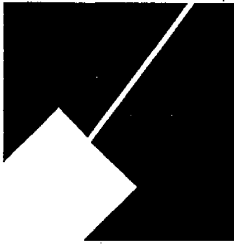


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item # 4
Date: 3/16/06

MEMORANDUM



DATE: March 3, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
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 42,189 square feet of commercial auto sales and service use in addition to the permitted and existing 133,702 square feet for a total of 175,891 square feet.

PROJECT NAME: Montgomery Auto Sales Park

CASE #: 120041060 (1-04106)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-3

LOCATION: Located on the south side of Automobile Drive loop road, approximately 1200 feet south of the intersection with Briggs Chaney Road.

MASTER PLAN: Fairland

APPLICANT: Automobile Park Investment General Partnership II

ENGINEER: Joyce Engineering

FILING DATE: June 23, 2004

HEARING DATE: March 16, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Limit future development on Lot 11 to 175,891 square feet of commercial space (i.e., additional 42,189 square feet of commercial density over currently permitted 133,702 square feet) to be used as automobile sales showroom and service facilities.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Applicant shall place in reservation for the proposed ICC, the area shown as Attachment 3 to this report ("Reservation Area") until the earlier of (i) April 1, 2006; or (ii) a final Record of Decision is issued by the FHWA, and that Record of Decision does not include the Reservation Area, or any portions thereof, within the final ICC alignment.
- 4) Applicant shall grant an easement to SHA over area shown on Attachment 3 ("Easement Area") for grading and drainage.
- 5) The applicant shall locate all on-site improvements outside of the Reservation Area, unless approved by SHA, until the above reservation requirement is exhausted.
- 6) At least 90 days prior to the submission of any building and/or construction permit for the subject development, the applicant shall provide certified written notice to SHA, Engineering Access Permits, Division Office of Highway Development stating applicant's intent to proceed with the proposed development on Lot 11. The applicant shall concurrently send a copy of this letter to Maryland-National Capital Park and Planning Commission (M-NCPPC), c/o Chief, Transportation Planning.
- 7) Any contract of sale between the applicant and any prospective buyer of Lot 11 shall:
 - a. advise the buyer in writing of the requirements in place on the lot per above Conditions 4 through 6; and
 - b. advise the buyer to contact SHA and/or M-NCPPC Transportation Planning staff for current information regarding ICC alignment in the area. This notification requirement is binding on the applicant's heirs, successors, and/or assigns.
- 8) Contribute to SHA as requested in letter dated August 18, 2005, jointly with approved Preliminary Plan No. 1-05001 (Fairland View) and pending Preliminary Plan No. 1-04101 (Montgomery Auto Sales Park, Lot 17), an amount equivalent to the cost of implementing or designing/constructing the following intersection improvement required for APF approval of the subject application:
 - a. Re-stripe eastbound Fairland Road approach to Columbia Pike with a left, left, through, through/right lane combination in place of existing left, left/through, through, right lane combination.
 - b. The contribution shall be paid in full prior to the issuance of building permits.
- 9) Compliance with conditions included in the Montgomery County Department of Public Works and Transportation's (DPWT) letter dated January 17, 2006, unless otherwise amended.
- 10) Compliance with the conditions of approval of the MCDPS stormwater management approval dated September 30, 2006.
- 11) No clearing, grading or recording of plats prior to signature set approval.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.

- 13) Site Plan # 8-06002 shall be approved by the Planning Board and signed by the Development Review Staff prior to the approval of the record plat.
- 14) 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.
- 15) Other necessary easements

SITE DESCRIPTION: (Attachment 1)

The 14.77-acre subject property is zoned C-3 and located on the south side of Automobile Boulevard "loop" in the Fairland Master Plan area. An existing commercial automobile sales and service operation with extensive areas of buildings and parking lots occupy the property.

Land uses in the immediate area include residential (to the northeast of the site), commercial (to the north and east of the site), retail (to the north of the site) and institutional (to the northeast of the site). A county maintained Park and Ride lot is located at the northwest corner of the Briggs Chaney Road/Gateshead Manor Way intersection near the site, which is serviced by Metrobus routes Z5, Z8, and Z11, in addition to Ride-On route 39. The proposed Corridor 1 alignment of the ICC is to the south of the property, which is proposed to have an interchange with US 29 in the southwest corner of the property.

The property lies within the Little Paint Branch watershed (Use I waters). A small stream and associated environmental buffer lies along the southwestern portion of the property. The stream feeds into the Tanglewood Tributary of the Little Paint Branch stream system. An existing in-stream regional stormwater management (SWM) facility lies to the southeast of the subject property.

PROJECT DESCRIPTION: (Attachment 2)

The application proposes to remove a portion of the existing automobile related uses and reconfigure the site with additions to existing buildings and with new buildings. Parking will also be reconfigured. For Local Area Transportation Review (LATR) purposes the total increase in square footage will be 42,189 square feet. Access to site will continue to be from Automobile Boulevard, which connects to Briggs Chaney Road.

The review of this application will not result in a new record plat, therefore, this is not a typical preliminary plan of subdivision but is more accurately described as a review of Adequate Public Facilities (APF) for the additional square footage.

As part of ongoing SHA and DPWT projects, Briggs Chaney Road is being reconstructed between Old Columbia Pike to the west and Dogwood Drive to the east, with an interchange at US 29, a bike path along its south side, and a sidewalk along its north side.

COMPLIANCE WITH THE FAIRLAND MASTER PLAN

The Fairland Master Plan recognizes the uses associated with the Auto Sales Park in the C-3 zone and recommends the need for streetscaping and sidewalk improvements along Briggs Chaney Road for properties within the Auto Sales Park. The subject property has no frontage on Briggs Chaney Road and therefore, is not subject to this Master plan requirement. Therefore the proposal is consistent with the overall master plan in that it is a continuation of the recognized use.

TRANSPORTATION

Proposed Intercounty Connector (ICC)

The ICC is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east through central/eastern Montgomery and western Prince George's Counties. At present, the ICC planning process has concurrence on two alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans.

Currently, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction, and the publishing of a *Final Environmental Impact Statement (FEIS)* for the project. After reviewing the *FEIS*, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to occur in Spring 2006. Information available in the *FEIS* indicates that the proposed Corridor 1 alignment of the ICC, its interchange with US 29, and some support structures physically impact the property.

Local Area Transportation Review

A traffic study was required for the subject preliminary plan per the *LATR Guidelines* since the overall Montgomery Auto Sales Park development including the subject addition of commercial density to the lot was estimated to generate **50** or more total peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods. The consultant for the applicant submitted a traffic study dated June 22, 2005, that determined the combined traffic impacts of both Preliminary Plan No. 1-04106 (proposed addition of 42,000 square feet of commercial density on Lot 11 – now 42,189 square-feet) and Preliminary Plan No. 1-04101 (proposed 57,749 square feet auto body shop and repair center on Lot 17) on the nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. The applicant provided a supplementary traffic analysis dated March 2, 2006, that documented analysis for an additional 189 square-feet of commercial density on Lot 11 (for a total additional density of 42,189 square-feet).

Trip generation estimates for the 42,189 square feet of commercial density on Lot 11, as analyzed in the supplementary traffic analysis, were based on driveway data collected, and trip generation rates determined for the existing 329,540 square feet of automobile sales and service facilities within the entire Montgomery Auto Sales Park. This is presented in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
ADDITION OF 42,189 SF OF COMMERCIAL DENSITY ON LOT 11
MONTGOMERY AUTO SALES PARK**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	65	23	88
Weekday Evening Peak-Hour	39	73	112

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis. The Traffic Group, Inc. March 2, 2006.

As shown in Table 1, it was estimated that the proposed use would generate approximately 88 peak-hour trips during the weekday morning peak-period and 112 peak-hour trips during the weekday evening peak-period. A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours within the respective peak periods from the supplementary traffic analysis is presented in Table 2. It is noted that results presented in Table 2 include traffic impact at study intersections from both Preliminary Plan No. 1-04106 and Preliminary Plan No. 1-04101.

TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
MONTGOMERY AUTO SALES PARK
PRELIMINARY PLAN NOs 1-04106 and 1-04101

Intersection	Traffic Conditions							
	Existing		Background		Total		Total w/Applicant Proposed Imps	
	AM	PM	AM	PM	AM	PM	AM	PM
US 29/Greencastle Rd	1,524	1,321	1,533	1,328	1,543	1,340	--	--
US 29/Briggs Chaney Rd	1,770	1,538	--	--	--	--	--	--
US 29 SB Ramps/Briggs Chaney Rd ¹	--	--	804	529	820	566	--	--
US 29 NB Ramps/Briggs Chaney Rd ¹	--	--	936	1,137	976	1,171	--	--
US 29/Fairland Rd	1,541	1,485	1,609	1,571	1,618	1,589	1,594	1,548
Briggs Chaney Rd/Old Columbia Pk ¹	1,237	1,115	1,018	850	1,044	865	--	--
Briggs Chaney Rd/Castle Blvd/ Automobile Blvd ^{1,2}	1,005	1,182	776	961	789	1,000	--	--
Briggs Chaney Rd/Robey Rd ²	1,078	1,100	868	708	876	713	--	--
Briggs Chaney Rd/Gateshead Manor Wy ²	818	965	708	837	717	842	--	--
Briggs Chaney Rd/Site Access ²	--	--	--	--	358	654	--	--

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis. The Traffic Group, Inc. March 2, 2006.

FY 2004 Congestion Standard for Fairland/White Oak Policy Area: 1,550 CLV

¹ Background and Total Traffic Conditions reflect SHA improvements as part of the US 29/Briggs Chaney Road interchange project.

² Background and Total Traffic Conditions reflect proposed DPWT improvements along Briggs Chaney Road.

As shown in Table 2, under Total traffic conditions, CLV at the study intersections were either below the FY 2004 Fairland/White Oak congestion standard of **1,550**, or with the required roadway improvement, (lane designation changes to the eastbound Fairland Road approach to US 29) did not exceed the respective CLV (**1,168 a.m.** and **1,589 p.m.**) under background traffic

conditions. A pending Preliminary Plan (1-04101; Montgomery Auto Sales Park, Lot 17) and an approved Preliminary Plan (1-05001; Fairland View) are also required to participate in this improvement.

Per Section III.A of the *LATR Guidelines*, “An intersection improvement may be used by two or more developments if construction of the improvement has not been completed and open to the public. In order to be considered, the program or improvement must provide sufficient capacity to:

- result in a calculated CLV in the total traffic condition that is less than the congestion standard for that policy area, or
- mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the intersection congestion standard for the applicable policy area. Mitigation is achieved when the CLV in the total traffic condition that includes traffic from each contributing development *with* the improvement is equal to or less than the CLV in the background traffic condition without the improvement.”

Based on the review of the analysis presented in the traffic study, staff concludes that the improvement identified will create adequate capacity at the intersection to accommodate traffic associated with the subject development and the other two plans.

Policy Area Transportation Review/Staging Ceiling Conditions

Under the FY 2004 AGP which applies to this application, the Fairland/White Oak Policy Area had staging ceiling capacity for 1,939 jobs (non-residential development) on June 30, 2004. Since staging ceiling capacity for jobs existed at the time of this application, the subject preliminary plan satisfies the *Policy Area Transportation Review* test.

It was estimated that the proposed addition of 42,189 square feet of commercial density on Lot 11 is equivalent to 85 jobs (assuming 500 square feet of commercial space is equivalent to 1 job). However, the applicant had indicated that the proposed addition will not add any new employees to the site, but in fact, will shift some of the existing jobs to Lot 17 (Preliminary Plan No. 1-04101).

ENVIRONMENTAL

Background

The environmental buffer and adjoining area on the southwestern portion of the property contains 0.94 acre of existing forest. Until recently, an open area on the south side of the property had been covered in 1.02 acres of forest. The forest clearing was part of a DPS approval for stormwater management facility work (see discussion below under “Forest Conservation” for details).

Environmental Buffers

A small stream and its environmental buffer cover about 1.42 acres along the southwestern portion of the property. Approximately 0.48 acre of the environmental buffer is currently covered in impervious surfaces (parking lot) and 0.77 acre is in forest. Impervious surfaces are considered to be encroachments into environmental buffers and staff has not historically supported encroachments into environmental buffers for new land use development projects. However, since car dealership uses and operations are to remain on the site (i.e., no change in use or activity types) and the site plan proposes to change only certain parts of the site, Environmental Planning staff has recommended that the existing encroachment can continue to exist in the environmental buffer area.

The applicant's site plan proposes to add about 0.08 acre (3320 s.f.) of new impervious surfaces in the environmental buffer. In the initial review of the project, staff did not support any *additional* encroachments into the environmental buffer area. However, staff has recently learned that the proposed construction for the Inter-County Connector (ICC) will greatly affect the viability and condition of the on-site stream and its environmental buffer. In a letter dated January 27, 2006, SHA submitted a map that shows some of the features that are proposed for the ICC. The construction of the ICC ramps would severely separate and isolate the stream valley on the subject site. Approximately 0.2 acre (8800 s.f) of the environmental buffer would be within a proposed SHA construction easement. Much of this area overlaps with the environmental buffer area where the applicant proposes to locate new encroachments. One scenario shows over one-third of the environmental buffer (0.52 acre out of 1.42 acres of the buffer) within a proposed ICC ROW that SHA would acquire from the applicant. In addition, it appears that SHA proposes to construct a retaining wall that would run down the length of the stream valley on the subject site.

Because of the significant disturbance and disruption of the proposed ICC construction on the environmental buffer, staff is doubtful that the stream and the buffer can be adequately protected. Therefore, staff no longer recommends preservation or restoration of the environmental buffer area as part of this proposed preliminary or site plan. Staff recommends that the applicant provide as much tree protection in the environmental buffer as possible as part of the proposed Auto Sales Park project. If the ICC construction can protect some of these remaining trees, there may be some tree cover that may survive over the long term. However, staff does not recommend a conservation easement over the environmental buffer area.

Forest Conservation

The forest conservation plan proposes that all of the on-site forest is counted as forest clearing. This results in a reforestation requirement of either a 3.58 acres if the SHA acquires 0.52 acre of ICC ROW from the subject property, or 4.18 acres, if no ICC ROW is acquired. The applicant proposes to satisfy the reforestation requirement by purchasing credits from an offsite forest bank.

In and around the environmental buffer area, the forest conservation plan shows the preservation of tree cover whether or not the SHA acquires ROW over part of the environmental

buffer. But none of the remaining tree cover is shown as protected forest. Staff believes this approach is appropriate because of the expected adverse affects of the ICC construction on the forest and environmental buffer (see discussion above under "Environmental Buffers"). With the Auto Sales Park use on one side and the ICC on the other side, the stream, its buffer, and forest, will become only a small, isolated remnant of the environmental buffer that currently exists. The quality of these features will most likely be degraded. If the applicant and the SHA are able to protect some trees in the remnant of the buffer, some tree cover may continue to exist after construction is complete. Therefore, staff recommends a tree protection plan, but no conservation easement, for the environmental buffer area.

The open area at the southern portion of the site had been covered in 1.02 acres of forest. An old SWM facility existed in this area but was never maintained. The area is covered by an existing SWM easement. Forest has regenerated in and around the facility. In 2001, DPS and the property owner agreed to terminate the SWM facility and regrade the area to extend the storm drain system, install a new rip-rap outfall, and install water quality structures. The water quantity controls would be provided by the nearby, regional SWM facility in the Tanglewood Tributary. This work, including the forest clearing, occurred within the last two years but was not covered by a forest conservation plan. The current forest conservation plan accounts for the 1.02 acres of forest clearing.

The forest conservation plan proposes to meet the reforestation requirement through the purchase of credits from a forest bank. Staff believes the use of an offsite forest bank is acceptable for this project since there would be no appropriate space on the site for forest planting. The specific forest bank would have to be identified by the applicant for staff review and approval prior to the start of clearing and grading. The proposed preliminary and final forest conservation plans, with staff's recommended conditions, meet the requirements of the County Forest Conservation Law.

ZONING ORDINANCE

The Montgomery County Zoning Ordinance establishes special regulations applicable to designated automobile-related uses under Section 59-C-4.36. This application was reviewed for consistency with these requirements. Conformance to the special regulations is illustrated in the Data Table within this report. The proposed development was also found to conform to all other zoning requirements.

SUBDIVISION REGULATIONS

The application was reviewed for conformance to the Subdivision Regulations. Among other things, 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. All agencies having review authority over these requirements recommended approval or approval with conditions of this application. Agency comments are attached to this report. Staff has determined that the application meets all other requirements of the Subdivision Regulations.

CONCLUSION:

The application was reviewed for conformance with the Fairland 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. Therefore, staff recommends approval of the application with the conditions cited above.

ATTACHMENTS:

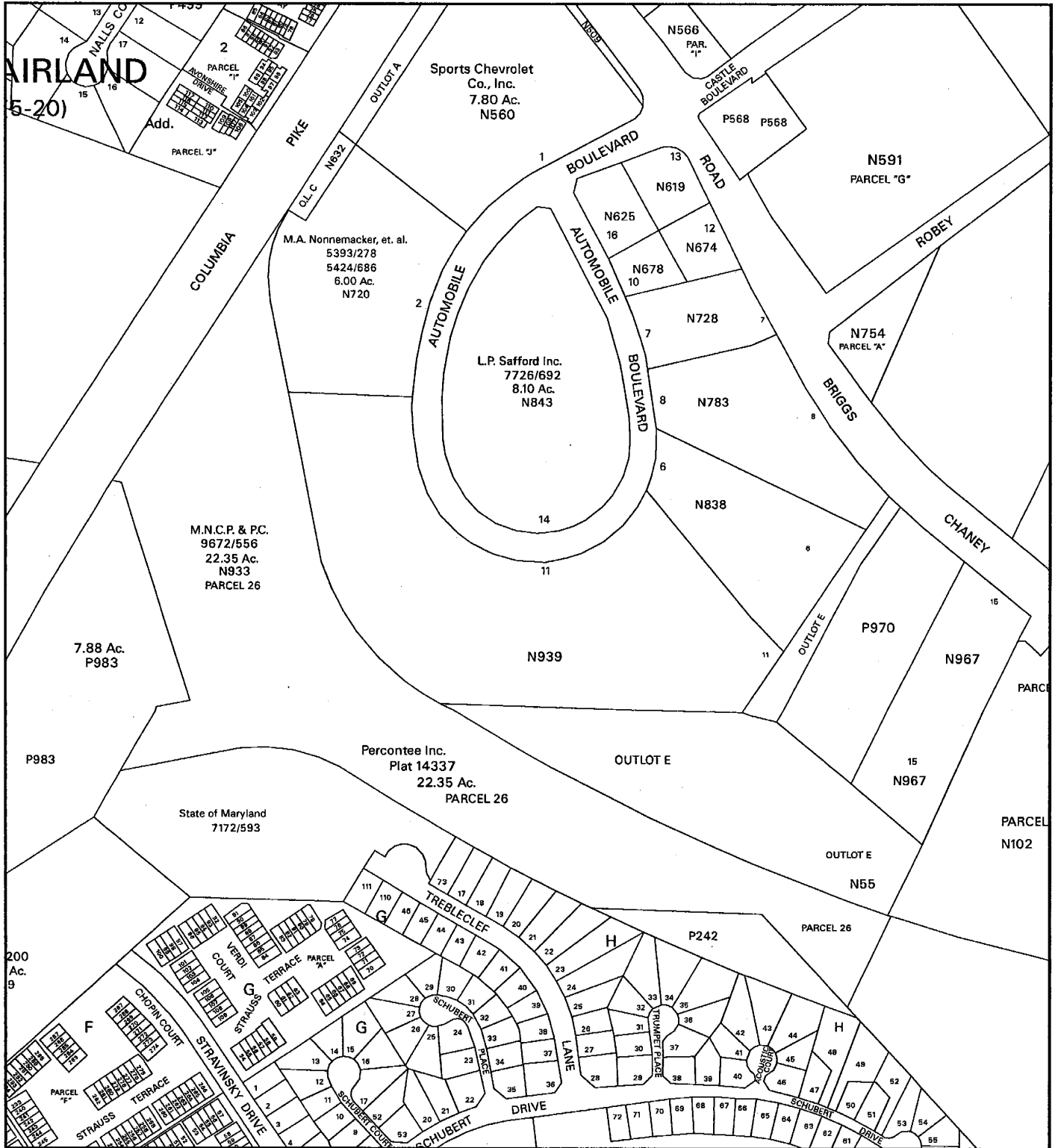
- Attachment 1 Vicinity Map
- Attachment 2 Preliminary Plan
- Attachment 3 ICC Maps
- Attachment 4 Agency Approvals

Preliminary Plan Data Table and Checklist

Plan Name: Montgomery Auto Park				
Plan Number: 120041060 (formerly 1-04106)				
Zoning: C-3				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Auto body and repair facility				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	none.		RW	
Lot Width	none		RW	
Lot Frontage	none		RW	
Setbacks				
Front - Side - Rear (Special Reg's for designated auto related uses, 59-C-4.367)	10 ft from adjoining commercial or industrial zone and 50 ft. from adjoining residential zone, highway, freeway or 120 ft. wide row.	Must meet minimum or as established by site plan	RW	3/3/06
Height	42 ft. Max	May not exceed maximum	RW	3/3/06
Building Coverage	35%	May not exceed maximum	RW	3/3/06
MPDUs	none			
TDRs	none			
Site Plan Req'd?	Yes			3/3/06
FINDINGS				
SUBDIVISION				
Road Improvements/Storm Drain	Yes	Yes	DPWT memo	1/17/06
Dedication of Public Streets	None			
Environmental Guidelines	Yes	Yes	EPD memo	2/13/06
Forest Conservation	Yes	Yes	EPD memo	2/13/06
Master Plan Compliance	Yes	Yes	RW	3/3/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS memo	9/30/05
Water and Sewer	Yes	Yes		3/3/06
10-yr Water and Sewer Plan Compliance	Yes	Yes	RW	6/6/05
Well and Septic	none			
Local Area Traffic Review	Yes	Yes	TPD memo	3/3/06
Fire and Rescue	Yes	Yes	Fire and Rescue memo	1/24/06

Attachment 1

MONTGOMERY AUTO SALES PARK (1-04106)



Map compiled on May 25, 2005 at 11:57 AM | Site located on base sheet no - 218NE03

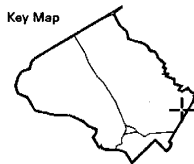
NOTICE

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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.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

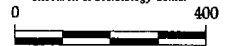
Key Map



N

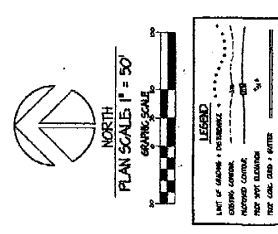
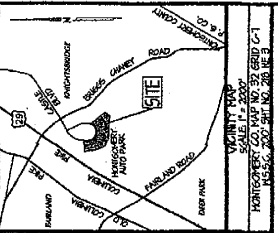


Research & Technology Center



1 inch = 400 feet
1 : 4800

Attachment 2



GENERAL PARKING NOTES

- ALL PARKING SPACES SHALL BE 8'00" X 18'00"
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LOT DEVELOPMENT TABULATIONS

LOT BLOCK	LOT AREA	# OF BLDGS	SEA	PARKING
EX LOT 1	1,112.5 AC. (2.56 AC. @ 43.75 AC/BLDG)	1	15,000	2,000
TOTALS	1,112.5 AC. (2.56 AC. @ 43.75 AC/BLDG)	1	15,000	2,000

BUILDING LEGEND

EXISTING BUILDING TO REMAIN

PROPOSED BUILDING AND ADDITIONS

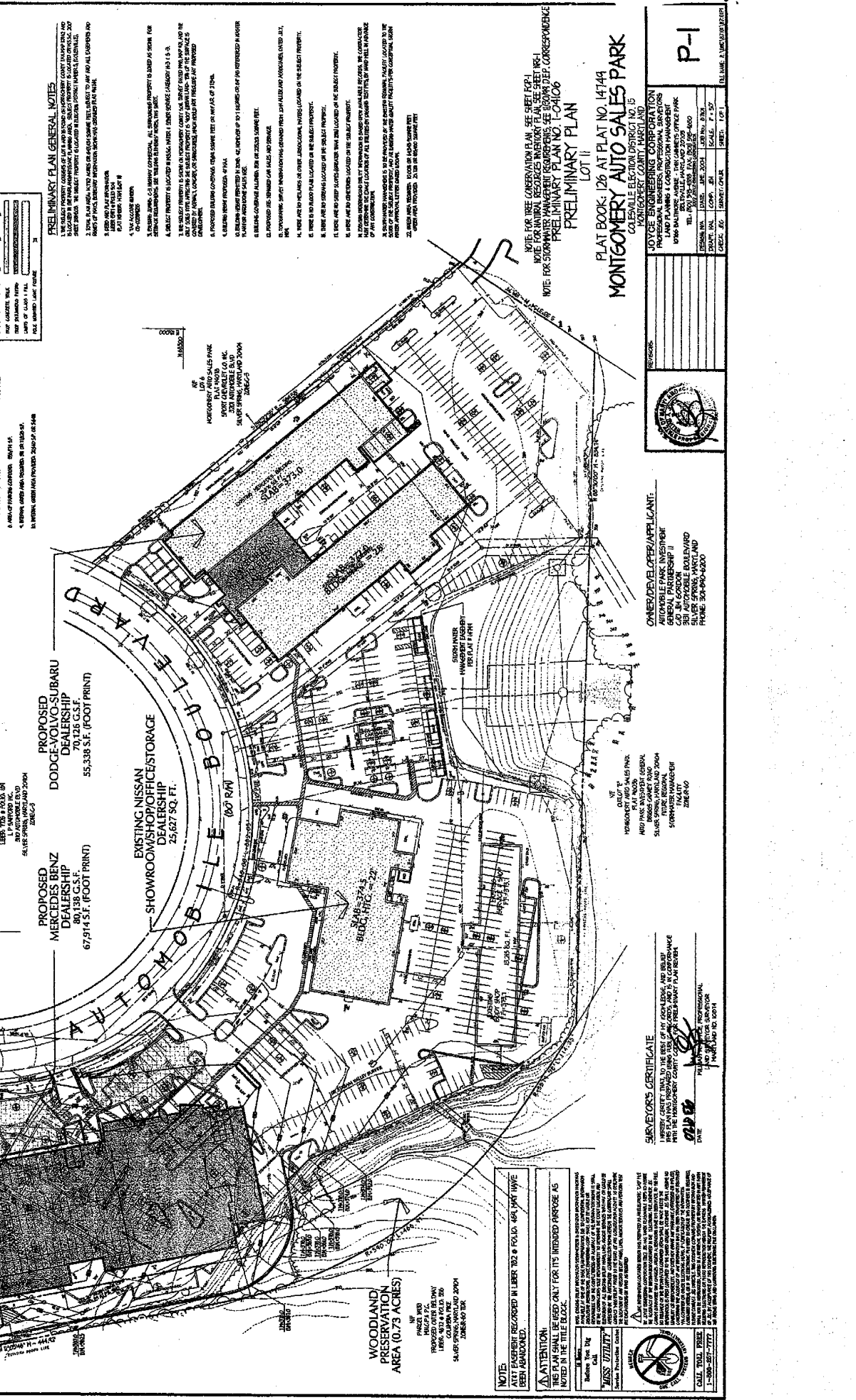
PROPOSED MERCEDES BENZ DEALERSHIP
481,138 G.S.F. (FOOT PRINT)

PROPOSED NISSAN SHOWROOM/SHOP/OFFICE/STORAGE DEALERSHIP
25,627 SQ. FT.

PROPOSED DODGE-VOLVO-SUBARU DEALERSHIP
55,338 S.F. (FOOT PRINT)

PRELIMINARY PLAN GENERAL NOTES

- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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WOODLAND PRESERVATION AREA (0.73 ACRES)

PROPOSED OFFER BY THE
MONTGOMERY AUTO SALES PARK
LOT II

ATTENTION: THIS PLAN IS THE PROPERTY OF THE ENGINEER AND SHALL BE KEPT IN THE OFFICE OF THE ENGINEER. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL SURVEYOR, HAVE EXAMINED THE ABOVE REFERENCED PLAN AND FIND THAT IT ACCURATELY REPRESENTS THE SURVEY MADE BY ME FOR THE PURPOSES OF THE FOREGOING AND THAT I AM AWARE OF ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS THAT MAY APPLY TO THE FOREGOING AND THAT I AM AWARE OF ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS THAT MAY APPLY TO THE FOREGOING.

OWNER/DEVELOPER/APPLICANT:
MONTGOMERY AUTO SALES PARK
10000 SILVER SPRING ROAD
SILVER SPRING, MARYLAND 20910
PHONE: 301-994-4800

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SILVER SPRING, MARYLAND 20910
PHONE: 301-994-4800

OWNER/DEVELOPER/APPLICANT:
MONTGOMERY AUTO SALES PARK
10000 SILVER SPRING ROAD
SILVER SPRING, MARYLAND 20910
PHONE: 301-994-4800

Attachment 3



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

January 27, 2006

Re: Montgomery County
Intercounty Connector
Montgomery Auto Sales Park (8-06001 & 8-06002)

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

Dear Ms. Conlon:

This office has reviewed the Site Plan (8-06001 and 8-06002) for the Montgomery Auto Sales Park dated June 2004. The 14.77 acres Montgomery Auto Sales Park Property is located south of Briggs Chaney Road and east of US 29. The Site Plan shows the proposed reconstruction of two existing buildings as well as changes to the existing parking lot.

The Intercounty Connector (ICC) Corridor One, as shown to date, impacts about 0.80 acres of the property, as shown on the attached map. About 0.29 acres of this impact (highlighted in purple on the attached map), located right station 48+50 to right station 50+55 along ramp "NW", is due only to grading for supporting slopes, and could be handled as an easement. The remaining 0.51 acres of impact (highlighted in orange on the attached map) contains a potential retaining wall, and needs to be acquired as right-of-way.

To protect property that will support the State Highway Administration/Maryland Transportation Authority (SHA/MdTA) locally preferred alternative, Corridor One, which is being studied as part of the current National Environmental Policy Act process for the project, we request that your agency require reservation of this property through the project's Record of Decision scheduled for release on April 1, 2006. In addition, we request that the Site Plan approval be made contingent upon the owner continuing to work with the SHA regarding grading and drainage to make certain that neither the owner's or SHA's interests are precluded by the other.

My telephone number/toll-free number is 1-866-462-0020

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

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

Ms. Cathy Conlon
Page Two

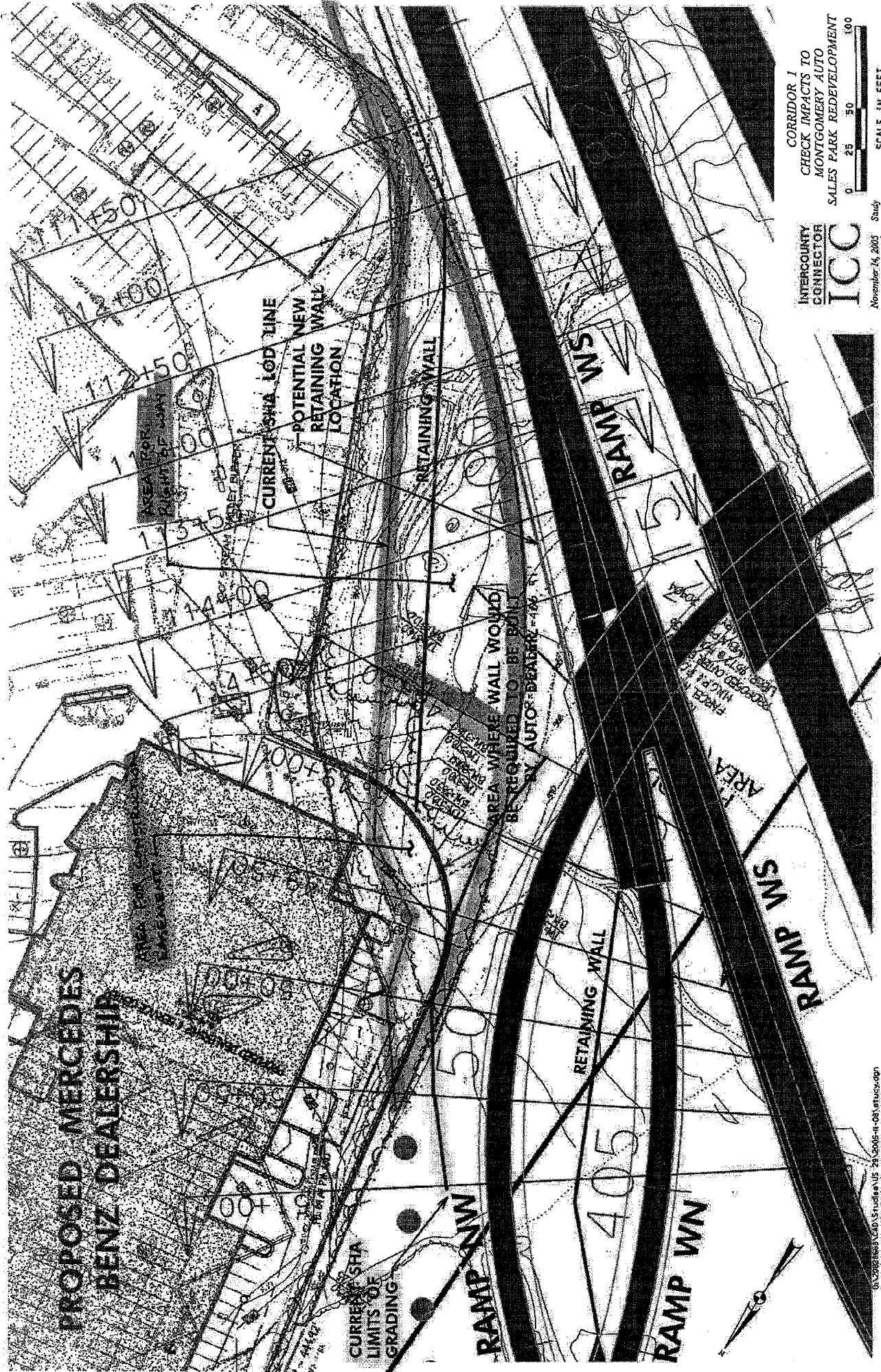
Thank you for the opportunity to comment on this project. We appreciate your agency's consideration of the above action.

Sincerely,



Wesley Mitchell
Project Manager
Project Planning Division

cc: Mr. John A. Borkowski, Engineering Access Permits Division, SHA (w/enclosure)
Mr. Greg Cooke, Engineering Access Permits Division, SHA
Mr. Jim Gordon (w/enclosure)
Mr. Tom Hinchliffe, Office of Real Estate, SHA
Mr. Chris Larson, Director, Office of Real Estate, SHA
Mr. Doug Mills, Chief, District Three, Right-of-Way Office, SHA
Mr. Raja Veeramachaneni, Director, Office of Planning and Preliminary Engineering,
SHA



**PROPOSED MERCEDES
BENZ DEALERSHIP**

CURRENT SHA LOD LINE
**POTENTIAL NEW
RETAINING WALL
LOCATION**

**CURRENT SHA
LIMITS OF
GRADING**

**AREA WHERE WALL WOULD
BE REQUIRED TO BE BUILT
BY AUTO-DEALER**

RAMP WN

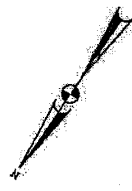
RETAINING WALL

RAMP WN

RETAINING WALL

RAMP WN

RAMP WN



CORRIDOR 1
CHECK IMPACTS TO
MONTGOMERY AUTO
SALES PARK REDEVELOPMENT
0 25 50 100
SCALE IN FEET

**INTERCOUNTY
CONNECTOR**
ICC
November 14, 2005 Study

Attachment 4

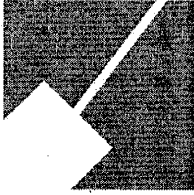


FIRE MARSHAL COMMENTS

DATE: 1-24-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ *MONTGOMERY AUTO SALES PARK PLAN #8-06001 & 8-06002/SITE PLAN DATED AUGUST, 05*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 1-24-06. 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.



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Development Review Division
Kathleen Mitchell, Development Review Division

FROM: Candy Bunnag, Planner Coordinator, Environmental Planning Section,
Countywide Planning Division

DATE: February 13, 2006

SUBJECT: Preliminary Plan 120041060 and Site Plan Number 820060020,
Montgomery Auto Sales Park, Lot 11

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following condition:

1. Compliance with the conditions of approval of the preliminary forest conservation plan.

In addition, the Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan with the following condition:

1. Compliance with the conditions of approval of the final forest conservation plan. These conditions include, but are not limited to, the following:
 - a. The following reforestation requirements must be met through purchase of credits in a forest bank: 3.58 acres of reforestation if the SHA acquires ICC ROW, or 4.18 acres if the SHA does not acquire ICC ROW.
 - b. The specific forest bank to be used must be reviewed and approved by M-NCPPC staff prior to the start of clearing and grading.
 - c. Detailed tree protection plan must be submitted for M-NCPPC staff review and approval prior to DPS release of sediment and erosion control permit.

BACKGROUND

The 14.77-acre property lies within the Little Paint Branch watershed (Use I waters). It is an existing commercial site with extensive areas of buildings and parking lots. A small stream and associated environmental buffer lies along the southwestern portion of the property. The stream feeds into the Tanglewood Tributary of the Little Paint Branch stream system. An

existing regional stormwater management (SWM) facility lies to the southeast of the subject property. The SWM facility is an instream pond in the Tanglewood Tributary.

The environmental buffer and adjoining area on the southwestern portion of the property contains 0.94 acre of existing forest. Until recently, an open area on the south side of the property had been covered in 1.02 acres of forest. The forest clearing was part of a DPS approval for stormwater management facility work (see discussion below under "Forest Conservation" for details).

Environmental Buffers

A small stream and its environmental buffer cover about 1.42 acres along the southwestern portion of the property. About 0.48 acre of the environmental buffer is currently covered in impervious surfaces (parking lot) and 0.77 acre is in forest. Impervious surfaces are considered to be encroachments into environmental buffers. Staff usually does not support encroachments into environmental buffers for new land use development projects.

Environmental Planning staff has recommended that the existing encroachment can continue to exist in the environmental buffer area. This is because car dealership uses and operations are to remain on the site (i.e., no change in use or activity types) and the site plan proposes to change only certain parts of the site.

The applicant's site plan proposes to add about 0.08 acre (3320 s.f.) of new impervious surfaces in the environmental buffer. In the initial review of the project, staff did not support any *additional* encroachments into the environmental buffer area.

However, staff has recently learned that the proposed construction for the Inter-County Connector (ICC) will greatly affect the viability and condition of the on-site stream and its environmental buffer. In a letter dated January 27, 2006 to Cathy Conlon, Development Review Division, SHA includes a map that shows some of the features that are proposed for the ICC (see enclosed attachment). The construction of the ICC ramps would severely separate and isolate the stream valley on the subject site. Approximately 0.2 acre (8800 s.f) of the environmental buffer would be within a proposed SHA construction easement. Much of this area overlaps with the environmental buffer area where the applicant proposes to locate new encroachments. One scenario shows over one-third of the environmental buffer (0.52 acre out of 1.42 acres of the buffer) within a proposed ICC ROW that SHA would acquire from the applicant. In addition, it appears that SHA proposes to construct a retaining wall that would run down the length of the stream valley on the subject site.

Because of the significant disturbance and disruption of the proposed ICC construction on the environmental buffer, staff is doubtful that the stream and the buffer can be adequately protected. Therefore, staff no longer recommends preservation or restoration of the environmental buffer area as part of this proposed preliminary or site plan. Staff recommends that the applicant provide as much tree protection in the environmental buffer as possible as part of the proposed auto sales park project. If the ICC construction can protect some of these remaining trees, there may be some tree cover that may survive over the long term. However,

staff does not recommend a conservation easement over the environmental buffer area.

Forest Conservation

The forest conservation plan proposes that all of the on-site forest is counted as forest clearing. This results in a reforestation requirement of either a 3.58 acres, if the SHA acquires 0.52 acre of ICC ROW from the subject property, or 4.18 acres if no ICC ROW is acquired. The applicant proposes to satisfy the reforestation requirement by purchasing credits from an offsite forest bank.

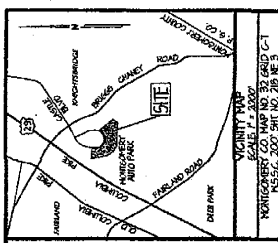
In and around the environmental buffer area, the forest conservation plan shows the preservation of tree cover whether or not the SHA acquires ROW over part of the environmental buffer. But none of the remaining tree cover is shown as protected forest. Staff believes this approach is appropriate because of the expected adverse affects of the ICC construction on the forest and environmental buffer (see discussion above under "Environmental Buffers"). With the auto sales park use on one side and the ICC on the other side, the stream, its buffer, and forest will become only a small, isolated remnant of the environmental buffer that currently exists. The quality of these features will most likely be degraded. If the applicant and the SHA are able to protect some trees in the remnant of the buffer, some tree cover may continue to exist after construction is complete. Therefore, staff recommends a tree protection plan, but no conservation easement, for the environmental buffer area.

The open area at the southern portion of the site had been covered in 1.02 acres of forest. An old SWM facility existed in this area but was never maintained. The area is covered by an existing SWM easement. Forest has regenerated in and around the facility. In 2001, DPS and the property owner agreed to terminate the SWM facility and regrade the area to extend the storm drain system, install a new rip-rap outfall, and install water quality structures. The water quantity controls would be provided by the nearby, regional SWM facility in Tanglewood Tributary. This work, including the forest clearing, occurred within the last two years but was not covered by a forest conservation plan. The current forest conservation plan accounts for the 1.02 acres of forest clearing.

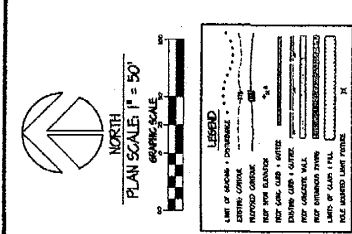
The forest conservation plan proposes to meet the reforestation requirement through the purchase of credits from a forest bank. Staff believes the use of an offsite forest bank is acceptable for this project since there would be no appropriate space on the site for forest planting. The specific forest bank would have to be identified by the applicant for staff review and approval prior to the start of clearing and grading. The proposed preliminary and final forest conservation plans, with staff's recommended conditions, meet the requirements of the County Forest Conservation Law.

RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the site plan with conditions.



MONTGOMERY COUNTY, MARYLAND
 PRELIMINARY PLAN NO. 1-24-06
 1555 GAITHERSBURG ROAD, SUITE 200
 GAITHERSBURG, MD 20878



- PRELIMINARY PLAN GENERAL NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY BOARD OF ZONING ADJUSTMENTS AND THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.
 3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY BOARD OF ZONING ADJUSTMENTS AND THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.
 4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY BOARD OF ZONING ADJUSTMENTS AND THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.
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 10. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY BOARD OF ZONING ADJUSTMENTS AND THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.

NOTE FOR TREE CONSERVATION PLAN - SEE SHEET P-1
 NOTE FOR NATURAL RESOURCES INVENTORY PLAN - SEE SHEET NR-1
 NOTE FOR SUBMITTER MANAGEMENT REQUIREMENTS - SEE RECORD SHEET CORRESPONDENCE
 PRELIMINARY PLAN NO. 1-24-06
PRELIMINARY PLAN
 LOT II
 PLAT BOOK: 20 @ PLAT NO. 14149
MONTGOMERY AUTO SALES PARK
 MONTGOMERY COUNTY, MARYLAND

JOYCE ENGINEERING CORPORATION
 PROJECT AND PLANNING ENGINEER
 10700 PATTERSON LANE, SUITE 200
 GAITHERSBURG, MD 20878
 TEL: 301-278-1333 FAX: 301-278-4900
 WWW.JOYCEENGINEERING.COM

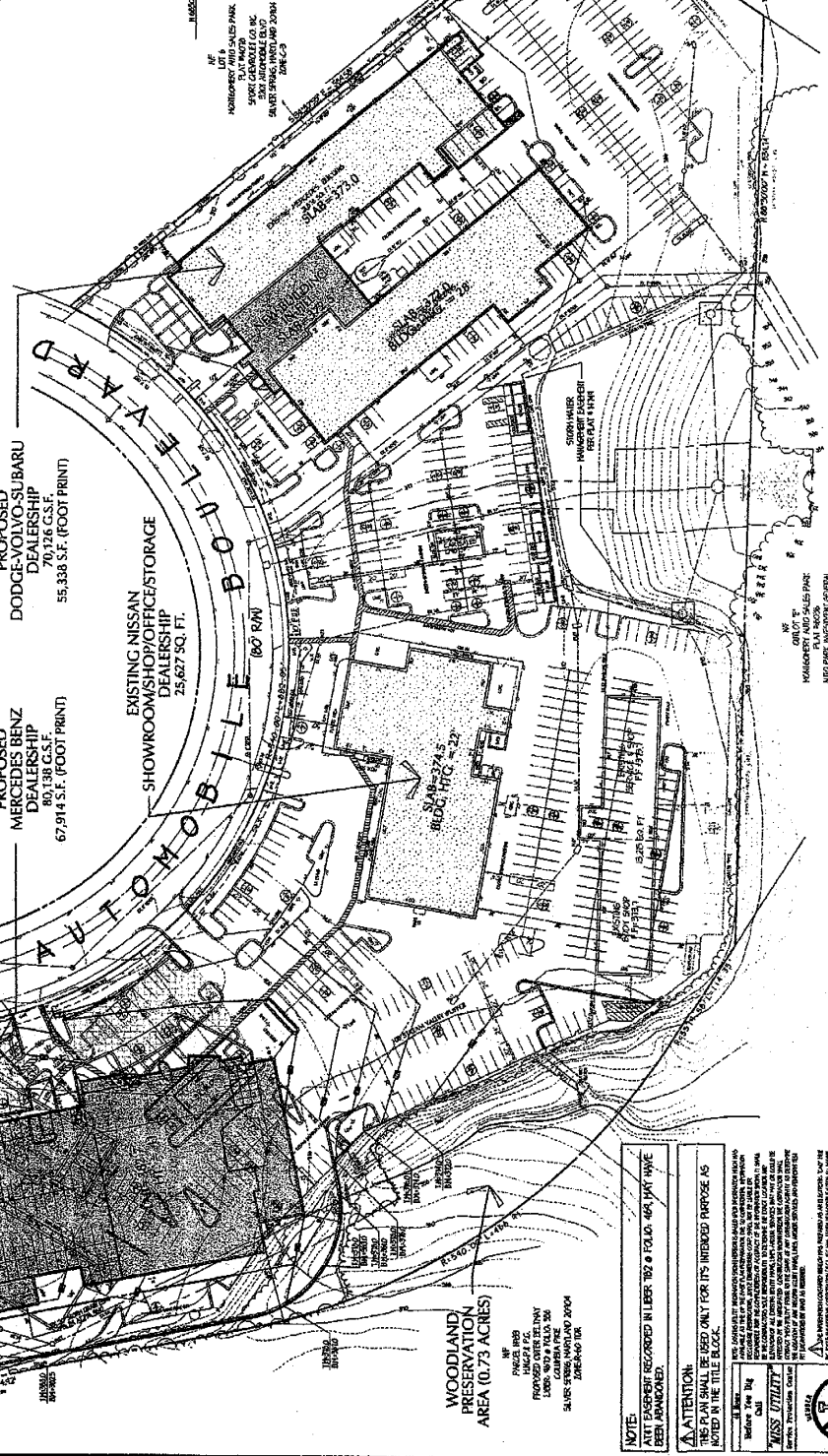
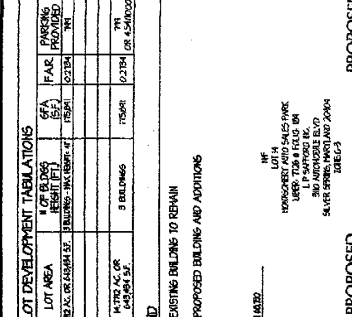
CONTRACTOR
 NAME: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 PHONE: _____ FAX: _____
 E-MAIL: _____

DATE _____

- GENERAL PARKING NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE MONTGOMERY COUNTY BOARD OF ZONING ADJUSTMENTS AND THE MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS.
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LOT DEVELOPMENT TABULATIONS

LOT BLOCK	EX LOT II	1 OF 10 BLDG. RESULTS	2 OF 10 BLDG. RESULTS	3 OF 10 BLDG. RESULTS	4 OF 10 BLDG. RESULTS	5 OF 10 BLDG. RESULTS	6 OF 10 BLDG. RESULTS	7 OF 10 BLDG. RESULTS	8 OF 10 BLDG. RESULTS	9 OF 10 BLDG. RESULTS	10 OF 10 BLDG. RESULTS
TOTALS											



OWNER/DEVELOPER/APPLICANT:
 AUTOMOBILE PARK INVESTMENT
 550 ANTOPHOLE BOULEVARD
 SUITE 200
 SILVER SPRING, MD 20910
 PHONE: 301-994-0400

PREPARED BY:
 JOYCE ENGINEERING CORPORATION
 10700 PATTERSON LANE, SUITE 200
 GAITHERSBURG, MD 20878
 PHONE: 301-278-1333
 FAX: 301-278-4900

SURVEYOR'S CERTIFICATE
 I, _____, a duly licensed Professional Surveyor in the State of Maryland, do hereby certify that the above described plat was prepared by me or under my direct supervision and that it is a true and correct copy of the original plat as shown to me.

DATE: _____
 SIGNATURE: _____
 TITLE: _____

WOODLAND PRESERVATION AREA (0.73 ACRES)
 MONTGOMERY COUNTY, MARYLAND
 1555 GAITHERSBURG ROAD, SUITE 200
 GAITHERSBURG, MD 20878

NOTE:
 THIS PLAN SHALL BE USED ONLY FOR ITS INTENDED PURPOSE AS NOTED IN THE TITLE BLOCK.

ATTENTION:
 THIS PLAN SHALL BE USED ONLY FOR ITS INTENDED PURPOSE AS NOTED IN THE TITLE BLOCK.

MISS UTILITY
 1-800-551-7777

WOODLAND PRESERVATION AREA (0.73 ACRES)
 MONTGOMERY COUNTY, MARYLAND
 1555 GAITHERSBURG ROAD, SUITE 200
 GAITHERSBURG, MD 20878

P-1

THE ABOVE IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

September 30, 2005

Mr. William A. Joyce, P.E.
Joyce Engineering Corporation
10766 Baltimore Avenue
Beltsville, Maryland 20705

Re: Stormwater Management **CONCEPT** Request
for Montgomery Auto Sales Park (Herb Gordon
Auto World)
Preliminary Plan #: 1-04106
SM File #: NS 89704
Tract Size/Zone: 14.77 Ac./ C-3
Total Concept Area: 14.77 Ac.
Lot: 11
Watershed: Little Paint Branch

Dear Mr. Joyce:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via 5 water quality structures (3 existing and 2 proposed). On-site recharge is not required since this is considered to be redevelopment. Channel protection volume is provided in the Montgomery Auto Sales Park Regional Facility.

The following **conditions** 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. New water quality structures must be installed in drainage areas 1 and 5 as shown on the conceptual stormwater management plan. They must be sized to meet primary water quality requirements in accordance with current regulations at the time of review and approval.
5. The existing water quality structures in drainage areas 2, 3 and 4 shall also be reviewed at the detailed plan stage to assure they are adequately sized.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.





DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

July 15, 2005

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

RE: Preliminary Plan No. 1-04106
Montgomery Auto Sales Park

Dear Ms. Conlon:

This letter is to request that this plan not be sent to the Planning Board for their review until the following information has been submitted and we have had adequate time to review same. In our opinion, this preliminary plan submission is incomplete at this time for the following reasons:

1. The Sight Distances Evaluation certification form has not been stamped and sealed, as required.
2. The storm drain study does not provide information on the downstream public storm drain system and the impact of the project's post development runoff on same. It is unclear from the plans if there is a nearby downstream public storm drain system which will be impacted by this project.
3. The Traffic Impact Study for this project remains under review at this time.

Your cooperation and assistance is appreciated. Please call me on (240) 777-2190 if you have any questions or comments regarding this letter.

Sincerely,

Gregory M. Leck, Manager
Traffic Safety, Investigations and Planning
Traffic Engineering and Operations Section

O:\subdivision\gm\docs\pp\1-04101ppn ltr

cc: Kenneth E. Cooper, Sr.; Joyce Engineering Corp.
Wes Guckert; The Traffic Group
Scott Wallace; Linowes and Blocher, LLP
Jim Gordon; B. Gordon Real Estate Holdings LLC



Division of Operations

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



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

January 17, 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 #1-04106
Montgomery Auto Sales Park

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated June 18, 2004. 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. Our plan shows the proposed "Mercedes Benz dealership" structure will be in conflict with the existing 20 foot wide storm drain easement (recorded in Plat Book no. 84 at Plat no. 9610). The applicant's proposal to relocate the section of the conflicting system (under DPS permit) is hereby accepted. The record plat will need to reflect the adjustment to the easement limits.
2. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
3. Coordinate with the Department of Permitting Services regarding the design of the internal parking lots, truck circulation and truck loading spaces, and handicap access. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss these issues.
4. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.



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. 1-04106
January 17, 2006
Page 2

5. Record plat to reflect a reciprocal ingress and egress easement to serve the lots accessed by each internal common driveway.
6. 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. Relocation of the existing storm drain system in the vicinity of the proposed "Mercedes Benz Dealership." Enclosed storm drainage and/or engineered channel (to be in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - 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 construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

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

Sincerely,



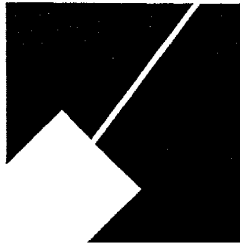
Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subd/gml/pp/1-04106, Montgomery Auto Sales Park

Enclosures (4)

cc: William A. Joyce; Joyce Engineering Corp.
Jim Gordon; B. Gordon Real Estate Holdings LLC
Scott Wallace; Linowes and Blocher LLP
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Christina Contreras; DPS RWPPR
Tina Benjamin; DED

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

February 16, 2006

Revised March 2, 2006

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

Kathleen Mitchell
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

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

CE

SUBJECT: Preliminary Plan No. 1-04106/Site Plan No. 8-06002
Addition of ~~42,000~~ 42,189 square feet of commercial density on Lot 11 for a
maximum density of ~~160,233~~ 175,891 square feet
Montgomery Auto Sales Park Expansion (Herb Gordon Auto World – Mile One)
Automobile Boulevard
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan that seeks approval for an additional ~~42,000~~ 42,189 square feet of commercial density on Lot 11 of the Montgomery Auto Sales Park over currently permitted ~~118,223~~ 133,702 square feet, for a maximum of ~~160,223~~ 175,891 square feet of commercial density on the C-3 zoned property.

The application was reviewed under the FY 04 *Annual Growth Policy (AGP)* and the July 2002 *Local Area Transportation Review (LATR) Guidelines* since it was filed prior to July 1, 2004.

RECOMMENDATIONS

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

1. As requested in the Maryland State Highway Administration (SHA) letter dated January 26, 2006, (Attachment No. 1), and the January 2006 *Final Environmental Impact Statement (FEIS)* for the proposed Intercounty Connector (ICC) (Attachment No. 2)
 - a. Place in reservation the area shown on Attachment No. 1 ("Reservation Area") until the earlier of (i) April 1, 2006; or (ii) a final Record of Decision is issued by the FHWA, and that Record of Decision does not include the Reservation Area, or any portions thereof, within the final ICC alignment.
 - b. Grant an easement to SHA over area shown on Attachment No. 1 ("Easement Area") for grading and drainage.
2. The applicant shall locate all on-site improvements outside of the Reservation Area, unless approved by SHA, until the above reservation requirement is exhausted.
3. At least 90 days prior to the submission of any building and/or construction permit for the subject development, the applicant shall provide certified written notice to SHA, Engineering Access Permits, Division Office of Highway Development stating applicant's intent to proceed with the proposed development on Lot 11. The applicant shall concurrently send a copy of this letter to Maryland-National Capital Park and Planning Commission (M-NCPPC), c/o Chief, Transportation Planning.
4. Any contract of sale between the applicant and any prospective buyer of Lot 11 shall (a) advise the buyer in writing of the requirements in place on the lot per above Conditions 1 through 3; and (b) advise the buyer to contact SHA and/or M-NCPPC Transportation Planning staff for current information regarding ICC alignment in the area. This notification requirement is binding on the applicant's heirs, successors, and/or assigns.
- ~~5. Show on the final record plat, consistent with the 1997 Approved and Adopted *Fairland Master Plan*, existing or provided right of way for Columbia Pike (US 29) along the entire property frontage (from the opposite right of way line).~~
- 6.5. Limit future development on Lot 11 to ~~160,223~~ 175,891 square feet of commercial space (i.e., additional ~~42,000~~ 42,189 square feet of commercial density over currently permitted ~~118,223~~ 133,702 square feet) to be used as automobile sales showroom and service facilities.

7.6. Contribute to SHA as requested in letter dated August 18, 2005 (Attachment No. 3), jointly with approved Preliminary Plan No. 1-05001 (Fairland View) and pending Preliminary Plan No. 1-04101 (Montgomery Auto Sales Park, Lot 17), an amount equivalent to the cost of implementing or designing/constructing the following intersection improvement required for APF approval of the subject application:

- a. Re-stripe eastbound Fairland Road approach to Columbia Pike with a left, left/through, through/right lane combination in place of existing left, left/through, through, right lane combination.
- b. The contribution shall be paid in full prior to the issuance of building permits.

8.7. Satisfy all preliminary plan conditions included in the Montgomery County Department of Public Works and Transportation's (DPWT) letter dated January 17, 2006 (Attachment No. 4).

9.8. Provide adequate lead-in sidewalk access to entrances to the proposed office/sales buildings on the property from Automobile Boulevard. Lead-in sidewalks shall be sufficiently set back from any handicap ramps. Additionally, all on- and off-site sidewalk connections, ramps and crosswalk shall conform to Americans with Disabilities Act best practices.

DISCUSSION

Site Location, Access, Circulation and Transportation Facilities

Lot 11 of the Montgomery Auto Sales Park is located within the Briggs Chaney community of Fairland, within the southeast quadrant of US 29/Briggs Chaney Road interchange, which is currently being constructed. The proposed Corridor 1 alignment of the ICC is to the south of the property, which is proposed to have an interchange with US 29 to the southwest corner of the property.

Access to site will be from Automobile Boulevard, which connects to Briggs Chaney Road. As part of ongoing SHA and DPWT projects, Briggs Chaney Road is being reconstructed between Old Columbia Pike to the west and Dogwood Drive to the east, with an interchange at US 29, a bike path along its south side, and a sidewalk along its north side.

Land uses in the immediate area include residential (to the northeast of the site), commercial (to the north and east of the site), retail (to the north of the site) and institutional (to the northeast of the site). A county maintained Park and Ride lot is located to the northwest corner of Briggs Chaney Road/Gateshead Manor Way intersection near the site, which is serviced by Metrobus routes Z5, Z8, and Z11, in addition to RideOn route 39.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *Fairland Master Plan* describes the nearby master-planned roadways, pedestrian and bikeway facilities as follows:

1. Columbia Pike (US 29), to west of the property, as a six-lane divided Controlled-Major Highway (CM-10) between Northwest Branch to the southwest and MD 198 to the northeast. A minimum right-of-way width of 100 to 200 feet is recommended for this section of US 29. The master plan also recommends a commuter bikeway for US 29.
2. Briggs Chaney Road, to the north of the property, as a four-lane divided, east-west Arterial (A-86) between Columbia Pike (US 29) to the west and Dogwood Drive to the east, with a minimum 120-foot right-of-way, and sidewalks. A Class I bikeway (PB-43) is also recommended in the master plan for Briggs Chaney Road from Old Columbia Pike to Prince George's County Line along the south side of the roadway.
3. Fairland Road, to the south of the property, as a two- to four-lane divided, east-west Arterial (A-75) between Paint Branch to the west and Prince George's County Line to the east, with a minimum 80-foot right-of-way, and sidewalks. A Class I bikeway (PB-50) is recommended in the master plan for Fairland Road from Old Columbia Pike to Prince George's County Line along the south side of the roadway.
4. Automobile Boulevard/Castle Boulevard, along the property frontage, as a four-lane Industrial Road (I-7) within the Auto Park and to the north of Briggs Chaney Road, with a minimum 80-foot right-of-way. It is noted that Automobile Boulevard and Castle Boulevard are currently built to master plan recommendations with sidewalks on both sides.
5. Robey Road, to the east of the property, as a two-lane Primary Road (P-29) between Briggs Chaney Road to the southwest and Greencastle Road to the northeast, with a minimum right-of-way width of 70 feet. The master plan recommends a sidewalk along the east side and a Class I bikeway (PB-62) along the west side of Robey Road. It is noted that Robey Road is currently built to master plan recommendations.
6. Gateshead Manor Way, to the east of the property, as a two-lane Primary Road (P-31) between Briggs Chaney Road to the southwest and just to the east of Aston Manor Way to the northeast, with a minimum right-of-way width of 70 feet. The roadway is currently built with sidewalks on both sides and to master plan recommendations.
7. Ashton Manor Way, to the east of the property, as a two-lane Primary Road (P-30) between Briggs Chaney Road to the south, to a point north of Sheffield Manor Drive, with a minimum right-of-way width of 70 feet. The roadway is currently built with sidewalks on both sides and to master plan recommendations.

8. ICC, to the south of the property, as an east-west six-lane divided Freeway (F-9), with a right-of-way of 300 feet.

Proposed Intercounty Connector

ICC is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east through central/eastern Montgomery and western Prince George's Counties. At present, the ICC planning process has concurrence on two alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans.

Currently, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction, and the publishing of a *Final Environmental Impact Statement (FEIS)* for the project. After reviewing the *FEIS*, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to occur in Spring 2006.

Information available in the *FEIS* indicates that the proposed Corridor 1 alignment of the ICC, its interchange with US 29, and some support structures physically impact the property (see Attachment No. 2).

Other On-going Transportation Projects

Other on-going transportation improvement projects in SHA's Consolidated Transportation Program and DPWT's Capital Improvement Program included:

1. US 29/Briggs Chaney Road Interchange: The above interchange is currently under construction by SHA and is approximately 56% complete (as of January 2006). The estimated completion date for this project is November 2007.
2. US 29/Musgrove Road/Fairland Road Interchange: SHA is currently in the process of preparing preliminary design plans for the interchange. The project is fully funded for Preliminary Engineering and has funding for partial right-of-way.
3. Briggs Chaney Road: This DPWT project involves reconstruction of Briggs Chaney Road from Automobile Boulevard/Castle Boulevard to a point east of Aston Manor Drive as a four-lane divided roadway, and transition to the existing two-lane roadway at Dogwood Drive. This project includes an improved and continuous sidewalk along the north side and a Class I bikeway to the south side of Briggs Chaney Road within the project limits. Construction on this project has started (in May 2005) and is to be completed in January 2007.

4. Fairland Road: This DPWT project involves reconstruction of Fairland Road from US 29 to Prince George's County line, including widening to 3 lanes, a sidewalk on the north side of the road, a Class I bikeway on the south side of the road, etc. The project is in final design and is anticipated to start construction in December 2006.

Local Area Transportation Review

A traffic study was required for the subject preliminary plan per the *LATR Guidelines* since the overall Montgomery Auto Sales Park development including the subject addition of commercial density to the lot was estimated to generate **50** or more total peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods.

The consultant for the applicant submitted a traffic study dated June 22, 2005, that determined the combined traffic impacts of both Preliminary Plan No. 1-04106 (proposed addition of 42,000 square feet of commercial density on Lot 11 – now 42,189 square-feet) and Preliminary Plan No. 1-04101 (proposed 57,749 square feet auto body shop and repair center on Lot 17) on the nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. The applicant provided a supplementary traffic analysis dated March 2, 2006, that documented analysis for an additional 189 square-feet of commercial density on Lot 11 (for a total additional density of 42,189 square-feet).

Trip generation estimates for the ~~42,000~~ 42,189 square feet of commercial density on Lot 11, as analyzed in the ~~traffic study~~ supplementary traffic analysis, were based on driveway data collected, and trip generation rates determined for the existing 329,540 square feet of automobile sales and service facilities within the entire Montgomery Auto Sales Park. This is presented in Table 1.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
ADDITION OF ~~42,000~~ 42,189 SF OF COMMERCIAL DENSITY ON LOT 11
MONTGOMERY AUTO SALES PARK

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	65	23	88
Weekday Evening Peak-Hour	39	72 73	111 112

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis. The Traffic Group, Inc. March 2, 2006.

As shown in Table 1, it was estimated that the proposed use would generate approximately 88 peak-hour trips during the weekday morning peak-period and ~~111~~ 112 peak-hour trips during the weekday evening peak-period.

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours within the respective peak periods from the ~~traffic study~~ supplementary traffic analysis is presented in Table 2. It is noted that results presented in Table 2 include traffic impact at study intersections from both Preliminary Plan No. 1-04106 and Preliminary Plan No. 1-04101.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
MONTGOMERY AUTO SALES PARK
PRELIMINARY PLAN NOS 1-04106 and 1-04101**

Intersection	Traffic Conditions							
	Existing		Background		Total		Total w/Applicant Proposed Imps	
	AM	PM	AM	PM	AM	PM	AM	PM
US 29/Greencastle Rd	1,524	1,321	1,533	1,328	1,543	1,340	--	--
US 29/Briggs Chaney Rd	1,770	1,538	--	--	--	--	--	--
US 29 SB Ramps/Briggs Chaney Rd ¹	--	--	804	529	820	565 566	--	--
US 29 NB Ramps/Briggs Chaney Rd ¹	--	--	936	1,137	976	1,171	--	--
US 29/Fairland Rd	1,541	1,485	1,609	1,571	1,618	1,589	1,594	1,548
Briggs Chaney Rd/Old Columbia Pk ¹	1,237	1,115	1,018	850	1,044	865	--	--
Briggs Chaney Rd/Castle Blvd/ Automobile Blvd ^{1,2}	1,005	1,182	776	961	789	999 1,000	--	--
Briggs Chaney Rd/Robey Rd ²	1,078	1,100	868	708	876	713	--	--
Briggs Chaney Rd/Gateshead Manor Wy ²	818	965	708	837	717	842	--	--
Briggs Chaney Rd/Site Access ²	--	--	--	--	358	654	--	--

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis, The Traffic Group, Inc. March 2, 2006.

FY 2004 Congestion Standard for Fairland/White Oak Policy Area: 1,550 CLV

¹ Background and Total Traffic Conditions reflect SHA improvements as part of the US 29/Briggs Chaney Road interchange project.

² Background and Total Traffic Conditions reflect proposed DPWT improvements along Briggs Chaney Road.

As shown in Table 2, under Total traffic conditions, CLV at the study intersections were either below the FY 2004 Fairland/White Oak congestion standard of **1,550**, or with an applicant identified roadway improvement (lane designation changes to the eastbound Fairland Road approach to US 29) did not exceed the respective CLV under Background traffic conditions. A pending Preliminary Plan (1-04101; Montgomery Auto Sales Park, Lot 17) and an approved Preliminary Plan (1-05001; Fairland View) are also required to participate in this improvement.

Additionally, per Section III.A of the *LATR Guidelines* (see Attachment No. 5), “An intersection improvement may be used by two or more developments if construction of the improvement has not been completed and open to the public. In order to be considered, the program or improvement must provide sufficient capacity to:

- result in a calculated CLV in the total traffic condition that is less than the congestion standard for that policy area, or
- mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the intersection congestion standard for the applicable policy area. Mitigation is achieved when the CLV in the total traffic condition that includes traffic from each contributing development *with* the improvement is equal to or less than the CLV in the background traffic condition without the improvement.”

Based on the review of the analysis presented in the traffic study, staff concludes that the improvement identified will create adequate capacity at the intersection to accommodate traffic associated with the subject development and the other two plans.

Policy Area Transportation Review/Staging Ceiling Conditions

The Fairland/White Oak Policy Area had staging ceiling capacity for 1,939 jobs (non-residential development) on June 30, 2004, under the FY 2004 AGP. Since staging ceiling capacity for jobs existed at the time of this application, the subject preliminary plan satisfies the *Policy Area Transportation Review* test.

It was estimated that the proposed addition of ~~42,000~~ 42,189 square feet of commercial density on Lot 11 is equivalent to ~~84~~ 85 jobs (assuming 500 square feet of commercial space is equivalent to 1 job). However, the applicant had indicated that the proposed addition will not add any new employees to the site, but in fact, will shift some of the existing jobs to Lot 17 (Preliminary Plan No. 1-04101).

CE:gw
Attachments

cc: Piera Weiss
Rich Weaver
Ivy Leung
Sarah Navid
Greg Leck
Wes Mitchell
Ray Burns
Wes Guckert
Scott Wallace



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Attachment No. 1

January 27, 2006

Re: Montgomery County
Intercounty Connector
Montgomery Auto Sales Park (8-06001 & 8-06002)

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

Dear Ms. Conlon:

This office has reviewed the Site Plan (8-06001 and 8-06002) for the Montgomery Auto Sales Park dated June 2004. The 14.77 acres Montgomery Auto Sales Park Property is located south of Briggs Chaney Road and east of US 29. The Site Plan shows the proposed reconstruction of two existing buildings as well as changes to the existing parking lot.

The Intercounty Connector (ICC) Corridor One, as shown to date, impacts about 0.80 acres of the property, as shown on the attached map. About 0.29 acres of this impact (highlighted in purple on the attached map), located right station 48+50 to right station 50+55 along ramp "NW", is due only to grading for supporting slopes, and could be handled as an easement. The remaining 0.51 acres of impact (highlighted in orange on the attached map) contains a potential retaining wall, and needs to be acquired as right-of-way.

To protect property that will support the State Highway Administration/Maryland Transportation Authority (SHA/MdTA) locally preferred alternative, Corridor One, which is being studied as part of the current National Environmental Policy Act process for the project, we request that your agency require reservation of this property through the project's Record of Decision scheduled for release on April 1, 2006. In addition, we request that the Site Plan approval be made contingent upon the owner continuing to work with the SHA regarding grading and drainage to make certain that neither the owner's or SHA's interests are precluded by the other.

My telephone number/toll-free number is 1-866-462-0020
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

Ms. Cathy Conlon
Page Two

Thank you for the opportunity to comment on this project. We appreciate your agency's consideration of the above action.

Sincerely,

A handwritten signature in black ink that reads "Wesley Mitchell". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Wesley Mitchell
Project Manager
Project Planning Division

cc: Mr. John A. Borkowski, Engineering Access Permits Division, SHA (w/enclosure)
Mr. Greg Cooke, Engineering Access Permits Division, SHA
Mr. Jim Gordon (w/enclosure)
Mr. Tom Hinchliffe, Office of Real Estate, SHA
Mr. Chris Larson, Director, Office of Real Estate, SHA
Mr. Doug Mills, Chief, District Three, Right-of-Way Office, SHA
Mr. Raja Veeramachaneni, Director, Office of Planning and Preliminary Engineering,
SHA

MONTGOMERY AUTO SALES PARK - LOT 11

PROPOSED MERCEDES
BENZ DEALERSHIP

AREA FOR CONSTRUCTION
EASEMENT

AREA FOR
RIGHT OF WAY

CURRENT SHA LOD LINE
POTENTIAL NEW
RETAINING WALL
LOCATION

RETAINING WALL

RESERVATION
AREA

CURRENT SHA
LIMITS OF
GRADING

EASEMENT

RETAINING WALL

RAMP WNW

RAMP WN

RAMP WNS

RAMP WMS

C:\projects\2005\2005-11-08\study.dgn

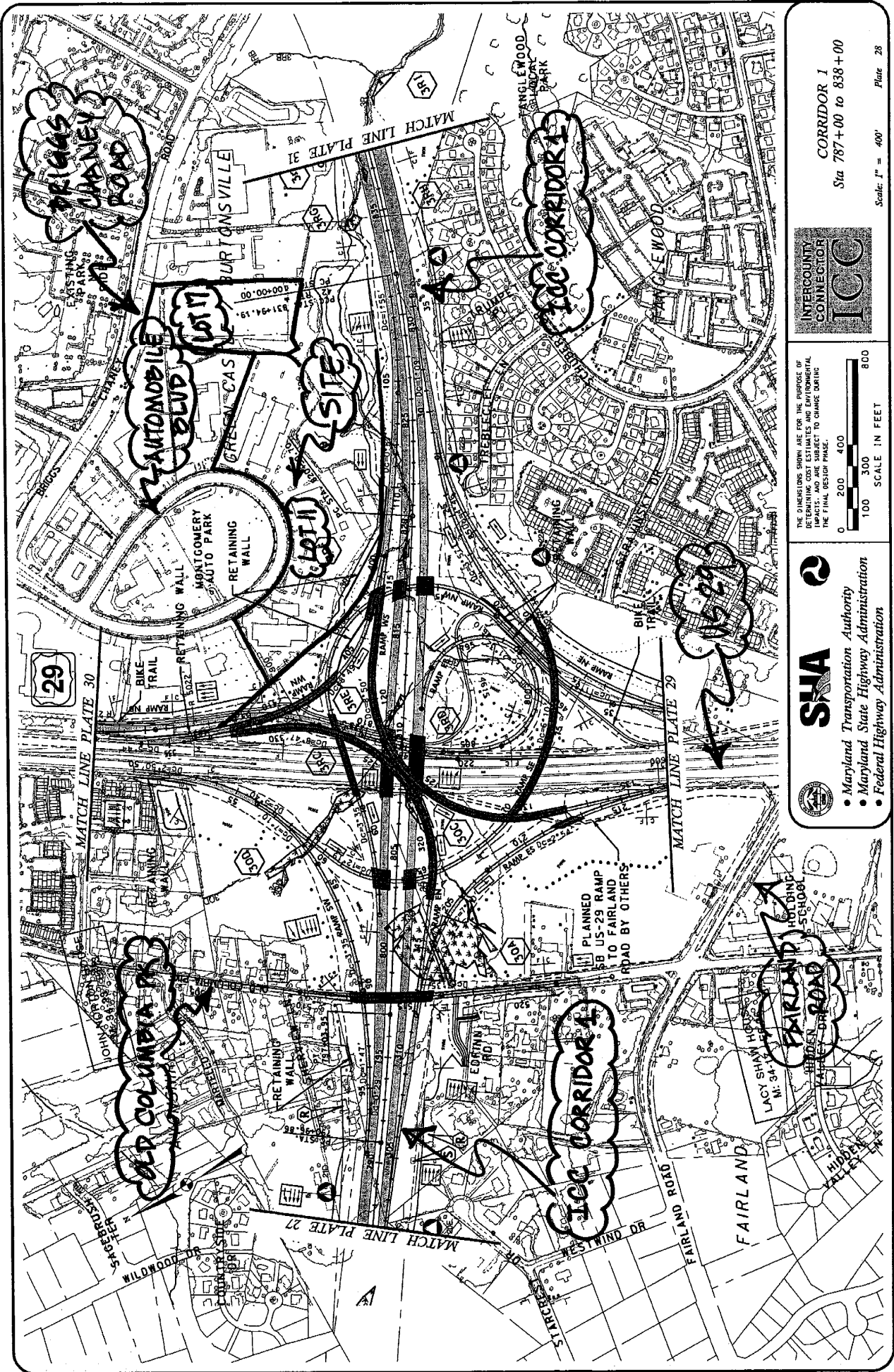
INTERCOUNTY
CONNECTOR
ICC
November 14, 2005 Study



CORRIDOR 1
CHECK IMPACTS TO
MONTGOMERY AUTO
SALES PARK REDEVELOPMENT

SCALE IN FEET

—: FOR ILLUSTRATIVE PURPOSES ONLY :—

SOURCE: MARYLAND SHA (JAN 2006)



• Maryland Transportation Authority
 • Maryland State Highway Administration
 • Federal Highway Administration

CORRIDOR 1
 Sta 787+00 to 838+00

Scale: 1" = 400'
 Plate 28

THE DIMENSIONS SHOWN ARE FOR THE PURPOSE OF DETERMINING COST ESTIMATES AND ENVIRONMENTAL IMPACTS, AND ARE SUBJECT TO CHANGE DURING THE FINAL DESIGN PHASE.

0 100 200 300 400 800
 SCALE IN FEET

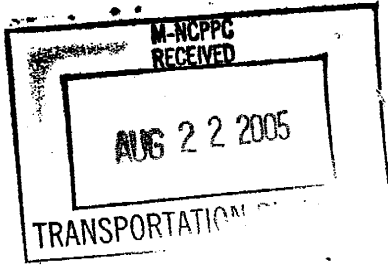
11/2004 ICC-0805AF 0028.dgn

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation



Revised: August 18, 2005
August 5, 2005

Re: Montgomery County
U.S. Route 29 General File
Montgomery Auto Park Expansion
Preliminary Plans 1-04101 & 1-04106

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you for the opportunity to review the Updated Traffic Impact Study Report prepared by The Traffic Group, Inc. dated June 27, 2005 (received by the EAPD on June 29, 2005) that was prepared for the proposed expansion of the Montgomery Auto Park in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the Auto Park that will be expanded to provide a 57,749 square foot Auto Body Repair Shop with one (1) right-in/right-out access driveway on Briggs Chaney Road as well as 42,000 square feet of proposed Showroom Space with direct access to Automobile Boulevard.
- The traffic consultant determined that the proposed development would negatively impact the U.S. Route 29 at Fairland Road intersection. Therefore, the traffic consultant proposed to widen the eastbound Fairland approach from the existing 1 left turn lane, 1 through lane, and 1 right turn lane –to- 2 left turn lanes, 1 through lane, and 1 through/right lane.
- The traffic consultant determined that the improvement to the U.S. Route 29 at Fairland Road intersection was also proposed by the Fairland View development. It was determined that the roadway improvement at the U.S. Route 29 at Fairland Road intersection would mitigate the site traffic impact from both the Montgomery Auto Park Expansion and the Fairland View development.

SHA currently has funding for right-of-way and design of an interchange at the U.S. Route 29 at Fairland Road intersection. Although there is currently not construction funding for the interchange, funds potentially could be expedited and construction could commence as early as 2007. However, the eventual construction of an interchange at U.S. Route 29 and Fairland Road should not be considered a definitive fact.

My telephone number/toll-free number is _____

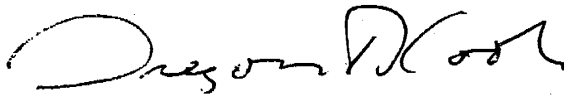
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

Therefore, SHA recommends that the M-NCPPC require the applicant to contribute a fee in lieu contribution to SHA commensurate with the funding that it would take to construct the at-grade roadway improvements at the U.S. Route 29 at Fairland Road intersection identified in the traffic report. In order to determine an appropriate fee in lieu contribution, SHA recommends that the M-NCPPC require the applicant to submit a detailed construction cost estimate to complete the roadway improvements at the U.S. Route 29 at Fairland Road intersection. Roadway improvement plans should accompany the construction cost estimate to justify the results. If it is later determined that SHA will be moving forward with the interchange construction at the U.S. Route 29 at Fairland Road intersection, then SHA would like to utilize the fee in lieu funds towards the interchange construction. However, if it is determined that an interchange will not be constructed (or significantly delayed), then SHA may utilize the funds towards at-grade intersection improvements.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Greg Cooke at (410) 545-5595. If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 extension 20.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. Ed Axler, M-NCPPC
Mr. Greg Cooke, Assistant Chief, SHA Engineering Access Permits Division
Mr. Joseph Finkle, SHA Travel Forecasting Section
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. John Guckert – The Traffic Group, Inc.
Mr. William Richardson, SHA Traffic Development & Support Division
Mr. Dennis Simpson, SHA Regional Planning
Mr. Lee Starkloff, SHA District 3 Traffic Engineering
Mr. Jeff Wentz, SHA Office of Traffic & Safety



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

January 17, 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 #1-04106
Montgomery Auto Sales Park

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated June 18, 2004. 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. Our plan shows the proposed "Mercedes Benz dealership" structure will be in conflict with the existing 20 foot wide storm drain easement (recorded in Plat Book no. 84 at Plat no. 9610). The applicant's proposal to relocate the section of the conflicting system (under DPS permit) is hereby accepted. The record plat will need to reflect the adjustment to the easement limits.
2. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
3. Coordinate with the Department of Permitting Services regarding the design of the internal parking lots, truck circulation and truck loading spaces, and handicap access. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss these issues.
4. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.



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. 1-04106
January 17, 2006
Page 2

5. Record plat to reflect a reciprocal ingress and egress easement to serve the lots accessed by each internal common driveway.
6. 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. Relocation of the existing storm drain system in the vicinity of the proposed "Mercedes Benz Dealership." Enclosed storm drainage and/or engineered channel (to be in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - 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 construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

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

Sincerely,



Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subd/gml/pp/1-04106, Montgomery Auto Sales Park

Enclosures (4)

cc: William A. Joyce; Joyce Engineering Corp.
Jim Gordon; B. Gordon Real Estate Holdings LLC
Scott Wallace; Linowes and Blocher LLP
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Christina Contreras; DPS RWPPR
Tina Benjamin; DED

C. Exceptions to the General Guidelines

There are several policy areas where there are exceptions or additions to the general Local Area Transportation Review process:

1. In the Potomac Policy Area, only developments that Transportation Planning staff consider impacting any of the following intersections will be subject to Local Area Transportation Review: a) Montrose Road at Seven Locks Road, b) Democracy Boulevard at Seven Locks Road, c) Tuckerman Lane at Seven Locks Road, d) Bradley Boulevard at Seven Locks Road, e) Democracy Boulevard at Westlake Drive, f) Westlake Drive at Westlake Terrace, and g) Westlake Drive at Tuckerman Lane.
2. The following policy areas have been designated Metro Station Policy Areas in the most-recently adopted AGP: Bethesda CBD, Friendship Heights CBD, Glenmont, Grosvenor, Shady Grove, Silver Spring CBD, Twinbrook, Wheaton CBD, and White Flint. This designation means that the congestion standard equals a critical lane volume of 1800 (see Table 1) and that development within the area is eligible for the AGP's Alternative Review Procedure for Metro Station Policy Areas if a Transportation Management Organization (TMO) exists. This procedure allows a developer to meet LATR requirements by 1) making a payment as designated in the AGP, 2) joining and supporting a TMO, and 3) mitigating 50% of their total weekday morning and evening peak-hour trips. Both residential and non-residential projects are eligible for the procedure.
3. Development in the Bethesda CBD, Friendship Heights CBD, Glenmont, Grosvenor, Shady Grove, Silver Spring CBD, Twinbrook, Wheaton CBD and White Flint Policy Areas will be reviewed in accordance with Section V of these guidelines. These procedures provide specifics to satisfy the general guidelines included in the adopted Annual Growth Policy (AGP).
4. Area-specific trip-generation rates have been developed for the Bethesda, Friendship Heights, and Silver Spring CBDs. (See Appendix C.)

III. Method and Preparation of Local Area Transportation Review Traffic Study

A. General Criteria and Analytical Techniques

The following general criteria and analytical techniques are to be used by applicants for subdivision, zoning, special exceptions, and mandatory referrals in submitting information and data to demonstrate the expected impact on public intersections and roadways by the vehicle trips generated by the proposed development. In addition to the consideration of existing traffic associated with current development, applicants shall include in the analysis potential traffic that will be generated by their development and other nearby approved but unbuilt development; i.e., background, to be included in the analysis.

The traffic study for the proposed development under consideration must include in background traffic all developments approved by the Planning Board or other public body (i.e., the Board of Appeals, the cities of Rockville or Gaithersburg) prior to the submission of a preliminary plan application or complete traffic study, whichever is later. Information and data on approved but unbuilt developments, i.e., background

development, nearby intersections for study, trip distribution and traffic assignment guidelines, and other required information will be supplied to the applicant by Transportation Planning staff within 15 working days of receipt of a written request.

For a zoning case, Transportation Planning staff may initiate a meeting with the applicant, the Hearing Examiner and interested groups or individuals to establish the scope of the traffic analysis.

Transportation Planning staff may require that applications in the immediate vicinity of the subject application submitted in accordance with the LATR Guidelines and filed simultaneously or within the same time frame be included in background traffic, even if the Planning Board has not approved them. If a preliminary plan is approved after a traffic study has been submitted for another project and both require improvements for the same intersection(s), then the traffic study for the pending preliminary plan must be updated to account for the traffic and improvements from the approved preliminary plan.

The traffic study should be submitted along with the application or within 15 days prior to or after the application's submission date. If a traffic study is submitted at the same time as the application, the applicant will be notified concerning the completeness of the traffic study within 15 working days of the Development Review Committee meeting at which the preliminary plan is to be discussed. If not submitted before the Development Review Committee meeting, Transportation staff has 15 working days after submittal to notify the applicant as to whether or not the traffic study is complete.

For an intersection improvement to be considered for more than one preliminary plan, the improvement must provide enough capacity to allow all the preliminary plans participating in the improvement to satisfy the conditions of LATR. An intersection improvement may be used by two or more developments if construction of the improvement has not been completed and open to the public. In order to be considered, the improvement must provide sufficient capacity to:

1. result in a calculated CLV in the total traffic condition that is less than the congestion standard for that policy area, or
2. mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the intersection congestion standard for the applicable policy area. Mitigation is achieved when the CLV in the total traffic condition that includes traffic from each development *with* the improvement is equal to or less than the CLV in the background traffic condition without the improvement.

When development is conditioned upon improvements, those improvements must be bonded, under construction, or under contract for construction prior to the issuance of building permits for new development. Construction of an improvement by one applicant does not relieve other applicants who have been conditioned to make the same improvement of their responsibility to participate in the cost of that improvement.

As indicated in the AGP, in policy areas where staging ceiling capacity is available, the applicant has six months from the date of acceptance of his application to obtain preliminary plan approval unless the applicant is granted an extension. If the Planning Board grants an extension, Transportation Planning staff will determine if the traffic study needs to be updated.