

MARC -

SM # 207475

13213 Brackley Road
Silver Spring, Maryland 20904

May 22, 2003

MAY 27 2003

Mr. Richard Brush, Manager
Water Resource Division, Land Development
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

Re: Case No. S-2577
Hearing Date, June 25, 2003

Dear Mr. Brush:

My husband and I are long time residents of Tamarack Triangle. It has very recently come to our attention that an individual name Al Toler, (d.b.a. Toler Funeral Home) has petitioned to establish a funeral home at 900 E. Randolph Road, referenced above.

The proposed location for this funeral home is a densely populated residential area. We, as well as other residents of this area, are deeply disturbed by this prospect because it threatens the health, safety, and comfort of our surrounding. The special exception that the applicants has requested will create the following:

1. A Violation of the Zoning Code. -The proposed property is in an area zoned R-90. It is bordered on all sides by private residence. And the land form slopes downward toward adjacent homes. Additionally, the applicant proposes to construct 28 parking spaces on this property. A covered concrete or gravel area of this size will create an impervious condition for natural drainage, effect the quality of the water, and cause problematic water run-off conditions to adjoining property.

2. Traffic Congestion - The location of the proposed funeral home is located at the intersection of two very busy streets, (East Randolph and Fairland Roads). This has already proven to be a very dangerous intersection for automobiles and pedestrians. East Randolph and Fairland Roads are the main interconnectors for traffic proceeding to and from I-95 and I-495 (east or west) to the I-270 corridor. To exit onto Fairland Road from the concerned property would create several dangerous situations because (1) the driveway would be too close to the intersection, (2) there is a hill/dip on Fairland Road near the proposed site that presents a blind view of approaching oncoming traffic going toward Randolph Road, and (3) Fairland nor Randolph Road permits parking on the side of the road. Any overflow parking at the funeral

ATTACHMENT 1

2.

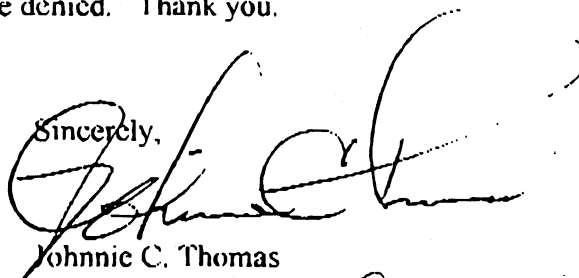
home site will result in parking in the surrounding residential areas. The creation of a commercial business will only add to the already overburden streets and further jeopardize pedestrian safety.

3. Added Pollution, - The pollution created by the extra traffic entering and existing this business will add to the air pollutants that are already an issue of concern. These pollutants are detrimental to the health and well being of people, animals, plants and marine life in the Paint Branch stream. Pollutants created in the form of gas, smoke, dust and odors will also effect the quality of air both indoors and outdoors. The exception pending signs states that cremations services will also be provided. The emittance of chemicals used in the preparation of a deceased person can escape into the atmosphere through windows, door vents, and poorly maintained equipment, such as fluid injection machines and leaking embalming tanks. Liven pollutants created by the proposed modifications to the existing building and the preparation of parking spaces can become airborne and create an air quality problem.

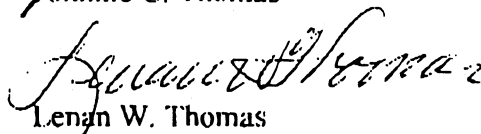
We believe that the construction/modification and operation of a funeral home in this residential area will violate county, state and federal pollution control regulations; interfere with water run-off and the quality of water in this area; create more traffic congestion; lower property value and severely affect the health, welfare, comfort and convenience of the residents of Tamarack Triangle and surrounding areas. The physical activity of such a business establishment will adversely effect the emotional status of residents, many of whom are very young and/or very old.. The illumination of signs will create an adverse effects and alter the residential nature of this community.

We respectfully request that the petition be denied. Thank you.

Sincerely,



Johnnie C. Thomas



Lenan W. Thomas



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 31, 2003

Robert C. Hubbard
Director

Ms. Joanne Cheok
Dewberry & Davis LLC
804 West Diamond Avenue
Gaithersburg, MD 20878

Re: Stormwater Management **CONCEPT** Request
for Hull Property - Toler Funeral Home
Preliminary Plan #: Pending
SM File #: 207475
Tract Size/Zone: 3.2 acres / R-90
Total Concept Area: 3.2 acres
Parcel(s): P69
Watershed: Paint Branch

Dear Ms. Cheok:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **unacceptable**. The stormwater management concept consists of on-site water quality control via construction of two Montgomery County Sand Filters (MCSF's). Channel protection volume was not considered to be required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval, which incorporates the following items:

1. Due to severe erosion below the existing outfall south of the intersection of Randolph Road and Burkhart Street, channel protection volume (Cp_v) must be provided for any development on the subject property.
2. Overbank flood protection (Qp_{10}) and extreme flood volume (Q_r) will be required unless a watershed analysis shows that this would cause a deleterious condition due to timing. Please submit a watershed analysis showing the effect of overbank flood protection and extreme flood volume on the receiving stream channel.
3. Downstream notifications must be sent, using our standard notification letter, to the owners of the adjacent homes along Bea-Kay Drive, and to owners along Burkhart Street at least 500-feet below the subject property.
4. Is there a floodplain located on the subject property?
5. Please show the existing storm drain line and the existing inlets on the subject property.
6. Water quality facilities must be fed via flow splitter. Show proposed grading for the facilities. Do not force additional flows onto adjacent properties.
7. Recharge requirements must be met for the subject property, since the proposed development will be considered "new" development.



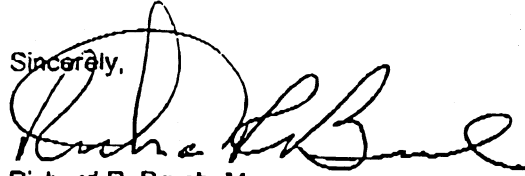
ATTACHMENT 2

- 8. For information on stream conditions below the storm drain outfall, you may wish to speak with Dan Harper (MCDEP) at 240-777-7709.

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

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

Sincerely,



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

RRB:dm mce

cc: SM File # 207475

QN - Denied: Acres:
QL - Denied: Acres:



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 25, 2003

Robert C. Hubbard
Director

Joanne M. Cheek, P.E.
Dewberry
804 West Diamond Avenue, Suite 200
Gaithersburg, Md 20878-1414

Re: Floodplain Study Review for Hull
Property-Toler Funeral Home at
900 E. Randolph Rd, Silver Spring
Special Exception S2577
Floodplain Number: 208394
SM Concept Number: 207475
Watershed: Paint Branch

Dear Ms. Cheek:

I have received the expedited review fee on June 23, 2003 at 2.00 p.m. and reviewed the information submitted on June 19, 2003 for the above named 100-year floodplain study. My comments are as follows:

1. Additional river stations (cross-sections) must be added to the Hec-Ras Study Analysis and begin at the property line at Fairland Road extending to the property line at Randolph Road. The 4 stations are inadequate, and additional stations must be field verified. The entire floodplain limits will be required for the record plat.
2. Please check and verify labeling of location of station numbers 1 and 2 on plans.
3. One continuous Hec-Ras run from Fairland Rd to Randolph Road is required.
4. Verify the "n" values chosen for the analysis.
5. The partial obstruction to the 100-year flowpath caused by the two existing homes in Bea-Kay Drive, adjacent to this property must be analyzed. Their impact will change the floodplain on this property near the on-site low point mentioned in the study. It appears that the floodplain limits on the Hull Property should also move towards the building as a result of the two homes and Randolph Road.
6. Determine the backwater effect due to Randolph Road crossing and plot this effect on the Hull Property.
7. Please label the 100-year floodplain limits and the 25 Ft. FPBRLs on the plans.



ATTACHMENT 3

Page 2 of 2

8. Provide an Input and Output Data Summary pages for the Hec-Ras Analysis and all the revisions incorporated in the Revised FP Study submittal.
9. The Revised Study and revised 100-year Floodplain Plan must be Professionally Scaled and signed by a Professional Engineer (P.E.) when resubmitted to DPS.
10. A Floodplain District Permit (FPDP) would be required for encroachment of any appurtenances (driveway, parking, SWM facilities) within the Floodplain District. Further revision to the FP Study could be necessary if any proposed structures not shown now were to significantly impact the computed 100-year Floodplain delineation. The study should be coordinated with the stormwater management concept review assigned to Mark Etheridge of this office.

Please address the above comments at your convenience and resubmit the additional information for further review of this project. If you need to contact me, please call (240)-777-6341.

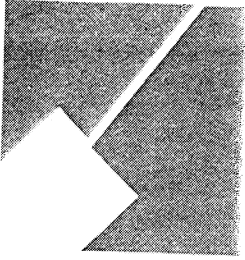
Sincerely,



Granville L. Campbell, Permit Specialist
Water Resources Section
Division of Land Development Services

GLC: fp.rev.208394Hull/Toler.

CC: Marion Clarke, MNCPPC
Rick Brush, Manager DPS
Mark Etheridge, DPS
Christina Contreras, DPS
Floodplain No.:208394
SWM Concept No.: 207475



Revised June 27, 2003
~~June 4, 2003~~

MEMORANDUM

TO: Joel Gallihue, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning

SUBJECT: Special Exception Case No. S-2577
Hull Property/Toler Funeral Home
900 East Randolph Road, Silver Spring
Fairland/White Oak Policy Area

This memorandum presents the Transportation Planning staff's Adequate Public Facilities (APF) Ordinance review of the above Special Exception Case for the operation of a funeral parlor or undertaking establishment at the above property in an R-90 Zone, within the Fairland/White Oak Policy Area. Funeral homes are a permissible Special Exception use within the R-90 Zone.

RECOMMENDATION

The Transportation Planning staff does not support approval of the above Special Exception use because the application does not conform to the following:

1. Frontage upon and access to a street or roadway having more than one through travel lane in each direction of travel (per Sec. 59-G-2.23 (b)(6) of the Montgomery County Zoning Ordinance).

DISCUSSION**Site Location and Access**

The Hull property is located within the northeast quadrant of the intersection of East

Randolph Road and Fairland Road/Octagon Lane, which is traffic signal controlled. Currently, the property is developed with a single-family home, and has full-access to Fairland Road approximately 100 feet from East Randolph Road.

East Randolph Road is a six-lane divided major highway to the west of Fairland Road and a five-lane arterial (with two travel lanes in each direction and a center two-way left-turn lane) to the east of Fairland Road. Fairland Road is a two-lane roadway to the north of East Randolph Road, and has a separate right-turn lane approaching East Randolph Road. In the vicinity of the site, both East Randolph Road and Fairland Road have four-foot sidewalks. The section of East Randolph Road to the west of Fairland Road has an eight-foot wide Class I bikeway to its north side. Metro and Ride-On bus routes serve East Randolph Road.

The March 2003 site plan (revised ~~June 19~~ May 21, 2003) for the Special Exception use indicates that the existing access to the property off Fairland Road will be closed and removed ~~used as an inbound only one-way roadway.~~ Alternatively ~~Additionally~~, a full-access driveway is proposed to the property off Fairland Road approximately 360 feet north of East Randolph Road. Since access to the Special Exception use is proposed off the two-lane Fairland Road, the application does not conform to Sec. 59-G-2.23 (b)(6) of the Montgomery County Zoning Ordinance, which requires that the site have frontage upon and access to a street or roadway having more than one through travel lane in each direction of travel. However, if the Special Exception use is approved, it is recommended that the applicant coordinate the location and design of the proposed access driveway to Fairland Road with the Montgomery County Department of Public Works and Transportation (DPWT).

A 2025-foot wide roadway is provided within the site for internal traffic circulation. Parking for the proposed use will be located to the eastwest (to the rear of the buildingside of Fairland Road) and south (to the side of East Randolph Road) sides of the property. The site plan for the Special Exception use indicates that 27 parking spaces will be provided on the property, an amount adequate for the proposed use.

The proposed use will not adversely affect pedestrian or bicyclist accessibility or safety.

Master Plan Roads, Bikeways, and Pedestrian Facilities

According to the 1997 Approved and Adopted White Oak Master Plan, the nearby master-planned roadways and bikeways are as follows:

1. East Randolph Road is designated as an east-west Major Highway (M-75), with a right-of-way of 120 feet between New Hampshire Avenue (MD 650) and Fairland Road. The roadway is designated as an Arterial (A-98) to the east of Fairland Road, with a right-of-way of 80 feet. East Randolph Road is currently built to Master Plan cross-section, and has a Class I bikeway (EB-5) to the west of Fairland Road and a Class III bikeway (PB-20) to the east of Fairland Road. Sidewalks are also provided along the roadway.

2. Fairland Road is designated as an Arterial (A-75), with an 80-foot right-of-way, four lanes, and a Class II bikeway (EB-6) in the Master Plan. Sidewalks are provided on both sides of Fairland Road near East Randolph Road. Fairland Road is not currently built to the Master Plan cross-section.

If this Special Exception use is approved, at the time of subdivision review, the applicant will need to dedicate adequate right-of-way along East Randolph Road and Fairland Road to provide 40-feet of right-of-way from the respective roadway centerlines.

Local Area Transportation Review (LATR)

The proposed Special Exception use will retain and convert the existing single-family dwelling on the site to a funeral home, with no on-site chapel. Deceased individuals will be brought to the facility from the location of their demise and prepared as necessary. Funeral processions are not planned to start at this location. Two viewing rooms are proposed within the funeral home for the use of the immediate family for initial viewing. The hours of operation on weekdays are proposed to be between 9:30 a.m. and 4:00 p.m. and between 7:00 p.m. and 9:00 p.m. A total of six employees are proposed for the funeral home.

The transportation consultant for the proposed Special Exception use presented a traffic statement (dated April 7, 2003), which documented that the use as proposed (without a discount for the existing residential use on site) will generate no more than five peak-hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. Since weekday peak period site-generated trips are fewer than 50 total peak-hour trips, a traffic study is not required for the proposed use (to analyze congestion levels at nearby intersections and to satisfy LATR).

Policy Area Transportation Review/Staging Ceilings

Based on the FY03 Annual Growth Policy transportation staging ceilings, there is capacity available for 3,339 additional jobs (as of May 31, 2003) in the Fairland/White Oak Policy Area.

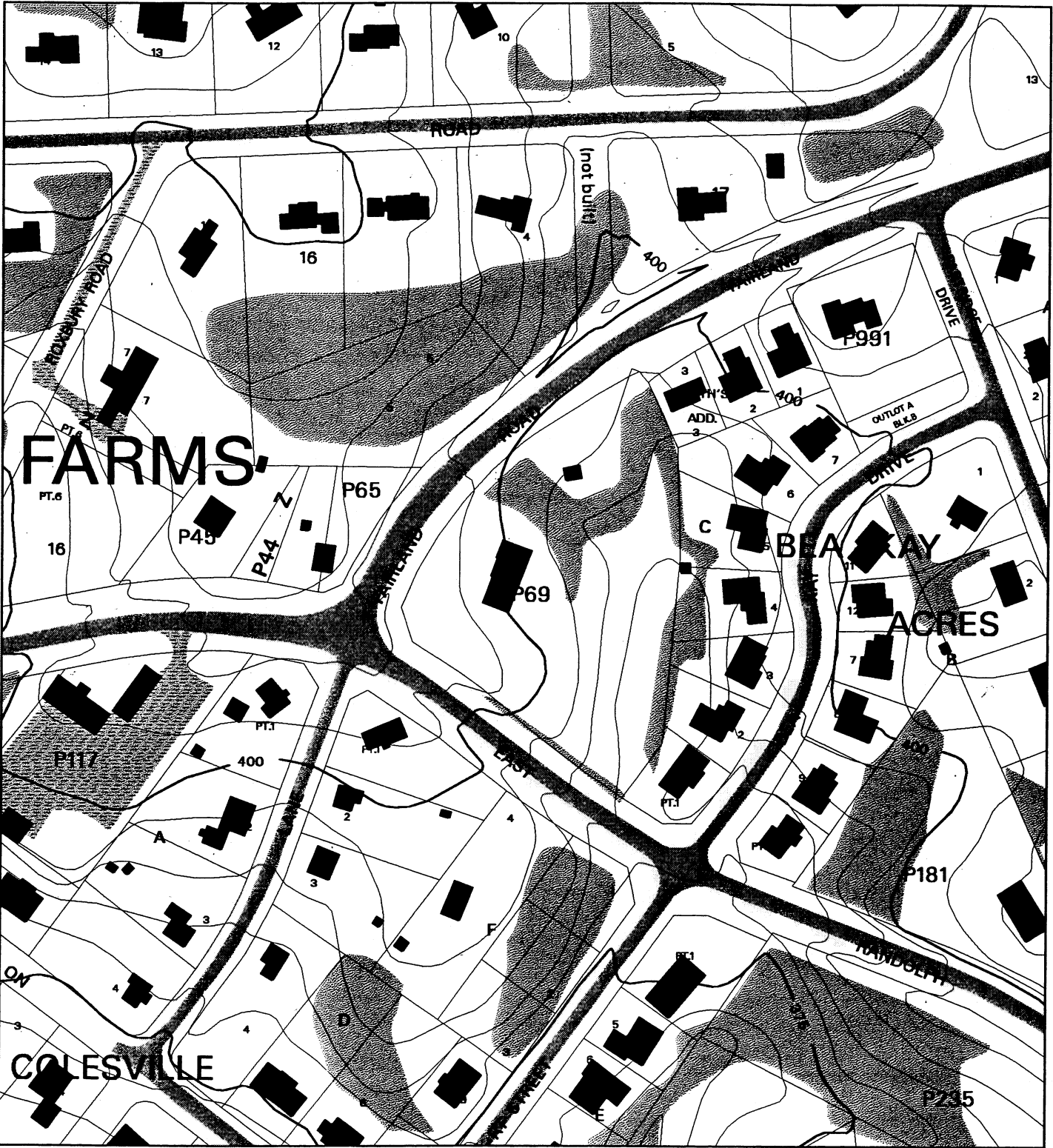
CE:ct

cc: Ed Axler
Lee Cunningham
Greg Leck
Mary Goodman

revised mmo to gallihue re s-2577 toler.doc

VICINITY MAP FOR

S-2577 TOLER FUNERAL HOME



Map compiled on June 27, 2003 at 12:38 PM | Site located on base sheet no - 217NE01

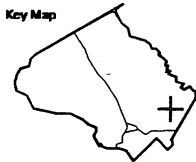
NOTICE

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

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Key Map



Research & Technology Center



1: 2400

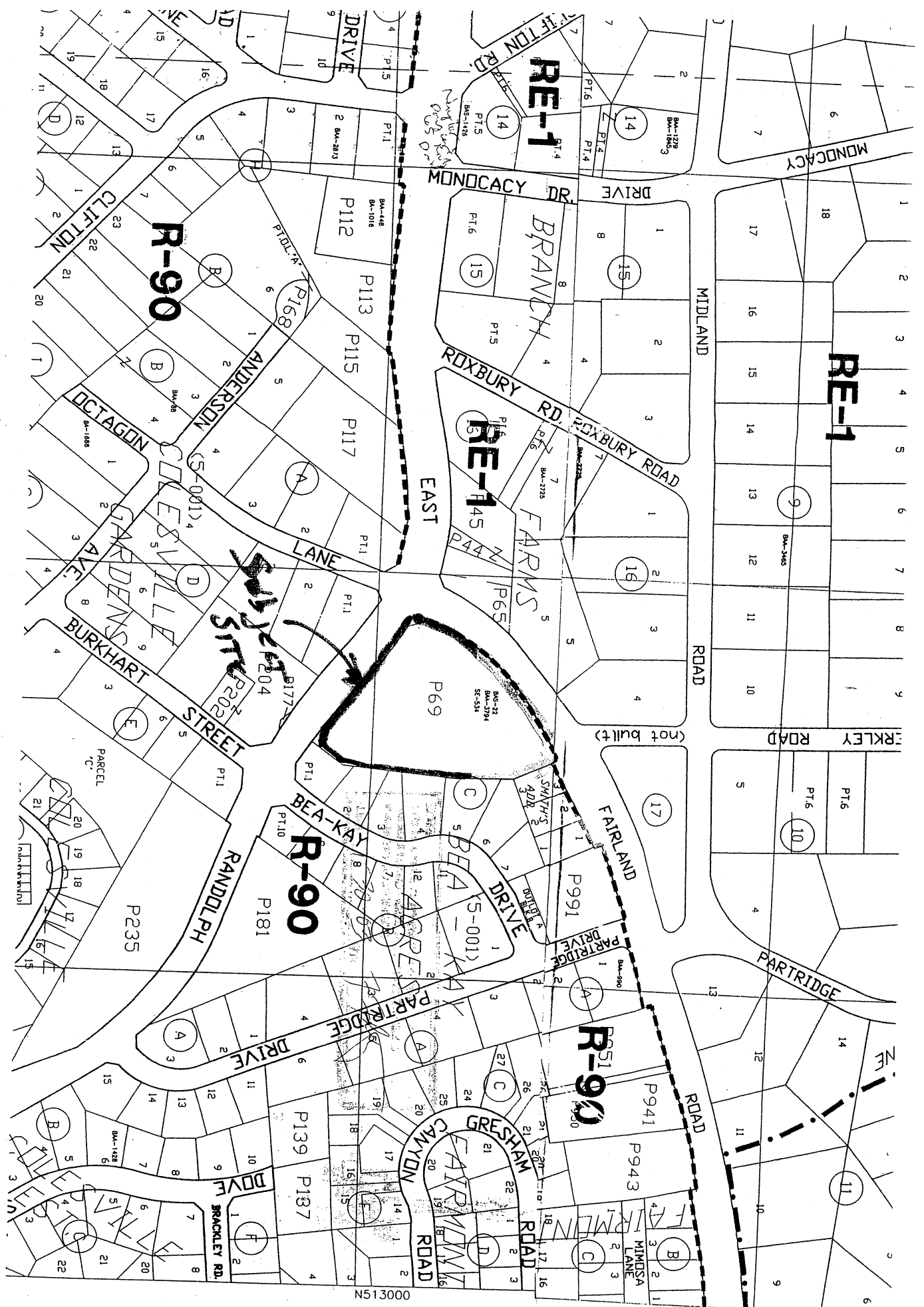
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Electronic means such as "digitizing, scanning, and image processing, or by any system now known or to be invented, without permission in writing from the Montgomery County Planning Department.

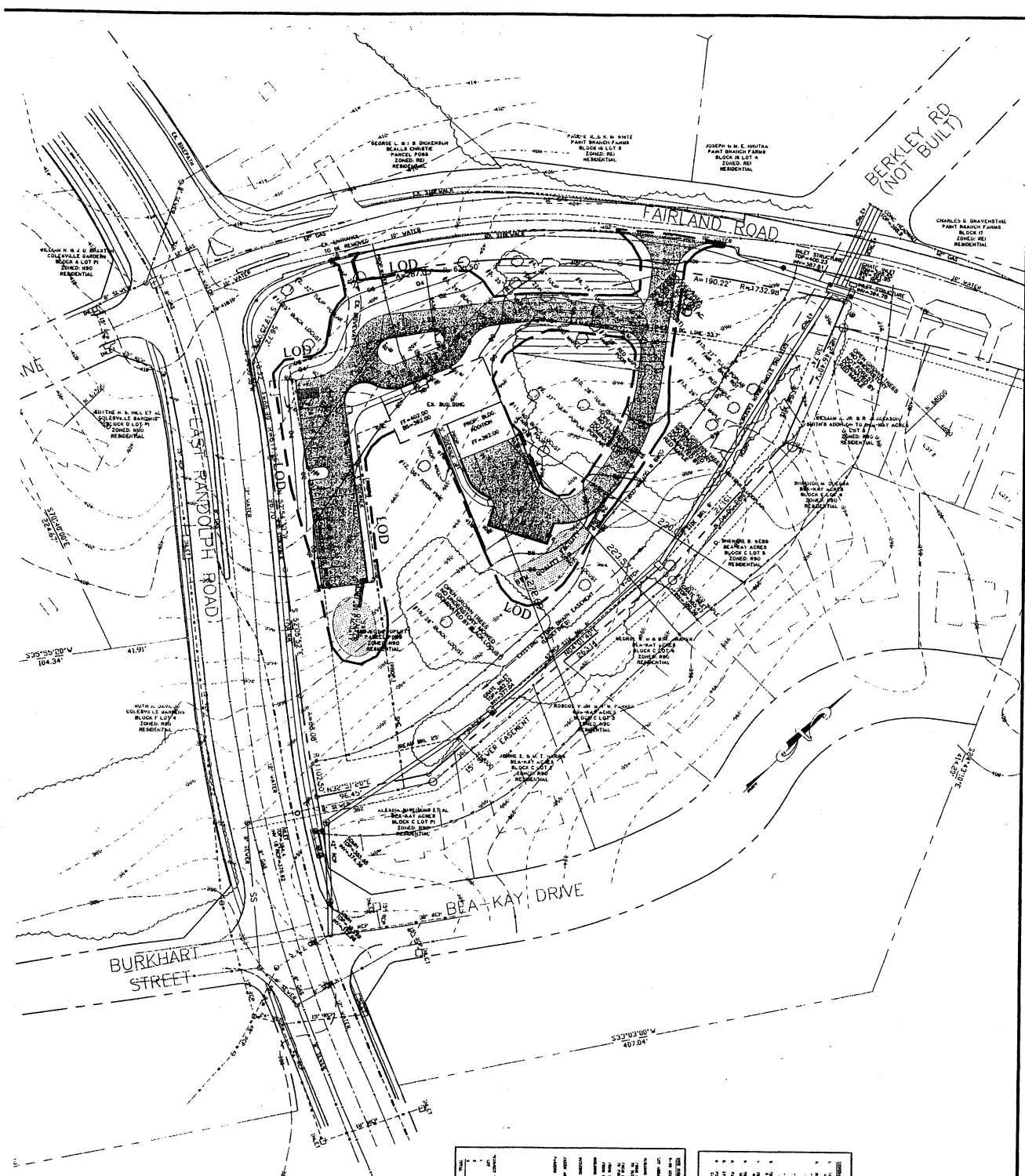
on is commented. Montgomery

boundaries. Generally, rights-of-way are zoned in accordance with zoning. Where zoning differs on each side of a right-of-way, the more restrictive zone. Where the right-of-way, but a prescriptive easment exists, zoning is



N513000

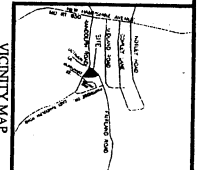
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NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	11-11-11	JLD
2	REVISED	11-11-11	JLD
3	REVISED	11-11-11	JLD
4	REVISED	11-11-11	JLD
5	REVISED	11-11-11	JLD

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	11-11-11	JLD
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3	REVISED	11-11-11	JLD
4	REVISED	11-11-11	JLD
5	REVISED	11-11-11	JLD

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CLIENT IS ADVISED THAT THIS PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE AND THAT THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CLIENT IS ADVISED THAT THIS PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE AND THAT THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.



SITE PLAN FOR SPECIAL EXCEPTION
HULL PROPERTY
TOLER FUNERAL HOME

OWNER
 RICHARD S. HULL
 1415 W. MARKET AVENUE
 SILVER SPRING, MD 20910

LEGAL DESCRIPTION	ACRES	REMARKS
...

Dewberry
 Dewberry & Davis L.L.C.
 804 West Elmwood Avenue, Suite 200
 Glenborough, MD 20878-1414
 (301) 948-3300 Fax: (301) 236-7607

Landscape Architects
 www.dewberry.com