



RECEIVED JAN 24 2003

MARYLAND DEPARTMENT OF TRANSPORTATION  
Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Trent M. Kittleman, Acting Secretary

January 21, 2003

Mr. Malcolm Shaneman  
Supervisor Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Montgomery County  
MD 118  
Tony's Car Wash  
File No. 1-03040

Dear Mr. Shaneman:

This office reviewed the submitted plan and offer the following:

- The term "denied access" is to be placed on the final record plat along the property that abuts MD 118.
- All access to this property is to be via the county roadway with no direct access onto MD 118.
- Four (4) copies of the traffic study need to be submitted so the appropriate divisions within the State Highway Administration (SHA) can make the necessary review.
- All work within SHA right-of-way shall be permitted and bonded prior to release of building permits.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief  
Engineering Access Permits  
Division

1/27/03  
① Transp. rec'd 1/2/03  
② original

revised traffic study

gc

cc: Mr. Charlie Watkins  
Mr. Raleigh Medley  
Dewberry & Davis LLC

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

January 17, 2003

Mrs. Joanne M. Cheok, P.E.  
Dewberry & Davis LLC  
804 West Diamond Avenue, Suite 200  
Gaithersburg, Maryland 20878

Re: Stormwater Management **CONCEPT** Request  
for Tony's Car Wash  
Preliminary Plan #: 1-03040  
SM File #: CN 206305  
Tract Size/Zone: .94 Ac/C-3  
Total Concept Area: .94 Ac  
Tax Plate: EU 342  
Parcel(s): 742, 770  
Watershed: Great Seneca Creek

Dear Mrs. Cheok:

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 a structural sand filter. A flow splitter must be provided on the detailed plan. Channel protection storage volume is not required since the one-year post development peak discharge is less than 2 cfs.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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 Mike Geier at 240-777-6342.

Sincerely,

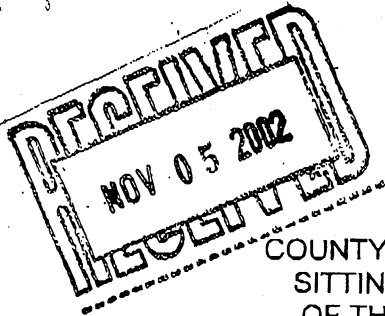
Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:enm cn206305.mjg

cc: M. Shaneman  
S. Federline  
SM File # 206305

QN -exempt; Acres: .94  
QL - on-site; Acres: .94





Resolution No. 14-1480  
Introduced: October 22, 2002  
Adopted: October 22, 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY

---

By: County Council

Subject: APPLICATION NO. G-799 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,  
Stanley D. Abrams, Attorney for CTG Oil, Inc., Contract Purchaser, OPINION AND  
RESOLUTION ON APPLICATION

**OPINION**

Application No. G-799 requests reclassification from the Town Sector and C-5 Zones to the C-3 Zone of two parcels, P742 (0.43 acres, Town Sector Zone) and P770 (0.51 acres, C-5 Zone), comprising 40,811 square feet of land (.94 acres) located in the southeast quadrant of the intersection of relocated MD Route 118 and Middlebrook Road, between MD 118 and Walter Johnson Road, Germantown, in the 9<sup>th</sup> Election District. The application was filed under the Optional Method authorized by Code § 59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging.

The Hearing Examiner recommended approval of the application on the basis that the C-3 Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification to the C-3 Zone bears sufficient relationship to the public interest to justify its approval. The Planning Board and Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The subject property is located in the Germantown and Vicinity Planning Area, in the southeast quadrant of the intersection of MD 118 (Germantown Road) and Middlebrook Road, just northeast of Wisteria Drive. The subject property occupies a roughly rectangular, wedge-shaped area that bridges MD 118 and Walter Johnson Road and makes up part of a block bordered on the northeast

Page 2.

Resolution No. 14-1480

by Middlebrook Road and on the southwest by Wisteria Drive. The property has frontage on MD 118, a major highway with six lanes, but is precluded from vehicular access to MD 118 by record plat notation. Access to this and adjacent developed parcels is from Walter Johnson Road, a commercial business district street that terminates in a hammerhead (three-point turnaround) immediately north of the subject property.

The subject property is made up of two parcels of land. The northern parcel, P742, is undeveloped, measuring 0.43 acres, and is classified under the Town Sector Zone. This parcel is relatively level, a few feet lower in elevation than the adjacent MD 118, and is covered with mixed grassy vegetation. Used autos for sale are sometimes parked near the MD 118 frontage. The southern parcel, P770, measures 0.51 acres, is classified under the C-5 Zone (low density, office commercial), and is developed with a 1 ½ story frame house and a two-story detached garage/office. This parcel also is relatively level, rising in elevation approximately five feet from Walter Johnson Road to MD 118.

The surrounding area for this application includes all properties on the south side of MD 118 from Wisteria Drive to Middlebrook Road, plus the properties confronting the subject site on Walter Johnson Road that have a view of and can be viewed from the subject property. Immediately adjacent to the subject property to the north/northeast, on the corner of MD 118 and Middlebrook Drive, is a one-half-acre urban park owned and operated by the M-NCPPC. The park is attractively developed with a gazebo, game tables, benches, a trellis, a stone monument feature and walkways. Portions of the park are planted with evergreen and deciduous trees, including mature cypress and a red maple adjacent to the subject property. The main area for human activity in the park is within and around the gazebo, which is substantially screened by mature vegetation.

Immediately adjacent to the subject property on MD 118 to the south/southwest is a Jiffy Lube facility. Immediately south of the Jiffy Lube is a small retail center that includes a bank, restaurant, beer and wine store, tanning salon and other retail uses. Both the Jiffy Lube facility and the adjacent retail center are accessed from Walter Johnson Road, and are located on property classified under the

Page 3.

Resolution No. 14-1480

C-3 Zone. Confronting the subject property to the east/southeast across Walter Johnson Road is the unfinished Northlake Commerce Center, located in a C-O Zone and currently developed with two four-story office buildings facing Middlebrook Road, plus surface parking adjacent to Walter Johnson Road.

The proposed full-service car wash would consist of an enclosed automatic car-wash tunnel situated parallel to MD 118, a separate building at the south end of the site for interior vehicle cleaning, and four self-serve car wash bays in the center of the site. The automatic wash tunnel the Applicant intends to install is capable of processing 100 to 150 cars in an hour. The proposed hours of operation are 7 a.m. to 7 p.m. on weekdays, 9 a.m. to 5 p.m. on weekends. The Applicant anticipates that because his equipment would not require employees to manually prepare cars for washing, drive them through the tunnel, or manually dry them, he would need no more than five to seven employees to operate the facility, even during peak hours.

The Applicant proposes to limit development under the C-3 Zone by means of a schematic development plan ("SDP"). Binding elements of the SDP specify an automobile car wash as the only permitted use, with the following additional restrictions: maximum building coverage of 23% (9329 sq. ft.); maximum building height of 42 feet; minimum green area of 28% (11,261 sq. ft.); no storage of waste material, auto parts, refuse and/or motor vehicles in setback; signage to comply with Code §59-F; and Applicant to construct a masonry wall and landscaping adjacent to common boundary with M-NCPPC park as determined at time of site plan approval. The Applicant has informally agreed to add as an additional binding element a limitation on the number of employees consistent with his testimony at trial. This addition is reflected in the post-approval submission requirement outlined in the District Council Action below.

As noted above, the subject site is made up of two parcels with different zoning classifications. The northern parcel, P742, was originally classified under the R-R (Rural Residential) Zone by the 1958 County-wide comprehensive zoning. The parcel was reclassified to the Town Sector Zone in 1968 by Zoning Text Amendment F-148. This zoning classification has since been reconfirmed in Sectional Map Amendments F-939 (1974), G-404 (1984), G-539 (1987) and G-652 (1990). Testimony

Page 4.

Resolution No. 14-1480

at the hearing indicated that this zoning classification was made in connection with the overall Town Sector zoning for the Germantown Town Center. This particular parcel was physically cut off from the Town Center, however, by the construction of relocated MD 118.

The southern parcel, P770, was originally classified under the R-R (Rural Residential) Zone by the 1958 County-wide comprehensive zoning. The parcel was reclassified to the C-3 Zone by Sectional Map Amendment ("SMA") 939 in 1974, reconfirmed by SMAs G-404 (1984) and G-539 (1987). The parcel was reclassified from the C-3 Zone to the C-5 Zone in 1990 by SMA G-652, in keeping with the recommendation of the *Adopted and Approved 1989 Germantown Master Plan*.

The District Council concludes that the proposed rezoning would comply with the purpose clause of the C-3 Zone. The subject property satisfies the initial threshold requirement in two ways. First, it fronts on MD 118, a heavily traveled major highway with six lanes. Second, while it is not in a location recommended for the C-3 Zone by the master plan, it is adjacent to property currently zoned C-3 (the Jiffy Lube site). The proposed use requires a sufficiently large amount of land to accommodate washing facilities, circulation, and queuing areas. Given the nature of the use, it would not rely on adjacent uses for comparison shopping or pedestrian trade. Moreover, as an auto-service use, the car wash is clearly related to the traveler and highway user. Finally, fact that vehicular access would be available only from Walter Johnson Road would satisfy the intent stated in the purpose clause that "direct access to the highway be controlled by restricting development to service road access."

The District Council finds that the proposed development would be compatible with existing and planned land uses in the surrounding area. The proposed use would be compatible with most of the existing and planned land uses in the surrounding area, consisting of commercial, office and retail uses. The layout and building designs were specifically developed to be compatible with nearby uses, especially in the Germantown Town Center, in terms of bulk, height and architectural style. The MD 118 frontage would have the appearance of multiple store fronts with large windows, with the line of the building continued to the property boundary and around the corner by a masonry wall that would provide a noise buffer and visual screening. The Applicant requests a waiver of the 50-

Page 5.

Resolution No. 14-1480

foot setback requirement along MD 118 to allow a ten-foot building setback (a waiver that can be granted only by the Planning Board, at site plan review). If the waiver were granted, the building line along the site's MD 118 frontage would be consistent with the building line established at the corner of Wisteria Drive and MD 118, resulting in a ten-foot setback for all buildings on the south side of MD 118 in the block between Wisteria Drive and Middlebrook Road, except for the Jiffy Lube.

Assessing compatibility with the adjacent park presents certain challenges, chief among them the potential for adverse noise effects. The SDP includes as a binding element the construction of a masonry wall along the property line between the site and the park to provide noise mitigation, as well as a visual buffer. The evidence demonstrated that the park, which overlooks the busy, signalized intersection of MD 118 and Middlebrook Road, currently is affected by traffic noise and fumes. Moreover, the loudest noise source at the subject site would be the dryers located at the far end of the car wash tunnel, approximately 160 feet from the park boundary. Written documentation submitted by the Applicant suggests that the noise generated by the dryers could be expected to measure 75 decibels at a distance of 100 feet from the dryers, without an intervening solid wall. The District Council is persuaded that, in collaboration with the Planning Board and its staff and with the help of a noise expert, the Applicant would be able to construct a masonry wall that would adequately mitigate the potential adverse noise effects of the proposed car wash.

NOISE

The potential for an adverse visual effect on the park represents an additional compatibility concern. However, any such potential effect would be mitigated by the screening effect of the proposed masonry wall and existing, mature vegetation within the park.

The District Council further determines that the proposed zoning bears sufficient relationship to the public interest to justify it. The proposed rezoning is not consistent with the specific recommendation in the Master Plan for C-5 zoning on a portion of the subject site, but it is generally consistent with the goals stated in the Master Plan for the subject site and surrounding area. The proposed rezoning and development would not lead to fragmented retail development, which was the Master Plan's chief concern about classifying the subject site under the C-3 Zone. Moreover, the

Page 6.

Resolution No. 14-1480

controls imposed by the binding elements of the SDP and the requirement for site plan review would further Master Plan goals regarding visual compatibility with existing and proposed uses. Finally, the Planning Board and Technical Staff recommend approval.

The evidence indicates that the proposed use would not adversely affect public facilities. Water and sewer service are adequate and, in light of the expected 90% water reclamation rate of the car wash facilities, the impacts of the proposed rezoning would be negligible. The car wash would be required to comply with storm water management and forest conservation requirements. The SDP provides adequate on-site stacking space to satisfy the requirements of the Zoning Ordinance. Together with operational steps that the Applicant has committed to make – using cones and employees to direct traffic, and closing the self-service bays and/or the vacuuming building if necessary during peak periods – the on-site stacking and circulation are adequate to avoid off-site queuing that could adversely affect traffic on Walter Johnson Road. Potential adverse effects on traffic at the intersections of MD 118 with Wisteria Drive and Middlebrook Road would be fully mitigated by the binding traffic mitigation element stated on the SDP, and no other potential adverse transportation effects have been identified.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

#### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-799 for the reclassification from the Town Sector and C-5 Zones to the C-3 Zone of two parcels, P742 (0.43 acres, Town Sector Zone) and P770 (0.51 acres, C-5 Zone), comprising 40,811 square feet of land (.94 acres) located in the southeast quadrant of the intersection of relocated MD Route 118 and Middlebrook Road, Germantown, in the 9<sup>th</sup> Election District,

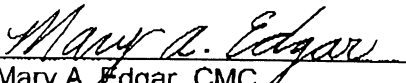


Page 7.

Resolution No. 14-1480

is hereby approved in the amount requested subject to the specifications and requirements of the revised schematic development plan recommended for approval above; provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit the revised schematic development plan, Ex. 55, for certification in accordance with §59-D-1.64, with an additional binding element stated on the face of the plan that limits the number of employees on site at any one time to seven or less; and provided, further, that upon receipt of the District Council's approval resolution the Applicant must immediately file the Declaration of Covenants, amended to add the binding element added to the schematic development plan pursuant to this paragraph, in accordance with §59-H-2.54.

This is a correct copy of Council action.

  
Mary A. Edgar, CMC  
Clerk of the Council

**GEO-TECHNOLOGY ASSOCIATES, INC.**

GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

August 2, 2002



*A Practicing ASFE Member Firm*

Basim Kattan and Associates  
2220 46<sup>th</sup> Street, N.W.  
Washington, D.C. 20007

Attn: Mr. Basim Kattan

Re: Germantown Road Sound Monitoring  
Germantown, Maryland

Dear Basim:

Pursuant to your request, Geo-Technology Associates, Inc. (GTA) visited the subject project on August 1, 2002 to perform monitoring of existing noise levels for a property near the corner of Germantown Road and Middlebrook Road. The site is located bounded by Germantown Road (Route 118) to the north and Germantown Square Park to the east. GTA monitored the "community noise" levels for a twelve-hour period from 7:00 A.M. to 7:00 P.M. using a Geosonics, Inc. SSU 2000DK portable seismograph capable of reading continuous air pressure (noise) levels. The device was placed on the property approximately 10 feet from Germantown Road and recorded decibel levels every minute, with printouts recording the maximum decibel level for each five-minute period. The maximum decibel levels for each five-minute period are summarized on the attached table. The recorded peak noise levels ranged from 70 decibels to 93 decibels.

Thank you for this opportunity to assist you. Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,  
GEO-TECHNOLOGY ASSOCIATES, INC.

Jon C. Risso  
Project Engineer

Ravi P. Malviya, P.E.  
Associate

SCR/scr (SARJSSO)gathersburg soun monitoring.doc  
Job Number: 020677

Post-it® Fax Note 7671		Date 8/7/02	# of pages 2
To TONY	From BASIM		
Co./Dept.	Co. GTA INC.		
Phone # 301-528-9170	Phone # 202/342 1933		
Fax #	Fax # 342-1833		

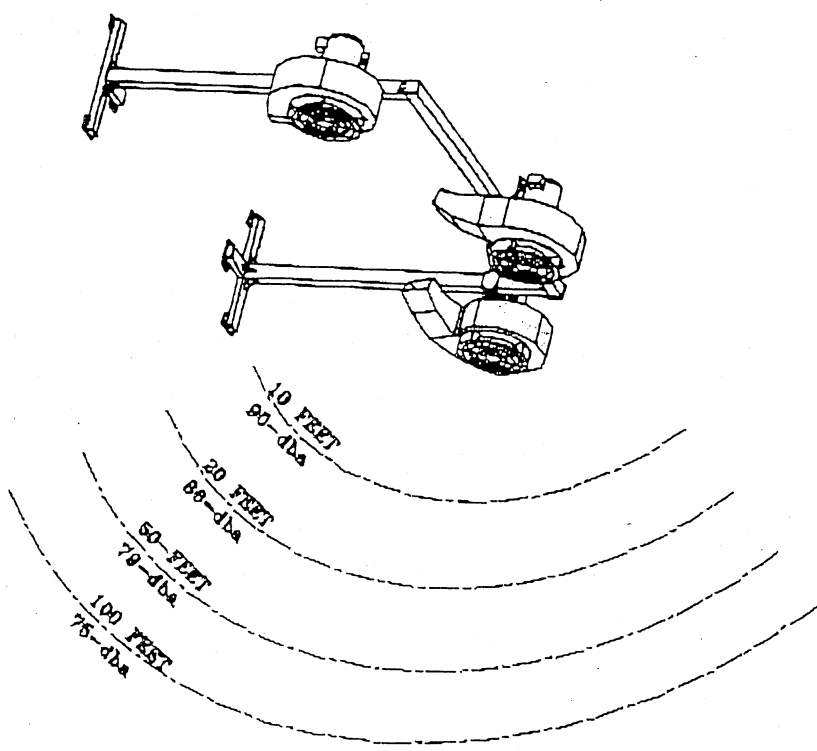
**Germantown Road (115) Sound Monitoring**  
**Job Number: 020677**

Test	Time of Test	Decibel Level*	Test	Time of Test	Decibel Level*	Test	Time of Test	Decibel Level*
1	7:09:26	76	48	11:08:00	79	95	15:07:00	76
2	7:14:26	74	49	11:13:00	78	96	15:15:00	76
3	7:19:00	79	50	11:18:00	80	97	15:20:00	85
4	7:24:00	76	51	11:23:00	76	98	15:25:00	77
5	7:29:00	76	52	11:28:00	74	99	15:30:00	75
6	7:35:00	76	53	11:33:00	82	100	15:35:00	83
7	7:40:59	80	54	11:38:00	80	101	15:39:00	78
8	7:45:00	76	55	11:43:00	74	102	15:45:00	76
9	7:50:00	79	56	11:48:00	76	103	15:50:00	75
10	7:55:00	76	57	11:53:00	79	104	15:55:00	79
11	8:00:00	78	58	11:58:00	79	105	16:00:00	75
12	8:05:00	77	59	12:03:00	75	106	16:05:00	75
13	8:06:00	72	60	12:06:00	77	107	16:10:00	82
14	8:13:08	75	61	12:12:00	73	108	16:15:00	83
15	8:18:00	74	62	12:17:00	74	109	16:19:00	76
16	8:23:00	77	63	12:22:00	77	110	16:25:00	76
17	8:28:00	74	64	12:27:00	88	111	16:30:00	76
18	8:33:00	77	65	12:32:00	86	112	16:35:00	74
19	8:40:00	76	66	12:37:00	89	113	16:40:00	75
20	8:45:00	79	67	12:42:00	79	114	16:45:00	79
21	8:50:00	79	68	12:49:00	76	115	16:50:00	78
22	8:55:00	79	69	12:54:00	85	116	16:55:00	75
23	9:00:00	79	70	12:59:00	84	117	17:00:00	78
24	9:05:00	74	71	13:04:00	89	118	17:08:00	75
25	9:13:00	93	72	13:09:00	77	119	17:13:00	76
26	9:18:00	75	73	13:14:00	78	120	17:18:00	77
27	9:23:00	77	74	13:20:00	79	121	17:23:00	74
28	9:28:00	75	75	13:25:00	76	122	17:28:00	76
29	9:33:00	77	76	13:30:00	81	123	17:33:00	75
30	9:38:00	76	77	13:35:00	74	124	17:38:00	73
31	9:43:00	78	78	13:40:00	74	125	17:43:00	72
32	9:48:00	76	79	13:45:00	72	126	17:48:00	76
33	9:53:00	75	80	13:50:00	77	127	17:53:00	74
34	9:58:00	80	81	13:57:00	77	128	17:58:00	75
35	10:03:00	77	82	14:02:00	74	129	18:03:00	76
36	10:08:00	81	83	14:07:00	78	130	18:08:00	80
37	10:13:00	75	84	14:12:00	75	131	18:13:00	72
38	10:18:00	77	85	14:17:00	78	132	18:18:00	74
39	10:22:00	80	86	14:22:00	74	133	18:23:00	71
40	10:28:00	80	87	14:26:00	74	134	18:28:00	77
41	10:33:00	79	88	14:32:00	80	135	18:33:00	76
42	10:38:00	79	89	14:37:00	78	136	18:38:00	74
43	10:43:00	73	90	14:42:00	77	137	18:43:00	73
44	10:48:00	77	91	14:47:00	78	138	18:48:00	74
45	10:53:00	79	92	14:52:00	73	139	18:54:00	75
46	10:58:00	75	93	14:57:00	81	140	18:59:00	75
47	11:03:00	77	94	15:02:00	78	141	19:00:00	70

\*Decibel Level is the Maximum Decibel level recorded for a 5-Minute Period.

THIS DRAWING IS THE PROPERTY OF SONNYS AIR DRYER CO. AND 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. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING AGREES TO HOLD SONNYS AIR DRYER CO. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST SONNYS AIR DRYER CO. BY ANY THIRD PARTY AS A RESULT OF SUCH REPRODUCTION OR TRANSMISSION.

THIS DRAWING IS THE PROPERTY OF SONNYS AIR DRYER CO. AND 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. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING AGREES TO HOLD SONNYS AIR DRYER CO. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST SONNYS AIR DRYER CO. BY ANY THIRD PARTY AS A RESULT OF SUCH REPRODUCTION OR TRANSMISSION.



AMBIENT NOISE WITH AIR DRYER OFF: 70 dba.

SCALE  
BLOWER-dba-INFO

SOUND TEST OF SONNYS AIR DRYER  
DECEMBER, 2000  
(TECHNICAL)



DATE:	02/13/01
REVISION DATE:	02/13/01
CREATED BY:	JH
DRAWN BY:	JWW
CHECKED BY:	

Fax: 7034154556

Jan 17 2003 15:42

P. 01



January 17, 2003

J/N 48128

Mr. Basim Kattan  
Basim Kattan and Associates  
2220 46<sup>th</sup> Street, N.W.  
Washington, D.C. 20007

Reference: Tony's Car Wash Noise Study

Dear Mr. Kattan:

Wyle Laboratories has completed noise study for the Tony's Car Wash project in Montgomery County, Maryland. This letter summarizes our noise estimates and recommendations.

#### Noise Data Analysis and Recommendations

We have reviewed a site plan for the project dated December 2002 prepared by Dewberry & Davis LLC. The proposed car wash is located between Germantown Road (MD. Rt. 118) and Walter Johnson Road near Middlebrook Road. To the east, the site is bounded by Germantown Square Park. The noise study is performed to verify compliance with the county noise requirements.

The proposed 117-ft long car wash tunnel will be equipped with a Sonny's Type 110-06 Car Wash System with a 120 hp air dryer incorporating eight blowers. The blowers will be located at the exit end of the tunnel oriented westward, away from Germantown Square Park. However, noise emanating from the blowers in operation through the opposite end opening at the tunnel entrance is of concern at the site's east property line adjacent to the park. The site plan incorporates the proposed noise wall along the property line.

The Sonny's sound test of December 2000 data sheet indicates the sound level of 90 dB(A) measured at a distance of 10 ft outside the tunnel exit opening. That measurement was performed in a real installation for three operating blowers. We estimate that eight proposed blowers will produce the sound level of approximately 92 dB(A) at the same position. The manufacturer could not provide noise data for the opposite, entrance end of the tunnel.

In order to assess attenuation of the blower noise within a car wash tunnel, we performed measurements for a similar system at CCC Car Wash, 10701 Leesburg Pike in Herndon, Virginia. Sound propagating from the blowers through the tunnel is attenuated due to absorption and scatter at the walls, ceiling, floor, and other obstructions such as interior equipment (cloth mitters, washers, etc.). At this installation utilizing similar blowers, the sound level measured at 10 feet from the tunnel exit opening was 91.9 dB(A) (this confirms our estimate above). At the opposite end, the tunnel entrance, the blower noise was measured also outside at 10 feet from the opening. The sound level in that position was 80.7 dB(A). The difference of approximately 11 dB(A) in the sound levels between these two positions is used for the analysis below.

Mr. Kattan  
January 17, 2003

Page 2

The site's east property line is located at a distance of 50 ft from the entrance end of the proposed car wash tunnel. The blower noise level will be further reduced as a result of propagation from the tunnel entrance opening to the east property line. This attenuation is mostly due to geometrical spreading and air absorption. An attenuation of approximately 14 dB(A) may be expected for the blower noise propagating from 10-ft to 50-ft distance.

The sound level of the operating blowers at the nearest point of the east property line (with no additional wall in between) is estimated therefore at  $92 - 11 - 14 = 67$  dB(A). In a similar installation at CCC Car Wash, we measured the noise level at about 40 ft from the entrance opening, which resulted in 66.6 dB. For locations along the property line farther from the proposed entrance opening, the sound levels will be lower, down to 60 dB(A).

According to Montgomery County Noise Ordinance, the maximum allowable noise level for receiving residential noise areas is 65 dB(A) for daytime (from 7 a.m. to 9 p.m. on weekdays and 9 a.m. to 9 p.m. on weekdays and holidays) and 55 dB(A) for nighttime (9 p.m. to 7 a.m. weekdays and 9p.m. to 9 a.m. weekdays and holidays). For non-residential receiving noise areas, the maximum allowable noise levels are 67 dB(A) and 62 dB(A), respectively.

The sound level of 67 dB(A) estimated above for the property line of the proposed site without a noise wall complies with the requirement for daytime, if the adjacent park is considered a non-residential area. If it is considered a residential area, the sound level at the nearest property line may exceed the requirement for daytime by only 2 dB(A). Such a minor excess may be tolerable considering that it will occur only in a limited area in front of the tunnel opening but not farther along the property line, and also due to high ambient traffic noise at the site.

In fact, the traffic noise monitoring performed at the site in 2002 by Geo-Technology Associates, Inc. (letter of August 2, 2002) indicated the noise levels in excess of 80 dB(A) and (rarely) even 90 dB(A). It is estimated from this data that the average traffic noise level at the site is around 70 dB(A). If necessary, however, the required noise level of 65 dB(A) at the property line due to daytime blower operations can be easily achieved by constructing a simple 6-ft high wood fence, for example at the location of the proposed noise wall shown in the site plan.

If the most stringent requirement of 55 dB(A) for the residential receiving noise areas is applied to nighttime car wash operations, a solid noise wall (preferably of brick) is necessary as indicated in the site plan. In order to determine a height of the wall and its effect on the noise levels at the property line, we performed a computer analysis of sound propagation incorporating a noise barrier. The following conditions were used for the analysis:

- Car wash tunnel elevation - 468.80 ft
- Entrance door opening - 8 ft high
- Distance from the tunnel entrance to noise wall - 45 ft
- Ground elevation at the base of the noise wall - 472 ft (this may require some regrading compared to topography shown in the site plan)
- Distance from the tunnel entrance to property line - 50 ft

Mr. Kattan  
January 17, 2003

Page 3

- Ground elevation at the property line - 472 ft
- Noise receiver position at the property line (standing person) - 5 ft above grade

Under these conditions, the analysis has shown that the minimum noise wall height of 6.5 ft is necessary to reach the required noise level of 55 dB(A) at the property line.

**Conclusions**

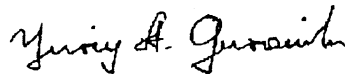
Noise from the blowers at the car wash site east property line is estimated to meet the daytime requirement for non-residential receiving noise areas of 67 dB(A).

The blower noise at the property line is expected to exceed by approximately 2 dB the level of 65 dB(A) required in daytime for the receiving residential noise areas. Since this will occur only in a limited area in front of the car wash tunnel opening but not farther along the property line, the blower noise can possibly be tolerated in comparison with the high ambient traffic noise at the site. Alternatively, construction of a 6-ft high wood fence is recommended along the property line (in position of the noise wall shown on the site plan). For this case, one possible wood fence design is shown in Figure 1.

In order to meet the nighttime requirement of 55 dB(A) for the receiving residential areas, the brick noise wall along the property line as proposed in the site plan should be constructed at least 6.5 ft tall at the grade level of 472 ft.


Please call me at 703/415-4550, ext. 16 if you have any questions regarding this report.

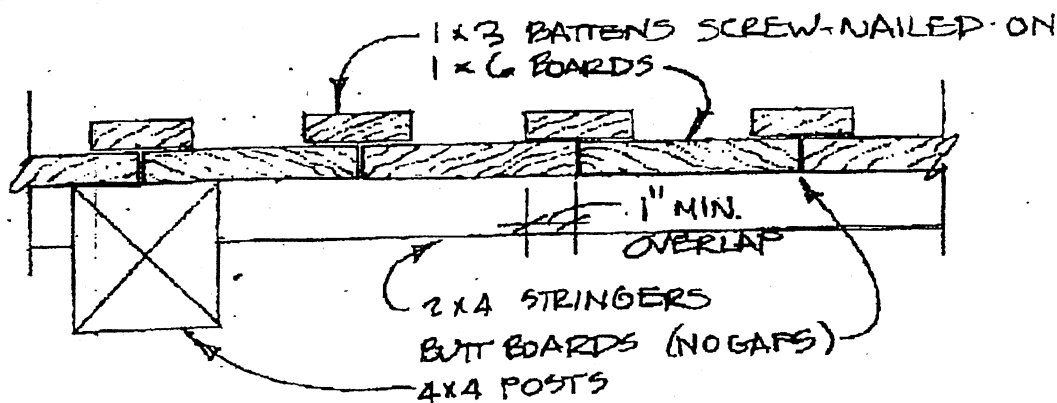
Sincerely,



Yuriy A. Gurovich  
Senior Acoustical Engineer

YAG/pch

	NOISE WALL	8/29/01
	N.T.S.	GE



- NOTES: A. ENSURE THAT THERE IS NO GAP BETWEEN THE BOTTOM OF THE 1x6 BOARDS AND THE GROUND ACCOMPLISH THIS BY:
1. BURYING THE BOARDS IN EARTH, OR
  2. INSTALLING GRAVEL, OR
  3. LAYING A PRESSURE-TREATED 2x, 4x, OR 6x BOARD AT GRADE AND FASTENING TO THE 1x6 BOARDS
- B. IF A GAP IS USED BETWEEN BOARDS, THIS IS ALLOWABLE PROVIDED THE GAP IS NO MORE THAN 1" AND 1x4 BATTENS ARE USED

Figure 1. One Acceptable Wood Noise Wall Design



# COVER PAGE

Date: 02/12/2003 23:33

NO. OF PAGE: 3 (include this page)

To:

From:

Name:

MARY ELIZABETH O'QUINN

Name:

GERMANTOWN PARTNERSHIP

Department:

DEVELOPMENT REVIEW

FAX :

3019076889

Company:

MNCPPC

Comment:

RE: TONY'S CAR WASH APPLICATION #8-03020

We are neighbors of the proposed carwash site and we hand delivered this letter to the BZA, unfortunately it was not put into the file in time to be considered at the zoning hearing. However based on the master plan this is not an appropriate place for a Carwash or for that matter any C3 use.

**GERMANTOWN PARTNERSHIP**

7507 Arlington Road  
Bethesda, MD 20814  
301-986-9070  
301-907-6889

August 13, 2002

Ms. Francoise M. Carrier, Director  
Office of Zoning & Administrative Hearings  
100 Maryland Avenue, Room 200  
Rockville, Md. 20850

Re: CTG Oil Inc. Application No. G-799

Dear Ms. Carrier:

We are writing in response to the application for Zoning Map Amendment G-799, which requests a change from the T-S (Town Sector) and C5 (Office Commercial) to the C-3 (Highway Commercial) Zone. We are very familiar with this property and the history of the Germantown Master Plan because our own property was in a similar situation. We are the long time owners of 6.28 acres on route 118 between Middlebrook and Crystal Rock Drive. Which is across Middlebrook from the subject property.

Our property, which we have owned since 1985, was all zoned C3 and we proceeded to plan and take the property through the planning process. We had an approved preliminary plan and had the entire property leased to various tenants including a car wash user. In addition, to make the development more palatable to the Planning Board and Council, we incorporated the Germantown Town Center Streetscape in our plan, and screened the entire Route 118 frontage with a fully landscaped berm. It was all to no avail, the Master plan process proceeded to roll over us and the zoning was changed to C-T (Commercial Transitional).

The argument that we were book ended by C3 on each side (Pizza Hut to the North and Mexican Restaurant and Auto Body to the South) was deemed as irrelevant. Just because the horse was out of the barn, with existing C3 uses in the Town Center before the Master Plan, was no reason not to fix it now. This was incredibly difficult medicine to swallow but we understood in principle, and expected this reasoning to be upheld for all properties in the Town Center. As a matter of fact in the Final Draft Comprehensive Amendment to the Germantown Master Plan, Analysis areas TC-3 (our property) and TC-4 (the G-799 subject property) were lumped together. And I quote.

**Analysis Area TC-4**

"This analysis area is located northeast of Wisteria Drive, between Walter Johnson Drive and relocated MD 118. The plan notes that this area as is TC-3, is inappropriate for its existing C-3 zoning. The plan notes that C-3 zoning is inappropriate along this visually important portion of MD 118 in the Town Center and recommends base zoning of C-5 with a designation of suitability for the C-T zone.

The Planning Staff, County Council, and the County Executive all agreed with this recommendation.

Another problem with this Application G-799 is the obvious mistakes in the traffic study, which was used to determine peak hour trip generation and proposed traffic mitigation. According to the application the traffic study took place at the "Flagship Carwash" in Rockville on June 10, 2002. The traffic engineers proceeded to count the cars entering and leaving the Automatic wash and the Self-Wash bays separately. They then tabulated the results and adjusted the Self-Wash bays traffic to account for the fewer bays in the subject property. The problem is they transposed the numbers! The much higher figures of the Automatic Wash (the main traffic generator by far) were placed into the incorrect Self-Wash bays column and reduced by a large factor. This changes the traffic study completely. I also note that the "Flagship Carwash" in Rockville, which is a similar size to the subject property, has over double the proposed car stacking room as the G-799 application does. In addition the manager of the "Flagship Carwash" in Rockville, Mr. Richard Meddings, told us that on a normal day they have 25 employees working. Which leaves the traffic study and the parking analysis woefully incorrect.

What really upsets us is that the one thing that normally can be counted on in Montgomery County is consistency in the planning process. Yes, the process is difficult, but normally the rules and methodology are fairly enforced and consistent across the board. How this property in the Town Center can even be considered for C-3 zoning is amazing, especially in light of its location next to a public park and directly across the street from the Germantown Community Center. The master plan was worked on for over 20 years, and the process worked, for it to be changed now is unfair and completely shortsighted.

Sincerely,

Germantown Partnership  
Donna Aubinoe  
Alvin L. Aubinoe

Cc: Larry Bulman esq.  
Germantown Partners  
Park and Planning

Enclosure