proposed development.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will become valid on the date of mailing of the Planning Board Resolution and will remain valid for eighty-five (85) months from the date of expiration of the reservation required in condition 7 above.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, is a 1.4-acre platted parcel. The site is located in the northwest quadrant of East West Highway (MD 410) and Colesville Road (MD 384). The zoning on the property is CBD-3. The property is developed with three buildings that contain 31,604 square feet of retail uses. A WMATA electrical equipment building is located off-site, in a parcel that is surrounded by the subject property on three sides. Surrounding properties are developed with residential, retail, and office uses in the CBD-3, CBD-2, and CBD-R1 zones. Rights-of-way and tracks for CSX and Amtrak trains and the Metrorail Red line are adjacent to the property on the northeast side. The Silver Spring Metrorail station is adjacent to the site to the east.

The site is located within the Lower Rock Creek Watershed. The site is entirely developed, and no environmentally sensitive features, associated buffers, or forests exist on-site.



PROJECT DESCRIPTION

This preliminary plan application proposes to replace the previously approved development on the platted parcel with new retail and office uses. In 1996, the Planning Board approved Preliminary Plan 119960500, which established the retail uses that currently exist on the property. The applicant proposes to remove the existing buildings and replace them with two new buildings. Building 1, the larger of the two buildings, will be located along East West Highway northwest of the WMATA electrical building. This building will contain 175,000 square feet of office use and 19,850 square feet of retail use. Building 1 is proposed to be built with six stories, with office on the upper five and retail on the ground floor. Building 2 will be located at the intersection of Colesville Road and East West Highway southeast of the WMATA electrical building. This building will contain 4,050 square feet of office use and 4,050 square feet of retail use. Building 2 is proposed to be built with 2 stories, with office on the upper floor and retail on the ground floor. Access to the site is proposed via two existing driveways from East West Highway. The driveways will provide access to loading spaces and an underground parking garage with 150 spaces.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Silver Spring CBD Sector Plan considers the subject property to be part of the core section of the Central Business District (CBD). In the core area, the Sector Plan recommends high density mixed use development around the metro station.

Although an optional method project could have gone further toward meeting the Sector Plan's goal for high density mixed use development around the metro station, the proposed standard method project is permitted by the zoning ordinance and meets the Sector Plan's recommendation for providing retail uses. The project also adheres to the Sector Plan's vision for a "commercial downtown" with a mutually supportive mix of office and retail. Therefore, the preliminary plan is in substantial conformance with the Silver Spring CBD Sector Plan.

The Public Hearing Draft Purple Line Functional Plan, 2009, proposes a right of way for the Purple Line on part of the property. The staff recommendation includes a condition that requires a portion of the property to be placed in reservation for three years in order to afford the Maryland Transit Administration an opportunity to acquire right-of-way on the subject property. Therefore, the preliminary plan is also in substantial conformance with the Public Hearing Draft Purple Line Functional Plan.

Public Facilities

Roads and Transportation Facilities

Vehicular access to the property will be provided by two existing driveways from East West Highway, which will be retained in their current locations. The driveways will access off-street loading spaces as well as an underground parking garage. Pedestrian access will be provided by existing sidewalks on East West Highway and Colesville Road.

As recommended by the State Highway Administration, the staff recommendation includes a condition that requires the applicant to exercise reasonable efforts to coordinate with the owner of the adjacent Falklands Property to replace the existing northwest driveway access with a shared access to be used by the subject property and the Falklands Property. The condition does not make provision of the shared driveway mandatory because staff recognizes that circumstances beyond the applicant's control may prevent construction of a shared driveway.

Adequate Public Facilities Review

A traffic study dated August 2009 (Updated December 2009) was submitted for the subject preliminary plan for adequate public facilities (APF) review purposes, as is required for developments that generate 30 or more total peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

Using Silver Spring CBD trip generation rates for the proposed office and retail uses and after accounting for existing retail uses on the property, the study estimated that the proposed development will generate 251 net new peak-hour trips during the morning peak period and 253 net new peak-hour trips during the evening peak period.

For comparison purposes, the study also determined that if non-Silver Spring CBD trip generation rates were used, the development would generate 299 net new peak-hour trips during the morning peak period and 284 net new peak-hour trips during the evening peak period. The development therefore generates fewer peak-hour trips during the morning (48 trips) and evening (31 trips) peak periods as a result of it being located within the Silver Spring CBD. The CBD and non-CBD trip generation estimate for the proposed development is summarized in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
METRO PLAZA SILVER SPRING**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<i>Based on Silver Spring CBD Rates</i>						
179,250 SF Office	213	38	251	38	213	251
23,900 SF Retail	6	6	12	24	24	48
Less Existing 23,000 SF Retail	-6	-6	-12	-23	-23	-46
Net "new" trips	213	38	251	39	214	253
<i>Based on non- Silver Spring CBD Rates</i>						
179,250 SF Office	258	39	297	47	231	278
23,900 SF Retail	23	21	44	91	84	175
Less Existing 23,000 SF Retail	-22	-20	-42	-88	-81	-169
Net "new" trips	259	40	299	50	234	284

Note: Based on M-NCPPC trip generation rates.

Local Area Transportation Review

A summary of the critical lane volume (CLV) analysis results for the study intersections for the weekday morning and afternoon peak-hours as presented in the traffic study is provided in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS (CLV)
METRO PLAZA SILVER SPRING**

Intersection	Traffic Conditions					
	Existing		<i>Background</i>		Total	
	AM	PM	AM	PM	AM	PM
Colesville Rd/East-West Hwy	735	1,163	844	1,306	905	1,332
Colesville Rd/Wayne Ave/Second St	688	924	751	981	800	997
Georgia Ave/Colesville Rd	1,212	1,062	1,315	1,174	1,332	1,185
16 th St/Spring St	854	860	870	903	901	928
16 th St/East-West Hwy	1,401	1,402	1,456	1,540	1,456	1,558
East-West Hwy/NOAA Dr	425	506	456	564	457	573
East-West Hwy/Site Dr (Full Movement)	478	759	553	856	691	1,021
East-West Hwy/Site Dr (right-in/right-out)	478	758	550	842	669	878

Source: Metro Plaza Silver Spring Traffic Impact Study. Kimley-Horn Associates, Inc. August 2009 (Updated December 2009).
Congestion Standard for Silver Spring CBD Policy Area: 1,800 CLV

As shown in Table 2, the capacity analysis demonstrates that under Total Traffic (i.e., build) Conditions, CLV at the study intersections would be below the applicable congestion standard for Silver Spring CBD Policy Area (1,800 CLV). The preliminary plan therefore satisfies the LATR requirements of the APF test.

Policy Area Mobility Review

To satisfy the Policy Area Mobility Review (PAMR) requirements of the APF test, the Silver Spring CBD Policy Area requires mitigation of ten percent of new peak-hour trips generated by a development.

The site trip comparison summary provided in Table 1 demonstrates that the proposed development, as a result of being located within the Silver Spring CBD, will generate approximately 16 percent fewer peak-hour trips during the morning peak period and 11 percent fewer peak-hour trips during the evening peak period than a comparable development located outside of the CBD would generate. Since these percentages are more than the required PAMR trip mitigation percentages for Silver Spring CBD Policy Area, the preliminary plan satisfies the PAMR requirements of the APF test.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, gas, and telecommunications services are also available to serve the Property.

Adequate Public Facilities Validity Period

Section 50-20(c)(3A)(iii) of the Subdivision Regulations states that the validity period for a determination of adequate public facilities “is extended for the duration of any government imposed moratorium, or other government action resulting in a similar effect, that would prevent the applicant from: a. completing the regulatory approvals necessary for obtaining a building permit; or b. obtaining a building permit.”

As mentioned above, the staff recommendation includes a condition requiring that a portion of the property be placed in reservation for a proposed right-of-way for the Purple Line. The reservation will be in effect for up to three years, and during that time a building permit may not be issued for any building within the reservation area. Consistent with Section 50-20(c)(3A)(iii), the 85-month adequate public facilities review validity period is extended by the length of time that the reservation is in effect. Therefore, the staff recommendation includes a modified APF validity condition, with the duration of the validity period recommended to be 85 months from the expiration date of the reservation.

Environment

The site contains no environmentally sensitive areas or natural resources, and the application is exempt from the Forest Conservation Law. No tree save plan is required.

The MCDPS Stormwater Management Section approved the stormwater management concept on December 30, 2009. The stormwater management concept includes water quality control via two proprietary filtering devices. On-site recharge is not required because the project is considered to be redevelopment. Channel protection is not required because the application meets the requirements for the Water Resources Technical Policy dated September 2003. A waiver of quality control has been granted for the portion of the site that does not drain to the quality control structures.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. 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 CBD-3 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, setbacks, and public use space in that zone. A summary of this review is included in attached Table 3. The public use space will be located along the sidewalks on Colesville Road and East West Highway, creating a larger pedestrian space. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

The applicant conducted a pre-submission community meeting on May 5, 2009. At the meeting, no concerns were raised about the proposed subdivision or land use. In addition, written notice of the plan submittal and the public hearing dates was given by the applicant and staff. As of the date of this report, no citizen letters have been received.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Silver Spring CBD Sector Plan. Access and public facilities will be adequate to serve the proposed lot, 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 – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Agency Correspondence Referenced in Conditions

Table 3: Preliminary Plan Data Table and Checklist

Plan Name: Metro Plaza Silver Spring				
Plan Number: 120090230				
Zoning: CBD-3				
# of Lots: 1				
# of Outlots: N/a				
Dev. Type: Commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	62,614 sq. ft. minimum	NB	3/5/10
Lot Width	Not specified	498 ft. minimum	NB	
Lot Frontage	Not specified	498 ft. minimum	NB	
Setbacks				
From rights-of-way	7 ft. Min.	Must meet minimum ¹	NB	
From adjoining lots in the CBD-R zone	36 ft. Min.	Must meet minimum ¹	NB	
From adjoining lots in other CBD zones	15 ft. Min.	Must meet minimum ¹	NB	
Height	72 ft. Max.	May not exceed maximum ¹	NB	
Building Coverage	75% Max.	May not exceed maximum ¹	NB	
Public Use Space	10% Min.	Must meet minimum ¹	NB	
Max Comm'l s.f. per Zoning	203,004	202,950	NB	
MPDUs	N/a		NB	
TDRs	N/a		NB	
Site Plan Req'd?	No		NB	
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	NB	
Road dedication and frontage improvements		Yes	Agency letter	8/5/09
Environmental Guidelines		N/a	Staff memo	10/8/09
Forest Conservation		Exempt	Staff memo	10/8/09
Master Plan Compliance		Yes	Staff memo	10/22/10
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	12/30/09
Water and Sewer (WSSC)		Yes	Agency comments	8/3/09
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	8/3/09
Well and Septic		N/a	Agency letter	8/3/09
Local Area Traffic Review		Yes or N/a	Staff memo	
Policy Area Mobility Review		Yes or N/a	Staff memo	
Transportation Management Agreement		Yes or No	Staff memo	
School Cluster in Moratorium?		No	NB	8/3/09
School Facilities Payment		No	NB	8/3/09
Fire and Rescue		Yes	Agency letter	2/3/10

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

METRO PLAZA SILVER SPRING (120090380)



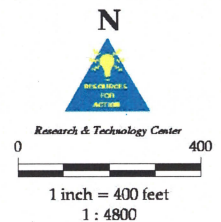
Map compiled on July 06, 2009 at 11:51 AM | Site located on base sheet no - 210NW02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland - National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 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 1998



LEGEND

EXISTING

PROPOSED

EXISTING NOTE

PROPOSED NOTE

FOR EXISTING PLAN SET (NOT TO SCALE)

FOR PROPOSED PLAN SET (NOT TO SCALE)

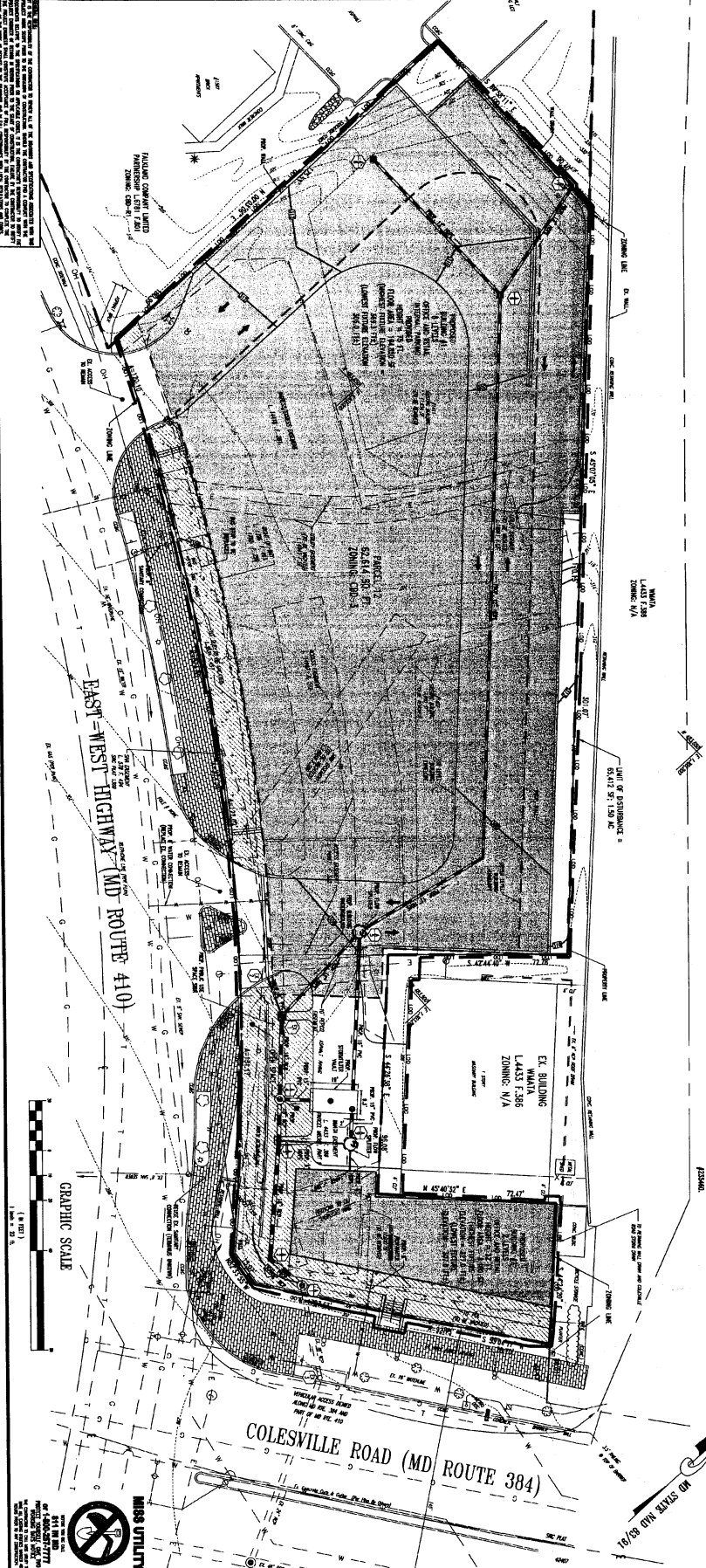
GENERAL NOTES

1. SITE/OWNER/PLANNING ADDRESS: 8077 HEN STREET, ADDRESS: 8077 HEN STREET, PHONE: (410) 591-8111

2. THE PLANNING AND ENGINEERING WORK SHOWN ON THESE PLANS IS THE PROPERTY OF THE CONSULTANT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

4. THE PLANNING AND ENGINEERING WORK SHOWN ON THESE PLANS IS SUBJECT TO THE APPROVED DEVELOPMENT PLAN AND CONCEPTUAL SITE PLAN. THE CONSULTANT'S WORK IS NOT TO BE CONSIDERED A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.



PROPOSED DEVELOPMENT DATA

ITEM	QUANTITY	UNIT PRICE	TOTAL
1. PLANTING - TREES	10	2500	25000
2. PLANTING - SHRUBS	50	250	12500
3. PLANTING - PERENNIALS	100	150	15000
4. PLANTING - ANNUALS	200	75	15000
5. PLANTING - MULCH	1000	150	150000
6. PLANTING - SOIL	1000	150	150000
7. PLANTING - FERTILIZER	1000	150	150000
8. PLANTING - WATER	1000	150	150000
9. PLANTING - MISC.	1000	150	150000
TOTAL			850000

1. THE PLANNING AND ENGINEERING WORK SHOWN ON THESE PLANS IS SUBJECT TO THE APPROVED DEVELOPMENT PLAN AND CONCEPTUAL SITE PLAN.

2. THE CONSULTANT'S WORK IS NOT TO BE CONSIDERED A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

3. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

4. THE PLANNING AND ENGINEERING WORK SHOWN ON THESE PLANS IS SUBJECT TO THE APPROVED DEVELOPMENT PLAN AND CONCEPTUAL SITE PLAN.



NOT APPROVED FOR CONSTRUCTION

PRELIMINARY PLAN (2/20/20)

METRO PLAZA SILVER SPRING

W.S.S.C. MAP PAGE 5108

W.S.S.C. MAP PAGE 2108

1411 EAST-WEST HIGHWAY

HORTONVILLE COUNTY

SILVER SPRING, MARYLAND

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS

BOHLER ENGINEERING

2141 WINDY HILL LANE

ELLSWORTH, MD 21111

(410) 591-8111

WWW.BOHLER-ENR.COM

BOHLER ENGINEERING

2141 WINDY HILL LANE

ELLSWORTH, MD 21111

(410) 591-8111

WWW.BOHLER-ENR.COM

D.M. DUKE

REGISTERED PROFESSIONAL ENGINEER

NO. 0000000000

STATE OF MARYLAND

REGISTERED PROFESSIONAL ENGINEER

NO. 0000000000

STATE OF MARYLAND

REGISTERED PROFESSIONAL ENGINEER

NO. 0000000000

STATE OF MARYLAND



Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 30, 2009

Carla Reid
Director

Mr. Matthew K. Jones
Bohler Engineering
16900 Science Drive, Suite 104
Bowie, MD 20715

Re: Stormwater Management **CONCEPT** Request
for Metro Plaza Silver Spring
Preliminary Plan #: 120090380
SM File #: 235460
Tract Size/Zone: 1.44 Ac./CBD-3
Total Concept Area: 1.44 Ac.
Lots/Block:
Parcel(s): 12
Watershed: Lower Rock Creek

Dear Mr. Jones:

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 via two proprietary filtering devices. Onsite recharge is not provided since this is considered as redevelopment. Channel protection is not required since this meets the requirements for the Water Resources Technical Policy dated September 2003. A waiver of quality control is granted for portion of the site that does not drain to the quality control structures.

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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. The proprietary filter devices will be designed as flow through devices. They must also meet all conditions set forth in the MCDPS approval letters.
6. This concept approval is also conditional upon the ten foot PUE being vacated.
7. All covered parking, loading, and drive areas are to drain to WSSC.
8. Provide a copy of the mechanical drawings to verify that the roof areas drain to the stormwater structures and that the covered areas drain to WSSC.

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 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 David Kuykendall at 240-777-6332.

Sincerely,

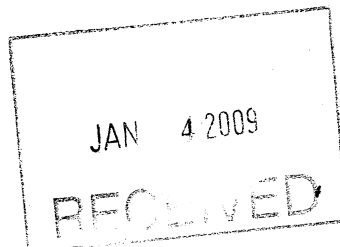


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN235460 Metro Plaza Silver Spring.DWK

cc: C. Conlon
M. Pfefferle
SM File # 235460

QN -Waived; Acres: 1.44
QL - Onsite/Waived; Acres: 1.30/0.14
Recharge is not provided





DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 5, 2009

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 #1-20090380
Metro Plaza Silver Spring

Dear Ms. Conlon:

We have completed our review of the preliminary plan with revision dated June 1, 2009. This plan was reviewed by the Development Review Committee at its meeting on August 3, 2009. 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 Colesville Road (MD 384) and East West Highway (MD 410) in accordance with the Master Plan.
2. Access and improvements along Colesville Road (MD 384) and East West Highway (MD 410) as required by the Maryland State Highway Administration.
3. 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 DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
4. The owner will be required to preserve/ maintain the existing off-road bikepaths along MD 410 and MD 384. Please coordinate with Ms. Gail Tait-Nouri of our Transportation Engineering Section at (240)-777-7243.
5. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.). Please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20090380
August 5, 2009
Page 2

6. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Dewa Salihi at (240) 777-2173 or dewa.salihi@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team

Enclosure

M:\subdivision\SALIHD01\Preliminary Plans\1-20090380 Metro Plaza Silver Spring\1-20090380 Metro Plaza Silver Spring.doc

cc: Harvey Maise, Metro Group JV
Michael Hollins, Metro Group JV
Matthew K. Jones, Bohler Engineering
William Kominers; Holland & Knight
Shahriar Etemadi; M-NCPPC TP
Corren Giles, MSHA
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Dewa Salihi, DOT TEO
Dan Sanayi; DOT TEO
Bruce Mangum; DOT TEO
Gail Tait-Nouri DOT TE
Preliminary Plan Folder
Preliminary Plans Note Book



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverley K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

February 19, 2010

RE: Metro Plaza Silver Spring Preliminary Plan No. 120090380

Mr. Neil Braunstein, AICP
Maryland-National Capital Park and Planning Commission
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Braunstein:

I am writing in response to your December 17, 2009 letter requesting that the Maryland Transit Administration (MTA) provide a recommendation to the Montgomery County Planning Board for the proposed Metro Plaza Silver Spring Preliminary Plan. The recommendation requested is in reference to whether any portion of the subject property should be placed in reservation to protect the alignment of the Purple Line along with a map detailing the request.

First, I would note that MTA has met with the property owner, Mr. Harvey Maisel, on at least two occasions in the past to share with him and his associates the Purple Line alternatives that would traverse his property, thereby impacting a portion of the existing/proposed development on his property. As a result, I am disappointed to see that the proposed redevelopment of his property does not take into account the Purple Line alignment.

As you are aware, Maryland Governor Martin O'Malley announced the Locally Preferred Alternative (LPA) for the Purple Line on August 4, 2009 and the project is now advancing through the Federal New Starts evaluation process. In terms of the Metro Plaza site, the LPA is a light rail double track line that would be located in the Silver Spring area along the south side of the CSX and Metro corridor, and specifically across the Metro Plaza site proposed for redevelopment.

As we have discussed, a portion of the property should be placed in reservation for the Purple Line. Attached is a map showing the conceptual plan of the Purple Line alignment and the proposed area of reservation based on the location of the Purple Line itself as well as space for access during construction and future maintenance. In addition, we have marked up a copy of the site plan with the same line to show the area needed in reservation. The alignment through this area is constrained due to setback requirements from CSX and the requirements for a crash wall as well as the structure and grades needed to cross over the railroad tracks to enter the Silver Spring Transit Center.


The vertical clearance over top of the Purple Line is 32' from the proposed top of rail of the Purple Line to the bottom of any proposed structure. As you can see from the drawing, the Purple Line is on a structure through the property because it is climbing to the level needed to cross over the WMATA and CSX tracks. Therefore, any structure over the Purple Line would need to be 32' above the rail on the bridge structure, **not** 32' above the existing ground.

Vehicular access to the Purple Line is critical for construction and ongoing maintenance and is accommodated in the reservation area shown on the map and site plan. This reservation line runs parallel to the Purple Line with an outer limit that measures 22' from the centerline of the southernmost track. This could be reduced in cooperation with the developer if they can provide a clear easement for future construction/maintenance activities.

Therefore, we strongly recommend that the portion of the property shown on the attached map be put in reservation for the Purple Line. We request that this reservation be made for the full allowable three-year period. Construction will likely not begin until 2014 and we are unsure of when we will receive the necessary approval and funding for right-of-way acquisition. We urge the property owner and his developer to coordinate with the MTA as they develop their plans for the site and we would be glad to provide more detailed information as the design of the Purple Line project progresses.

Thank you again for seeking our input on this important issue. If you have any further questions or need additional information please contact me at 410-767-3694.

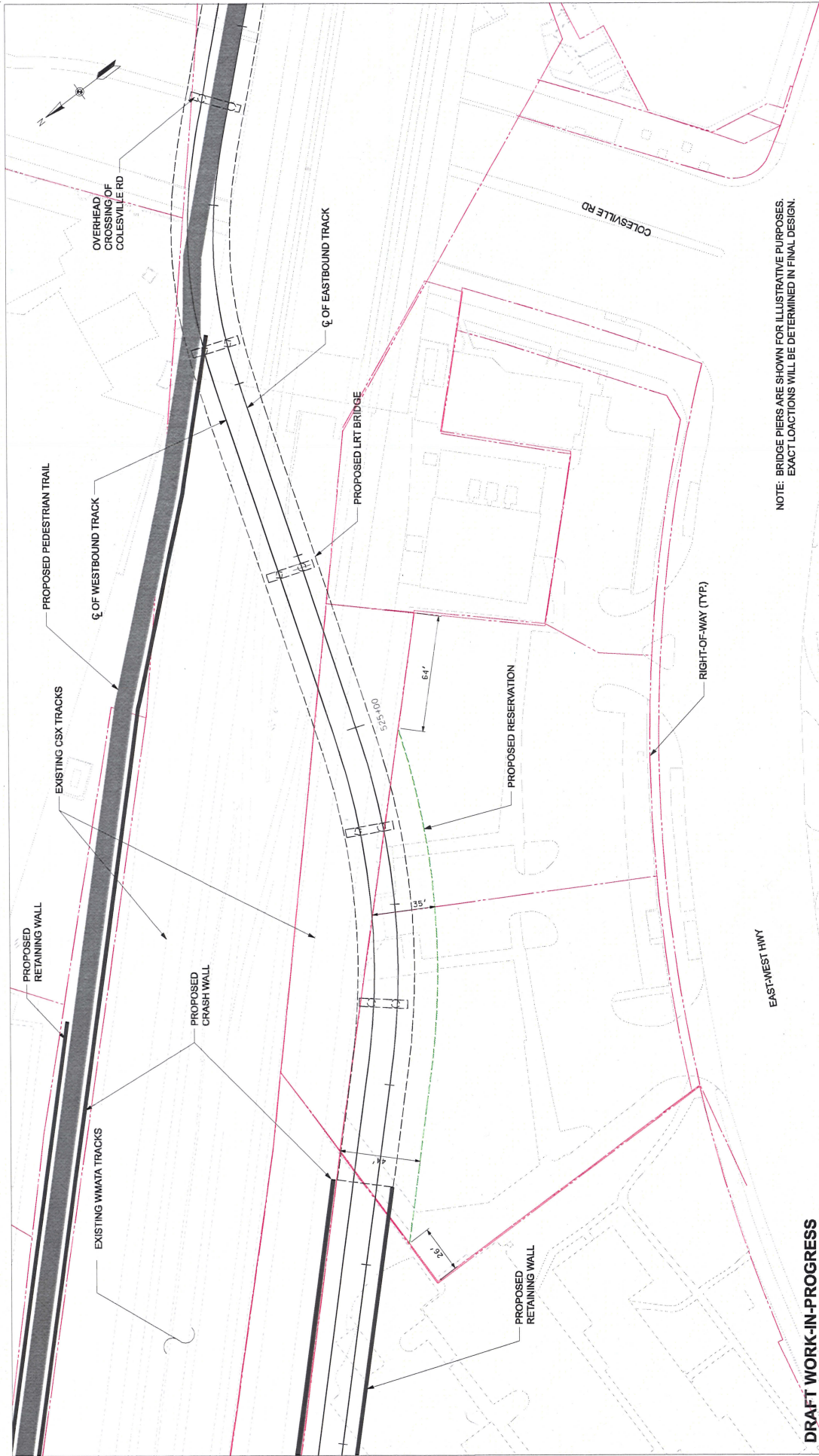
Sincerely,



Michael D. Madden
Chief, Project Development
Office of Planning

Enclosures (2)

cc: Mr. Thomas Autrey, Transportation Planner, M-NCPPC
Mr. Gary Erenrich, Special Assistant to Director, Montgomery County DPOT



NOTE: BRIDGE PIERS ARE SHOWN FOR ILLUSTRATIVE PURPOSES. EXACT LOCATIONS WILL BE DETERMINED IN FINAL DESIGN.

DRAFT WORK-IN-PROGRESS

The Purple Line Transit Station and Track System is shown for general information only. The location of the proposed transit facilities and proposed station locations are approximate and subject to change during subsequent stages of project development.



CONTRACT NO.	
DRAWING NO.	
SHEET NO.	1 OF 1

PURPLE LINE	
METRO PLAZA RIGHT-OF-WAY RESERVATION	
DATE: FEBRUARY 2010	SCALE: AS SHOWN