

42094

102

Attachment "A"

8 pages

Resolution No.: 17-212
 Introduced: July 19, 2011
 Adopted: July 19, 2011

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

I.D.# NAME

By: County Council

SUBJECT: DOT Docket No. AB727
Abandonment - Portion of Blunt Road
Germantown, Maryland

**RECEIVED
 DOT
 JUL 25 2011
 DIVISION OF TRANSPORTATION
 ENGINEERING**

Background

1. By letter dated December 10, 2010, from the Islamic Society of Germantown, the Applicant, the County was requested to abandon a portion of Blunt Road where it dead ends at Middlebrook Road in Germantown. The portion of Blunt Road right-of-way for which abandonment is sought adjoins property owned by or under contract to the Applicants, parcels P471, P420, P418 and P417.

A Public Hearing to consider the abandonment proposal was held on March 16, 2011, by the designee of the County Executive.

Verizon has facilities and therefore, conditions approval upon the applicant granting an easement for the existing facilities or pay for relocating the facilities.

4. Washington Gas has an 8-inch main and therefore, conditions approval upon applicant granting an easement to maintain the facility or relocate it at the applicant's expense.

5. Washington Suburban Sanitary Commission has a 12-inch water main and therefore, conditions approval upon the applicant granting an easement.

6. PEPCO did not respond within 60 days and therefore, it is presumed that PEPCO does not oppose the proposed abandonment.

7. The Montgomery County Planning Board did not respond within 60 days and therefore, it is presumed that the Board does not oppose the proposed abandonment.

8. The Department of Transportation (DOT) recommended approval conditioned upon:
 a) that the applicant acquire ownership of parcels P417, P418, and P420; 2) that the Montgomery County Planning Board approve the applicant's Preliminary Plan No. 120100130; and 3) that the applicant record a new record plat that consolidates the acquisition of the parcels and the abandonment area and, within that record plat, establish a new right-of-way and related easements for County storm drainage and public utilities

IMP FD SURE 0.00
 RECORDING FEE 0.00
 TOTAL 0.00
 Res#1007 Rct#999999
 LEK NVE BIR#7057
 AUG 26 2011 03:49 PM

2011 AUG 23 P 3:49

FILED
 LORETTA E. KNIGHT
 CLERK'S OFFICE
 MONTGOMERY CO. MD

NO FEE - MONTG. CO. MD.

or, at the applicant's expense, relocating those facilities and granting the applicable easements.

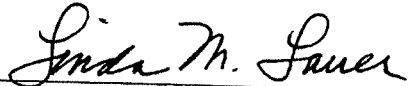
9. The Department of Fire and Rescue Services had no objection provided that the applicant constructs a compliant fire department apparatus turnaround.
10. The Police Department did not respond within 60 days and therefore, concurrence is presumed.
11. The County Executive recommends approval of the proposed abandonment.

Action

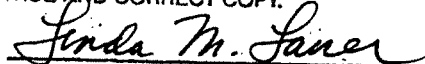
The County Council for Montgomery County, Maryland, finds that a portion of the Blunt Road right-of-way in Germantown adjoining property owned by or under contract to the Applicant proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. The Applicant must construct a compliant fire department apparatus turnaround for the Department of Fire and Rescue Services.
2. The Applicant must acquire ownership of the adjoining parcels P417, P418, and P420.
3. Montgomery County Planning Board must approve the Applicant's Preliminary Plan No.120100130.
4. The Applicant must record a new record plat consolidating the acquisition of Parcels P417, P418, and P420, the abandonment area, and establish new right-of-way and related easements for the extension of Blunt Road to Middlebrook Road.
5. The Applicant must grant any necessary easements for County storm drainage and public utilities currently within the area of the abandonment or at Applicant's sole expense relocate those facilities and grant easements.
6. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
7. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.


 Linda M. Lauer, Clerk of the Council

I HEREBY CERTIFY THAT THE FOREGOING
 IS A TRUE AND CORRECT COPY.


 CLERK OF THE COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND

MONTGOMERY COUNTY, MD

APPROVED BY KC

MAY 17 2011

Parcel Nos. 09-00776014
09-00778775
09-00775327

\$ 345.00 RECORDATION TAX PAID
\$ 500.00 TRANSFER TAX PAID

Title Insurer: None
No Title Examination

QUITCLAIM DEED

THIS QUITCLAIM DEED, made as of the 13th day of May, 2011, by and between, MONTGOMERY COUNTY, MARYLAND, a body corporate and politic and a political subdivision of the State of Maryland, whose address is 101 Monroe Street, Rockville, Maryland 20850, party of the first part and "Grantor" for indexing purposes, and the ISLAMIC SOCIETY OF GERMANTOWN, INC., a Maryland non-stock corporation, whose address is 19900 Brandermill Drive, #206, Germantown, Maryland 20876, party of the second part and "Grantee" for indexing purposes.

IMP FD SURE 20.00
RECORDING FEE 20.00
TR TAX STATE 250.00
TOTAL 290.00
Rec# N005 Rcpt # 32565
LER NVE BIK # 3836
May 18, 2011 09:44 am

W I T N E S S E T H

That in consideration of the sum of \$50,000.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part for itself and its successors and assigns, hereby remises, releases and quitclaims unto the party of the second part, without warranty of title, all of its right, title and interest in and to the real property located in Germantown, Montgomery County, Maryland, as more particularly described on Exhibits A, B and C, attached hereto and incorporated herein by this reference.

2004570_1

AGRICULTURE TRANSFER TAX IN THE
AMOUNT OF \$ N/A
SIGNATURE KS

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Montgomery County

KS # 210024

2011 MAY 18 A 10:03

FILED
LORETTA E. KNIGHT
CLERK'S OFFICE
MONTGOMERY CO. MD

250
20
22
NE

See Exhibits A, B and C

Subject to covenants and restrictions
of record

TOGETHER with any other appurtenances and all of the estate
and rights of the party of the first part in and to the premises,
subject to any matters that may affect said appurtenances, estate
and rights.

TO HAVE AND TO HOLD the premises herein granted unto the
party of the second part and its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has duly
executed this Quitclaim Deed as of the day and year first above
written.

ATTEST:

MONTGOMERY COUNTY, MARYLAND

Julia L. White

BY Diane R. Schwartz Jones
Name: Diane R. Schwartz Jones
Title: Assistant Chief
Administrative Officer

STATE OF MARYLAND :
COUNTY OF MONTGOMERY : to wit:

I hereby certify that on this 12th day of May, 2011, before the subscriber, a Notary Public in and for the said State and County, personally appeared Diane R. Schwartz Jones, who acknowledged herself to be the Assistant Chief Administrative Officer of Montgomery County, Maryland, a body corporate and politic and a political subdivision of the State of Maryland, and that she, as Assistant Chief Administrative Officer, being authorized so to do, executed the foregoing instrument on behalf of Montgomery County, Maryland for the purposes therein contained by signing the name of the County by herself as Assistant Chief Administrative Officer.

In witness whereof, I hereunto set my hand and official seal.

Julie L. White

Notary Public

(Print Name) Julie L. White

My commission expires: 4/30/2013

I HEREBY CERTIFY that this deed was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

David Podolsky

David R. Podolsky, Esquire

PROPERTY ADDRESS: 19830; 19824 & 19820 Blunt Road
Germantown, Maryland 20876
GRANTOR'S ADDRESS: 101 Monroe Street
Rockville, Maryland 20850
GRANTEE'S ADDRESS: 19900 Brandermill Drive, #206
Germantown, Maryland 20876

AFTER RECORDING, RETURN TO:

David R. Podolsky, Esquire
25 West Middle Lane
Rockville, Maryland 20850

EXHIBIT A**LEGAL DESCRIPTION
PARCEL P417
TAX MAP FU12**

BEING part of that parcel of land conveyed to Montgomery County, Maryland from Robert O. Eisinger and Gregory B. Myers, by a deed dated August 21, 1990 and recorded among the Land Records of Montgomery County, Maryland as Liber 9452 at folio 633 and more particularly described as follows;

BEGINNING at a point located on the extended northerly side of Blunt Road as shown on a plat of subdivision known as "MIDDLEBROOK CENTER" and recorded as Plat Number 19615 among said Land Records, said point is situated North 45 degrees 10 minutes 09 seconds East, 222.61 feet, as now surveyed with the new Maryland State Plain Coordinates of NAD83, from the easterly most corner of said plat, thence leaving said extended Blunt Road

1. North 25 degrees 19 seconds 31 minutes West, 50.39 feet to the southerly right of way of Middlebrook Road, 150 feet wide, thence leaving said point and running along said southerly right of way of Middlebrook Road
2. Along the arc of a curve to the right having a radius of 1,185.00 feet and an arc length of 65.22 feet with a chord bearing and distance of North 89 degrees 50 minutes 24 seconds East, 65.21 feet to the point of intersection of the southerly right of way of Middlebrook Road and said extended line of the northerly side of Blunt Road, thence leaving the southerly right of way of Middlebrook Road and running along the same extended line of the northerly side of Blunt Road
3. South 45 degrees 10 seconds 09 minutes West, 64.78 feet to the point of beginning, containing 1,560 square feet or 0.0358 Acre of land, more or less.

Parcel I.D. No. 09-00776014

Property Address: 19830 Blunt Road
Germantown, Maryland 20876

EXHIBIT B

**LEGAL DESCRIPTION
THE RESIDUE OF PARCEL P418
TAX MAP FU12**

BEING part of that parcel of land conveyed to Montgomery County, Maryland from Robert O. Eisinger and Gregory B. Myers, by a deed dated August 21, 1990 and recorded among the Land Records of Montgomery County, Maryland as Liber 9452 at folio 633 and more particularly described as follows;

BEGINNING at a point located on the extended northerly side of Blunt Road as shown on a plat of subdivision known as "MIDDLEBROOK CENTER" and recorded as Plat Number 19615 among said Land Records, said point is situated North 45 degrees 10 minutes 09 seconds East, 95.30 feet, as now surveyed with the new Maryland State Plain Coordinates of NAD83, from the easterly most corner of said plat, thence leaving said extended Blunt Road

1. North 25 degrees 19 seconds 31 minutes West, 42.27 feet to a point on the westerly side of the proposed Blunt Road right-of-way, 60 feet wide, thence running along said westerly side of the proposed Blunt Road right-of-way for the following two (2) courses and distances
2. North 08 degrees 18 minutes 25 seconds West, 64.88 feet to a point, thence
3. North 37 degrees 43 minutes 14 seconds East 35.78 feet to a point on the southerly right of way line of Middlebrook Road, 150 feet wide, thence running along said southerly right of way line of Middlebrook Road
4. Along the arc of a curve to the right having a radius of 1,185.00 feet and an arc length of 74.45 feet with a chord bearing and distance of North 86 degrees 27 minutes 48 seconds East, 74.44 feet to a point, thence leaving the southerly right of way line of Middlebrook Road
5. South 25 degrees 19 seconds 31 minutes East, 50.39 feet to a point on the abovementioned extended line of the northerly side of Blunt Road, thence running along the same extended line of the northerly side of Blunt Road
6. South 45 degrees 10 seconds 09 minutes West, 127.31 feet to the point of beginning, containing 9,832 square feet or 0.2257 Acre of land, more or less.

Parcel I.D. No. 09-00778775

Property Address: 19824 Blunt Road
Germantown, Maryland 20876

EXHIBIT C

**LEGAL DESCRIPTION
THE RESIDUE OF PARCEL P420
EAST OF PROPOSED BLUNT ROAD
TAX MAP FU12**

BEING part of that parcel of land conveyed to Montgomery County, Maryland from Blunt Road Associates, a Maryland General Partnership, by a deed dated July 12, 1991 and recorded among the Land Records of Montgomery County, Maryland as Liber 9847 at folio 804 and more particularly described as follows;

BEGINNING at a point located on the extended northerly side of Blunt Road as shown on a plat of subdivision known as "MIDDLEBROOK CENTER" and recorded as Plat Number 19615 among said Land Records, said point is situated North 45 degrees 10 minutes 09 seconds East, 95.30 feet, as now surveyed with the new Maryland State Plain Coordinates of NAD83, from the easterly most corner of said plat, thence running reversely along a portion of said extended northerly side of Blunt Road

1. South 45 degrees 10 seconds 09 minutes West, 15.51 feet to a point on the easterly side of the proposed Blunt Road right-of-way, 60 feet wide, thence leaving said extended northerly side of Blunt Road and binding on the easterly side of the proposed Blunt Road right-of-way for the following two (2) courses and distances
2. Along the arc of a curve to the left having a radius of 130.00 feet and an arc length of 5.03 feet with a chord bearing and distance of North 07 degrees 14 minutes 45 seconds West, 5.03 feet to a point of tangency, thence
3. North 08 degrees 18 seconds 25 minutes West, 44.67 feet to a point, thence leaving said easterly side of the proposed Blunt Road right-of-way
4. South 25 degrees 19 seconds 31 minutes East, 42.27 feet to the point of beginning, containing 307 square feet or 0.007 Acre of land, more or less.

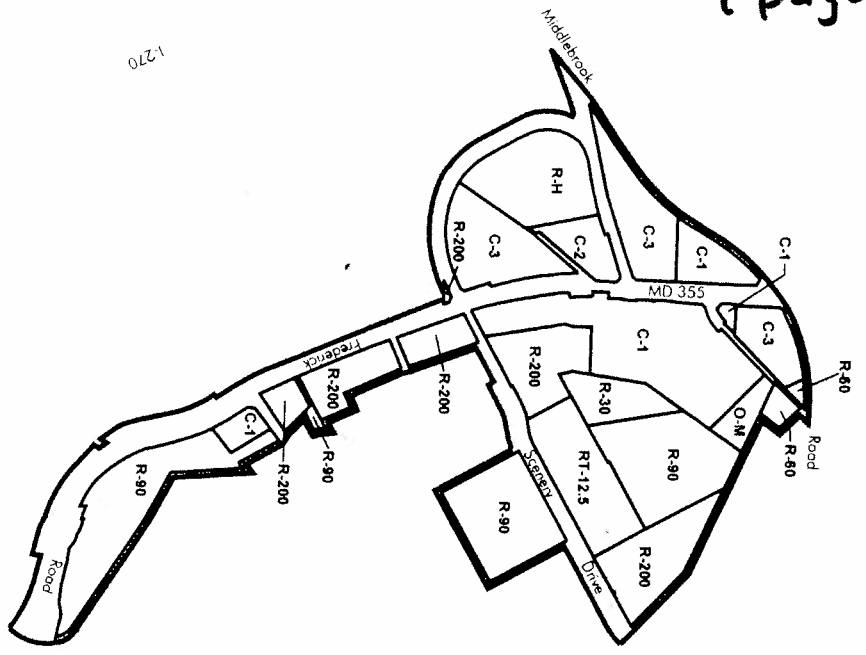
Parcel I.D. No. 09-00775327

Property Address: 19820 Blunt Road
Germantown, Maryland 20876

Attachment "B"

4 pages

Fox Chapel District Existing Zoning

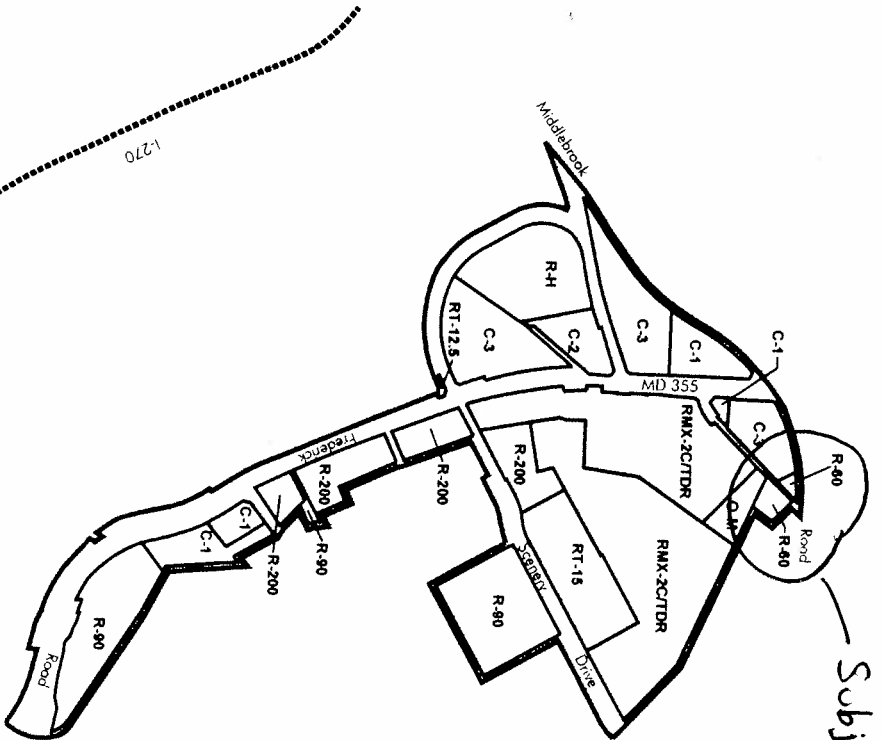


R-200 Residential, one-family	R-H Multiple-family, high-rise planned residential
R-90 Residential, one-family	O-M Office building, moderate intensity
R-40 Residential, one-family	C-1 Convenience commercial
R-30 Multiple-family, low density residential	C-2 General commercial
RT-12.5 Residential, townhouse	C-3 Highway commercial

— Fox Chapel District boundary

0 1100

Fox Chapel District Proposed Zoning



R-200 Residential, one-family	R-H Multiple-family, high-rise planned
R-90 Residential, one-family	RMX-2C/TDR Residential mixed-use, specialty center, commercial base/transferrable development rights
R-40 Residential, one-family	C-1 Convenience commercial
RT-12.5 Residential, townhouse	C-2 General commercial
RT-15 Residential, multifamily	C-3 Highway commercial

— Fox Chapel District boundary

..... Corridor/Clies Transitory

0 1100

Subject Property

ROAD NETWORK

New and existing roads, as well as road extensions in the study area and the entire planning area, are summarized below along with their accompanying bike routes. The proposed lanes are through travel lanes excluding turning, parking, or acceleration lanes.

The table designates roads to be added to the Master Plan of Highways according to the Road Code:

"CM" designates a Controlled Major Highway, a road meant exclusively for the through

movement of vehicles at lower speeds than a freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

"M" designates a Major Highway, a road providing less speed and mobility than freeways, but more access via at-grade intersections. Driveway access is acceptable in urban and dense suburban settings.

"A" designates an Arterial Road, connecting major highways and providing more access

points than a major highway while moving traffic at lower speeds.

"MA" is a new category, Minor Arterial, a road functioning as an arterial, but with adjacent land uses that make traffic calming appropriate.

"B" designates Business District roads. This Plan converts industrial roads in the entire planning area to business roads, reflecting the type of development now anticipated.

"P" designates Primary Residential roadways that are residential roads.

Table 5: Roadway Classifications

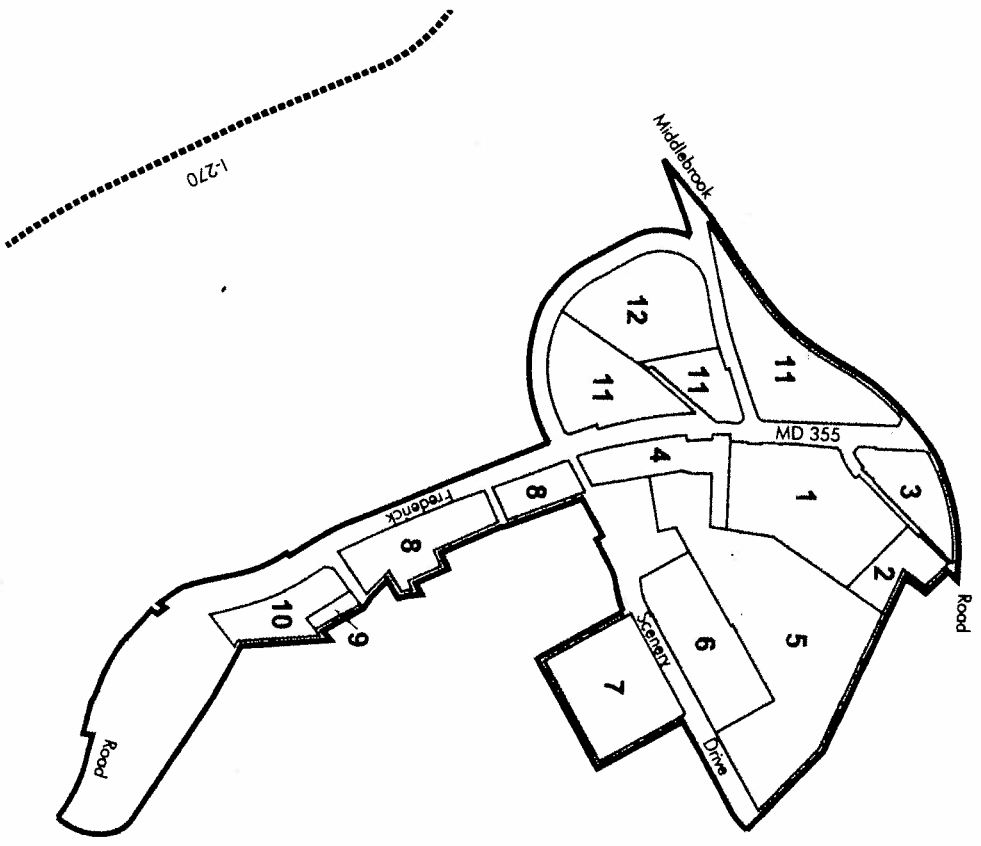
Facility & Segment From	To	Master Plan Road #	Proposed ROW (ft)	Lanes ¹	Bike Routes	Target Speed ²	Cross Section ³
Aircraft Dr							
Germanatown Rd	Century Blvd	B-7	100	4		25	TBD
Century Blvd	Crystal Rock Dr	B-7	100	4		25	TBD
Blunt Rd							
Frederick Rd (MD 355)	Middlebrook Rd	B-8	60	2		30	TBD
Bowman Mill Rd							
Walter Johnson Dr	Germanatown Rd	B-15	60	2	LB 8	25	2005.01
Boiland Farm Rd							
Frederick Rd	Observation Dr	A-20	80	4		35	2004.09
Observation Dr	Sunnyview Dr	P-27	80	2			As built
Century Blvd							
Proposed Dorsey Mill Rd Extension (B-14)	Kinster Dr	B-10	134	4-D	SP-66	25	TBD
Kinster Dr	Coverleaf Center Dr	B-10	134	4-D	SP-66	25	TBD

¹ Includes right-of-way for Corridor Cities Transitway.

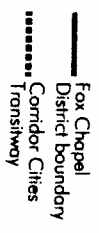
The recommended number of lanes refers to the number of planned through travel lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes, such as through travel.

² Target speed listed reflects the ultimate target speed for each roadway segment upon build-out, and the characteristics of the road design are to be set in context with a narrower cross section. It refers to a specific standard in Executive Regulation 31.05.01.02a. If the regulation is amended, the cross section should be an adopted standard most closely resembling the table's standards.

Map 29
 Fox Chapel District Property Reference



- 1 Fox Chapel Shopping Center
- 2 O-M property
- 3 Blunt Road Triangle properties
- 4 MD 355 properties
- 5 Middlebrook Mobile Home Park
- 6 Seneca Ridge
- 7 Plum Gar Park and Recreation Center
- 8 MD 355 residential properties
- 9 Plummer Drive commercial properties
- 10 MD 355 commercial properties
- 11 Middlebrook Village commercial properties
- 12 Multifamily housing



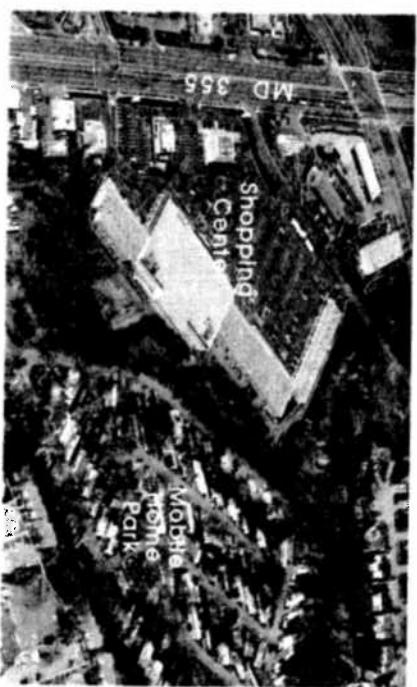
of the Middlebrook Mobile Home Park site to buffer the adjacent residential community and provide a pedestrian connection to the Fox Chapel Shopping Center.

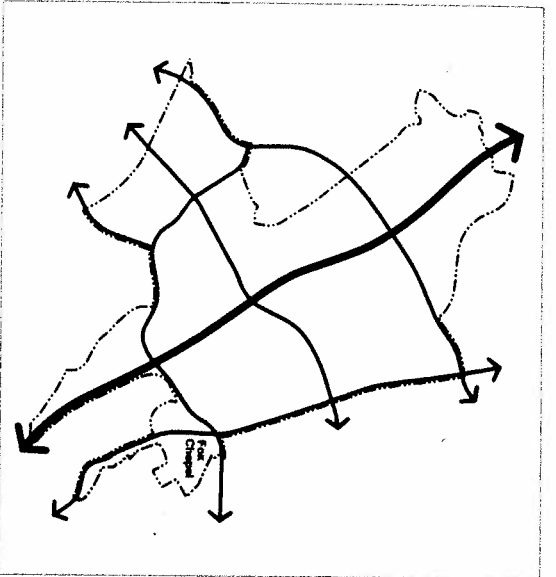
- Accessory apartments developed along MD 355 should locate all parking behind the existing homes. No new driveways or parking areas should be permitted in front yards.

Transportation

- Connect the Middlebrook Mobile Home Park site to MD 355 with a connected street system (through commercially zoned properties held by same owner. Preserve the trees along the eastern end of the site for a compatible transition with existing R-200 residences.

- • Connect Blunt Road with Middlebrook Road.
- Improve MD 355 with streetscape improvements in accordance with the streetscape plan.





THE FOX CHAPEL DISTRICT

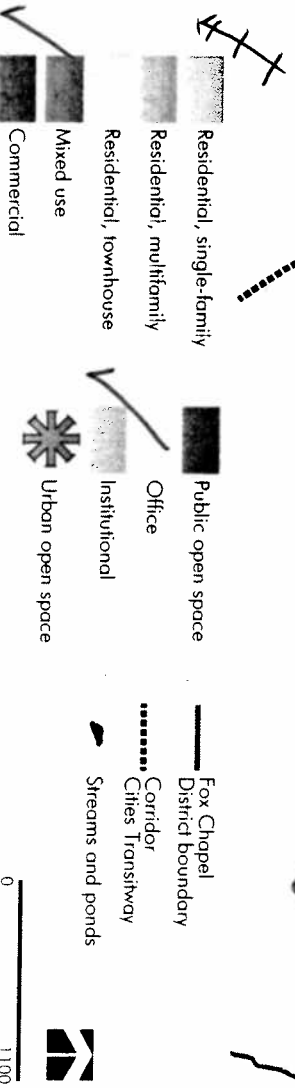
The 115-acre Fox Chapel District will become the commercial hub at the intersection of MD 355 and Middlebrook Road with a bus transit center providing the transit link to other parts of Germantown. Retail, housing, and recreation opportunities will flow between MD 355 and Scenery Drive including an improved Plumgar Recreation Center (FC-7) and greater density at the Seneca Crossing community (FC-6). This vision can best be accomplished by cooperation among property owners and a coordinated development plan.

Gateway and streetscape treatment along MD 355 will improve pedestrian safety and the pedestrian experience along Montgomery County's main street. At-grade, one-way couplets could replace a future grade-separated interchange at the MD 355 and Middlebrook Road intersection. This option should be studied by state and County transportation departments.

Map 28

Fox Chapel District Land Use

Subject Property



Attachment "C"
4 pages

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241

To: Mr. Joshua Penn, M-NCPPC Area 3 Planner

From: Joshua O. Maisel

Date: May 3, 2012

Re: ISG Building (M-NCPPC # 120100130)
Request for Variance

Dear Mr. Penn,

In accordance with Chapter 22A-21 of the Montgomery County Code, I am writing to request a variance for impacts to two specimen trees located on the subject property. Below is a table identifying the trees associated with this request:

SPECIMEN TREE CHART							
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	% CRZ IMPACTED	STATUS	REASON FOR IMPACTS
ST-1	Acer negundo	Boxelder	39"	Poor (Hazard)	45%	To Remain	New parking facility and construction of mosque
ST-3	Quercus alba	White Oak	33"	Moderate	42%	Off-site	New parking facility and stormwater management swale

Project Description

The subject property at 19825 Blunt Road comprised of 3 parcels (P417, P418 and P471) is the subject of a pending Preliminary Plan of Subdivision. The owner of the property, Islamic Society of Germantown Inc., intends to build a mosque, which will be used as a "place of worship", a permitted use in the property's R-60 zoning.

In addition to the mosque, a certain amount of on-site parking is needed to accommodate the uses of the property. A total of 67 parking spaces are planned. Given the size of the property and the space required to construct the mosque and parking facility, almost the entire property will be disturbed which will impact two specimen trees. The two trees subject to impacts are a 39" Boxelder and a 33" White Oak as identified in the above chart.

The Boxelder is located on the northeastern property line and is a shared tree with the neighbor at 11247 Minstrel Tune Drive. The proposed development of the site will result in impacts to the root system of the tree. Since the tree is currently in poor condition and will continue to decline regardless of any impacts from this project, we suggest that the tree should be removed. However, because the tree is a shared tree with the neighbor, consent from the neighbor for removal of the tree is needed. Accordingly and in compliance with regulations and laws, a certified letter was mailed to the neighbor describing the condition of the tree with our recommendation that the tree should be removed. The letter requested consent from the neighbor to remove the tree. A reply has not been received by our office. We are proceeding under the assumption that the neighbor wishes to retain the tree. Appropriate tree protection measures are provided for on the Forest Conservation Plan for this project to retain and protect the tree as much as possible. However, a variance is needed for the impacts that will result to the root zone of the tree.

The White Oak is located south of the property, on the lot located at 19815 Blunt Road. This property also has a pending development application for commercial office building. The plans for the property propose removal of the oak to allow for construction of the office building. A variance is requested to allow for impacts to the tree since it is anticipated that the Mosque will begin construction prior removal of the tree.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions unique to the property which would cause unwarranted hardship should the variance not be approved. The planned use of the property as a place of worship requires certain inherent features typical of a use of this type. A parking facility with an adequate number of parking spaces is required to meet the needs of the users and to comply with zoning regulations. On-site circulation must be provided for with minimum drive aisle widths as required by Code. The circulation system proposed for the site provides access to parking spaces and allows for emergency vehicle ingress and egress. Also, the layout of the site has been carefully planned in accordance with the customs and traditions of the user. These customs include a certain building orientation and a large gathering area in front of the building. The proposed layout of the site is a result of all of these and other factors. If the variance was not approved, placement of the proposed building and on-site vehicular circulation would be severely impacted. A significant part of the property would not be usable. Furthermore, since the initial plans for the property were prepared, the project has been

subject to numerous delays due to the re-alignment of Blunt Road. When the project was initially submitted for review, regulations at that time did not require a variance for impacts to trees. The property was purchased and plans were prepared without the knowledge that a variance would someday be needed.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. This project has been designed to meet or exceed all development standards of the R-60 zone and zoning ordinance in general including the requirement to provide on-site parking for a place of worship. Other requirements such as stormwater management, landscaping, and forest conservation have also been met. A place of worship is a permitted use in the R-60 zone and there is a certain expectation that a project planned to meet all requirements will be approved. In this case, the property cannot be developed as planned without approval of the variance due to the presence of the specimen trees.

The granting of a variance will not result in a violation of State water quality standards or any measurable degradation in water quality. There are no environmentally sensitive features located on the property. Furthermore, the project has been planned to provide environmental site design (ESD) practices in accordance with the latest State and County requirements for stormwater management.

Other information in support of the variance request is provided in the project description part of this letter.

In addition, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. A place of worship is a permitted use in the R-60 zone. No waivers of any zoning, development, or forest conservation standard are requested. The requested variance does not confer a special privilege to the applicant.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant has prepared and submitted plans which meet all applicable development standards and requirements. The variance request is based upon plans which meet all requirements but result in impacts to two specimen trees. The variance request is not based upon any actions by the applicant.


The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. The adjacent properties that are zoned for residential and commercial uses are not a contributing factor for the variance request.

As previously mentioned, granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. The construction of the Mosque and associated

parking areas has been planned to provide environmental site design (ESD) practices in accordance with the latest State and County requirements for stormwater management

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions or concerns regarding this request, please do not hesitate to contact me.

Sincerely,



Joshua O. Maisel, RLA
ISA Certified Arborist # MA-4514A
PNW/ISA Certified Tree Risk Assessor # CTRA 918

Attachment "D"

2 pages



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

May 14, 2012

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: ISG Building, DAIC 820111850, NRI/FSD application accepted on 4/28/2011

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this condition.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, is not interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this condition, as long as appropriate mitigation is provided for the resources disturbed.

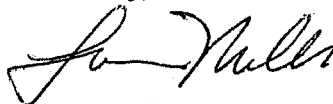
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this condition.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this condition.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief

Attachment "E"
9 pages

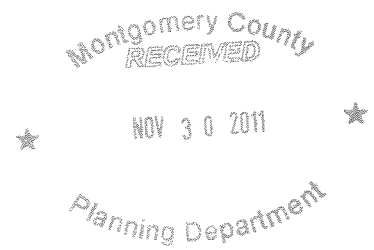


FIRE MARSHAL COMMENTS

DATE: 30-Nov-11
TO: Najib Roshan
TES Consultant LLC
FROM: Marie LaBaw
RE: ISG Building
120100130

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **30-Nov-11**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.





DEPARTMENT OF PERMITTING SERVICES

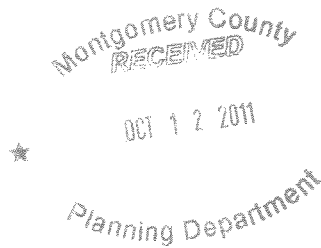
Isiah Leggett
County Executive

Carla Reid
Director

September 20, 2011

Mr. Mark Ram
T.E.S. Consultants LLC
P.O. Box 10123
Silver Spring, MD 20914

Re: Stormwater Management **CONCEPT** Request
for I.S.G.
Preliminary Plan #: not available
SM File #: 221605
Tract Size/Zone: 1.2 acres/R60
Total Concept Area: 1.2 acres
Lots/Block: na
Parcel(s): P471/POP417,P418.P220
Watershed: Great Seneca Creek



Dear Mr. Ram:

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 proposes to meet required stormwater management goals via porous concrete and bioswales.

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. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. The design of the engineered sediment control plan and the DPS Right of Way plan must be coordinated so they match.

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 William Campbell at 240-777-6345.

Sincerely,



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

RRB: tla

cc: C. Conlon
SM File # 221605

ESD Acres:	1.2
STRUCTURAL Acres:	0
WAIVED Acres:	0



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

April 28, 2012

Mr. Richard Weaver, Planner Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3730

RE: Preliminary Plan No. 120100130
I.S.G. Building

AMENDMENT LETTER

Dear Mr. Weaver:

This letter is to amend our December 2, 2011 preliminary plan review comments letter for this project.

Subsequent to distribution of that letter, the applicants requested the Department of Transportation to reconsider and amend a number of those comments due to practical difficulties in constructing the [previously envisioned] ultimate roadway for Blunt Road (extended) to access their site. Those difficulties include right-of-way limitations, utility pole relocations, and the need for off-site construction easements.

After reviewing the applicants' April 16, 2012 amended preliminary plan and participating in a number of subsequent inter-agency meetings with yourself and the applicants, we agree that those concerns warrant adjustments to our earlier letter.

We recommend approval of the amended preliminary plan subject to the following comments:

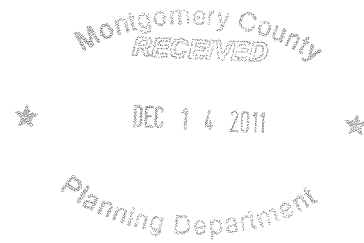
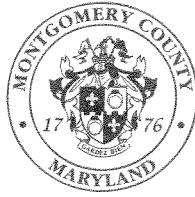
1. Previous review comments in our December 2, 2011 preliminary plan review comments letter remain applicable unless modified below.
2. Access and improvements within the Blunt Road right-of-way needed to access the site, construct the temporary turnaround, provide positive drainage, and extend the five (5) foot wide sidewalk to Middlebrook Road should be considered temporary. A right-of-way construction permit will be required from the Department of Permitting Services to implement the temporary improvements in conjunction with the approval of the record plat. The pavement for Blunt Road to access the site (up to the proposed temporary turnaround) needs to be at least twenty (20) feet wide for the section between the existing pavement and the proposed temporary turnaround.

Division of Traffic Engineering and Operations

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

cc: Ammar Najjar; Islamic Society of Germantown
Hwaida Hassanein; Islamic Society of Germantown
Heshmat Eskandari; Total Engineering Services, LLC
Ki Kim; M-NCPPC Area 3
Stephen J. Orens; Miles & Stockbridge, P.C.
Russell Reese; Maddox Engineers & Surveyors

cc-e: Rev. Tim Warner; OCE
Marie LaBaw; FRS
Mark Beall; DPS Zoning
Bill Campbell; DPS/WR
Atiq Panjshiri; DPS/RWPR
David Adams; DOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

December 2, 2011

Arthur Holmes, Jr.
Director

Mr. Richard Weaver, Planner/Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120100130
I.S.G. Building

Dear Mr. Weaver:

We have completed our review of the revised preliminary plan that was signed and sealed on October 8, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on January 9, 2010. Since that time, the applicant has successfully acquired surplus County-owned land and obtained County Council approval to abandon a portion of right-of-way on Blunt Road – to be incorporated into the site.

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 the Department of Permitting Services 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 to construct the extension of Blunt Road to Middlebrook Road in accordance with the master plan. As discussed in discussions with the applicant and the Department of General Services, the record plat should include conversion of remaining County property to public right-of-way; approval of that conversion by the proper County officials will need to be reflected on the plat.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
4. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed MCDOT Sight Distances Evaluation certification form, for the proposed intersection of Blunt Road with Middlebrook Road, for our review and approval.
5. Record plat to reflect denial of access across the Middlebrook Road site frontage.

Division of Traffic Engineering and Operations

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

6. Waiver from the Montgomery County Planning Board for a reduction in the minimum centerline radius on a business classification roadway. We support Planning Board approval of the proposed one hundred (100) foot centerline radius, based on property constraints and as agreed upon in our March 24, 2010 (staff level) inter-agency review meeting with the applicant.
7. 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 Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
8. 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.
9. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
10. 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.
11. Middlebrook Road is not currently constructed to its ultimate cross-section in the vicinity of the future intersection with Blunt Road Extended. As a result, we do not recommend requiring the applicant to connect Blunt Road with Middlebrook Road at this time.

The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction of Blunt Road Extended (between the proposed temporary terminus and the intersection with Middlebrook Road), whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. 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) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
14. 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 Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

15. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
16. 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. Street grading, paving, curbs and gutters, five (5) foot wide concrete sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and street trees along Blunt Road Extended (from approximately centerline station 0+00 to approximately centerline station 1+75 – or as necessary to provide a fire department compliant three-point turnaround) in accordance with MCDOT Design Standard MC-214.02 (Commercial/Industrial Road). Continue full width grading and extend the sidewalk on one side to Middlebrook Road. Provide proper outfall of the proposed enclosed storm drain system to result in a non-erosive velocity.
 - * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - B. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. 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.
 - E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
 - F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project at david.adams@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Richard Weaver
Preliminary Plan No. 120100130
December 2, 2011
Page 4

cc: Ammar Najjar; Islamic Society of Germantown
Heshmat Eskandari; Total Engineering Services, LLC
Ki Kim; M-NCPPC Area 3
Cathy Conlon; M-NCPPC DARC
Rev. Tim Warner; OCE
Bernie Fitzgerald; MCDGS
Mike Cassidy; MCDOT DTE
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Marie LaBaw; MCFRS
Rick Brush; MCDPS WRM
Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Fred Lees; MCDOTDTEO
Mark Terry; MCDOT DTEO
Dan Sanayi; MCDOT DTEO
Bruce Mangum; MCDOT DTEO
David Adams; MCDOT DTEO