

MCPB
Item # 4
Date: 3/16/06
3/30/06

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 57,749 square feet of auto body and repair facilities.

PROJECT NAME: Montgomery Auto Sales Park

CASE #: 120041010 (1-04101)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-3

LOCATION: Located on the south side of Briggs Chaney Road, approximately 1000 feet southeast of the intersection with Automobile Boulevard.

MASTER PLAN: Fairland

APPLICANT: Automobile Park Investment General Partnership II

ENGINEER: Joyce Engineering

FILING DATE: June 23, 2004

HEARING DATE: March 16 30, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited development on the site to a 57,749 square feet auto body shop and repair center.
- 2) Compliance with the Binding Elements of the amended Schematic Development Plan (DPA 04-2).
- 3) 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.
- 4) The applicant shall contribute to Maryland State Highway Administration (SHA) as requested in letter dated August 18, 2005, jointly with approved Preliminary Plan No. 1-05001 (Fairland View) and pending Preliminary Plan No. 1-04106 (Montgomery Auto Sales Park, Lot 11), 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.
- 5) The final record plat shall reflect, consistent with the 1997 Approved and Adopted *Fairland Master Plan*, existing or provided right-of-way for Briggs Chaney Road along the entire property frontage (show either 60 feet from the roadway centerline or 120 feet from the opposite right-of-way line).
- 6) Compliance with conditions included in the Montgomery County Department of Public Works and Transportation's (DPWT) letter dated January 17, 2006, unless otherwise amended.
- 7) Record Plat to reflect location of stormwater access easement as shown on the preliminary plan with a note restricting parking from within the easement area.
- 8) Record plat to reflect any cross easement necessary to provide access from subject property to adjacent Lot 11 (1-04106).
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated April 16, 2004.
- 10) No clearing or grading prior to site plan signature set approval.
- 11) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
- 12) Site Plan # 8-06001 shall be approved by the Planning Board and signed by the Development Review Staff prior to the approval of the record plat.
- 13) 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.
- 14) Other necessary easements

SITE DESCRIPTION: (Attachment 1)

The 5.06-acre subject property is zoned C-3 and located on the south side of Briggs Chaney Road in the Fairland Master Plan area. Currently, this site contains no structures but is used as a parking lot.

The property lies within the Little Paint Branch watershed (Use I waters). There are no forests, streams, wetlands, environmental buffers, or trees on the property. An existing regional stormwater management facility lies to the south of the subject property. Land uses in the immediate area include residential (to the north and northeast of the site), commercial (to the east and west of the site), retail (to the northwest of the site) and institutional (to the northeast of the site).

BACKGROUND: (Attachment 2)

This property is the subject of a Development Plan Amendment DPA 04-2 as adopted by District Council on April 19, 2005. The DPA approved a change in use and an increase in density for the subject property. The DPA also limited parking to designated parking areas and restricted parking from areas constituted as green space on the plan. The DPA further required the establishment of a stormwater management access easement across the site. The Planning Board reviewed the DPA on two occasions, October 28, 2004 and March 31, 2005. The Board, at both hearings, recommended approval of the DPA.

PROJECT DESCRIPTION: (Attachment 3)

The application proposes to create a single lot to allow the construction of up to 57,749 square feet of auto body shop and auto repair space. Primary access to the proposed lot will be via a right-turn in/right-turn out driveway to Briggs Chaney Road. Additional access to the site will include connections to Automobile Boulevard through Lots 11 and 8 to the west of the proposed Lot 17. As part of an ongoing DPWT project, Briggs Chaney Road is being reconstructed between Castle Boulevard/Automobile Boulevard to the west and Dogwood Drive to the east with a bike path on the south side and a sidewalk on the north side.

Of particular concern in the review of this preliminary plan, as evidenced by the binding conditions of the DPA, was the need to establish access to an adjacent stormwater management pond located to the south of the subject property. The applicant has responded to this requirement for access by establishing an easement that has been reviewed and approved by the Montgomery County Department of Permitting Services. A specific requirement of this easement area is that it be shown on the record plat and that a note on the plat restricts parking from within the easement. The DPA parking requirements are being reviewed as part of the concurrently submitted site plan application.

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 applicant is required to tie the proposed bikepath along Briggs Chaney into the site with appropriate ADA accommodations. Streetscaping is a required part of the site plan. Therefore the proposal is in conformance with the master plan.

TRANSPORTATION

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 April 2006.

Information available in the *FEIS* indicates that the proposed Corridor 1 alignment of the ICC or its support structures does not 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 auto body shop and repair center 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. 1-04101 (proposed 57,749 square feet auto body shop and repair center on proposed Lot 17) and a concurrently submitted Preliminary Plan No. 1-04106 (proposed addition of 42,189 square feet of building area on existing Lot 11) on the nearby roadway intersections during weekday morning and evening peak periods. Staff review of the traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. Trip generation estimates for the auto body shop and repair center on Lot 17, as analyzed in the traffic study, 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 Park. A summary of the site trip generation is presented in Table 1.

TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED 57,749 SF AUTO BODY SHOP AND REPAIR CENTER
MONTGOMERY AUTO SALES PARK LOT 17

| Time Period | Trip Generation | | |
|---------------------------|-----------------|-----|-------|
| | In | Out | Total |
| Weekday Morning Peak-Hour | 90 | 31 | 121 |
| Weekday Evening Peak-Hour | 54 | 99 | 153 |

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005.

As shown in Table 1, it was estimated that the proposed use would generate approximately 121 peak-hour trips during the weekday morning peak-period and 153 peak-hour trips during the weekday evening peak-period. However, the traffic study notes that given the operational characteristics of an auto body shop and repair center, the site would in fact generate trips only in the range of 25-30 peak-hour trips during the peak-periods. Therefore by using the higher trip generation estimates presented a worst-case analysis. Staff concurs with this opinion.

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 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. 1-04101 and Preliminary Plan No. 1-04106.

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

| 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 | -- | -- |
| 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 | -- | -- |
| 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.
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 (**1,618 a.m. and 1589 p.m.**) under Background traffic conditions. Pending Preliminary Plan 1-04106; Montgomery Auto Sales Park, Lot 11 and

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 two other plans.

Staff has also assessed concerns regarding cut-through traffic through the property that were raised by the local community. Staff determined that the occurrence of cut-through traffic by non-local traffic would be minimal if not nil because it would be an illogical alternative route. The connection between Lot 17 and adjoining Lot 11 will be used almost exclusively by employees and patrons of the two uses.

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 auto body shop and repair center with 57,749 square feet of space, 74 service bays, and one work shift from 8:00 a.m. to 5:00 p.m. is equivalent to 74 jobs (assuming 1 job per bay). However, the applicant indicates that the proposed use would only employ approximately 35 mechanics, technicians, and support personnel, including ten current employees.

ENVIRONMENTAL

Forest Conservation

The forest conservation plan proposes that the required 0.76 acre of afforestation will be met by purchasing credits from a forest mitigation 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.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

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 authority over these requirements have recommended approval or approval with conditions of this application. Their 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:

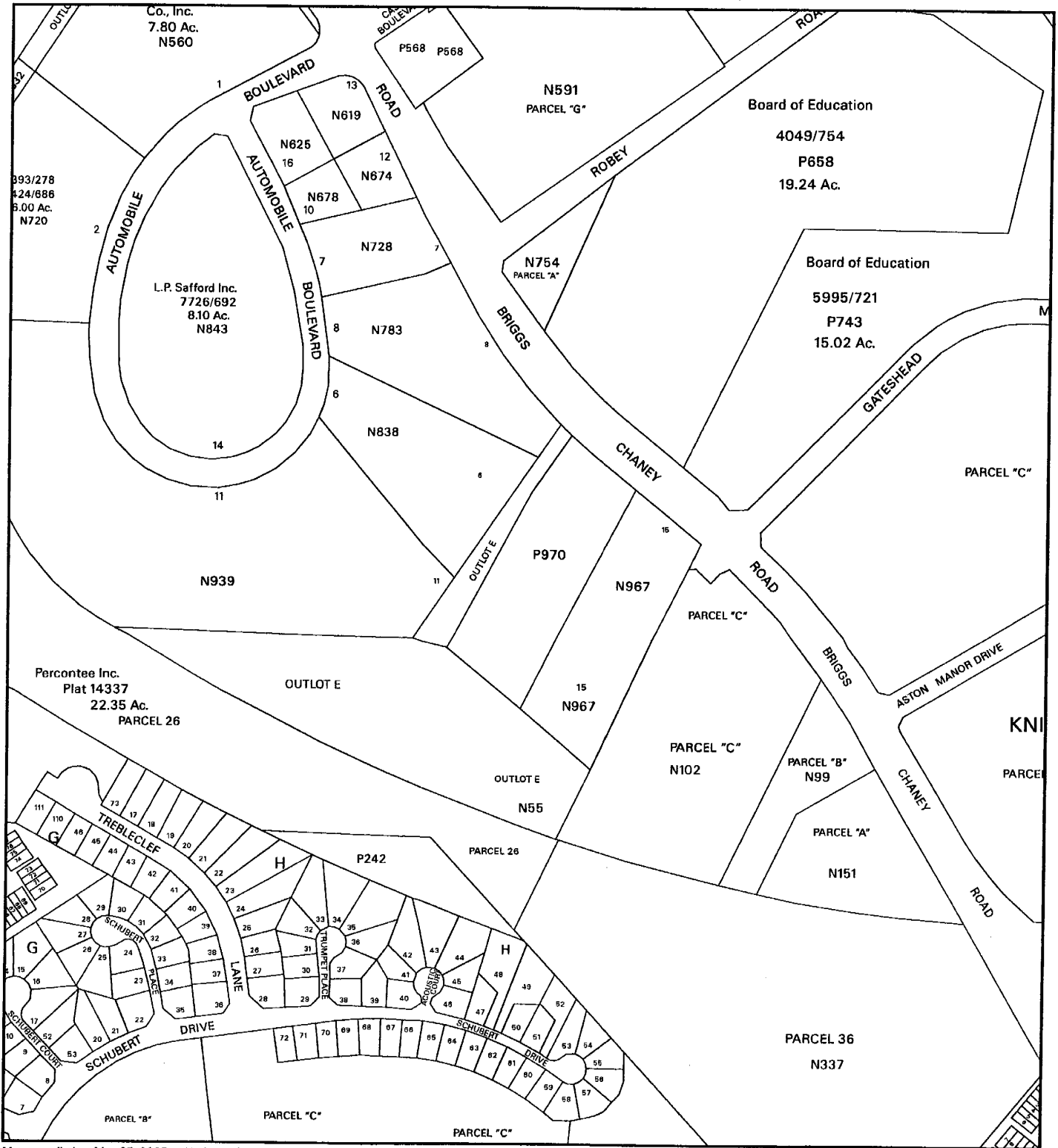
- Attachment 1 Vicinity Map
- Attachment 2 Development Plan Opinion
- Attachment 2 Preliminary Plan
- Attachment 3 Agency Approvals

Preliminary Plan Data Table and Checklist

| Plan Name: Montgomery Auto Park | | | | |
|--|--|--|----------------------|-------------|
| Plan Number: 120041010 (formerly 1-04101) | | | | |
| 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. | | | |
| Lot Width | none | | | |
| Lot Frontage | none | | | |
| 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 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 | | RW | 3/3/06 |
| FINDINGS | | | | |
| <i>SUBDIVISION</i> | | | | |
| Lot frontage on Public Street | Yes | Yes | RW | 3/3/06 |
| Dedication of Public Streets | None | | | |
| Environmental Guidelines | Yes | Yes | EPD memo | 2/8/06 |
| Forest Conservation | Yes | Yes | EPD memo | 2/8/06 |
| Master Plan Compliance | Yes | Yes | RW | 3/3/06 |
| Other | | | | |
| <i>ADEQUATE PUBLIC FACILITIES</i> | | | | |
| Stormwater Management | Yes | Yes | DPS memo | 4/16/04 |
| Water and Sewer | Yes | Yes | RW | 3/3/06 |
| 10-yr Water and Sewer Plan Compliance | Yes | Yes | RW | 3/3/06 |
| 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 (1-04101)



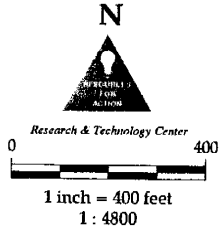
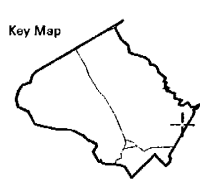
Map compiled on May 25, 2005 at 11:19 AM | Site located on base sheet no - 218NE04

NOTICE

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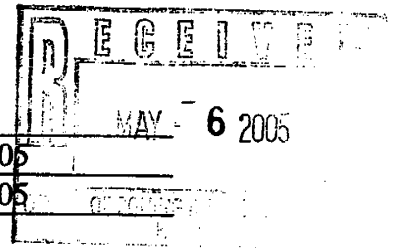
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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



ATTACHMENT 2

Resolution No: 15-967
Introduced: April 19, 2005
Adopted: April 19, 2005



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

By: District Council

SUBJECT: Approval of Development Plan Amendment (DPA) 04-2

BACKGROUND

1. Development Plan Amendment ("DPA") application No. 04-2 was filed on April 8, 2004. The Applicant, Auto Park Investment General Partnership II, seeks to amend the approved Development Plan applicable to a 10.2582-acre property that is located on Briggs Chaney Road in the Fairland area, approximately 500 feet east of the intersection of Briggs Chaney and Robey Roads. The 10.2-acre subject property was classified under the C-3 Zone in 1980 via Local Map Amendment ("LMA") No. G-189. The Development Plan for the subject property was amended in 1986 via DPA 86-1. Two later amendments proposed to the Development Plan were ineffective because the executed covenants were not submitted.
2. The subject property is comprised of all or part of four parcels, N 967, P970, N 973 and a portion of Outlot E. The Applicant and a related entity own three of these, P 970, N 973 and a portion of Outlot E.
3. In DPA 04-2, the Applicant seeks a change in use and an increase in density for parcels P 970 and N 973, which comprise the northern half of the site. On the development plan approved in 1986, P 970 is approved for 20,500 square feet of auto dealership use. N 973 is not designated for any development on the 1986 plan, as it was intended to provide access to a regional stormwater management facility on Outlot E. DPA 04-2 seeks approval for a total of 57,749 square feet of development on parcels P 970 and N 973 combined, which together measure about 4.98 acres. Binding elements restrict all parking to designated parking areas, and prohibit any designated parking spaces from being located in any area that constitutes green space, as currently defined in Section 59-A-2.1 of the Montgomery County Code, or in the storm water management access easement to be established at site plan. These binding elements are also reflected in the revised

covenants, which have been properly executed. A general note on the schematic development plan requires approval from the Department of Permitting Services for grading and curb cuts to ensure adequate access to the stormwater management facility. The present DPA does not seek to change the other binding elements on the 1986 plan, which specify a 50-foot front yard setback, a 42-foot side yard setback, and a green space requirement of 15 percent.

4. DPA 04-2 does not seek to change the approved density on Parcel N 967 (Lot 15).
5. Parcels P 970 and N 973 are currently used for automobile storage on a surface parking lot. As a first phase, the Applicant proposes to construct a 57,749-square-foot automobile body shop on Parcels P 970 and N 973, with ten bays for auto body work, approximately 285 surface parking spaces and approximately 163 spaces on a structured roof-top parking deck. The building, with rooftop parking, is intended to be 38 feet in height. The DPA will also permit potential construction of additional parking decks on the roof of the body shop, up to a height of 84 feet, if approved at site plan. The proposed body shop would be part of an overall redevelopment of the auto dealerships owned by the Applicant's parent company, Mile One, in the adjacent Montgomery Auto Park.
6. Technical Staff of the Maryland-National Capital Park and Planning Commission, by memorandum dated October 21, 2004, recommended that the subject application be granted, with certain revisions to the development plan and additional submissions. See Ex. 42. Staff found that the proposed DPA (1) satisfies the purposes of the C-3 Zone by providing for the orderly grouping of commercial development along or near major highways; (2) conforms with the *1997 Approved and Adopted Fairland Master Plan*; (3) satisfies all the development standards for the zone; and (4) will aid in the accomplishment of a coordinated and comprehensive development of the Maryland Washington Regional District.
7. The Montgomery County Planning Board (the "Planning Board") voted unanimously on October 28, 2004 to recommend that the application be approved, subject to compliance with the revisions and submissions identified by Technical Staff. See Ex. 48. In its Board Recommendation dated December 3, 2004, the Planning Board stated that the Applicant had made all of the required revisions and submissions to Technical Staff's satisfaction. See *id.*
8. The District Council considered the present application on March 8, 2005 and voted to remand the case to the Planning Board to reopen the record for the following purposes:
 - (1) To permit the Applicant to amend its schematic development plan and covenants to include binding commitments to the

effect that (a) all parking shall be restricted to designated parking areas; and (b) without limiting (a) above, no designated parking areas shall be allowed within (i) any area that constitutes green space, as currently defined in Section 59-A-2.1 of the Montgomery County Code, or (ii) the storm water management access easement to be established at site plan.

- (2) To seek the Planning Board's recommendation on the application in light of any amendment to the application submitted following the remand.
9. At its meeting on March 31, 2005, the Planning Board reopened the record to admit into evidence a revised schematic development plan and revised, executed covenants submitted by the Applicant that incorporate the restrictions specified in the Order of Remand. The Planning Board also added to the record a brief supplemental report from Technical Staff, dated March 25, 2005, which recommends *approval* of the application. In their supplemental memorandum, Technical Staff found that the amendments made following the remand clarify the parking restrictions by being more comprehensive, making all parking restrictions binding elements, and ensuring that both the schematic development plan and declaration of covenants reflect all binding elements related to parking restrictions. Staff also noted that these amendments address the community's long-standing concerns about parking within the green space on properties within the Auto Park. The Planning Board voted unanimously to recommend that the application be *approved* as currently submitted.
10. There is no opposition to DPA 04-2, the Planning Board does not recommend a public hearing in this case, and no request has been made for a hearing.
11. On April 19, 2005, the District Council reviewed DPA 04-2 and concluded that the DPA meets the requirements of the Zoning Ordinance and its approval would be in the public interest.

ACTION

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

DPA 04-2, which requests an amendment to the Development Plan approved in DPA 86-1 applicable 10.2582 acres of land located on Briggs Chaney Road in the Fairland area, approximately 500 feet east of the intersection of Briggs Chaney and Robey Roads, to permit the

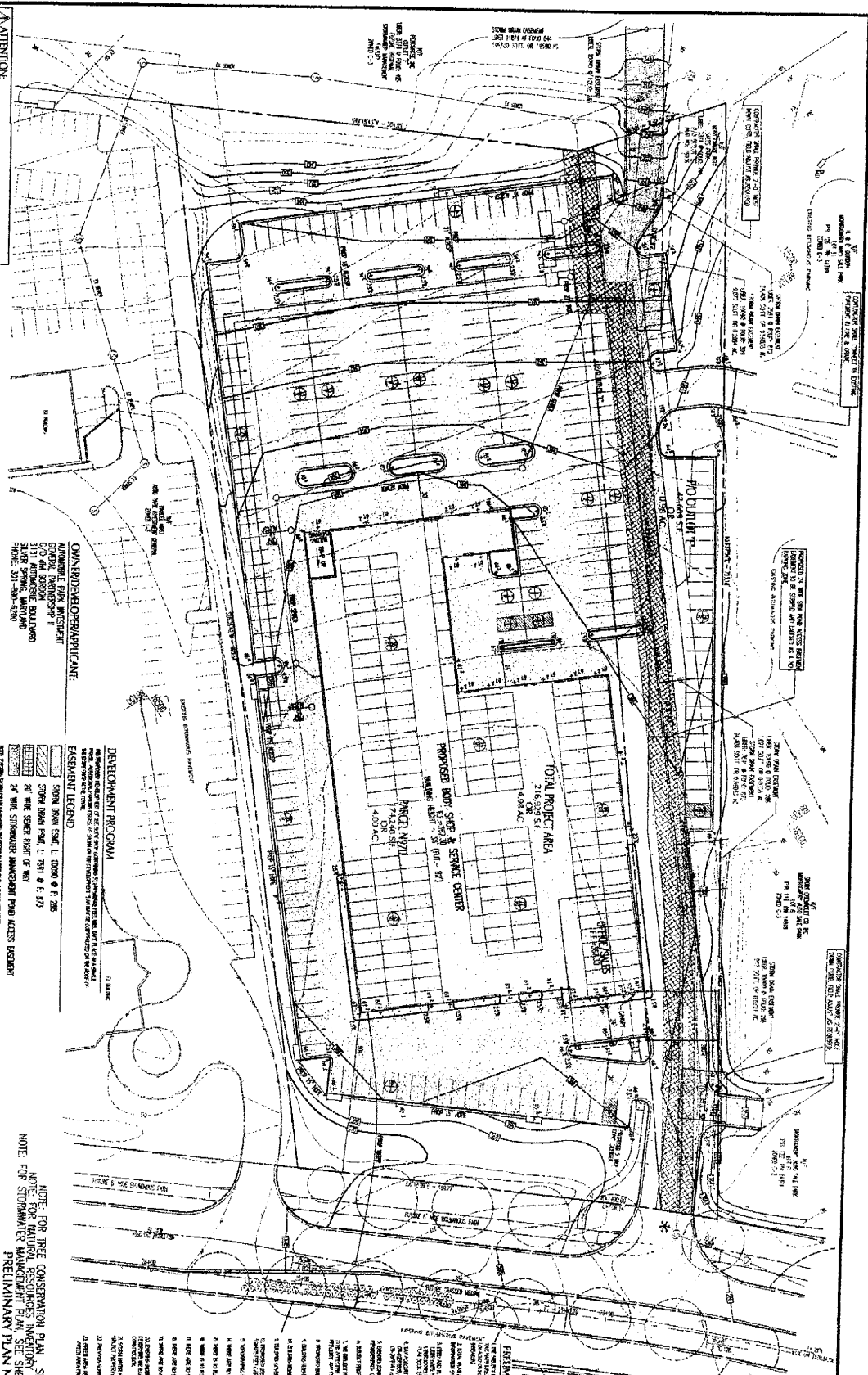
development of a 57,749-square-foot automobile body shop on the portion of said land known as Parcels P 970 and N 973, is approved subject to the specifications and requirements of the Development Plan, Ex. 54(c) provided that the applicant submits the Development Plan for certification by the hearing examiner under the provisions of §59-D-1.64 within 10 days of the District Council action.

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer; Clerk of the Council

ATTACHMENT 3



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

MAINTENANCE:
THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES SHOWN ON THIS PLAN. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES SHOWN ON THIS PLAN. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL UTILITIES SHOWN ON THIS PLAN.

BOUNDARY ELEMENTS:
THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA.

GENERAL PLANNING NOTES:
1. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA.

DEVELOPMENT PROGRAM

| LOT | AREA (SQ. FT.) | TYPE |
|--------|----------------|----------------|
| LOT 17 | 74,246 | Panel North |
| LOT 18 | 142,683 | Service Center |

GENERAL PLANNING NOTES:

1. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA.
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PRELIMINARY PLAN GENERAL NOTES:

1. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA. THE BOUNDARY ELEMENTS SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLANS AND SURVEY DATA.
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NOTE FOR TREE CONSERVATION PLAN: SEE SHEET POP-1 AND POP-2 FOR TREE CONSERVATION PLAN. SEE SHEET UN-1 FOR SUBDIVISION MAP. SEE SHEET UN-2 FOR SUBDIVISION MAP. SEE SHEET UN-3 FOR SUBDIVISION MAP.

PRELIMINARY PLAN OF SUBDIVISION
MONTGOMERY AUTO SALES PARK
A RESUBDIVISION OF PART OF LOT 17, PLAT 16036 (N9723) AND LOT 18, PLAT 16036 (N9723)

LIBER 6485 FOLIO: 146
TAX PARCEL: P 970
HERB GORDON AUTO WORLD
COTTSVILLE ELECTRON DISTRICT NUMBER 3
MONTGOMERY COUNTY, MARYLAND

INDEX ENGINEERING CORPORATION
1000 W. WASHINGTON ST. SUITE 100
FREDERICK, MD 21701
TEL: 301-791-1111
FAX: 301-791-1112

ATTACHMENT 4



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 #1-04101
Montgomery Auto Sales Park

Dear Ms. Conlon:

We have completed our review of the preliminary plan printed on July 18, 2005. 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. This plan proposes connections to an existing public storm drain system that is located on the site. Prior to submission of the record plat, the applicant will need to submit and obtain approval of their storm drain capacity and impact study. This study will need to analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same.

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.

Record plat to reflect denial of access along Briggs Chaney Road, except at the approved entrance.

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

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5. Record plat to reflect a reciprocal ingress and egress easement to serve the lots accessed by each internal common driveway, as well as the proposed stormwater management access road.
6. If storm drain improvements are determined to be needed, as a result of the additional analysis described in Item no. 1, a 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. 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/1-04101, 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



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: MONTGOMERY AUTO SALES PARK Preliminary Plan Number: 1-04101

Street Name: BRIGGS CHANEY ROAD Master Plan Road Classification: MAJOR

Posted Speed Limit: 35 mph

Street/Driveway #1 (LOT 17) Street/Driveway #2 (-)

| | | | |
|-----------------------|----------|-----------------------|-------|
| Sight Distance (feet) | OK? | Sight Distance (feet) | OK? |
| Right <u>550+</u> | <u>✓</u> | Right _____ | _____ |
| Left <u>550+</u> | <u>✓</u> | Left _____ | _____ |

Comments: _____

Comments: _____

GUIDELINES

| Classification or Posted Speed (use higher value) | Required Sight Distance in Each Direction* |
|--|--|
| Tertiary - 25 mph | 150' |
| Secondary - 30 | 200' |
| Business - 30 | 200' |
| Primary - 35 | 250' |
| Arterial - 40 | 325' |
| (45) | 400' |
| Major - 50 | 475' |
| (55) | 550' |

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Signature] Date: 06.09.04
 PLS P.E. MD Reg. No. 12243-PE
10674-PLS

Montgomery County Review:

Approved
 Disapproved:

By: [Signature]
 Date: 1/17/06