

May 24, 2005

**MEMORANDUM**

TO: Mary Beth O'Quinn  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator  
Transportation Planning  
301-495-4525

SUBJECT: Site Plan No. 8-05022  
WesTech Village Corner  
Proposed Lots 38 and Lot 39 (Existing Parcel CCC, Lot 36 and Outlot L)  
Tech Road, Broadbirch Drive and Prosperity Drive  
Fairland/White Oak Policy Area

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This memorandum summarizes Transportation Planning staff's Adequate Public Facilities review of the subject Site Plan to build a 44,000 square-foot "Restaurant Park" consisting of restaurants, general retail, and a bank on proposed Lots 38 and 39, within the northeast quadrant of Columbia Pike (US 29) and Tech Road. The Restaurant Park site is located within the US 29/Cherry Hill Employment Overlay Zone, within the Fairland/White Oak Policy Area.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this Site Plan:

1. Limit development as part of the subject Site Plan to a 44,000 square-foot Restaurant Park, or the equivalent of 176,000 square feet of general office.
2. Participate in the traffic mitigation program for the entire WestFarm Technology Park to satisfy the WestFarm Traffic Mitigation Agreement, dated October 11, 1994.

3. Upgrade the existing four-foot wide sidewalk along Tech Road (along property frontage) to a five-foot wide sidewalk with tree panel.
4. Provide adequate sidewalks, handicapped access ramps, and crosswalks both on- and off-site in coordination with the Montgomery County Department of Permitting Services. The sidewalk ramps should meet Americans with Disabilities Act Best Practices.
5. Install a bus shelter either on Tech Road or on Broadbirch Drive in coordination with the Montgomery County Department of Public Works and Transportation/Division of Transit Services.

## **DISCUSSION**

### Site Location, Building Layout, Vehicular Access and Pedestrian/Transit Facilities

The site, consisting of existing Parcel CCC, Lot 36, and Outlot L, is located within the northeast quadrant of US 29 and Tech Road. Vehicular access to and from the Restaurant Park is proposed from Tech Road (one access point), Broadbirch Drive (two access points) and Prosperity Drive (one access point). The proposed 44,000 square-foot Restaurant Park will consist of four restaurant pads, two buildings with multiple retail uses and a bank building.

Several Metrobus Z-routes and a C-route, and RideOn route 10 serve this area and have stops along Broadbirch Drive and Tech Road. Land use mix in the area immediate to the site includes office, commercial, industrial and warehousing.

### Master Plan Roadways and Pedestrian/Bikeway Facilities

According to the 1997 Approved and Adopted *Fairland Master Plan*, the nearby master-planned facilities include:

1. Tech Road, which is designated as a four-lane Commercial Business District Street (B-6) between Old Columbia Pike and US 29, and designated as a four-lane Industrial Road (I-11) between US 29 and approximately 1,600 feet southwest of Industrial Parkway, with a minimum right-of-way width of 80 feet.
2. Broadbirch Drive, which is designated as a four-lane Industrial Road (I-9) between Tech Road and Cherry Hill Road, with a minimum right-of-way width of 80 feet and a planned Class II bikeway (PB-65).
3. Prosperity Drive, which is designated as a four-lane Commercial Business District Street (B-2) between Industrial Parkway and Cherry Hill Road, with a minimum right-of-way width of 80 feet, and a planned Class II bikeway (PB-60). Prosperity Drive is currently marked as a two-lane roadway (though built to four lane width), and has sidewalks on both sides along its northern section near Cherry Hill Road.

4. Columbia Pike (US 29), which is designated as a six-lane Controlled-Major (CM-10) Highway within the Master Plan boundary, with a minimum right-of-way width of 100-200 feet. US 29 is currently built as a six-lane divided highway, with shoulders on both sides of the roadway. The Master Plan recommends constructing interchanges at all existing roadway crossings along US 29, including a Class I commuter bikeway facility along US 29 between MD 198 in Burtonsville to the north and Industrial Parkway to the south that will minimize bicycle/vehicle conflicts at the interchanges. Bikeways and sidewalks also are recommended in the design of all cross-street bridges over US 29. There are no sidewalks along US 29.

#### Nearby Transportation Improvement Projects

The Maryland State Highway Administration's (SHA) Consolidated Transportation Program includes the following nearby projects:

1. US 29/East Randolph Road/Cherry Hill Road Interchange: This single-point urban diamond interchange is under construction and is approximately 69% complete as of April 2005. The estimated completion date for the project is fall 2005.
2. US 29/Tech Road/Industrial Parkway Interchange: Given the significant changes to current and future land uses in the area of the proposed interchange since the time of the initial project planning studies for the US 29 corridor, SHA is currently in the process of revising/updating its preliminary design plans for this future interchange based on more current development plans, which will likely cause a revision to the current design. The project is currently funded for planning/preliminary design only. As part of the subject Site Plan review, though it was noted that there is no current funding for right-of-way, utility relocation or construction of the interchange, SHA has indicated that the proposed interchange at this location could potentially have some right-of-way impacts on the site at some time in the future. Staff acknowledges SHA's comments related to this and recommends continued coordination between the applicant and the SHA on the ongoing design efforts for this interchange.

#### Local Area Transportation Review

With the approval of Preliminary Plan No. 1-91039 for all of the original WestFarm I-3 lots and the approval of Preliminary Plan No. 1-91038 for all of the original WestFarm I-1 lots (both approvals extended to July 31, 2009, by the Planning Board at its November 4, 1999, public hearing), a traffic study for this Site Plan to analyze the traffic impact at nearby intersections (per the *Local Area Transportation Review Guidelines*) is not required. However, the applicant is required to submit a traffic statement stating that the density currently proposed on the I-3/I-1 zoned parcels does not exceed the previously approved general office density ceiling. The applicant's consultant submitted a traffic statement dated December 10, 2004, documenting the above. (See Attachment No. 1; Letter from David A. Nelson, P.E.).

As established by the WestFarm Development Administration Agreement dated May 11, 1990, (and considering Site Plan No. 8-04001 in place of Site Plan No. 8-04002), currently, there is approximately 393,237 square feet of total, and 30,408 square feet of GBLLC-owned remaining approved I-3 zoned density for those properties subject to the 1990 Agreement. Similarly, as established by the WestFarm Trip Reduction Agreement dated May 15, 1990, (and considering Site Plan No. 8-04001 in place of Site Plan No. 8-04002), currently, there is approximately 690,558 square feet of total, and 258,297 square feet of GBLLC-owned remaining approved I-1 zoned density for those properties subject to the 1990 Agreement.

To determine the I-1 office density “draw-down” associated with the subject Site Plan, the total weekday evening peak hour trips for the site with the retail/restaurant components were compared with that for an equivalent general office density. After accounting for “pass-by”/“diverted”/“linked” trips associated with the proposed retail and restaurant uses on the site, staff determined that the proposed uses on the site would generate evening peak hour trips that are generally equivalent to that generated by a 176,000 square feet office use. Based on the above analysis, and with a credit for the 24,899 square feet for the existing International Fabricare Institute office building on the site (being demolished as part of this Site Plan), the “draw-down” associated with the subject Site Plan was set at 151,101 square feet (176,000 – 24,899 square feet) of general office. This indicated that there is adequate remaining approved I-1 zoned density available for the required “draw-down” for the subject Site Plan (see Attachment No. 2; Letter dated January 31, 2005, from William Kominers, Esq.).

CE:gw  
Attachments

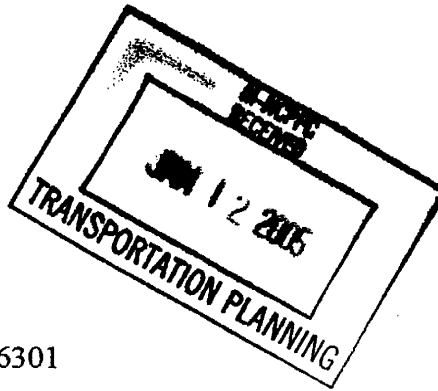
cc: Ed Axler  
Mary Goodman  
Cathy Conlon  
Piera Weiss  
Greg Leck  
Greg Cooke  
John Borkowski  
Melinda Peters  
Sande Brecher  
Howard Benn  
Bill Kominers, Esq.  
Dave Nelson

mno to mboq re restaurant park 8-05022.doc



December 10, 2004

William Kominers  
Holland & Knight, LLP  
Suite 800  
3 Bethesda Metro Center  
Bethesda, Maryland 20814-6301



Re: WesTech Business Park  
Restaurant Park

8-05022  
DEC = 1/31/05

Dear Mr. Kominers:

Per your request, Street Traffic Studies, Ltd has conducted a review of the proposed restaurant park located in the I-1 zone along the north side of Tech Road between the intersections of Prosperity Drive and Broadbirch Drive in the WesTech Business Park, formerly the West\*Farm Technology Park.

From a transportation perspective, the review of the subject application typically concentrates on trip generation and traffic impacts.

The existing WesTech project, through a series of previous applications and approvals, has a vested right to develop based on a 0.4 FAR for all ground within the subdivision pursuant to the Traffic Reduction Agreement - WestFarm I-1 Zone Sector, with trip generation limits established based on the current office trip generation rates of  $(1.70 (A) - 8) = T$ , morning peak hour and  $(1.44(X) + 20) = (T)$ , evening peak hour). Therefore, as long as the proposed development densities are within the approved limits for the site, the project APF approvals are applicable to the proposed project.

Based on a series of meeting and studies conducted by our office and the M-NCPPC Transportation staff, a summary letter was drafted, dated August 17, 2004 (a copy of which is attached) detailing a conversion rate of 4:1 between the approved office density on the project and the proposed restaurant and retail development currently planned for the site. While we concur with the findings summarized in the letter, we acknowledge that the conversion rate is based on trip generation rates contained in the current ITE manual that may be subject to further study. Specifically, it is expected that the bank trip generation rates that were used, which reflect the current manual, may not accurately reflect the current trip characteristics accounting for the increase in internet banking, ATM use, etc and therefore may be too high. For that reason, we believe the 4:1 conversion rate reflects a worst case

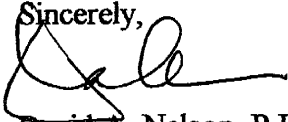
William Kominers  
December 10, 2004  
Page Two

estimate that should be subject to further review and potential reduction as new data becomes available.

Therefore, based on the studies conducted by our office and that of the M-NCPPC, the proposed retail / restaurant park development would correspond to currently approved office density at the calculated 4:1 conversion rate (ie: one square foot of retail restaurant space equals 4 square feet of office space).

If you have any questions or require further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Nelson', written over a horizontal line.

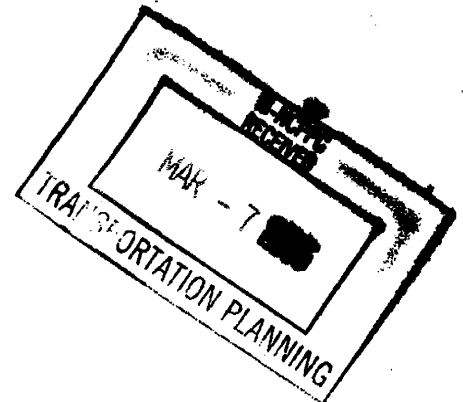
David A. Nelson, P.E.  
President

William Kominers  
301 215 6610  
william.kominers@hklaw.com

March 4, 2005

Mr. Shahriar Etemadi  
Transportation Planning Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Mr. Cherian Eapen  
Transportation Planning Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910



Re: Site Plan No. 8-05022 (WesTech Village Corner)

Gentlemen:

In accordance with our discussion on March 2, 2005, please find enclosed a copy of the letter which I delivered to Mary Beth O'Quinn during the DRC meeting on January 31, 2005, regarding the allocation of density for the uses at the proposed Restaurant Park. This letter indicates the amount of approved or built and removed development density which is to be allocated to the Restaurant Park and how much will then remain available to the I-1 Zone Sector of WesTech under its existing Preliminary Plan approval.

Please contact me if you have any questions on this material.

I appreciate your concurrence with the fact that additional right-of-way dedication cannot be required at this time.

Very truly yours,

HOLLAND & KNIGHT LLP

William Kominers

Enclosure

cc: Mr. Christian Chambers  
Mr. Raymond MocarSKI  
Mr. Richard Martin

January 31, 2005

VIA HAND DELIVERY

Ms. Mary Beth O'Quinn  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Site Plan No. 8-05022 (WesTech Village Corner)

Dear Ms. O'Quinn:

The purpose of this letter is to set forth the information you requested concerning the remaining available density in the I-1 Zone Sector at WesTech Business Park ("WesTech"). This letter will also explain the allocation of that available density to the proposed uses at the Restaurant Park that is the subject of the above-referenced Site Plan.

Under the current active APF approval (Preliminary Plan No. 1-91038), the I-1 Zone Sector of WesTech was authorized for a total development density of 1,313,921.2 square feet of office use. At the time of that approval, buildings totaling 542,010 square feet had already been constructed. Since that time, 513,614 square feet of development density has been allocated to parcels within the I-1 Zone Sector. This results in a total amount allocated of 1,055,624 square feet (not all of this square footage has actually been constructed). As a result, there is currently remaining a total of 258,297.2 square feet available for allocation under Preliminary Plan No. 1-91038. (See chart attached.)

Site Plan No. 8-05022 also encompasses the property containing the former International Fabricare Institute Building ("IFI Building"). The IFI Building will be demolished as a part of the Site Plan. The IFI Building consists of 24,899 square feet of office use.



Ms. Mary Beth O'Quinn

Page 2

January 31, 2005

The Site Plan for the proposed Restaurant Park contains 44,000 square feet of retail and retail/commercial use. This is to be converted from office square footage at a ratio of four (4) square feet of office for one (1) square foot of retail. Thus, the 44,000 square feet of retail and retail/commercial use translates in 176,000 square feet of office use.

The remaining available office density is therefore applied as follows. The 176,000 square feet needed is first reduced by applying the amount of the IFI Building (24,899). This leaves 151,101 required. That amount is then deducted from the density remaining available under the Preliminary Plan No. 1-91038 (258,297.2 minus 151,101) leaving a total of 107,196.2 square feet remaining available for future development in the I-1 Zone Sector at WesTech.

I hope the foregoing explains the source and use of density in each instance.

Please contact me if you have any questions on this matter.

Very truly yours,

HOLLAND & KNIGHT LLP



William Kominers

Enclosure

cc: Mr. Christian Chambers  
Mr. Ray MocarSKI  
Mr. Richard Martin  
Ms. Piera Weiss  
Ms. Vic Bryant

# 2581011\_v1

AVAILABLE DENSITY

WesTech Approved Density (Preliminary Plan No. 1-91038)		1,318,921.2
Existing Buildings at time of Preliminary Plan	(542,010)	
Subsequent Density Allocations	513,614	
	<hr/>	
Total Allocated and/or Built	(1,055,624)	<u>(1,055,624)</u>
Remaining Available		258,297.2

USE OF DENSITY

Available Density		258,297.2
Proposed Retail and Retail/ Commercial Use	44,000	
Convert at 4-1 ratio (office to retail)	176,000 required	
Apply IFI Building Removal	(24,899)	
	<hr/>	
Remaining office equivalent to deduct	151,010	<u>(151,010)</u>
Remaining Available Density after Site Plan		107,196.2

May 25, 2005

**TO:** Mary Beth O'Quinn, Development Review Division

**FROM:** Candy Bunnag, Environmental Planner,  
Countywide Planning Division

**SUBJECT:** Westech Village Corner, Site Plan No. 8-05022

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#### **RECOMMENDATION**

Staff recommends approval with the following conditions:

1. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to issuance of first building permit or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits.
2. Location of 2.22 acres of offsite reforestation or forest bank site to be reviewed and approved by M-NCPPC staff prior to issuance of first building permit.
3. Prior to release of first building permit, applicant to demonstrate compliance with all Maryland Department of the Environment requirements related to hazardous chemical remediation on the site.

#### **DISCUSSION**

The 8.54-acre site lies within the Paint Branch watershed (Use III). About 2.16 acres of forest exist on the site. There are no streams, wetlands, floodplains, or environmental buffers on the site.

The Maryland Department of the Environment (MDE) has required monitoring and remediation work since the 1990's to remove tetrachloroethylene. This is a hazardous chemical that was generated from the dry-cleaning-related activities at the International Fabricare Institute, which had been located on this site. MDE authorized the shutdown of the remediation system in April, 2003, but monitoring of the

groundwater continues. The applicant has submitted a proposal to MDE to scale back the groundwater monitoring program. MDE is reviewing the proposal at this time. In addition, the MDE project manager has indicated to staff that the proposed site plan would not cause any conflicts or concerns with any requirements MDE may impose to continue groundwater monitoring on the subject site. MDE has indicated that it can work with the proposed site plan to locate any future groundwater monitoring wells. It is undetermined at the time of this staff memorandum whether a vapor barrier as part of building construction will be required at the state or county level.

Based on data generated from soil and groundwater monitoring, MDE has determined that the levels of contaminants in soil and groundwater in the area influenced by the remediation system have reached asymptotic levels and further treatment will not be effective. Based on this determination, MDE will allow the remediation system to be removed. Continued monitoring will continue to track the levels in soil and groundwater and assure conditions remain stable. MDE has no objections to the proposed use of the site for commercial purposes.

MDE has reviewed the stormwater management concept plan for the proposed site plan. It has no objections to the stormwater management plan and believes that the proposed stormwater management facilities would not create adverse impacts on human health or the environment due to the chemicals, if any, that might still be present in the soils or groundwater.

## **FOREST CONSERVATION**

The forest conservation plan shows all of the existing forest to be cleared. A total of 2.78 acres of reforestation is required. Of this, 0.56 acre will be met through on-site landscaping with trees. The remaining 2.22 acres will be met through off-site reforestation or a forest bank. The forest conservation plan meets the requirements of the Forest Conservation Law.

**Macris, Hendricks and Glascock, P.A.**  
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Phone 301.670.0840

Fax 301.948.0693

[www.mhgpa.com](http://www.mhgpa.com)



May 6, 2005

Mr. Derick P. Berlage, Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Waiver of the maximum parking coverage  
requirement for The Westech Village Corner

Dear Chairman Berlage and Members of the Board:

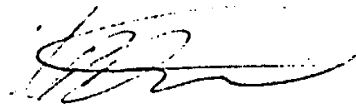
On behalf of the applicant, GB, LLC, we request Planning Board approval of a waiver for the above mentioned project. The waiver is for the requirement for 45% maximum parking lot coverage (Section 59-C-18.132(b)(4)(B)) in the I-1 zone in the Rte 29/Cherry Hill Road Employment Overlay Zone. The site is located at the intersections of Prosperity Drive, Tech Road and Broadbirch Drive adjacent to Route 29 in the Fairland Master Plan area.

The Montgomery County Zoning Ordinance Section 59-E-3.6 layouts the required number of parking space for the various uses proposed on a site. Per this section we are required to provide 516 spaces, and we are proposing to provide the minimum, 516 spaces. The applicant would prefer more spaces to meet his customer's needs but give the coverage issue is willing to work with the number required. However, to provide the required number of spaces means exceeding the 45% coverage maximum by 1.9% for a total of 46.9% coverage. The parking lot is laid out in a very efficient manner with as few single loaded lanes as possible. Because of the unusual site geometry and the required dimensions of parking spaces and aisles a single loaded aisle is necessary. However, we turned this into an asset by single loading the main drive aisle that runs along the face of the retail/restaurant buildings. This creates an urban edge along the fronts of the buildings, and allows for an attractive streetscape that is not interrupted by parked vehicles

overhanging the sidewalk. We are also providing 10% internal green space which is 5% above the required amount.

Given the parameters of minimum parking requirements and site geometry we believe the proposed parking facility respectfully meets the intent of the zoning ordinance even if it exceeds the letter of the ordinance by 1.9% Therefore, we respectfully request your concurrence on the granting of the waiver. Thank you for your attention to this matter.


Sincerely,

A handwritten signature in black ink, appearing to read "Vic Bryant", with a long horizontal flourish extending to the right.

Ms. Vic Bryant, ASLA

PLAN.

Date of Mailing: August 1, 1991



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications  
(Motion of Comm. Keeney, seconded by Comm. Floreen, with  
a vote of 5-0; Comms. Keeney, Floreen, Bauman, Baptiste  
and Richardson voting in favor.)

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-91038

NAME OF PLAN: WESTFARM TECH. PARK (I-1)

On 03-15-91, WESTFARM ASSOC. LTD. PART., submitted an application for the approval of a preliminary plan of subdivision of property in the I1 zone. The application proposed to create 14 lots on 75.41 ACRES of land. The application was designated Preliminary Plan 1-91038. On 07-18-91, Preliminary Plan 1-91038 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-91038 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-91038, subject to the following conditions:

1. Existing agreement with Planning Board to limit development to a maximum density of 0.4 FAR. The Planning Board will review compliance with the agreement at the time of any "loophole review" under Chapter 8 Article IV of the County Code. The Planning Board must review any traffic mitigation agreement required under the "loophole" provisions, if any, for all Westfarm I-1 zoned lots
2. Record plat to reflect stream buffer boundary established by the technical staff for Parcel DDD or Outlot 1 and Parcel QQQ, as shown in the 7-1-91 Environmental Planning Division memorandum. The proposed AT&T right-of-way is specifically prohibited from being located within either the stream buffer area or the tree line immediately adjacent to the stream buffer, except that incursions into the stream buffer area outside the tree line for the AT&T right-of-way and into the tree line along Broadbirch Drive for the entrance

into the parcel, as both are shown on the drawing attached to the July 1, 1991 Environmental Planning Division memorandum, shall be permitted and shall be accompanied by compensatory protection of an approximately equal area outside the stream buffer to be delineated by staff approval of a grading plan prior to building permit for the parcel so affected

3. Conditions of DEP stormwater management concept dated 4-8-91
4. Access and improvements as required to be approved by MCDOT
5. Necessary easements



PRELIMINARY SUBDIVISION PLAN APPLICATION FILE NO: 1-91038

withdrew or superseded: S another plan on property? fileno: 1-80200  
NAME OF SUBDIVISION: WESTFARM TECH. PARK (I-1) DATE OF APPLIC: 03-15-91  
SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: 03-15-91  
THRESHOLD: PRE-PRELIMINARY PLAN FOR THIS PROPERTY, ENTER IT: -  
LOCATION

B. QUADRANT OF INTERSECTION OF BOURNEFIELD WAY & BROADBIRCH DRIVE  
200 BASE MAP NO: 215NE02 MPDUS PROPOSED: 0  
NO. LOTS PROPOSED: 14 NUMBER OF RESIDENTIAL UNITS PROPOSED: 0  
TYPE OF UNITS: IN, / / / / ZONING: I1  
NUMBER OF UNITS: 0 0 0 0 0 ZONING:  
PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: PUBLIC  
NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N  
REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR DISTRICT?: N  
OWNER NAME: WESTFARM ASSOC. LTD. PART.  
ADDRESS: 1600 ANDERSON RD. TELEPHONE NO: 703-356-2400  
MCLEAN, VA, 22002

CONTRACT PURCHASER NAME:  
ADDRESS: 0 TELEPHONE NO: - -  
CONVEY AREA: 75.42 ACRES INCLUDE AREA: 75.41 ACRES PLAN FEE: \$1752.00  
, 00000

RESTRICTIONS:  
ENTER TEXT  
TRAFFIC REDUCTION AGREEMENT,  
MAY 11, 1990

ENGINEER OR SURVEYOR: GREENHORNE & O'MARA  
ADDRESS: 15020 SHADY GROVE STE.300 RD. TELEPHONE: 301-738-3890  
ROCKVILLE, MD, 20850

MPDU REQUIRED: 0 MPDU APPROVED: 0 NO. OF LOTS APPROVED: 14  
UNITS APPROVED: TYPE OF UNITS: IN, / / / /  
NUMBER OF UNITS: 0 0 0 0 0  
DATE OF PLAN ACTION: 07-18-91 PLANNING BOARD ACTION: APPROVED  
PLAN EXTENSION: DATE GRANTED: - - EXPIRATION: - -

200 BASE MAP NO: 215NE03 MASTER PLAN AREA: 34 TAX MAP NO: KQ343  
X COORDINATE 810563 TAX MAP YEAR: CENSUS TRACT & BLOCK:  
Y COORDINATE 443923 PLANNING AREA: 34 TRAFFIC ZONE: 211

SEWERSHED NO: SEWER AUTHORIZATION NO:  
STORM WATER MGMT. WAIVER GRANTED: STREAM CHANNEL MODIFICATION:  
WRA PERMIT NEEDED:  
PARKLAND ACRES: REC FACIL: PLAYGROUND: PLAYFIELD: OTHER:



STREETS ONLY 3  
SITEPLAN

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review # 8-84088

Project Westfarm I-3 (Streets Only)

On June 19, 1984, Greenhorne & O'Mara, Inc. submitted an application for the approval of a site plan for property in the I-3 zone. The application was designated Site Plan Review # 8-84088.

On July 26, 1984, Site Plan Review # 8-84088 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

and approves Site Plan Review # 8-84088 subject to the following conditions:

(See Attachment #1)

Attachment #1

O P I N I O N (Conditions)  
 Site Plan Review #8-84088

1. Submittal of Site Plan Enforcement Agreement and Development Program that are acceptable to staff.
2. No building permits shall be released until an agreement between this developer and MCDOT has been reached regarding off-site road improvements.
3. Submittal of a landscape plan that is acceptable to staff that shall include:
  - a. Installation of street trees with this site plan.
  - b. Installation of a planted buffer along the eastern boundary.
4. The Planning Board approved a waiver of the 150' minimum lot frontage requirement with the approval of this site plan.
5. The Environmental Planning Division shall agree to all final storm water management phasing between Montgomery County Department of Environmental Protection and the applicant prior to the release of building permits.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

January 6, 2005

Robert C. Hubbard  
Director

Mr. Scott Roser  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request  
for Westech Restaurant Park  
Preliminary Plan #: n/a  
SM File #: 215322  
Tract Size/Zone: 8.54 acres / I-1  
Total Concept Area: 8.54 acres  
Lots/Block: Lot 36 and Outlot "L"  
Parcel(s): "CCC"  
Watershed: Paint Branch

Dear Mr. Roser:

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 channel protection measures via waiver to the existing West Farm Regional Pond; on-site water quality control via construction of a Montgomery County sand Filter (MCSF and installation of a hydrodynamic water quality structure; and onsite recharge via flow disconnection and dry wells.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

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. The proposed development is within the drainage area to the Regional Pond, and there is acceptable conveyance to the pond. Therefore, the request to waive channel protection to the existing pond is hereby approved.
5. It is understood that Property 1 is technically a redevelopment, while Property 2 would be considered new development. However, as the two areas are very similar in size and proposed use, it is acceptable under this stormwater concept submission to treat Property 1 as new development and Property 2 as redevelopment, in determining water quality requirements. The results will be the same.



6. The proposed hotel site has been removed from conceptual consideration. If future development is planned for that property, a new stormwater management concept for it will be required at that time.
7. Groundwater recharge is not proposed for Property 1, since it is redevelopment. Groundwater recharge will be provided for Property 2 via installation of dry wells for roof runoff.
8. If practical, the proposed parking for Property 2 should be directed to drain into and through the grassed islands. This will aid in disconnecting the impervious areas, and provide additional groundwater recharge and pretreatment. We understand that this will require coordination with Site Plan landscaping requirements. No formal sizing is required for the grassed flow, other than to insure non-erosive entry and flow velocities.
9. Water quality control for Property 1 will be provided via construction of a MCSF. Water quality control for Property 2 will be provided via a hydrodynamic structure.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

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

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

Sincerely,



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

RRB:dm mce

cc: R. Weaver  
S. Federline  
SM File # 215322

QN -SW; Acres: 8.5

QL - ON; Acres: 8.5

Recharge is provided for new development area only (approximately 3 acres)



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
1800 Washington Boulevard, Suite 625 • Baltimore MD 21230-1719  
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

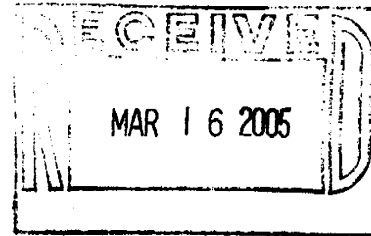
Kendl P. Philbrick  
Secretary

Michael S. Steele  
Lt. Governor

March 11, 2005

Jonas A. Jacobson  
Deputy Secretary

Mr. Blair Lough  
Water Resources Section  
Montgomery County Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville MD 20850-4153



RE: Former IFI Property and Parcel A  
12251 Tech Road  
Silver Spring, Maryland

Dear Mr. Lough:

This letter is in response to your request for information needed before the Montgomery County Department of Permitting Services, Water Resources Section can schedule the referenced Site for a Planning Board meeting. The Maryland Department of the Environment (the Department) is providing written affirmation that the conditions at the site are acceptable for the intended use of the property for restaurants and retail operations.

As you may know, the previous property owner (International Fabricare Institute) entered into an Administrative Consent Order (ACO) for the express purpose of remediating and monitoring hazardous substances released into the environment. It is the Department's understanding that the Purchase and Sale Agreement between the GB, LLC and International Fabricare Institute requires GB, LLC will relocate any equipment or facilities used for remediation on the property until the Department determines that the International Fabricare Institute has no further obligations under the ACO.

In April 2003, the environmental remediation system at the Site was shut down to allow evaluation of the continued need for active remediation. As part of this evaluation, a Risk Assessment is being prepared for the Site to evaluate potential risks to human health and the environment from the groundwater contamination at the Site. If the Risk Assessment identifies no unacceptable potential risks, the Department will place no constraints on the development and use of the property. In the event that the Risk Assessment does identify unacceptable potential risks, the Department may require the property developer, GB, LLC, to install engineering controls for the planned site development. Under either scenario, the Department assumes that the current property owner and former property owner reach an accommodation concerning the remediation equipment currently emplaced on the property.

Mr. Blair Lough  
Page Two

If you would like additional information regarding this Site, please call me at  
(410) 537-3459.

Sincerely,

A handwritten signature in black ink, appearing to read "James Carroll". The signature is written in a cursive style with a large, prominent initial "J".

James Carroll, Administrator  
Environmental Restoration and  
Redevelopment Program

cc: Mr. Raymond MocarSKI, P.E., GB, LLC and Grosvenor  
Mr. Kevin Howard, P.G., ENSAT Chesapeake GeoSciences, Inc.  
Mr. Horacio Tablada  
Mr. Harold Dye  
Mr. Arthur O'Connell



RECEIVED  
APR 05 2005

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

Mr. Paul Newman  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886-1279

Re: Stormwater Management Concept Recision  
Westech Restaurant Park  
SWM File No.: 215322

Dear Mr. Newman:

On March 15, 2005 we received a letter from the Maryland Department of the Environment (MDE), dated March 11, 2005, wherein MDE stated that a Risk Assessment was currently underway on the subject property "to evaluate potential risks to human health and the environment from the groundwater contamination at the Site". Subsequent to this, on March 21, 2005, we issued a letter rescinding the previously approved stormwater management concept for the property, based on the fact that the risk assessment was currently underway and therefore the risks were unknown.

Today I received the copy of the risk assessment report for the IFI site that you submitted. The report was prepared by Arcadis, and is dated 21 March 2005. This appears to be the "risk assessment" report mentioned in the MDE letter. While I appreciate you sending it to me, I must reiterate what I said in our telephone conversation. I can not and will not interpret this study. I am not qualified to do so. Therefore, the stormwater management recision issued March 21, 2005 remains valid. If MDE is willing to issue a letter clearly stating that there is no longer any harmful contamination at the subject property, then DPS will reconsider its position. Otherwise the conditions of the letter must be met.

The letter of recision may have incorrectly referred to "soil contamination" on the property. While we do not feel this is a critical error, we will be happy to revise the letter to clarify it if the language used was confusing.

Sincerely,

Mark Etheridge, CPESC, CPSWQ  
Senior Permitting Services Specialist  
Montgomery County Department of Permitting Services  
Water Resources Section  
255 Rockville Pike, 2<sup>nd</sup> Fl.  
Rockville, MD 20850-4166  
240-777-6338

cc: SWM File No. 215322  
Rick Brush - DPS  
Mary Beth O'Quinn - MNCPPC







**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
1800 Washington Boulevard, Suite 625 • Baltimore MD 21230-1719  
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Kendal P. Philbrick  
Secretary

Michael S. Steele  
Lt. Governor

Jonas A. Jacobson  
Deputy Secretary

April 27, 2005

Mark Etheridge  
Department of Permitting Services  
Division of Land Development Services  
255 Rockville Pike 2<sup>nd</sup> Floor  
Rockville, MD 20850

Re: Stormwater Management Plan, Westech Restaurant Park

Dear Mr. Etheridge:

I have reviewed the March 21, 2005 letter from Richard R. Brush to Scott Roser rescinding the approval of the stormwater management concept plan for the Westech Restaurant Park. I have also reviewed the information that you sent concerning the plan and discussed it with my Project Manager and Toxicologist. Based on our understanding of the site conditions and the proposed plan, we do not believe that the stormwater plan as originally proposed would have any impact on human health or the environment.

As explained to me, the sand filter would receive stormwater runoff from the paved portions of the facility and convey them to the sand filter in the northeast portion of the facility. Storm drains from the roofs would also convey runoff directly to dry wells. The concern was that the infiltration of stormwater might flush or increase the movement of contamination into the groundwater via the sand filter and dry wells and that there would be some perceived risk to your personnel if they were to auger into the sand filter as part of the inspection process.

Based on what we know about the site and levels of contamination in the soil, there should be no adverse impact on the groundwater by the utilization of the sand filter as originally designed. Additionally, the levels of contamination in the soil are not high enough to have any impact on site workers that might encounter subsurface soils on a casual basis. The levels, if any, encountered in the sand filter would be even less. Accordingly, the Department has no objection to the stormwater plan as originally submitted.

Mr. Mark Etheridge  
Page Two

Should you have any additional questions concerning this matter, please contact me or Chau Nguyen, the Project Manager, at (410) 537-3493.

Sincerely,



Arthur O'Connell, Chief  
CHS Enforcement/Fund Lead  
Site Assessment Division

AOC:

cc: Mr. Horacio Tablada  
Mr. James Carroll  
Mr. Chau Nguyen  
Mr. Richard R. Brush  
Mr. Ray MocarSKI



## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

May 5, 2005

Robert C. Hubbard  
Director

Mr. Scott Roser  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request  
for Westech Restaurant Park  
Preliminary Plan #: n/a  
SM File #: 215322  
Tract Size/Zone: 8.54 acres / I-1  
Total Concept Area: 8.54 acres  
Lots/Block: Lot 36 and Outlot "L"  
Parcel(s): "CCC"  
Watershed: Paint Branch

Dear Mr. Roser:

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 channel protection measures via waiver to the existing West Farm Regional Pond; on-site water quality control via construction of a Montgomery County sand Filter (MCSF) and installation of a hydrodynamic water quality structure; and onsite recharge via flow disconnection and dry wells.

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. The proposed development is within the drainage area to the Regional Pond, and there is acceptable conveyance to the pond. Therefore, the request to waive channel protection to the existing pond is hereby approved.
5. It is understood that Property 1 is technically a redevelopment, while Property 2 would be considered new development. However, as the two areas are very similar in size and proposed use, it is acceptable under this stormwater concept submission to treat Property 1 as new development and Property 2 as redevelopment, in determining water quality requirements. The results will be the same.
6. The proposed hotel site has been removed from conceptual consideration. If future development is planned for that property, a new stormwater management concept for it will be required at that time.



7. Groundwater recharge is not proposed for Property 1, since it is redevelopment. Groundwater recharge will be provided for Property 2 via installation of dry wells for roof runoff. In addition, a portion of the proposed parking lot will be designed to allow a portion of the runoff to drain into and through a grassed island.
8. Water quality control for Property 1 will be provided via construction of a MCSF. Water quality control for Property 2 will be provided via a hydrodynamic structure.
9. On March 21, 2005 a previously approved stormwater management concept was rescinded by this department based on concerns about the viability of the stormwater approach in light of potentially hazardous groundwater contamination on the subject property. A subsequent letter from the Maryland Department of the Environment (MDE), dated April 27, 2005, concluded that "Based on our understanding of the site conditions and the proposed plan, we do not believe that the stormwater plan as originally proposed would have any impact on human health or the environment".
10. This stormwater management concept approval supercedes all previous approvals as well as the concept rescision dated March 21, 2005.

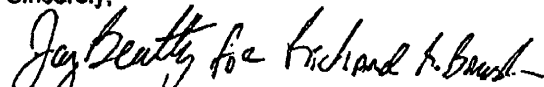
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If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mca

cc: R. Weaver  
S. Federline  
SM File # 215322

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