

MEMORANDUM



DATE: February 10, 2006

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Approval of a convenience store (7-11) not to exceed 3,132 total square feet and an automobile filling station

PROJECT NAME: 7-11 Derwood Circle

CASE #: 120060520

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: I-1

LOCATION: Located in the southwest corner of the intersection of East Gude Drive and Cecil Street

MASTER PLAN:

APPLICANT: Germantown Walter Johnson Property, L.L.C.

ENGINEER: Huron Consulting

FILING DATE: October 26, 2005

HEARING DATE: February 23, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to an automobile filling station with eight pumping positions and a convenience store with up to 1,486 square feet of patron area and up to 3,132 total square feet.
- 2) Applicant is bound by all conditions of approval of Special Exception Case No. S-2631.
- 3) Compliance with conditions of MCDPWT letter dated February 1, 2006, unless otherwise amended.
- 4) To meet LATR congestion standards, the applicant is required to remove the existing island, and pave and re-stripe Cecil Street immediately south of East Gude Drive.
- 5) The applicant shall show on the record plat the full width dedication of all road rights-of-way as shown on the preliminary plan.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated January 14, 2006.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 8) Other necessary easements

SITE DESCRIPTION:

The subject property is located in the southwest corner of the intersection of East Gude Drive and Cecil Street (Attachment 1). The property is 39, 486 square feet in size and is zoned I-1, Industrial. The site is currently vacant.

PROJECT DESCRIPTION:

The Applicant has received approval from the Board of Appeals for a Special Exception to allow the convenience store and automobile filling station in the I-1 Zone. The approval was granted for Special Exception Case No. S-2631 on October 12, 2005, the effective date of the Opinion (Attachment 2). The Board of Appeals action allowed the uses as they are shown on the preliminary plan. The plan proposes a convenience store to be located in the northeast corner of the property near the intersection of East Gude Drive and Cecil Street (Attachment 3). The automobile filling pumps will be located centrally in the site. Access will be provided only to Derwood Circle on the southern border of the property.

Of concern at the time of the Special Exception was site circulation, especially with respect to large trucks that may utilize the site. A condition of approval for the Special Exception required review and approval of a truck circulation plan by the Montgomery County Department of Permitting Services (MCDPS). That approval was granted by MCDPS by letter dated November 21, 2005 (Attachment 4). The applicant has also satisfied the Special Exception conditions that require review and approval of local traffic improvements by the Montgomery County Department of Public Works and Transportation. (MCDPWT). That approval letter is also included in this report under agency approval letters.

COMPLIANCE WITH THE UPPER ROCK MASTER PLAN

The Upper Rock Creek Master Plan does not make specific recommendations for this site but does recommend a continuation of the I-1 zone for the property. The use is allowed in the I-1 zone with approval of a special exception. The project is, therefore, in conformance with the recommendations of the Master Plan.

TRANSPORTATION

The Upper Rock Creek Master Plan recommends a 120 ft. right-of-way for East Gude Drive. Cecil Street is not a master planned roadway, but does have an 80 ft. right-of-way as does Derwood Circle. The plan shows adequate dedication of the local rights-of-way.

A traffic study was required to satisfy Local Area Transportation review (LATR) because the proposed non-residential development generates 30 or more peak hour trips during the weekday morning and evening peak periods. Based on the study it was determined that the East Gude Drive/Cecil Street intersection failed to meet the Critical Lane Volume standard for the morning peak period, therefore, the applicant will be required to mitigate these trip to acceptable levels. Condition # 4 above and the conditions of approval within the DPWT letter, dated February 1, 2006, cited in Condition #3, require street section improvements to mitigate the traffic volumes.

ENVIRONMENTAL

The property is exempt from the requirements of the Montgomery County Forest Conservation Law and there are no streams or stream buffers on the property.

ZONING ORDINANCE

In the I-1 Zone, this use is allowed only under a Special Exception approval for which the applicant has secured approval from the Board of Appeals. In the I-1 Zone the maximum building height is 42 feet, and the building must be setback 10 feet from any master plan road and 60 feet from the centerline of any non-master plan road. There is also a 10% open space requirement. The structure as shown on the plan conforms to the requirements of the zone.

SUBDIVISION REGULATIONS

The application was reviewed for conformance to the Subdivision Regulations. The Subdivision Regulations require a review of the adequacy of public facilities to handle the additional development including water, sewer, traffic, pedestrian access, fire and rescue services, and stormwater management. The WSSC has indicated that the local

water and sewer service are adequate to accommodate the new structure. The LATR study showed that the local intersections, with the exception of one, would continue to operate within the established critical lane volume thresholds. The traffic improvements on Cecil Street will mitigate the site generated traffic to acceptable levels. With regard to stormwater management, the MCDPS has reviewed the latest concept and recommended approval on January 14, 2006. And finally, the Department of Fire and Rescue Services has approved the layout in their January 19, 2006 memorandum.

CONCLUSION:

The application was reviewed for conformance with the Upper Rock Creek Master Plan, the Zoning Ordinance and the Subdivision Regulations. In all cases the development as proposed satisfied all requirements outlined in these documents as demonstrated in this staff report. Staff recommends approval of the application with the conditions cited above.

ATTACHMENTS:

- Attachment 1 Vicinity Map
- Attachment 2 Special Exception Opinion
- Attachment 3 DPS Circulation Approval
- Attachment 4 Preliminary Plan
- Attachment 5 Agency Approvals

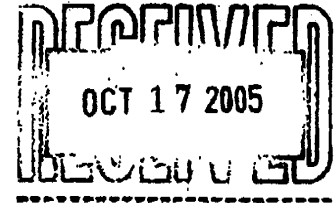
Preliminary Plan Data Table and Checklist

Plan Name: 7-11 Derwood				
Plan Number: 120060520				
Zoning: I-1				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Automobile Filling Station and Convenience Store with 1,486 sq. ft. of patron area and up to 3,132 sq. ft. total area				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	None	39,485 sq. ft.	RW	February 10, 2006
Green Space	10%	27.5%	RW	February 10, 2006
Setbacks	10 ft. from M.P. street 60ft. from non M.P. street centerline	10 ft. from M.P. street and 60 ft. from non M.P. centerline	RW	February 10, 2006
Height	42 max..	May not exceed maximum	RW	February 10, 2006
Maximum non-residential square footage allowed by zone	No maximum	3,132 sq. ft. shown	RW	February 10, 2006
Site/Project Plan Req'd?	No			
FINDINGS				
SUB. REGS.				
Lot frontage on Public Street	Yes	Yes	As per Plan	February 10, 2006
Road dedication and frontage improvements	Yes	Yes	Transportation memo	February 10, 2006
Environmental Guidelines	N/A	N/A		
Forest Conservation	Exempt			
Master Plan Compliance	Yes	Yes	RW	February 10, 2006
APF REVIEW				
Stormwater Management	Yes	Yes	DPS memo	January 14, 2005
Water and Sewer	Yes	Yes	WSSC comments	November 21, 2005
Local Area Traffic Review	Yes	Yes	Transportation Planning memo	February 10, 2006
Fire and Rescue	Yes	Yes	MCFRS memo	January 19, 2006

Attachment 1

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600



www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2631

PETITION OF GERMANTOWN WALTER JOHNSON PROPERTY, LLC

OPINION OF THE BOARD

(Opinion Adopted September 14, 2005)
(Effective Date of Opinion: October 12, 2005)

Case No. S-2631 is an application for a special exception pursuant to Section 59-G-2.06 (Automobile filling station and a convenience store). The Hearing Examiner for Montgomery County held a hearing on the application on March 21, 2005, April 4, 2005 and April 11, 2005, closed the record in the case on April 25, 2005, and on August 8, 2005, issued a Report and Recommendation for approval of the special exception.

The subject property is located in the Derwood Industrial Park, bordered by East Gude Drive, Cecil Street and Derwood Circle, Rockville, Maryland in the I-1 Zone.

Decision of the Board: **Special Exception Granted, Subject
To the Conditions Enumerated Below**

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on September 14, 2005. After careful consideration and review of the record, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, including the site plan, Exhibit 58(b), the landscape plan, Exhibit 53(b), and the photometric plan, Exhibit 5(b), and by the testimony of its witnesses and representations of counsel identified in this report.

2. The special exception is limited to an automobile filling station with four multi-product dispensers and a total of eight pumping positions, and a convenience store with no more than 3,132 total square feet and 1,486 square feet of patron area.
3. Signage shall be limited to a single free-standing sign in the northeast corner of the site, consistent with the example provided in Exhibit 5(d), and convenience store signage consistent with the submitted elevations, Exhibit 4(b).
4. The Petitioner shall be required to obtain written approval from the Montgomery County Department of Transportation and Public Works, prior to submission of an application for preliminary plan of subdivision approval, for proposed improvements to Cecil Street, or for equivalent improvements that will attain the same goal of widening Cecil Street sufficiently to allow two delineated northbound lanes, capable of accommodating large trucks. A dated copy of such written approval, and of the portion of the preliminary plan application showing its filing date, shall be provided to the Board of Appeals for its records within 30 days of filing the preliminary plan application.
5. The Petitioner shall be required to obtain written approval from the Montgomery County Department of Permitting Services, prior to submission of an application for preliminary plan of subdivision approval, confirming the adequacy of the internal site circulation for passenger vehicles and delivery trucks. A dated copy of such written approval, and of the portion of the preliminary plan application showing its filing date, shall be provided to the Board of Appeals for its records within 30 days of filing the preliminary plan application.

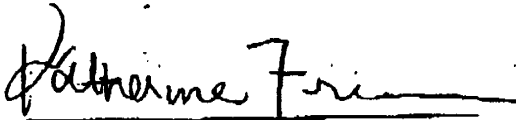
On a motion by Louise L. Mayer, seconded by Angelo M. Caputo, Wendell M. Holloway and Donna L. Barron, Vice-Chair in agreement and Allison Ishihara Fultz, Chair necessarily not participating, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 12th day of October, 2005.



Katherine Freeman
Executive Director

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

Attachment 2



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

November 21, 2005

Mr. John Kidwiler
Huron Consulting
20300 Century Boulevard, Suite 105
Germantown, MD 20874

Re: Derwood Circle 7-11
Case No. S-2631

Dear Mr. Kidwiler:

I have reviewed the circulation plan for the subject site. Based on the driveway configuration proposed, a tanker truck can adequately maneuver in, around and out of the site (as can passenger vehicles).

Please contact me if you have any questions.

Sincerely,

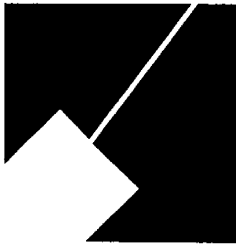
Sarah R. Navid
Permitting Services Specialist

derwoodcircle.doc



Attachment 3

Attachment 4



February 8, 2006

MEMORANDUM

TO: Richard Weaver, Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator
Transportation Planning

SUBJECT: Preliminary Plan No. 1-20060520
7-Eleven, Derwood Circle
Derwood Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and previously granted as Special Exception Case No. S-2631.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to the subject preliminary plan:

1. Limit the preliminary plan to an automobile filling station with up to eight pumping positions, and a convenience store of up to 1,486-square-feet of patron area (or up to 3,132 total square feet).
2. Widen the two northbound lanes along Cecil Street between East Gude Drive and Derwood Circle to permit two large trucks side-by-side when waiting for a green signal phase. To widen the northbound lanes, the applicant proposes to remove the raised center median, replace it with pavement markings, and re-stripe the approach lanes. The Montgomery County Department of Public Works and Transportation's (DPWT) letter dated November 15, 2205, confirmed the feasibility of this proposed improvement as required by the Board of Appeals.

Transportation Planning staff find that the APF/Local Area Transportation Review (LATR) is satisfied for this preliminary plan of subdivision and DPWT and DPS concur with the applicant's recommended improvements. The proposed development will have no adverse effects on the safety and adequacy of the transportation system.

DISCUSSION

Site Location, Vehicle Access Point, and Circulation

The subject site is located on the west side of Cecil Street between East Gude Drive and Derwood Circle. The only vehicular site access point is via Derwood Circle. Comment No. 16 in DPWT's letter dated February 1, 2006, describes the internal site circulation requirements for passenger vehicles and delivery trucks.

Pedestrian Facilities

Pedestrian facilities would not be adversely impacted by the proposed land use. Five-foot-wide sidewalks exist along Derwood Circle and Cecil Street frontages. An eight-foot-wide shared-use path exists along East Guide Drive. A lead-in sidewalk is proposed from Cecil Street into the site.

Master Plan Roadway and Bikeway

According to the *Gaithersburg Vicinity Master Plan*, East Gude Drive is designated as a major highway, M-83, with a 120-foot right-of-way and a bikeway, PA-1. A shared-use path, SP-51, exists on the south side of East Gude Drive according to the *Functional Master Plan of Countywide Bikeways*. Cecil Street and Derwood Circle are not listed in the Master Plan, but function as industrial roadways with 80-foot right-of-ways.

Adequate Public Facilities Review

An automobile filling station with eight pumping positions, and a convenience store (i.e., defined as having less than 1,650 square feet of patron area) is projected to generate the following number of peak-hour trips:

Site-Generated Peak-Hour Trips within the Weekday Peak Periods			
Morning (6:30 a.m. to 9:30 a.m.)		Evening (4:00 p.m. to 7:00 p.m.)	
New	Total	New	Total
15	98	26	174

Total trips include new, pass-by, and diverted trips, which are as follows:

1. New trips are trips with the primary purpose to purchase fuel or convenience store items.

2. Pass-by trips are trips that are taken for another primary purpose but along the same route.
3. Diverted trips are trips that are taken for another primary purpose but divert slightly from their primary route.

A traffic study was required to satisfy LATR because this proposed non-residential development generates 30 or more peak-hour trips during the weekday morning and evening peak periods. The table below shows the critical lane volume (CLV) values at the three analyzed intersections based on the results of the submitted traffic study:

Intersection	Weekday Peak Hour	Traffic Condition			
		Existing	Background	Total	Total-Improved
East Gude Drive and Crabbs Branch-Way Cecil Street	Morning	1,500 ¹	1,603 ¹	1,631 ¹	1,548 ²
	Evening	1,337	1,509 ¹	1,564 ¹	1,447
Cecil Street and Derwood Circle	Morning	354	374	472	N/A
	Evening	263	289	463	N/A
Derwood Circle and Site Access Point	Morning	Not Currently Existing		176	N/A
	Evening			217	N/A

¹ = This CLV value exceeds the CLV/congestion standard of 1,475 for intersections located within the Derwood Policy Area.

² = The proposed improvement described in Recommendation No. 2 would result in mitigating the site-generated traffic.

Only the CLV values at the first intersection exceeds the CLV/congestion standard of 1,475 as indicated with a superscript "1". The improvement described in Recommendation No. 2 would increase this intersection's capacity and reduce the CLV values such that in the total-improved traffic condition:

1. Within the morning peak hour, the site-generated traffic is mitigated. Mitigation is when the CLV value in the total-improved traffic condition is reduced so that it is equal or less than the CLV value in the background traffic condition.
2. Within the evening peak hour, CLV value is reduced below the congestion standard.

Under the *FY 2006 Annual Growth Policy*, the Policy Area Transportation Review component of the APF test is no longer applicable for non-residential (i.e., jobs) and residential (i.e., housing units) developments.

EA:gw

cc: Lee Cunningham
Greg Leck
Sarah Navid

mmo to Weaver re 7-Eleven, Derwood Circle - 1-06052.doc



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

January 14, 2005

Mr. Jason Azar
Huron Consulting
20300 Century Boulevard, Suite 105
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for 7-Eleven Derwood Circle
Preliminary Plan #: N/A
SM File #: 215297
Tract Size/Zone: .9/1-1
Total Concept Area: .9ac
Lots/Block: N/A
Parcel(s): P314
Watershed: Upper Rock Creek

Dear Mr. Azar:

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 a request for waiver of channel protection and water quality control. Ground water recharge will not be required.

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. As a condition of granting a waiver for water quality control the proposed flow based water quality device must be installed.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
6. Permissions must be obtained from all governing agencies prior to plan approval for any encroachments into existing easements within the property.

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 Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB:dm CN 215297

cc: R. Weaver
S. Federline
SM File # 215297

QN -Waived; Acres: .9ac
QL - waived; Acres: .9ac
Recharge is not provided



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION

Transmittal of the *Local Area Review Transportation Analysis* (or traffic study)

DATE: January 30, 2006, Revised on February 7, 2006
TO: 1. Greg Leck, MC DPWT (four copies with 01/30/06 transmittal)
2. Ray Burns, MD SHA (five copies with 01/30/06 transmittal)
FROM: Ed Axler, Planner/Coordinator

Preliminary Plan No.: 1-06052, 7-Eleven Derwood Circle (PB Hearing scheduled on 2/23/06)
DRC Meeting: 11/21/05
Original Traffic Study: Submitted for Special Exception Case No. S-2631 (PB Hearing on 03/17/05) & dated 11/04(sent via my 02/18/05-transmittal)
Traffic Consultant: Lee Cunningham & Associates

For the proposed convenience store of 1,486 sq. ft. of patron area & 8 fueling positions, the traffic impact was analyzed in this revised traffic study dated 12/05. This study is very similar to the one sent to you for this same site as Special Exception Case No. S-2631 on 2/18/05, but with updated traffic counts. The pedestrian statement is now on pages 17 to 21.

The CLV values at only the intersection of Cecil St/Crabbs Branch Way & East Gude Dr exceed its congestion standard of 1,475 for the Derwood Policy Area in all traffic conditions. Due to the location of the proposed 7-Eleven, its access points are from Derwood Circle within the Derwood Industrial Park, and, thus, all site traffic must use Cecil St to reach East Gude Dr. As a result, an operational improvement was proposed to widen to 12 ft the 2 NB approach lanes on Cecil St in order to accommodate the large trucks leaving the Derwood Industrial Park. Site traffic is mitigated through the East Gude Dr intersection because the CLV values with the 12-ft-wide lanes on NB Cecil St (as discussed on page 14) are less than the CLV values in the background traffic condition (on Table 3, page 11). In DPWT's 2 letters: 1) dated 11/15/05, the feasibility of this proposed improvement was confirmed & 2) dated 2/1/06, detailed preliminary plan design/circulation issues were discussed.

This same intersection was analyzed also in the traffic study prepared for Preliminary Plan No. 1-01047-A, Commerce Bank – Rockville. The traffic generated by that proposed bank with drive-thru windows does not travel on Cecil St given its location in the NE quadrant of this intersection. Thus, this intersection was analyzed differently for the Commerce Bank and without the need to consider the operational improvement above.

ACTION: For DPWT: Unless you have any different findings from your review of the previous traffic study, there is no need to redo your comments for this updated traffic study.

For SHA: This transmittal is for informational purpose only because this site is not located adjacent to any State roadways.

cc: Lee Cunningham
Rich Weaver



FIRE MARSHAL COMMENTS

DATE: 1-19-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~DERWOOD CIRCLE 7 ELEVEN #120060520~

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 1-18-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

February 1, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060520
7-Eleven Derwood Circle

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 12/13/05. An older version of this plan was reviewed by the Development Review Committee at its meeting on 11/21/05. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and bikeways as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for Derwood Circle, East Gude Drive and Cecil Street per in accordance with the master plan.
3. All comments of our letter on BOA Case No. S-2631 dated 11/15/2005 remain in effect unless specifically changed below.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-20060520
Date February 1, 2006
Page 2

5. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development one hundred (100) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.
6. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification. The revised form will need to reflect the correct classification and speed limit for the existing and proposed driveway(s).
7. Record plat to reflect denial of access along Cecil Street and East Gude Drive.
8. Our policy on the spacing of commercial driveway aprons is to have a minimum of one hundred (100) feet of tangent distance between the curb returns of adjacent driveways and intersections – taking into consideration other issues such as sight distances, operational characteristics of the frontage road, opposite and/or adjacent driveways and/or intersections, property frontage limitations, etc. Please adjust the entrances accordingly.
9. The adjustment of truncation shown on the plan at the corner of East Gude Drive and Cecil Street to keep away from the bike path is acceptable to this department.
10. Prior to construction, the applicant's engineer will need to obtain a permit from MCDPS for paving over the existing 2- 53" x 83" culverts.
11. Sidewalks along the site frontage are acceptable as shown.
12. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
13. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
14. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
15. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060520
Date February 1, 2006
Page 3

16. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
17. Truck loading space requirements to be determined in accordance with the DPWT "Off-Street Loading Space" policy.
18. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
19. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
20. The owner will be required to submit a recorded covenant for the operation and maintenance of private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
21. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
22. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
23. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
24. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to

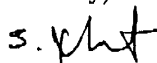
Ms. Catherine Conlon
Preliminary Plan No. 1-20060520
Date February 1, 2006
Page 4

construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

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Enclosures ()

cc: Aris Mardirossian, GWJ Property LLC
Jason Azar, Huron Consulting
Stanley Abrams, Abrams and West PC
Bob Fitzgerald, 7-Eleven Inc
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, Manager, DPWT TSIPT

WSSC Comments on Items for November 21, 2005
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
120060520	7-Eleven, Derwood Circle	<p><u>WATER AND SEWER AVAILABLE</u></p> <p>An 8-inch sanitary sewer traverses the property and a 12-inch water main in Cecil Street abuts the subject property. As shown on the preliminary plan, connections can be made directly to these mains to obtain water & sewer service.</p> <p><u>PAY SERVICE CONNECTIONS AND APPLICABLE FEES AND CHARGES</u></p> <p>Submit Connection application form to WSSC's One-Stop-Shop and settle all fee requirements.</p> <p>For connection information, it will be necessary for you to contact the Permit Services Unit at (301) 206-4003 or visit our One-Stop Shop located on the lobby level of our Consolidated Office Building at 14501 Sweitzer Lane, Laurel, Maryland 20707.</p> <p><u>PAY SYSTEM DEVELOPMENT CHARGE (SDC) FEE</u></p> <p>System Development Charge (SDC) payment is required. Make payment to WSSC's One-Stop-Shop at the time of application for plumbing permit to install fixtures or hookup to the Commission's water and/or sewerage system(s).</p> <p><u>SUBMIT ON-SITE PLAN</u></p> <p>Submit on-site plans for water lines greater than 2-inches or sewer lines greater than 4-inches (to the One-Stop-Shop). A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.</p> <p><u>HYDRAULIC INFORMATION REQUIRED</u></p> <p>For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.</p> <p><u>RELOCATIONS REVIEW REQUIRED</u></p> <p>Any proposed grading or structures proposed within the existing sanitary sewer right-of-way that traverse the property must be reviewed and approved by the WSSC Relocations Unit. Contact Mr. Ahmad Kararni at 301-206-8672.</p>

WSSC Comments on Items for November 21, 2005
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
		<p><u>PROVIDE ADDITIONAL RIGHT-OF-WAY TO WSSC</u></p> <p>Additional right-of-way is required to adequately maintain the existing 8-inch sanitary sewer main that traverses the property. The additional right-of-way must be provided at no cost to WSSC. Provide 5 feet of additional right-of-way width alongside the existing 15-foot right-of-way that crosses this property.</p>