



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

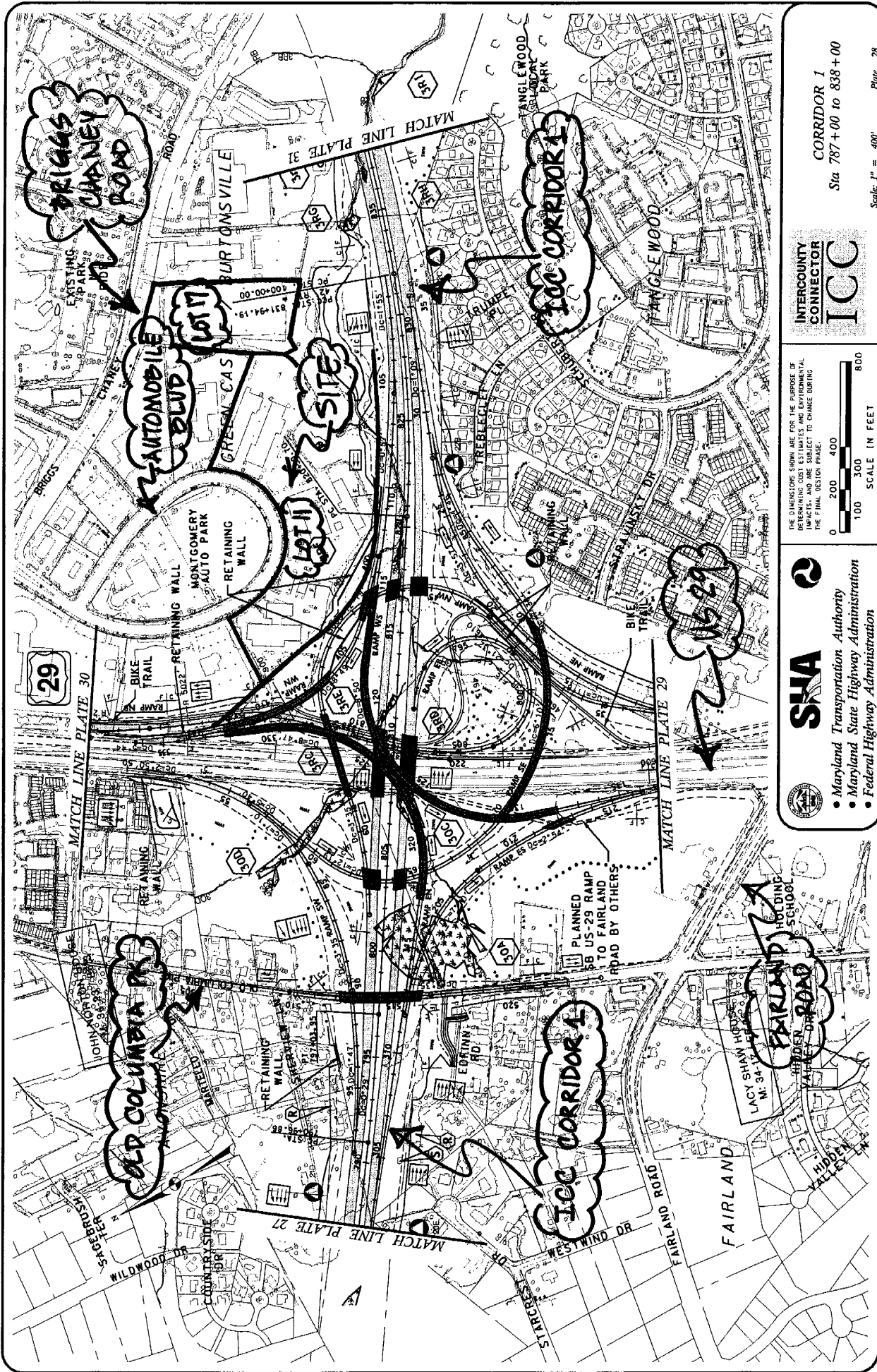
Thank you for the opportunity to comment on this project. We appreciate your agency's consideration of the above action.

Sincerely,

A handwritten signature in black ink that reads "Wesley Mitchell". The signature is written in a cursive style with a long horizontal line 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



INTERCOUNTY CONNECTOR
ICC

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

0 200 400 800
 100 300 500
 SCALE IN FEET

SHA
 Maryland Transportation Authority
 Maryland State Highway Administration
 Federal Highway Administration

CORRIDOR 1
 Sta 787+00 to 838+00
 Scale: 1" = 400'
 Plate 28

04/2004 ICC-046 V19228.dgn

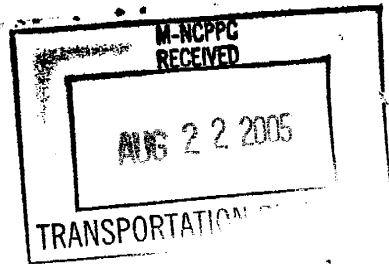


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Maryland Department of Transportation

Attachment No. 3



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

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
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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.
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.