



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Preliminary Plan No. 120090130: Star Pointe Plaza**  
**Site Plan No. 820100020: Star Pointe Plaza**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING DATE:** June 17, 2010

**REPORT DATE:** June 4, 2010



**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Cathy Conlon, Supervisor *CC*  
Robert Kronenberg, Supervisor *RK*  
Development Review Division

**FROM:** *MB* Neil Braunstein, Coordinator  
Development Review Division  
301.495.4532  
[neil.braunstein@mncppc-mc.org](mailto:neil.braunstein@mncppc-mc.org)

Sandra Pereira, Senior Planner *SP*  
Development Review Division  
301.495.2186  
[sandra.pereira@mncppc-mc.org](mailto:sandra.pereira@mncppc-mc.org)

**APPLICATION DESCRIPTION:** Proposal to create one 1.54 acre lot and construct a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant; 1.54 acres; I-1/Burtonsville Employment Area Overlay Zone; located on Sandy Spring Road, approximately 100 feet west of Star Pointe Lane; Fairland Master Plan.

**APPLICANT:** Sandy Spring Road, LLC

**FILING DATE:** Preliminary Plan: December 10, 2008  
Site Plan: September 23, 2009

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE SUMMARY:** The Applicant proposes to create one parcel for a 25,239 square foot mixed-use building. The building is set back proportionately with other buildings on the south side of MD 198 between Dino Drive and US 29. The current and proposed access is from a MDSHA service road via MD 198; but the site will be connected to Dino Drive when that portion of the public road is extended. As a result of a Notice of Violation, the Applicant is working with MCDPS to obtain a sediment control permit for the removal of illegally dumped material.

## TABLE OF CONTENTS

<b>SECTION 1: CONTEXT &amp; PROPOSAL</b>	<b>3</b>
Site Description	3
Vicinity	3
Site Analysis	4
Project Description	5
Previous approvals	5
Proposal	5
Community Outreach	7
<b>SECTION 2: PRELIMINARY PLAN REVIEW</b>	<b>8</b>
Analysis and Findings	8
Master Plan	8
Adequate Public Facilities	9
Environment	11
Compliance with the Zoning Ordinance and Subdivision Regulations	12
Recommendation and Conditions	14
<b>SECTION 3: SITE PLAN REVIEW</b>	<b>15</b>
Development Standards	15
Findings	17
Recommendation and Conditions	20
<b>APPENDICES</b>	<b>23</b>
 <b>ILLUSTRATIONS &amp; TABLES</b>	
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Illustrative Plan</i>	5
<i>Building Elevations</i>	6
<i>Preliminary Plan</i>	8
<i>Preliminary Plan Data Table and Checklist</i>	13
<i>Project Data Table</i>	16
<i>Sign Elevation</i>	18

# SECTION 1: CONTEXT AND PROPOSAL

## SITE DESCRIPTION

### Vicinity

The subject property, shown in Figures 1 and 2, is located at the southwest corner of the intersection of Sandy Spring Road (MD 198) and Star Pointe Lane in the Burtonsville Industrial Area. The subject property, in the I-1 zone, is bound to the north by Sandy Spring Road and a service lane that connects with Star Pointe Lane. Surrounding properties are zoned I-3 zone. A vacant parcel with a large vegetated stockpile and cleared borrow area is located to the south and east of the site. This parcel was approved for 137,000 SF of office space and 112,995 SF of industrial space with Site Plan No. 819870540 on November 5, 1987. A forested parcel with an ephemeral channel that flows along the western property line is located to the west of the site. This parcel is the subject of the Site Plan No. 820100050 for EZ Storage Burtonsville Industrial Park, which was approved by the Planning Board on May 13, 2010 for a 147,142 SF storage facility.

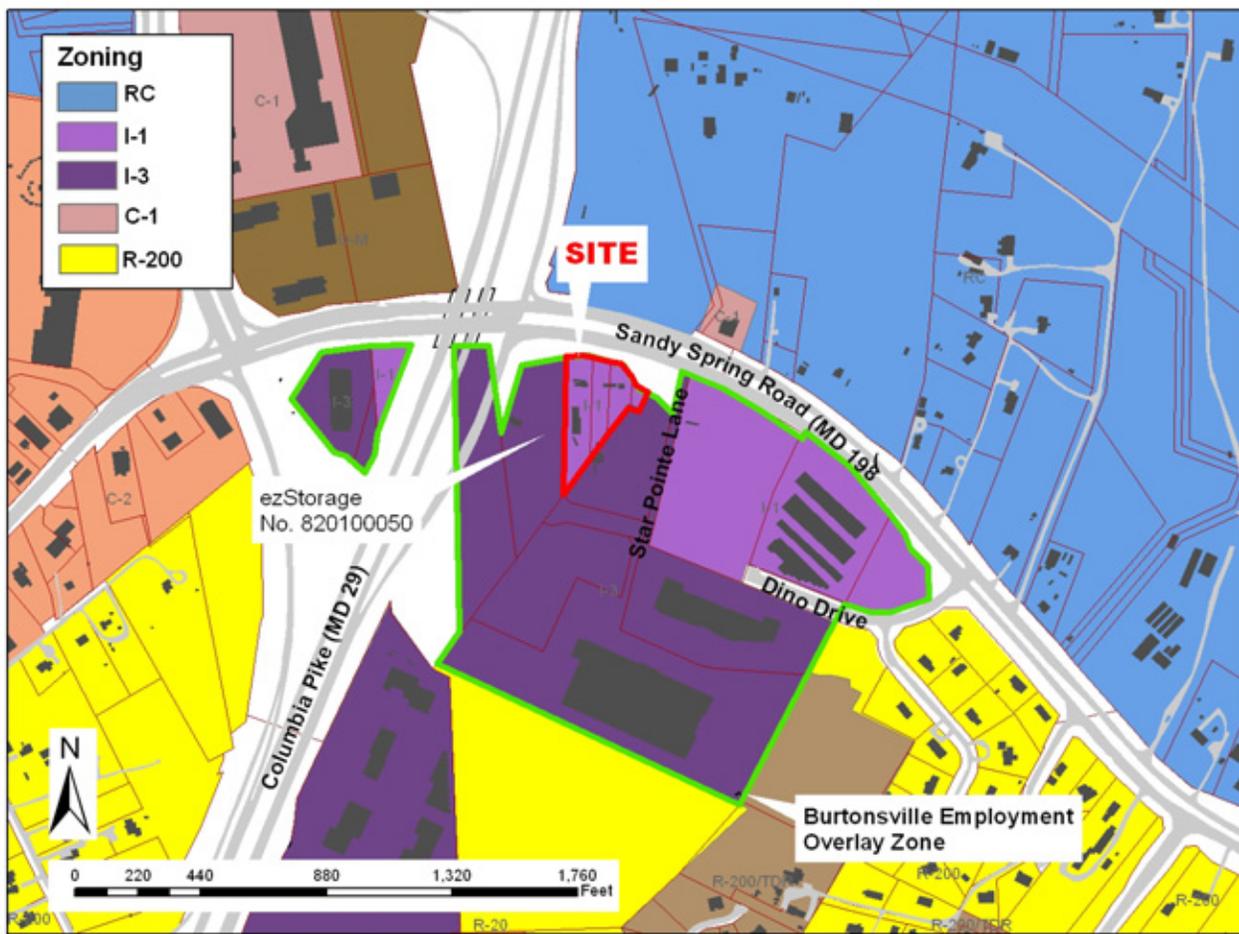
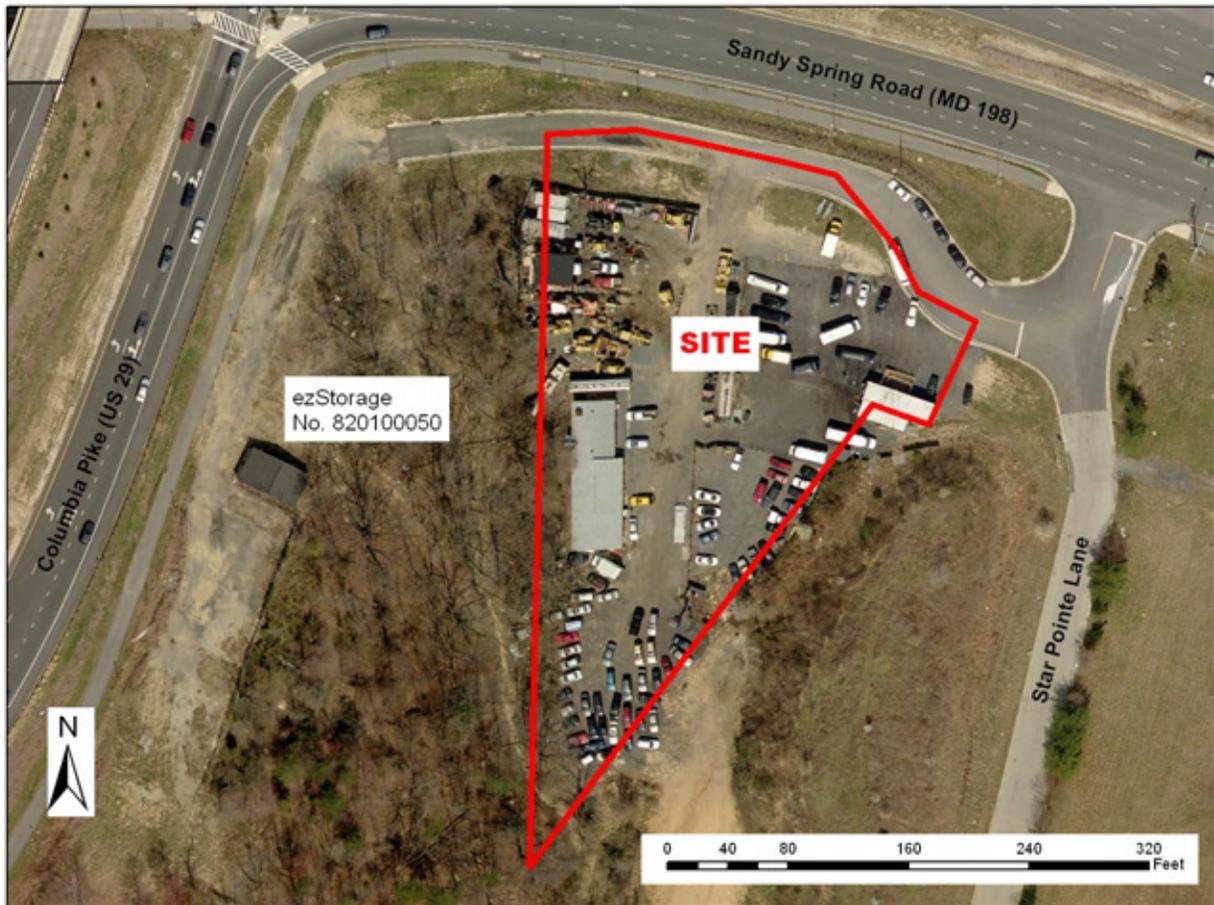


Figure 1: Vicinity Map

## Site Analysis

The subject property is a combination of four parcels (844, 845, 884, and 900 of Tax Map KS62) totaling 1.54 acres. Access to the triangular-shaped property is from two existing curb cuts along the service lane that connects with Star Pointe Lane. One curb cut accesses an asphalt parking lot for a sales trailer and additional gravel parking areas. The second entrance leads to a gravel drive and a gravel storage yard, existing block building and a gravel parking area. The site is relatively flat and slopes down from north to south. The site has no forest on site and is almost entirely impervious. No streams, wetlands, or floodplains are located on the property.



*Figure 2: Aerial Photo with approximate site boundary outlined in red*

# PROJECT DESCRIPTION

## Previous Approvals

There are no previous approvals for this site.

## Proposal

The Applicant proposes to consolidate four separate parcels into one parcel with a total site area of 67,058 square feet or 1.54 acres. The project proposes a 3-story mix-use building with 8,431 square feet of retail/restaurant space at street level, of which 2,067 square feet is non-leasable area, and 16,808 square feet of general office in the second and third floors. An outdoor seating area with tables and chairs in the front of the building complements the uses proposed.

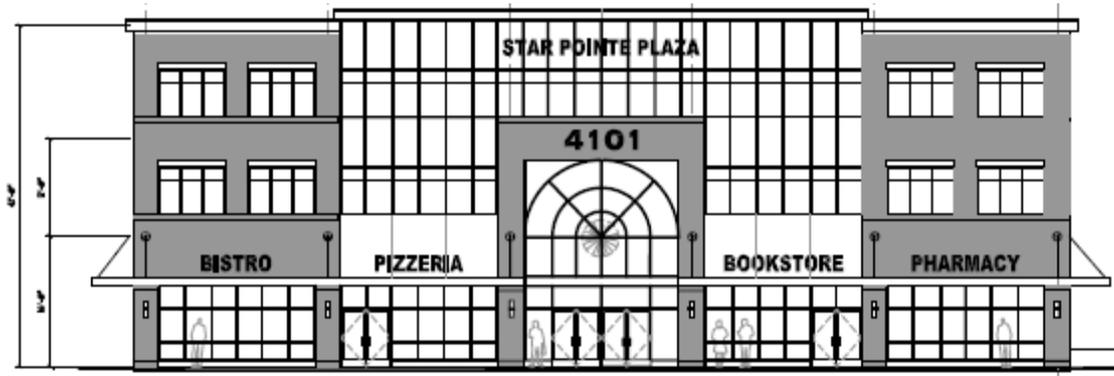


Figure 3: Illustrative Plan

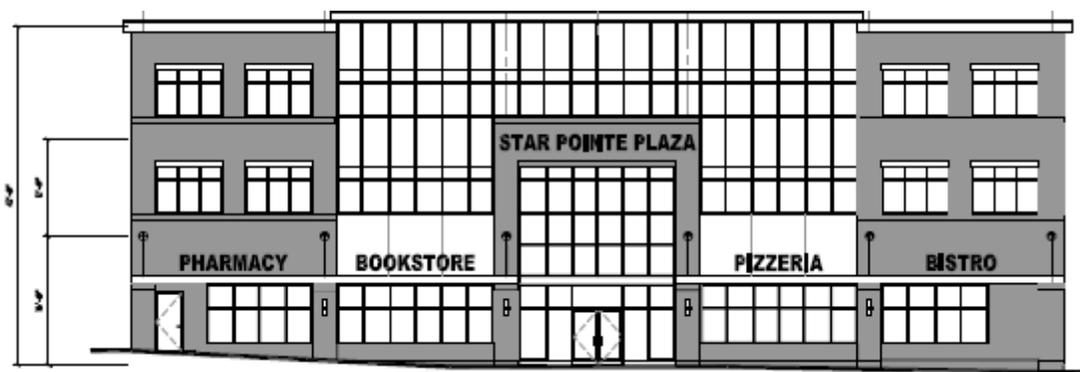
Access is proposed via a driveway from an existing Maryland State Highway Administration (MDSHA) service road in the Sandy Spring Road (MD 198) right-of-way. Pedestrians are directed into the site from MD 198 via a sidewalk and crosswalk that ties to the sidewalk system along the perimeter of the building. The proposal includes an 84-space parking lot with planted islands.

An additional driveway that will access the site from the future extension of Dino Drive when that extension is constructed has been coordinated with the adjoining EZ Storage property. Dino Drive will eventually provide public road access for 10 properties in the Burtonsville Industrial Area; however, not all properties have entered into a participation agreement that would eventually cause the extension of the public road.

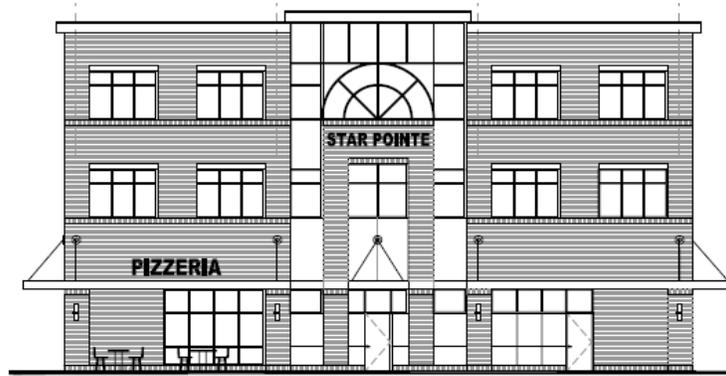
The location of the building is set back proportionately with the other buildings facing MD 198 and it will also be oriented toward the future Dino Drive. The prominence of the building along with its proposed retail and restaurant uses will be a welcome addition to an existing industrial area.



*Figure 4: East (front) Elevation*



*Figure 5: West (rear) Elevation*



*Figure 6: North Elevation (as viewed from MD 198)*

## **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements. Staff has received correspondence on this matter from a community resident who expressed concerns about the proposed building location being different from earlier versions as presented to his community. Staff responded that the new location is still in conformance with the Fairland Master Plan, and results in a better and more efficient layout for this site [Appendix B].

Staff received complaints from the community and county agencies on alleged violations on the subject site [Appendix B]. The alleged violations consisted of illegal waste disposal, mosquito breeding, waste oil contamination and improper storage of waste oil. On May 13, 2010, Montgomery County Department of Permitting Services (MCDPS) issued a Civil Citation, a Notice of Violation and notified the Environmental Crimes Unit with the State of Maryland Department of the Environment. Currently, the Applicant is working with MCDPS to obtain a sediment control permit for the removal of illegally dumped material. As part of this permit, the Applicant will be installing sediment controls, stabilizing the site and then removing the illegal fill, which will be taken to an authorized site.

Written notice of the plan submittal and the public hearing date was also given by the Applicant and Staff. As of the date of this report, one letter was received in response to the notice. Mr. William Kominers of Holland & Knight wrote on behalf of his client, Burtonsville Self Storage, LLC, regarding an existing road club agreement for Dino Drive. The road club agreement obligates property owners in the vicinity of the proposed road to make certain improvements to the road and sets forth a mechanism for cost sharing. Mr. Kominers's letter recommended that the Planning Board include a condition pertaining to the Dino Drive agreement [Appendix B], and the staff recommendation includes a substantially similar condition.

## SECTION 2: PRELIMINARY PLAN REVIEW

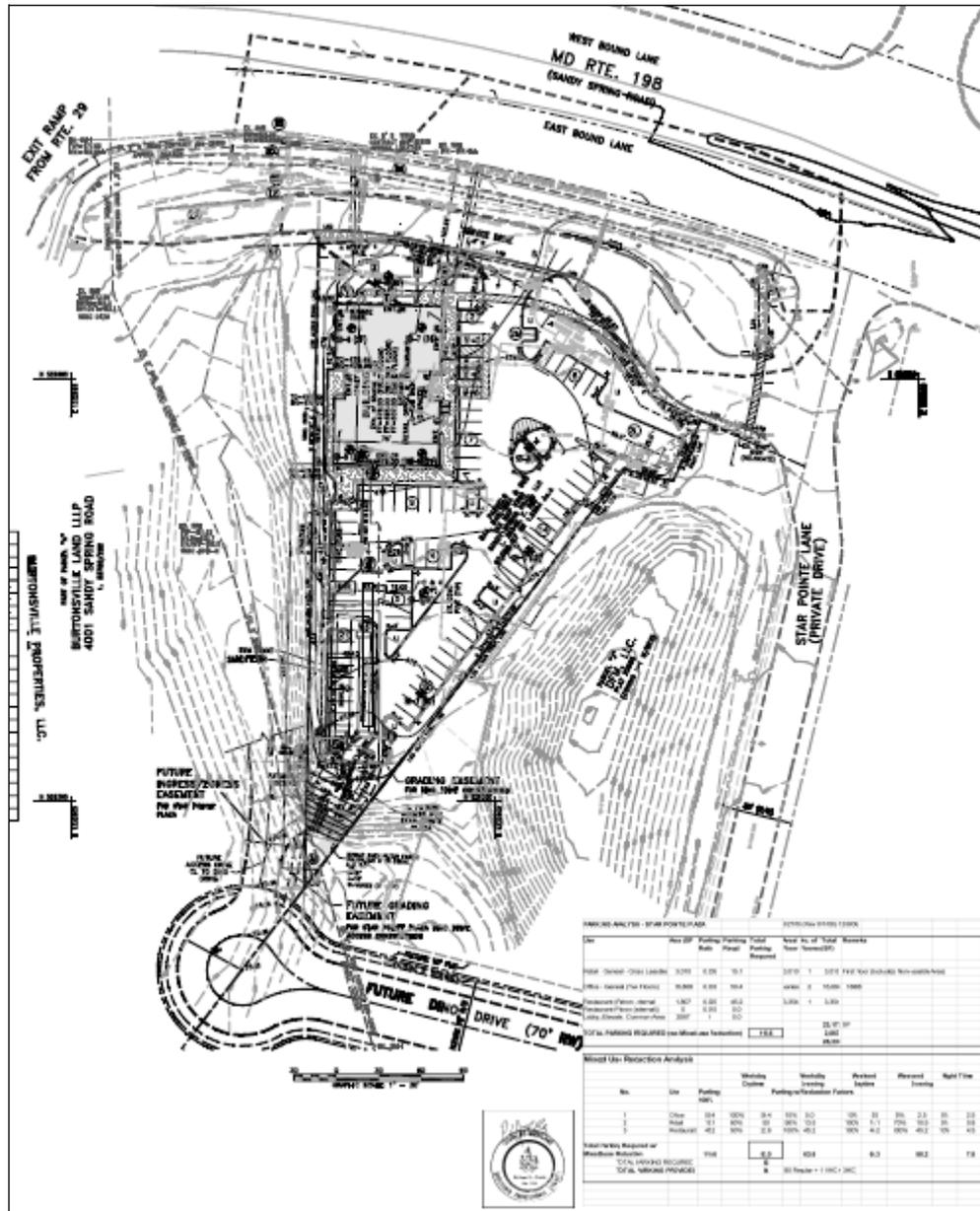


Figure 7: Preliminary Plan

### ANAYSIS AND FINDINGS

#### Conformance with the Master Plan

The Fairland Master Plan identifies an area that includes the subject property as Area 19, in the Burtonsville Industrial Area. One of the stated goals for the Burtonsville Industrial area is to develop a diversity of uses to serve and support the businesses, employees, and residents of the

area. The preliminary plan is in substantial conformance with the Master Plan in that it proposes a mixed-use building providing office-based employment and service retail and a restaurant that will meet the needs of area employees. In addition, the preliminary plan proposes a site that can be oriented towards the future extension of Dino Drive, as recommended by the Master Plan. The site is designed so that access can be provided from Dino Drive after it is extended.

## **Adequate Public Facilities Review**

### Roads and Transportation Facilities

Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An additional driveway is proposed at the southern tip of the property to access the site from a future extension of Dino Drive. This additional driveway is not proposed to be constructed with the project but rather would be constructed in the future when the extension of Dino Drive is constructed. The staff recommendation includes a condition that requires construction of the driveway and closure of the proposed driveway to MD 198 if the Maryland State Highway Administration (MDSHA) closes site access to the existing service drive after the completed Dino Drive is opened to public traffic. This driveway will be provided in coordination with anticipated future development on an adjacent property, and will traverse a portion of the adjacent property. Pedestrian access will be provided by sidewalks within the right-of-way that contain Sandy Spring Road and the service road. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

A road club agreement exists between several area property owners for construction of Dino Drive. One segment of the street was constructed in 2004 pursuant to approval of an earlier development project (Burtonsville Self Storage). Approval of a preliminary plan for this project would subject the Applicant to the terms of the road club agreement, including payment of a pro-rata share of road construction costs.

A traffic study dated March 25, 2010, was submitted for the preliminary plan for adequate public facilities (APF) review purposes because the development proposed on the subject property was estimated to generate 30 or more total weekday peak-hour trips during the typical morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

The traffic study, using Institute of Transportation Engineers (ITE) *Trip Generation (8th Edition)* trip generation rates for sit-down restaurants and M-NCPPC *Local Area Transportation Review (LATR)/Policy Area Mobility Review (PAMR) Guidelines* trip generation rates for office and retail uses, estimated that the proposed development will generate 35 weekday peak-hour trips during the morning peak period and 87 weekday peak-hour trips during the evening peak period. After accounting for pass-by trips, the proposed development will generate 33 new peak-hour trips during the morning peak period and 79 new peak-hour trips during the evening peak period. The trip generation summary for the proposed development is presented in Table 1.

**TABLE 1  
SUMMARY OF SITE TRIP GENERATION  
PROPOSED STAR POINTE PLAZA DEVELOPMENT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
18,879 SF Office	23	3	26	7	35	42
3260 SF Sit-down Restaurant	2	1	3	16	8	24
3,100 SF Retail						
New (60 percent)	2	2	4	7	6	13
Pass-by (40 percent)	1	1	2	4	4	8
Total	3	3	6	11	10	21
<b>Total "New"</b>	<b>27</b>	<b>6</b>	<b>33</b>	<b>30</b>	<b>49</b>	<b>79</b>
<b>Total "Pass-by"</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>8</b>
<b>Total Trips</b>	<b>28</b>	<b>7</b>	<b>35</b>	<b>34</b>	<b>53</b>	<b>87</b>

Source: Star Pointe Plaza Traffic Impact Study. Street Traffic Studies, Ltd. March 25, 2010.

*Local Area Transportation Review*

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the intersections included in the traffic study for the weekday morning and afternoon peak-hours is provided in Table 2.

**TABLE 2  
SUMMARY OF CAPACITY CALCULATIONS (CLV)  
PROPOSED STAR POINTE PLAZA DEVELOPMENT**

Intersection	Traffic Conditions							
	Existing		Background		Total (with site access off MD 198)		Total (with site access off Dino Dr)	
	AM	PM	AM	PM	AM	PM	AM	PM
Columbia Pk/Sandy Spring Rd	899	877	940	948	944	959	942	957
Sandy Spring Rd/Star Pointe Dr	770	936	792	987	799	1037	--	--
Sandy Spring Rd/Dino Dr	1,079	1,106	1,129	1,196	1,134	1,205	1,134	1,231
Sandy Spring Rd/McKnew Rd	1,382	1,252	1,455	1,330	1,459	1,337	1,459	1,337

Source: Star Pointe Plaza Traffic Impact Study. Street Traffic Studies, Ltd. March 25, 2010.

Note: Congestion Standard for Fairland/White Oak Policy Area: 1,475

As shown in Table 2, the capacity analysis demonstrates that under Total Traffic (i.e., existing, background, and proposed site development combined) Conditions, CLV at the study intersections would be below the applicable congestion standard for the Fairland/White Oak

Policy Area (1,475 CLV). This preliminary plan, therefore, satisfies the LATR requirements of the APF test.

### *Policy Area Mobility Review*

To satisfy the Policy Area Mobility Review (PAMR) requirements of the APF test, the Fairland/White Oak Policy Area requires mitigation of 45 percent of new peak-hour trips generated by a development.

The site trip generation summary presented in Table 1 for the proposed development shows that the development will generate 33 new peak-hour trips during the weekday morning peak period and 79 new peak-hour trips during the weekday evening peak period. With the PAMR requirement to mitigate 45% of the new trips, the mitigation requirement for the development is 15 peak-hour trips during the morning peak period and 36 peak-hour trips during the evening peak period.

The Applicant is proposing to mitigate 36 peak-hour trips by providing the following measures:

- a. Three real-time transit information signs at the Briggs Chaney Road Park and Ride Lot or at any other location within the Fairland/White Oak Policy Area that is approved by the Montgomery County Department of Transportation (MCDOT) (to mitigate 30 weekday peak-hour trips), and
- b. 1,200 feet of off-site sidewalk or shared-use path at location(s) approved by MCDOT or \$66,000 to MCDOT (to mitigate 6 weekday peak-hour trips).

With the above measures, the preliminary plan satisfies the PAMR requirements of the APF test.

### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, telecommunications, and natural gas services are also available to serve the subject property.

### **Environment**

The subject property has no existing forest, streams, wetlands, floodplains, or environmental buffers. Existing conditions include a frame building and gravel and asphalt surfaces. There is a very small area of tree cover at the southern tip of the site. A 24-inch green ash lies within this tree stand.

The preliminary plan is subject to the County Forest Conservation Law (Chapter 22A of the Montgomery County Code). There is a 0.25 acre afforestation requirement for the project. The Applicant proposes to meet the afforestation requirement with the planting of native landscape trees in the proposed parking lot. Section 22A-12(d)(2) allows afforestation to be met by the use of tree cover under certain conditions:

“Afforestation should be accomplished by the planting of forest cover. However, if the Applicant demonstrates to the satisfaction of the Planning Board or Planning Director, as the case may be, that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area (as defined in Section 22A-3), or similar reason, afforestation requirements may be satisfied by tree cover.”

The use of tree cover to meet the afforestation requirement for this project is acceptable and is consistent with the circumstances identified in Section 22A-12(d)(2). The Applicant proposes the construction of a commercial building with surface parking in an industrial zone. In addition, there is no environmentally-sensitive area on the site that could be planted.

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept on May 24, 2010. The stormwater management concept consists of the use of environmental site design (ESD) credits to the extent practicable. The ESD elements include green roof, dry wells, and pervious paving. Because the ESD credits do not provide for the entire target treatment volume, a structural sand filter is proposed to provide treatment for the remainder of the required amount.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the I-1 and Burtonsville Employment Area Overlay zones as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in those zones. A summary of this review is included in Table 3 below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 3: Preliminary Plan Data Table and Checklist

<b>Plan Name: Star Pointe Plaza</b>				
<b>Plan Number: 120090130</b>				
<b>Zoning: I-1, Burtonsville Employment Area Overlay</b>				
<b># of Lots: 1</b>				
<b># of Outlots: N/a</b>				
<b>Dev. Type: Commercial</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	Not specified	1.54 ac. minimum		6/4/10
Lot Width	Not specified	300 ft. minimum		6/4/10
Lot Frontage	Not specified	300 ft. minimum		
Setbacks				
Front	0 ft. Min.	Must meet minimum <sup>1</sup>		6/4/10
Side	0 ft. Min.	Must meet minimum <sup>1</sup>		6/4/10
Rear	0 ft. Min.	Must meet minimum <sup>1</sup>		6/4/10
Height	42 ft. Max.	May not exceed maximum <sup>1</sup>		6/4/10
Max Comm'l s.f. per Zoning	Not specified	23,168		6/4/10
Green Area	10%	46.9%		6/4/10
MPDUs	N/a			6/4/10
TDRs	N/a			6/4/10
Site Plan Req'd?	Yes			6/4/10
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes		6/4/10
Road dedication and frontage improvements		Yes	Agency letter	2/23/10
Environmental Guidelines		N/a	Staff memo	4/12/10
Forest Conservation		Yes	Staff memo	4/12/10
Master Plan Compliance		Yes	Staff memo	12/30/09
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	5/24/10
Water and Sewer (WSSC)		Yes	Agency comments	1/26/09
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	1/26/09
Well and Septic		N/a	Agency letter	1/26/09
Local Area Traffic Review		N/a	Staff memo	5/20/10
Policy Area Mobility Review		Yes	Staff memo	5/20/10
Transportation Management Agreement		No	Staff memo	5/20/10
School Cluster in Moratorium?		No		6/4/10
School Facilities Payment		No		6/4/10
Fire and Rescue		Yes	Agency letter	12/17/09

<sup>1</sup> As determined at site plan approval.

## **PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS**

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Fairland Master Plan. Therefore, Staff recommends approval of Preliminary Plan 120090130 subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot for 3,100 square feet of retail use, 3,260 square feet of restaurant use, and 16,808 square feet of general office use.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The Applicant, to satisfy the Policy Area Mobility Review (PAMR) requirements of the APF test, must mitigate 36 weekday peak-hour trips by providing for the following measures prior to the release of the first building permit for the subject development:
  - a. Three real-time transit information signs at the Briggs Chaney Road Park and Ride Lot or at any other location within the Fairland/White Oak Policy Area that is approved by the Montgomery County Department of Transportation (MCDOT) (to mitigate 30 weekday peak-hour trips).
  - b. 1,200 feet of off-site sidewalk or shared-use path at location(s) approved by MCDOT or payment of \$66,000 to MCDOT (to mitigate 6 weekday peak-hour trips).
- 4) The Applicant must participate on a pro-rata share basis in the funding and construction of future Dino Drive as a participant in the Dino Drive Road Club per the terms of the June 15, 2000, New Dino Drive Road Participation Agreement as applicable to the subject property. If applicable, the Applicant, must also participate on a pro-rata share basis in any subsequent road club agreements to fund and construct the un-built sections of Dino Drive. This requirement must be noted on the record plat.
- 5) The Applicant, in coordination with Burtonsville Land LLLP (a.k.a. EZ Storage/Siena Corporation – Burtonsville Industrial Park; Preliminary Plan No. 120070510), must construct a site access driveway from Dino Drive in the event that the Maryland State Highway Administration (MDSHA) closes site access to the existing service road accessing Sandy Spring Road. At that time, the Applicant must also close the proposed temporary driveway to MD 198 via Star Point Drive and the service road and relocate the site access to the Dino Drive driveway.
- 6) The Applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of offsite sidewalks near the property frontage on Sandy Spring Road (MD 198) as shown on the preliminary plan.
- 7) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated May 24, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.

- 8) The Applicant must comply with the conditions of the MCDOT letter dated January 20, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The Applicant must satisfy provisions for access and improvements as required by MCDOT or MDSHA prior to issuance of access permits.
- 10) No clearing, grading or recording of plats prior to certified site plan approval.
- 11) Final approval of the number and location of the building on-site parking, site circulation, and sidewalks will be determined at site plan.
- 12) The certified preliminary plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the site plan process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 13) The record plat must show necessary easements.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

### **SECTION 3: SITE PLAN REVIEW**

#### **Development Standards**

The subject site is zoned I-1 and falls within the Burtonsville Employment Area Overlay Zone of the Fairland Master Plan. The purpose of the I-1 Zone is to provide suitable sites for light industrial uses generally involving small to medium scale industrial activities. The purpose of the overlay zone is to develop a compatible mix of office, commercial, light industrial, and non-residential uses within a designated employment area; and to allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area. The I-1 Zone allows the proposed office and retail uses, and the Overlay Zone allows the proposed restaurant uses. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance.

*Project Data Table for the I-1 Zone and Burtonsville Employment Area Overlay Zone*

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval &amp; Binding on the Applicant</b>
<b>Gross Tract Area (GTA)</b> (square feet/acres)	n/a	67,058 SF (1.54 acres)
<b>Net Lot Area</b> (square feet/acres)	n/a	67,058 SF (1.54 acres)
<b>Gross Floor Area (GFA) &amp; FAR</b> - Retail/restaurant - General office Total	n/a n/a	8,431 SF <sup>(a)</sup> (0.126 FAR) + 16,808 SF (0.251 FAR) 25,239 SF
<b>Max. Cumulative retail/commercial uses in Overlay Zone</b> (SF)	50,000 SF <sup>(b)</sup>	24,031 <sup>(c)</sup>
<b>Max. Building Height</b> (feet) 59-C-5.3		
- In stories	3	3
- In feet	42	42
<b>Min. Building Setbacks</b> (feet)		
- Major highway	100 <sup>(d)</sup>	100 <sup>(e)</sup>
- Other property lines (Sec. 59-C-18.142(b)(1))	0	
- West		13
- South		287
- East		104
<b>Min. Parking Setbacks</b> (feet)		
- Major highway	100	100
- Other property lines (Sec. 59-C-18.142(b)(1))		
- West	0	12
- East	0	10
<b>Parking Lot Internal Landscape</b> (% of surface pkg facility)	5 (1,740 SF)	6.8 (2,357 SF)
<b>Min. Green Area</b> (% of GTA) 59-C-5.32	10 (6,706 SF)	46.9 (31,477 SF)
<b>Total Parking Spaces</b> - Office (16,808 SF) - Retail (3,100 SF) - Restaurant, patron internal (1,927 SF) - Restaurant, patron external (210 SF) - Restaurant, non-patron area (1,333 SF)	<b>116 (84)</b> <sup>(f)</sup> 48.7 (@ 2.9 sp/1000 SF) 15.5 (@ 5 sp/1000 SF) 48.2 (@25 sp/1000 SF) 3.2 (@15 sp/1000 SF) 0 (@0 sp/1000 SF)	<b>84</b> <sup>(f)</sup>
<b>Handicap Spaces</b>	4	4

<b>Bicycle spaces</b> (59-E-2.3(a)) (@ 1 bike space/20 vehicle spaces)	5 (84 vehicle sp/20)	5
<b>Motorcycle spaces</b> (59-E-2.3(d)) (@2% x total vehicle spaces)	2 (2% x 84 vehicle sp)	2

(a) Includes 2,071 SF of non-leasable area (lobby, elevator, common area).

(b) Maximum cumulative square footage of retail commercial uses permitted in the overlay zone per Sec 59-C-18.142(b)(3)(B).

(c) The total of 24,031 SF of cumulative retail/commercial uses in the Overlay Zone consists of the proposed 8,431 SF and the existing 15,600 SF of retail in one property (i.e. Zimmerman’s hardware).

(d) The Fairland Master Plan recommends that buildings in the Burtonsville Industrial Area be set back from Sandy Spring Road (MD 198) by an unspecified distance. In practice, the distance applied to other approved buildings in the area has been 100 feet.

(e) As measured from the edge of the original right-of-way of MD 198, not including the service road, which is intended to be temporary and did not exist at the time that the Fairland Master Plan was adopted.

(f) Per Section 59-E-3.1, this application qualifies for a mixed-use parking credit schedule as calculated in the table below:

Land use (min. pkg. Required)	Weekday				Weekend				Nighttime	
	Daytime (6am-6pm)		Evening (6pm-midnight)		Daytime (6am-6pm)		Evening (6pm-midnight)		(midnight-6am)	
Office (48.7)	(100%)	48.7	10%	4.9	10%	4.9	5%	2.4	5%	2.4
General Retail (15.5)	(60%)	9.3	90%	14.0	100%	15.5	70%	10.9	5%	0.8
Restaurant (51.4)	(50%)	25.7	100%	51.4	100%	51.4	100%	51.4	10%	5.1
All other uses (0)										
Total (116)		<b>*84</b>		70		72		65		9

\* The parking requirement for this mixed use building is 84 spaces.

## FINDINGS

- The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

- The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As the project data table on page 16 indicates, the Site Plan meets all of the requirements and development standards of the I-1 Zone and Burtonsville Employment Area Overlay Zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space the proposed development provides approximately 47 percent allowing for a greater amount of permeable surface and landscaped open space.



the parking areas. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The landscape and lighting is safe, adequate and efficient.

d. Recreation Facilities

No recreation facilities are required for this site plan because this is not a residential development.

e. Pedestrian and Vehicular Circulation Systems

Access is proposed via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An alternative driveway is shown that will access the site from the future Dino Drive extended when it is constructed, as recommended by the Fairland Master Plan. When Dino Drive is constructed, the current access from the service road may be eliminated and the southern access may be the primary or only entry. The parking area with a total of 84 parking spaces allows for safe circulation and efficiently accommodates planting islands to offset the expanse of impervious areas. Pedestrian access to the site is improved via a sidewalk connection to the sidewalk system along MD 198 and a future sidewalk connecting to Dino Drive. The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed mixed-use building is compatible with surrounding uses, including the approved self-storage building (Site Plan No. 820100050) located immediately west of the site and the industrial and commercial buildings east of the site. The proposed building height at 42 feet is very similar to the approved height of 45 feet for the self-storage building. Both buildings will be 3-stories in height, but the footprint of the proposed building is about one third the size of the approved building. The proposal maximizes the height allowed in the I-1 zone; however, the surrounding properties could have heights up to 100 feet which is the maximum allowed in the I-3 zone. The building itself is located such that it will not adversely impact existing or proposed adjacent uses. The building will have limited visibility because of its orientation and setback. The monumental sign is compatible with other signs and structures. The dimensions and character of the sign are comparable to the approved sign at ezStorage and the existing sign at Extra Space.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, including the variance provisions to permit clearing of specimen trees, and the requirements of Chapter 19 regarding water resource protection, and any other applicable law.*

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 420080640) was approved on November 28, 2007. The subject site has no existing forest, streams, wetlands, floodplains, or environmental buffers. This project has an overall afforestation

requirement of 0.25 acres. The Applicant proposes to meet the afforestation requirement with the planting of 17 native landscape trees in the proposed parking lot.

This plan does not propose to remove any trees or vegetation that would necessitate a variance request. Therefore no waiver of any of the provisions of Chapter 22A, Forest Conservation Law, is required.

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept on May 24, 2010. The stormwater management concept consists of the use of environmental site design (ESD) credits to the extent practicable. The ESD elements include green roof, dry wells, and pervious paving. Because the ESD credits do not provide for the entire target treatment volume, a structural sand filter is proposed to provide treatment for the remainder of the required amount.

## **RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Site Plan No. 820100020, Star Pointe Plaza, for a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant on 1.54 acres. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on December 16, 2009, and February 25, 2010, are required except as modified by the following conditions:

1. Preliminary Plan Conformance  
The proposed development must comply with the conditions of approval for Preliminary Plan No. 120090130.
2. Forest Conservation  
The Applicant must conform with the conditions of approval as stated in the Environmental Planning memorandum dated May 17, 2010 [Appendix A], unless otherwise amended by the M-NCPPC Environmental Planning Division provided that it does not conflict with any other conditions of approval.
3. Pedestrian Circulation
  - a. Provide lead-in sidewalks, internal sidewalks, and a crosswalk on the northern portion of the site, as shown on the preliminary plan.
  - b. Provide a lead-in sidewalk from Dino Drive into the subject site in coordination with the construction of Dino Drive extended.
  - c. Extend the sidewalk along the northern property boundary in order to connect with the sidewalk system on the adjacent property to the west, Site Plan No. 820100050, EZ Storage Burtonsville Industrial Park.

4. Landscaping
  - a. Revise the landscape plan to show additional native trees along the perimeter of the surface parking lot consistent with the Preliminary Forest Conservation Plan received by MNCPPC on February 22, 2010.
  - b. The Applicant must provide at least four (4) shade trees along the western perimeter of the surface parking lot in addition to the 17 trees being provided in the parking lot to meet the afforestation requirement.
  
5. Lighting
  - a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
  - b. All onsite down-light fixtures must be full cut-off fixtures.
  - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
  - e. The height of the light poles shall not exceed 20 feet including the mounting base.
  
6. Performance Bond and Agreement

The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

  - a. The amount of the surety shall include plant material, on-site lighting, special paving, and site furniture within the development. Surety to be posted prior to issuance of first building permit and shall be tied to the development program.
  - b. Provide a cost estimate of the above materials and facilities, which will establish the initial bond amount.
  - c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
  - d. Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.
  
7. Site Design
  - a. Enlarge outdoor plaza area along the northern façade of the building to a minimum of 400 square feet.
  - b. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A1.1 and A2.1 of the submitted architectural drawings dated May 27, 2010, as determined by M-NCPPC Development Review and Urban Design staff.
  - c. Provide five (5) inverted-U bike racks at the main entrance of the building with 2.5 feet minimum distance between the racks.
  
8. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to

achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC Staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate, the Applicant must provide to Staff a written report from the Applicant's LEED consultant that analyzes the feasibility of achieving a LEED-Silver rating, and that includes an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements and associated costs required to achieve the LEED Silver rating. Submission of this report, which is for public-record purposes only, constitutes compliance with this condition.

9. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated May 24, 2010, unless otherwise amended and approved by the Montgomery County Department of Permitting Services [Appendix A].

10. Development Program

The Applicant must construct the proposed development in accordance with the Development Program that will be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. On-site landscaping and lighting must be installed within six months after the issuance of the use and occupancy permit.
- b. On-site amenities including, but not limited to, sidewalks, seating areas, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect all development standards enumerated in the Staff report.
- d. Ensure consistency off all details and layout between site plan, landscape plan, and lighting plan.
- e. Show light fixtures on landscape plan for reference only.
- f. Show location of monumental sign on the Dino Drive side of the development on the site plan.

- g. Provide details of the proposed benches, trash receptacles, tables and chairs, and list quantities.
- h. Include exterior building elevations in the certified site plan.
- i. Label materials in the building elevations.
- j. Shade trees must be 2 ½ - 3 ½ -inch minimum caliper.

## **APPENDICES**

- A. Reviewing Agency Approvals
- B. Correspondence
- C. Proposed Preliminary Plan

**APPENDIX A**  
**Reviewing Agency Approvals**



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

May 24, 2010

Carla Reid  
Director

Mr. Pritam Arora  
Design Engineering, Inc.  
18229-A Flower Hill Way  
Gaithersburg, MD 20879

Re: **REVISED** Stormwater Management **CONCEPT**  
Request for Star Pointe Plaza  
Preliminary Plan #: 120090130  
SM File #: 233769  
Tract Size/Zone: 1.54 acres / I-1  
Total Concept Area: 1.54 acres  
Lots/Block: N/A  
Parcel(s): 844, 845, 884, 900  
Watershed: Little Paint Branch

Dear Mr. Arora:

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 for this redevelopment project consists of using Environmentally Sensitive Design (ESD) credits to the maximum extent practicable. These ESD elements include Green Roof, Dry Wells, and Pervious Paving. Since the ESD credits do not provide for the entire target treatment volume, a Structural Sand Filter is proposed to provide treatment for the remainder of the required amount.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. This stormwater concept approval supersedes the previous approval dated December 30, 2009.

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**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,



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

RRB:dm mce

cc: C. Conlon  
M. Pfefferle  
SM File # 233769

QN -ON: Acres: 1.5  
QL - ON: Acres: 1.5  
Recharge is provided



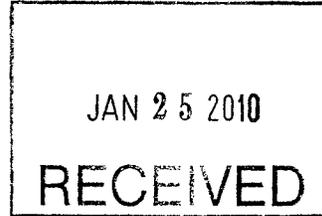
DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Arthur Holmes, Jr.  
*Director*

January 20, 2010

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 No. 1-20090130  
Star Pointe Plaza

Dear Ms. Conlon:

We have completed our review of the preliminary plan with last revision dated 12/15/09. The original plan for this site was reviewed by the Development Review Committee at its meeting on January 26, 2009. We recommend approval of the plan subject to the following comments:

We agree to allow this applicant to continue to access Spencerville Road (MD 198), via the existing service road off Star Pointe Lane that was built by the Maryland State Highway Administration, until such time as Dino Drive is extended to Star Pointe Lane. Ultimate site access will be off of Dino Drive once it is constructed.

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. Applicants shall agree to pay their share of the pro-rata monies for the future construction of Dino Drive in accordance with the recorded Dino Drive Participation and Escrow Agreements ( L18183 F468). This condition shall be noted on the record plat.
2. The revised grade establishment for Dino Drive must be approved prior to the submission of record plats by this applicant.
3. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

**Office of the Director**

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. Slope easements must be determined prior to MCDPS approval of the record plat.

Provide this office with a conceptual storm drain plan that demonstrates how the storm drain system from the site will work with the ultimate storm drain system on future Dino Drive. The conceptual plan must include profiles and should be based on the revised grade establishment for Dino Drive. This plan must be reviewed and approved by DOT prior to MCDPS approval of the record plat. (Note: We do not allow storm drain pipes to cross beneath retaining walls)

5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lot(s)/parcel(s) to be accessed by the future private common driveway off Dino Drive.
6. Access and improvements along Spencerville Road (MD 198) and service road as required by the Maryland State Highway Administration.
7. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
8. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
11. For any parking facility containing more than fifty (50) spaces, the applicant needs to furnish bicycle parking facilities as required under Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. 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.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20090130  
January 20, 2010  
Page 3

13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi at (240) 777-2173.

Sincerely,



Gregory M. Leck, P.E., Manager  
Development Review Team

M:\subdivision\SALIHD01\Preliminary Plans\1-20090130 Star Pointe Plaza\1-20090130 Star Pointe Plaza.doc

Enclosures (1)

cc: Vikram Kushawaha, Sandy Spring Road, LLC  
Pritam Arora, Design Engineering Inc.  
Jody Kline, Miller, Miller and Canby  
Chris Ruhlen, Holland & Knight  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Dewa Salihi, DOT TEO  
Bruce Mangum, DOT TEO  
Dan Sanayi, DOT TEO  
Corren Giles, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

TO: Sandra Pereira, Development Review

VIA: Stephen Federline, Master Planner, Environmental Planning 

FROM: Candy Bunnag,  Planner Coordinator, Environmental Planning

DATE: May 17, 2010

SUBJECT: Site Plan 820100020, Star Pointe Plaza

---

**RECOMMENDATION**

The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan and the final forest conservation plan with the following conditions:

1. Compliance with the conditions of approval of the Final Forest Conservation Plan. The applicant must meet all conditions and requirements prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s) as appropriate. Specific conditions include the following:
  - a. Financial security for landscape trees that are used to meet afforestation requirements must be reviewed and approved by Environmental Planning staff prior to start of clearing and grading.
  - b. Add notes to the Final Forest Conservation Plan for site preparation, planting, and maintenance of onsite landscape, native trees that are used to meet the project's afforestation requirement.
  - c. Submit a detailed sediment and erosion control plan that includes the limit of disturbance that is consistent with the Final Forest Conservation Plan.
  - d. Standard notes for inspections and maintenance must be included in the Final Forest Conservation Plan.

**DISCUSSION**

**Background**

The 1.54-acre subject site is located on the south side of Rte. 198, east of Rte. 29 in the Fairland Planning Area. It is zoned I-1. The applicant proposes a three-story building for retail, office, and restaurant uses and associated parking.

**Environmental Inventory**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 420080640) was

approved on November 28, 2007. The site lies within the Little Paint Branch watershed (Use I waters). The 2003 update of the *Countywide Stream Protection Strategy* (Montgomery County Department of Environmental Protection) identifies the subwatershed in which this site is located as the Silverwood Tributary, and documents the stream quality as being good.

The subject site has no existing forest, streams, wetlands, floodplains, or environmental buffers. There are an existing frame building and gravel and asphalt surfaces. There is a very small area of tree cover at the southern tip of the site. A 24-inch green ash lies within this tree stand. The site is relatively flat and slopes down from north to south. It appears to have been a large fill area with evidence of tie-out slopes adjacent to the western property line and across the southern tip of the site.

### **Forest Conservation Plan**

The proposed project is subject to the County Forest Conservation Law (Chapter 22A of the Montgomery County Code). There is a 0.25 acre afforestation requirement for the project. The applicant proposes to meet the afforestation requirement with the planting of native landscape trees in the proposed parking lot. Section 22A-12(d)(2) allows afforestation to be met by the use of tree cover under certain conditions:

“Afforestation should be accomplished by the planting of forest cover. However, if the applicant demonstrates to the satisfaction of the Planning Board or Planning Director, as the case may be, that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area (as defined in Section 22A-3), or similar reason, afforestation requirements may be satisfied by tree cover.”

Staff believes that the use of tree cover to meet the afforestation requirement for this project is acceptable and is consistent with the circumstances identified in Section 22A-12(d)(2). The applicant proposes the construction of a commercial building with surface parking in an industrial zone. In addition, there is no environmentally-sensitive area on the site that could be planted.

As part of the landscape plan for the project, the applicant proposes to plant 12 northern red oaks and 5 hackberries within the parking lot and use these 17 trees to meet the afforestation requirement. The applicant estimates that roughly 31 percent of the proposed parking lot will be under canopy of these trees, assuming the trees grow to create the 20-year canopy coverages given in the *Tree Manual* (M-NCPPC). Staff believes the applicant’s proposed use of the 17 native trees to meet afforestation requirements is acceptable.

### **SUMMARY**

Environmental Planning recommends approval of the Site Plan and the Final Forest Conservation Plan with the conditions stated above.

**APPENDIX B**  
**Correspondence**

1 October 2009

Subject: Site Plan 82010020  
Name: Star Pointe Plaza



Development Review Division  
Maryland-NCPPC  
8787 Georgia Ave.  
Silver Spring MD 20910-3760

Sir

Concerning the above plan, I attended two community meetings hosted by the developers (I believe in July 2008 and spring, 2009). At both meetings, the location of the building was at least 100 feet further south from Route 198 than the current plan. Why has the location changed ?? When US Storage, now Extra Space storage, was developed in the late 1990's in the same zoning area, my neighbors and I were told by MD-NCPPC that the building would be shielded from Route 198 and all access would be from within the industrial zone. This plan violates those restrictions, why the change ?

Note, of the two meetings, the first was very heated and at least 40 people attended; we were promised a 2<sup>nd</sup> meeting and an address list was circulated so we would all be informed. However, the 2<sup>nd</sup> meeting was poorly attended, the address list was not used. This drastic change of building location requires another community meeting.

My major concern is unsafe access to and from Route 198. These concerns are expressed in enclosed letter "A", signed by eight of my neighbors, it concerns the development of the adjoining lot by ezStorage. Note, there were two accidents this week at the Dino Drive/Route 198 interchange.

Note: The letter dated Sept. 24, 2009 from Design Engineering suggests going to the following web site; however when I searched it the response was

Sorry! We could not find [www.mc-m-ncppc.org](http://www.mc-m-ncppc.org)  
Design Engineering's letter is attachment "B".

Sincerely,

Robert L. Sylwester

4324 Valley Stream Ave.  
Burtonsville, MD 20866

email: [bobsylwester@erols.com](mailto:bobsylwester@erols.com)  
phone: 301 421-1419

DRD-Build

Presented to Council, 27 July 2009 by  
Bob Sylvester

To: Mr. Phil Andrews and the Montgomery County Council  
Subject: Zoning Text Amendment 09-05  
Date: 27 July 2009

"A"

Council members,

The undersigned are residents of Valley Stream Avenue which is on the eastern border of the Burtonsville Industrial Tract. We urge the county to adopt Text Amendment 09-05 and provide the Burtonsville community with growth and diverse employment opportunities without sacrificing environmental considerations and esthetic appeal. Our properties are only accessible via Dino Rd. which is also the only public road within the tract. Because of the shared road, developments and traffic within the tract impact our community. We would like to see the following:

1. **Attractive buildings not visible from the highways:** About ten years ago, what is now Extra Space Storage was built on the eastern edge of the industrial tract; we were told by MD-NCPPC that it would be screened from Rte.198 by a barrier of trees; after ten years that has not been accomplished. Furthermore, the view of Extra Space from our development is rows of concrete block buildings behind a chain-link fence; not unlike a prison. The proposed ezStorage building on the western border of the tract will be highly visible from Rte. 29; it will be about 35 feet tall and extremely close to the north-bound down ramp. It will appear to be a huge concrete wall and if ezStorage elects to put their block lettering around the top of the building, like they have on their building on Berger Lane in Howard County, the facility will serve as a concrete billboard. If you drive north on Rte. 29 through Howard county, you do NOT see any signage or buildings, rather the natural landscape lines the highway. Montgomery County should follow suit to beautify the area.
2. **Diversity of Businesses:** On Rte. 198 between the existing Extra Space Storage and the ezStorage site, there is a large billboard stating "*FOR LEASE, 5.2 acres, Storage Lot*". One self-storage is too much, two is intolerable, and now the property owners are encouraging a third? We urge the council to enforce diversity in the industrial park.
3. **Safe access to and from Route 198:** The County needs to work with the State Highway Administration (SHA) to ensure safe access to the industrial park. When Rte. 29 was realigned several years ago, the crossover of Rte. 198 at Star Pointe was closed; this had been the main access to the industrial tract. To access the ezStorage site from the east (I-95 and Laurel), customers will need to drive pass the ezStorage site, drive through the traffic light at the Rte. 29 down ramp, and then at the old Rte 198/29 intersection, attempt to make a u-turn from the left-most of five lanes. Equally challenging, customers leaving the site and wishing to go to Burtonsville, must first drive east to Dino Rd. and attempt a u-turn. Their view of on-coming traffic will often be blocked by residents of Wooten and Cedar Tree lanes coming from Laurel who are making u-turns in the opposite direction. Into this gridlock is traffic exiting Dino and going halfway across Rte. 198 to go west; it becomes a game of chicken. SHA has two proposals which need to be implemented; widen Rte. 198 at Dino and build a crossover with a traffic light at Cedar ~~Lane.~~  
Tree

Pentons  
to  
Star  
Pointe

4. **The county should complete Dino Road, not the Road Club:** At their June 22 community meeting, ezStorage stated MNCPPC required them to join the Road Club to complete Dino Road. In the late 1990's, the Road Club was tasked with constructing a realigned Dino Rd. It took them over five years and prodding by several county offices to complete several hundred yards; it was never finished through to Star Point. During these five years, we endured a Dino Rd. consisting of potholes, Jersey barriers on both sides, and continual erosion. Marilyn Praisner's office informed Mr. Sylwester in 2004 that the concept of a Road Club would not be used again.

Pertains  
to  
Star  
Point

We thank you for your consideration and appeal to the county to adopt Text Amendment 09-05.

Sincerely,

Robert L. Sara C. Sylwester  
4324 Valley Stream Ave.  
Burtonsville, MD. 20866  
Phone: (301) 421-1419  
Email: bobsylwester@erols.com

*Robert Sylwester*  
*Sara C. Sylwester*

*James A. Curran*  
*4317 - Valley Stream Ave.*

*Michael A. Curran*  
*4316 VALLEY STREAM AVE*

*PIYUSH SINGH*  
*4300 VALLEY STREAM AVE*

*Ellen Beck (BECK)*  
*4325 Valley Stream Ave.*  
*Burtonsville, MD 20866*

*Kathy Menasco-Smith*  
*4327 Valley Stream Avenue*  
*Burtonsville, MD 20866*

*Eddie Rodriguez*  
*4303 VALLEY STREAM AVE, BURTONSVILLE, MD 20866*

*ANTHONY TAYLOR*  
*4320 VALLEY STREAM AVENUE, BURTONSVILLE, MD 20866 TT*



December 11, 2009

Mr. Robert Sylwester  
4324 Valley Stream Avenue  
Burtonsville, MD 20866

**Re: Star Pointe Plaza, Site Plan No. 820100020**

Dear Mr. Sylwester:

Thank you for sharing your concerns on the building location for the Star Pointe Plaza site plan in your letter of October 1, 2009. We understand that the building location has changed from earlier versions as presented to your community. However, Staff believes that the new location is still in conformance with the Fairland Master Plan, and results in a better and more efficient layout for this site.

The Fairland Master Plan recommends that buildings in the Burtonsville Industrial Area be set back from Sandy Spring Road (MD 198) by an unspecified distance. In practice, the distance applied to other approved buildings in the area has been 100 feet. The 100-foot setback is typically measured from the southern edge of the road right-of-way, however, in the case of this property, the right-of-way contains additional width to accommodate a short service road that provides access to several properties. Because the service road did not exist at the time that the Fairland Master Plan was adopted and because it is intended to be temporary, the right-of-way containing the service road is not included as part of MD 198 for purposes of determining the appropriate building setback. Thus, measuring 100 feet from the edge of the original right-of-way, not including the service road, creates a front setback line that allows the building to be placed as it is now shown on the site plan.

The new building is now perpendicular to MD 198 (rather than parallel) and located approximately 90-feet closer to MD 198 than the original version. Given the triangular shape of the property, the new location allows for a more efficient layout with the parking consolidated in one area, vehicular circulation looping through the site, and the storm water management facility located underground rather than in the front of the site. This layout responds adequately to the existing access to the site from the service drive on MD 198, while it also accommodates the plans of a future access from the future Dino Drive. Pedestrian access is safer in the new layout because there is a longer stretch of continuous sidewalk (with less crossing points) from MD 198 and the proposed building entrance. The area between the building and the service drive will be landscaped to provide screening and an amenity area for the office workers and retail patrons of the proposed building.

Mr. Robert Sylwester

December 15, 2009

Page 2

Finally, please keep in mind that earlier versions of this plan were submitted for preliminary plan review, not site plan review, and preliminary plans are not binding with respect to building location. It is the site plan that sets the location of any buildings on the site.

Overall, the new building location will afford you the opportunity for a better design, which Staff expects, and will review during the site plan application, while maintaining conformance with the Fairland Master Plan. Please contact me at (301) 495-2186 if you would like to discuss further or have any other concerns.

Sincerely,

A handwritten signature in blue ink that reads "Sandra Pereira". The signature is fluid and cursive, with the first name being more prominent.

Sandra Pereira  
Site Plan Review Team

Cc: Rose Krasnow, Chief, M-NCPPC  
Robert Kronenberg, Supervisor, M-NCPPC  
Cathy Conlon, Supervisor, M-NCPPC  
Neil Braunstein, Coordinator, M-NCPPC

## Pereira, Sandra

---

**From:** Oconnor, Kristin  
**Sent:** Wednesday, April 28, 2010 1:00 PM  
**To:** Kronenberg, Robert  
**Cc:** Pereira, Sandra  
**Subject:** FW: Possible violations, many resident complaints  
**Attachments:** Kushuwaha property 198.pdf

Is this Star Pointe Plaza?

---

From: Crisostomo, Chuck [mailto:Charles.Crisostomo@montgomerycountymd.gov]  
Sent: Wednesday, April 28, 2010 12:05 PM  
To: Oconnor, Kristin  
Subject: FW: Possible violations, many resident complaints

Hi Kristin,

I have just sent this request for inspectors from our Environmental section to look at the Kushuwaha property on 198. As you can see from the attached pictures, it is quite a mess. Could you please let me know what the progress is, if any, on the office building project for this lot?

Thanks

*Charles P. Crisostomo*

Assistant Director  
Eastern Montgomery Regional Center  
3300 Briggs Chaney Road, Silver Spring  
240 777-8416  
240 832-4160 cell



***It's important, easy, and confidential !***

-----Original Message-----

From: Crisostomo, Chuck  
Sent: Tuesday, April 27, 2010 1:52 PM  
To: Ahluwalia, Uma; Hoyt, Bob  
Cc: Nurmi, Joy  
Subject: Possible violations, many resident complaints

Uma and Bob,

After receiving numerous complaints about this property, I decided to try and document as much as possible. The attached pictures are what I could visibly see, which appear to be violations with waste disposal, mosquito breeding, waste oil contamination and improper storage of waste oil. More dirt and debris piles are accumulating each day. I am not sure if a permit exists for such fill, but would appreciate if this could be pursued as well.

Thank you

Chuck

*Charles P. Crisostomo*

Assistant Director  
Eastern Montgomery Regional Center  
3300 Briggs Chaney Road, Silver Spring  
240 777-8416  
240 832-4160 cell



United States<sup>®</sup>  
**Census**  
**2010**

***It's important, easy, and confidential !***

# 4101 Sandy Spring Road, Burtonsville



**Tires and other debris**



**Trash, tires and fill**



**Hard fill, tires and oil sludge**

## Pereira, Sandra

---

**From:** bob sylwester [bobsylwester@erols.com]  
**Sent:** Saturday, May 22, 2010 6:03 PM  
**To:** Woodhouse, Thomas  
**Cc:** Pereira, Sandra; Oconnor, Kristin; Crisostomo, Chuck; Sara & Bob Sylwester; Nurmi, Joy; dbwilliams@mde.state.md.us  
**Subject:** Re: More dumping, 4101 Sandy Spring Rd.  
**Attachments:** 3.west.trash.jpg; 5.west.boxspring.jpg; 7.south.erosion.shovel.jpg; 11.concrete.brick.jpg; 13.behind.bldg.trash.jpg; 15.concrete.wire.jpg; 8.sw.corner.trash.jpg

Mr. Woodhouse

I appreciate your diligent in the cleanup of 4011-4019 Sandy Spring Road and I am anxious to know the result of your site visit on 25 May.

Attached are 7 of the 20 photos I took today which show some areas which I believe need immediate attention and cleanup. I think there are 70-90 large dump truck loads on the site. Notes on photos:

3. Taken from west side (ezStorage property); trash pushed over the side from above.
5. Also from west side, boxspring was pushed over the side. (I have other photos showing old tires and a water heater on the bank).
7. Taken from south side,(rotate photo 90 deg.) It shows erosion; my shovel is in the gully to indicate depth.  
This runoff flows into the headwaters of Little Paint Branch, several hundred yards downhill from this site. There is no physical barrier stopping the erosion !
11. A mixture of concrete of brick trash.
13. Trash behind cinderblock building, over the edge is the ezStorage property.
15. Wire mixed with trash.
8. Southwest corner of property, trash was pushed here.

I am not convinced the oil on the site which Dan McCann of the Dept. of Environmental Protection ordered in March 2009 was every complete, the soil is still oily.

Again, I appreciate your help. I am including MNCPPC on this note since they are planning a site review within four weeks (pending cleanup).

bob sylwester  
4324 Valley Stream Ave.  
Burtonsville, MD 20866

Woodhouse, Thomas wrote:

- > Mr. Sylwester,
- > I have posted a Stop Work order, issued a notice of violation, issued
- > a civil citation of Five Hundred dollars, and notified the State of
- > Maryland's Department of the Environment. The owner had a wire cable
- > across the opening that the dump truck has destroyed. The owner is
- > having a fence put across the front of the property. I will be
- > meeting on site with Montgomery County's Department of Environmental
- > Protection on Tuesday.
- > I have included the Department of the Environment in the email.
- >

>  
> Tom Woodhouse  
>  
> Permitting and Code Enforcement Inspector III Department of Permitting  
> Services  
> 255 Rockville Pike, 2nd Floor  
> Rockville, Maryland 20850  
> PHONE: 240-777-6300  
> CELL: 301-370-3632  
> FAX: 240-777-6339  
>

## Pereira, Sandra

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**From:** Woodhouse, Thomas [Thomas.Woodhouse@montgomerycountymd.gov]  
**Sent:** Tuesday, June 01, 2010 11:00 AM  
**To:** Pereira, Sandra  
**Subject:** FW: Star Pointe Plaza  
**Attachments:** Time Line for 4101 Sandy Spring Road.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sandra,

I am including a time line for the site at 4101 Sandy Spring Road and the adjoining properties. The owner is obtaining a sediment control permit to remove the illegal dirt. He said the dirt was dumped without permission. There was a cable that was damaged to access the site. He has now installed a chain linked fence to block access. He will be installing sediment controls and stabilizing the site and then remove the illegal fill. The material has to go to an authorized site. The material may not be removed before the Planning Board Hearing.

Thank you,

**Tom Woodhouse**

**Permitting and Code Enforcement Inspector III**  
**Department of Permitting Services**  
**255 Rockville Pike, 2<sup>nd</sup> Floor**  
**Rockville, Maryland 20850**  
**PHONE: 240-777-6300**  
**CELL: 301-370-3632**  
**FAX: 240-777-6339**

-----Original Message-----

From: Etheridge, Mark  
Sent: Tuesday, June 01, 2010 8:27 AM  
To: Woodhouse, Thomas  
Subject: FW: Star Pointe Plaza

Tom –

FYI. I will process the SLDA application this morning.

Mark Etheridge, CPESC, CPSWQ  
Senior Permitting Services Specialist  
Water Resources Section  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup>. Fl.  
Rockville, MD 20850  
240-777-6338  
240-777-6339 fax

-----Original Message-----

From: Bunnag, Candy [mailto:Candy.Bunnag@mncppc-mc.org]  
Sent: Friday, May 28, 2010 5:00 PM  
To: Etheridge, Mark  
Cc: Braunstein, Neil; Pereira, Sandra; Kronenberg, Robert  
Subject: RE: Star Pointe Plaza

Mark -- M-NCPPC staff is ok with DPS issuing the SLDA sediment control permit for the removal of illegally dumped material. Candy

## Time Line for 4101 Sandy Spring Road.

5-5 Complaint from the MNCPPC inspector concerning dumping of dirt at 4101 Sandy Spring Rd. Posted Stop Work Order concerning illegal dirt dumping on site, started research on ownership of properties.

5-13 Issued Civil Citation, Notice of Violation and notified the Environmental Crimes Unit with the State of Maryland Department of the Environment.

5-25 Met on site with owner and Montgomery County Department of Environmental Protection concerning removing trash and waste and discussed installing sediment controls and stabilizing dumped dirt piles.

5-28 Owner of property came into office to apply for a sediment control permit. Detail sheets for the silt fence, super silt fence, and stabilized construction entrance were given to Vikram Kushawha.

6-1 The reviewer from the Department of Permitting Services plans to issue the sediment control permit today (sediment permit 237962).

**Tom Woodhouse**

**Permitting and Code Enforcement Inspector III  
Department of Permitting Services  
255 Rockville Pike, 2<sup>nd</sup> Floor  
Rockville, Maryland 20850  
PHONE: 240-777-6300  
CELL: 301-370-3632  
FAX: 240-777-6339**

## Pereira, Sandra

---

**From:** Pereira, Sandra  
**Sent:** Thursday, May 27, 2010 9:35 AM  
**To:** 'bob sylwester'; Oconnor, Kristin  
**Cc:** Crisostomo, Chuck; Nurmi, Joy; Braunstein, Neil  
**Subject:** RE: Star Pointe Plaza

Bob,

The hearing for Star Pointe Plaza is still on the schedule for June 17. We've received all the approvals needed. Also, we've been in contact with Mr. Woodhouse in regards to the violations and will include a section in the Staff Report with the status of the corrections.

The notice on the property should not have been removed. I have asked the Applicant to ensure that the sign is visible or replaced as needed.

Sincerely,

Sandra Pereira  
Senior Planner

M-NCPPC Montgomery County Planning Department Development Review Division  
8787 Georgia Avenue, Silver Spring, MD 20910 phone (301) 495-2186 :: fax (301) 495-1306  
[sandra.pereira@mncppc-mc.org](mailto:sandra.pereira@mncppc-mc.org)

-----Original Message-----

From: bob sylwester [mailto:bobsylwester@erols.com]  
Sent: Thursday, May 27, 2010 7:49 AM  
To: Pereira, Sandra; Oconnor, Kristin  
Cc: Crisostomo, Chuck; Sara & Bob Sylwester; Nurmi, Joy  
Subject: Star Pointe Plaza

Sandra

Can you tell me if the hearing on the Star Pointe Plaza is still on the schedule for 17 June? Mr. Woodhouse's note on his site visit on 25 June is attached.

Also, the notice on the property of a proposed development was removed some months ago; my neighbors assumed the project was withdrawn. Should there be a notice on the property?

I will be in Georgia on 17 June but I would like to express my concern about the increased traffic this project will generate at the Rte. 198/Dino Dr. interchange. The traffic leaving Star Pointe Plaza heading for Burtonsville will be making U-turns at this intersection and there have already been numerous complaints about residents trying to use this traffic hazard after they visit the Burtonsville Post office. I will compose a more formal "concern" if I know there will be a hearing on the 17th.

bob sylwester  
4324 valley stream ave.  
Burtonsville, MD. 20866

----- Original Message -----

Subject: Meeting on site  
Date: Tue, 25 May 2010 16:02:52 -0400  
From: "Woodhouse, Thomas" <Thomas.Woodhouse@montgomerycountymd.gov>  
To: "bob sylwester" <bobsylwester@erols.com>  
CC: "McCann, Daniel" <daniel.mccann@montgomerycountymd.gov>

Mr. Sylwester,

You asked for an update concerning today's meeting. We met with the owner and he has had a chain link fence constructed to prevent further dumping.

The issue of trash and waste material is being handled by DEP with Inspector McCann.

The waste piles of dirt will be stabilized and sediment controls installed. The sediment control permit will take a while to obtain as different agencies get involved.

The dumping hopefully will stop. The dump truck parked on Dino Drive may be the violator. Someone has to observe the dumping.

Please do not send additional photos as my mailbox is limited. The memory for the photos can overwhelm my mailbox. If you do have to send photos, please do not send on the weekend or after work hours.

Also, the lots are laid out at various angles and some of the erosion appears to be on another lot.

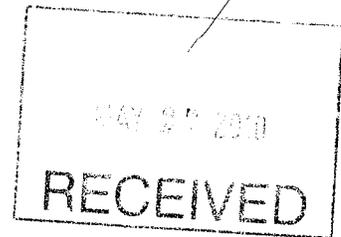
Thank you,  
Tom Woodhouse

Permitting and Code Enforcement Inspector III Department of Permitting Services  
255 Rockville Pike, 2nd Floor  
Rockville, Maryland 20850  
PHONE: 240-777-6300  
CELL: 301-370-3632

# Holland & Knight

3 Bethesda Metro Center, Suite 800 | Bethesda, MD 20814 | T 301.654.7800 | F 301.656.3978  
Holland & Knight LLP | www.hklaw.com

William Kominers  
301.215.6610  
william.kominers@hklaw.com



May 25, 2010

VIA UPS

Mr. Neil Braunstein  
Development Review Division  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Preliminary Plan No. 120090130

Dear Mr. Braunstein:

On behalf of our client, Burtonsville Self Storage, LLC, please include this letter in the public record for the above-referenced Preliminary Plan application. We understand that this Preliminary Plan has been submitted by Sandy Spring Road, LLC (the "Owner"), for the subdivision of certain parcels located at 4011, 4015, 4019 and 4101 Sandy Spring Road in Burtonsville, also known respectively as Parcels 900, 884, 845 and 844 on Tax Map KS62 (collectively, the "Property").

As you are aware, the Property is subject to the terms of that certain New Dino Drive Road Participation Agreement, dated June 15, 2000, and recorded in the Land Records of Montgomery County at Liber 18183, Folio 468 (the "Agreement"). Pursuant to the Agreement, the Montgomery County Planning Board ("Planning Board") has agreed therein to require that any owner of properties identified in the Agreement, such as the Property, obtaining a development approval and/or construction permit from the Planning Board, become a participant in the Agreement and contribute the respective share of funds due for the past and future construction of Dino Drive. Attached as Exhibit "A" is a copy of excerpts of the Agreement, including the provisions whereby the M-NCPPC agrees to impose the condition for participation in the New Dino Drive Road Club as established by the Agreement.

The participants in the New Dino Drive Road Club agreed to both: (1) pay their respective pro rata shares of the cost of construction for portions of Dino Drive related to or fronting their property, and (2) reimburse the original Road Club members for the pro rata share (including interest costs) of portions of the road already constructed by the other participants. As defined in the Agreement, this respective share includes the reimbursement of Burtonsville Self-Storage, LLC for all pro rata monies attributable to the Property that were advanced by Burtonsville Self-Storage on behalf of the Property for the prior construction of Phase I of Dino Drive. This pro rata share, under the Agreement, includes accrued interest on the applicable amount.

Mr. Neil Braunstein  
May 25, 2010  
Page 2

Burtonsville Self-Storage respectfully requests that any Planning Board Staff Report prepared in connection with the Development Review Division's review of the subject Preliminary Plan application recommend to the Planning Board, and that the Planning Board eventually adopt, the following as a condition of approval:

That the Applicant be required to join the New Dino Drive Road Participation Agreement and comply with all terms thereof, including paying the pro rata share of monies attributable to the Property for the construction of Dino Drive, including but not limited to those monies due as reimbursement to Burtonsville Self-Storage, LLC, for the construction of Phase I of Dino Drive, and including all accrued interest thereon which is a part of said pro rata share pursuant to and as defined in the Agreement.

The Staff Report should also reference, as appropriate, the letter submitted to the Development Review Division by the Montgomery County Department of Transportation on January 20, 2010, as a part of the Department's review of the Preliminary Plan (the "DOT Letter") (Exhibit "B"). The DOT Letter recommends approval of the Preliminary Plan subject to certain conditions, including that the Applicants agree to (1) pay their share of the pro-rata monies for the future construction of Dino Drive in accordance with the Agreement, and (2) note this obligation on any record plat submitted for the Property after Preliminary Plan approval (see Paragraph No. 1).

The construction of Phase I of Dino Drive was undertaken in good faith by Burtonsville Self-Storage and others pursuant to the Agreement. Other owners along the future Phases II, III, and IV of Dino Drive, including the predecessor of the Owner, were always intended to become subject to the Agreement at the time they might proceed to development. For this Property, this is that time. Fundamental fairness demands that the Planning Board fulfill its commitment under the Agreement and thereby require the Property to fulfill its obligations. We hope that this information is useful to you in your continued evaluation of the Preliminary Plan.

Should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

HOLLAND & KNIGHT LLP

  
William Kominers

  
Christopher M. Ruhlen

Mr. Neil Braunstein

May 25, 2010

Page 3

cc: Mr. Alan Jacobs  
Ms. Cathy Conlon  
Mr. Shahriar Etemadi  
Mr. Cherian Eapen

# 9482788\_v1

**EXHIBIT "A"**

NEW DINO DRIVE ROAD PARTICIPATION AGREEMENT

This NEW DINO DRIVE ROAD PARTICIPATION AGREEMENT ("Agreement") is made as of this 15<sup>TH</sup> day of JUNE, 2000, by and among DFM, L.L.C., a Maryland limited liability company, its heirs, successors and assigns ("DFM"), ELDER HOME, INC., a Maryland corporation, its heirs, successors and assigns ("ELDER"), and BURTONSVILLE SELF-STORAGE, L.L.C., a Maryland limited liability corporation, its heirs, successors and assigns ("BURTONSVILLE").

FILED  
MOLLY Q. RUIH  
CLERK'S OFFICE  
MONTGOMERY COUNTY, MD  
00 JUN 26 P 1:25 PM

RECITALS

- R-1. Capitalized terms, not already defined in this Agreement or not defined in the Recitals, are defined in the Definition section of this Agreement.
- R-2. Montgomery County, Maryland, a body politic, has indicated its refusal to construct a certain roadway defined below as "New Dino Drive."
- R-3. The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (the "M-NCPPC") wishes to confirm that it has agreed to require each owner of the property listed on the attached Exhibit 11, which is incorporated by reference, to contribute its respective share for the Construction of New Dino Drive, as a condition of any development approval granted by M-NCPPC and/or construction permit approved by M-NCPPC, which undertaking was initially established by a certain Agreement to Contribute to Dino Drive Escrow Fund, dated September 15, 1998, by and between DFM, LLC, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission and the Montgomery County Department of Public Works and Transportation, concerning the land and premises described therein and in this Agreement as Parcel L and Parcels J&K.

Such undertaking by M-NCPPC was also established by a certain Agreement to Contribute to Dino Drive Escrow Fund, dated March 18, 1999, by and between BURTONSVILLE SELF-STORAGE, L.L.C., the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission and the Montgomery County Department of Public Works and Transportation, concerning the land and premises described therein as parcels P946 and P997, and in this Agreement as Parcels 946 & 997.

R-4. The Parties wish to provide the terms and conditions under which each will participate in the Project Cost Estimate and/or the Phase Project Cost Overrun of one or more Phases of New Dino Drive.

R-5. DFM is the owner of the land and premises described in the attached Exhibit 1, which is incorporated by reference "Parcel L".

75  
2

*Handwritten signature*

## NEW DINO DRIVE ROAD PARTICIPATION AGREEMENT

reasonably to facilitate amendments to the Agreement and other actions needed to effectuate the provisions of this Paragraph. To the extent that the purchaser is substituted for a Party, the Party shall be automatically released from such portion of its obligations under this Agreement.

- m) Personal Liability. Notwithstanding anything herein to the contrary, in no event shall any officers, partners, shareholders or directors of any Party have any personal liability under, or in connection with, this Agreement.
- n) Limitation of Liability. The obligations of any Party subject to this Agreement shall apply only with respect to the period during which such Party is the fee simple owner of a Parcel. When any Party ceases to own a fee simple interest in a Parcel, the obligations and liabilities thereafter accruing (but not accrued and unperformed obligations and liabilities) shall be the obligations of such Party's successors and assigns.
- o) [Intentionally omitted.]
- p) Imposition of This Agreement on Subsequent Parties by M-NCPPC and Assistance by the Parties. The M-NCPPC hereby confirms its commitment to require each owner of the property listed on the attached Exhibit 11, to contribute, as required by law, its respective share for the Construction of New Dino Drive, as a condition of any development approval granted by M-NCPPC and/or construction permit approved by M-NCPPC.
- q) Equity. In addition to the obligations of the M-NCPPC to require each owner of the property listed on the attached Exhibit 11, to contribute its respective share for the Construction of New Dino Drive, as a condition of any development approval granted by the M-NCPPC and/or construction permit approved by M-NCPPC, the Parties shall urge M-NCPPC to use reasonable efforts to review subdivision proposals and make recommendations to assure that applicable additional applicants for subdivision benefiting from, making use of capacity from, or making use of New Dino Drive, will become bound by the terms and conditions of this Agreement.
- r) Authority. Each of the undersigned hereby represents and warrants that they or it possess actual authority to execute this Agreement, and this Agreement constitutes a valid and legally binding obligation of the party on whose behalf they have executed this Agreement.
- s) Notices. Any payment, notice, demand, consent, approval, request, or other communication or document to be provided under this Agreement: (A) shall be in writing; (B) shall be deemed to have been provided on the earlier of:

NEW DINO DRIVE ROAD PARTICIPATION AGREEMENT

The undersigned executes this Agreement for the sole purpose of agreeing to the provisions of Section 9 p) and q) of this Agreement.

THE MONTGOMERY COUNTY PLANNING BOARD  
OF THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

By: Joseph R. Davis  
Name: Joseph R. Davis  
Title: Acting Chief, Development Review Division  
Date: August 8, 1999

APPROVED AS TO LEGAL SUFFICIENCY  
MK 8/2/99  
M-NCPPC LEGAL DEPARTMENT

## EXHIBIT 11

List of all Parcels subject to or to be made subject to this Agreement  
with Tax Identification Numbers

Property	Current Owner	Tax Identification Numbers:
Parcel L (formerly Parcel "G")	DFM, L.L.C.	Parcel "G":05-02927523
Parcel J (formerly Parcel "D") and Parcel K (formerly Parcel "E")	DFM, L.L.C.	Parcel "D":05-02791113 Parcel "E":05-02791124
Parcel 191	Elder Home, Inc.	Parcel 191:05-00249865
Parcels 946 & 997	Burtonsville Self Storage, L.L.C.	Parcel 946:05-01508170 Parcel 997:05-00275933
Parcel F, and Parcel "H" (AKA N901 and N902)	J. Yang	Parcel "F":05-02791135 Parcel "H":05-02957017
Parcel 900, Parcel 884, Parcel 845, and Parcel 844	S. C. Beaver (includes Pattison land)	Parcel 900:05-00276072 Parcel 884:05-00261060 Parcel 845:05-00282222 Parcel 844:05-002457067
Parcel 942	K. Wilson	Parcel 942:05-01508192

**EXHIBIT "B"**



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

January 20, 2010

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 No. 1-20090130  
Star Pointe Plaza

Dear Ms. Conlon:

We have completed our review of the preliminary plan with last revision dated 12/15/09. The original plan for this site was reviewed by the Development Review Committee at its meeting on January 26, 2009. We recommend approval of the plan subject to the following comments:

We agree to allow this applicant to continue to access Spencerville Road (MD 198), via the existing service road off Star Pointe Lane that was built by the Maryland State Highway Administration, until such time as Dino Drive is extended to Star Pointe Lane. Ultimate site access will be off of Dino Drive once it is constructed.

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. Applicants shall agree to pay their share of the pro-rata monies for the future construction of Dino Drive in accordance with the recorded Dino Drive Participation and Escrow Agreements (L18183 F468). This condition shall be noted on the record plat.
2. The revised grade establishment for Dino Drive must be approved prior to the submission of record plats by this applicant.
3. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

Office of the Director

---

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. Slope easements must be determined prior to MCDPS approval of the record plat.

Provide this office with a conceptual storm drain plan that demonstrates how the storm drain system from the site will work with the ultimate storm drain system on future Dino Drive. The conceptual plan must include profiles and should be based on the revised grade establishment for Dino Drive. This plan must be reviewed and approved by DOT prior to MCDPS approval of the record plat. (Note: We do not allow storm drain pipes to cross beneath retaining walls)

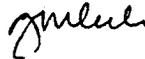
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lot(s)/parcel(s) to be accessed by the future private common driveway off Dino Drive.
6. Access and improvements along Spencerville Road (MD 198) and service road as required by the Maryland State Highway Administration.
7. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
8. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
11. For any parking facility containing more than fifty (50) spaces, the applicant needs to furnish bicycle parking facilities as required under Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. 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.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20090130  
January 20, 2010  
Page 3

13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi at (240) 777-2173.

Sincerely,



Gregory M. Leck, P.E., Manager  
Development Review Team

M:\subdivision\ALIHD01\Preliminary Plans\1-20090130 Star Pointe Plaza\1-20090130 Star Pointe Plaza.doc

Enclosures (1)

cc: Vikram Kushawaha, Sandy Spring Road, LLC  
Pritam Arora, Design Engineering Inc.  
Jody Kline, Miller, Miller and Canby  
Chris Ruhlen, Holland & Knight  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Dewa Salihi, DOT TEO  
Bruce Mangum, DOT TEO  
Dan Sanayi, DOT TEO  
Corren Giles, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book

**APPENDIX C**  
**Proposed Preliminary Plan**

**ABBREVIATIONS LIST**

AT	APPROXIMATE	N	NORTH
AC	ACRE	NTS	NOT TO SCALE
B	BEND	OHE	OVERHEAD ELECTRIC
BC	BOTTOM OF CURB	OP	OVERHEAD POWER
BIT	BITUMINOUS	OT	OVERHEAD TELEPHONE
BLDG	BUILDING	P	POLE
BM	BENCH MARK	PC	POINT ON CURVE
C&G	CURB AND GUTTER	PES	PIPE END SECTION
C&P	CHESAPEAKE & POTOMAC	PERF	PERFORATED
CI	CURB INLET	PT	POINT ON TANGENT
CL	CENTERLINE	PL	PROPERTY LINE
CL	CLASS	PROP	PROPOSED
CLP	CORRUGATED METAL PIPE	PVC	POLYVINYL CHLORIDE
CO	CLEAN OUT	PWT	PAVEMENT
CONC	CONCRETE	R	RADIUS
CT	CURE TRANSITION	(R)	REMOVE
CTB	CONCRETE THRUST BLOCK	R/W	RETAINING WALL
D	DIAMETER	REQ	RIGHT OF WAY
D/S	DOWNSPOUT	RCP	REINFORCED CONCRETE PIPE
DW	DOMESTIC WATER	RD	ROOF DRAIN
DWG	DRAWING	REV	REVISION
E	ELECTRIC	R/O	REQUIRED
EA	EACH	R/OV	ROOF OVERHANG
EL	ELEVATION ABOVE SEA LEVEL	RWC	REBAR WITH CAP
ELC	ELECTRIC	S	SANITARY SEWER
ENT	ENTRANCE	SD	STORM DRAIN
EP	EDGE OF PAVEMENT	SF	SILT FENCE
EXT	EXTENSION	SL	SITE LIGHT
F	FOLIAGE	SSF	SUPER SILT FENCE
FC	FIELD CONNECTION	SFP	SILT FENCE ON PAVEMENT
FD	FOUNDATION DRAIN	SCH	SCHEDULE
FF	FINISHED FLOOR	STA	STATION
FG	FINISHED GRADE	STD	STANDARD
FH	FIRE HYDRANT	SWM	STORMWATER MANAGEMENT
FHT	FIRE HYDRANT TEE	TEE	TEE
FT	FOOT/FEET	TC	TOP OF CURB
FW	FIRE WATER	TD	TRENCH DRAIN
GPD	GALLON PER DAY	TR	TO REMAIN
GT	GUTTER TRANSITION	TRNS	TRANSFORMER
H	HORIZONTAL	TW	TOP OF WALL
HT	HEIGHT	TYP	TYPICAL
HCR	HANDICAPPED CURB	TBD	TO BE DETERMINED
HHS	HIGH HYDRAULIC GRADIENT	UP	UNDERGROUND POWER
HGL	HYDRAULIC GRADIENT LINE	UT	UNDERGROUND TELEPHONE
HPT	HORIZONTAL PAVEMENT TRANSITION	UL	UPPER LEVEL
IPF	IRON PIPE FOUND	V	VALVE
JB	JUNCTION BOX	VB	VERTICAL BEND
L	LIBER	VHC	VAN HANDICAPPED
L	LINEAR FEET	W	WATER
LHO	LOW HYDRAULIC GRADIENT	W/M	WITH
LI	LANDSCAPE ISLAND	WQS	WATER QUALITY CONTROL STRUCTURE
LL	LOWER LEVEL	WSSC	WASHINGTON SUBURBAN SANITARY COMMISSION
LP	LIGHT POLE	WV	WATER VALVE
LL	LOWER LEVEL	YI	YARD INLET
MH	MANHOLE		
MIN	MINIMUM		
MP	MOTORCYCLE PARKING		

**LEGEND**

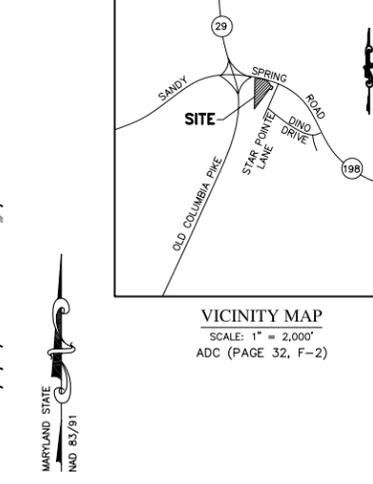
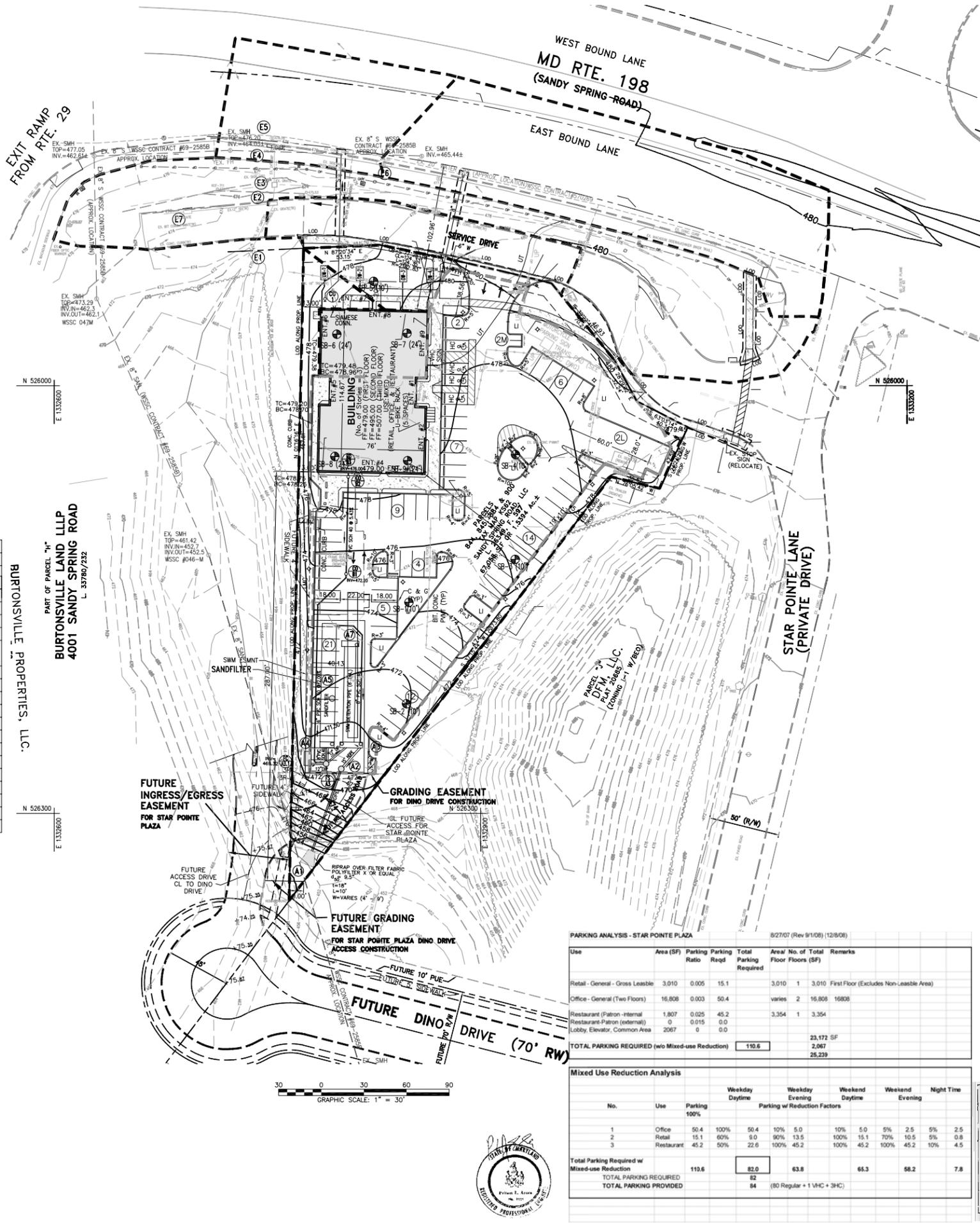
ITEM	NEW	EXISTING	ITEM	NEW	EXISTING
BITUMINOUS CONCRETE PAVEMENT			REMOVE		
BUILDINGS			REMOVE		
CENTER LINE			REMOVE		
CONCRETE CURB & GUTTER			REMOVE		
REMOVE CONCRETE CURB & GUTTER			REMOVE		
CONTOURS			REMOVE		
FENCE			REMOVE		
FIRE HYDRANT			REMOVE		
GAS MAIN			REMOVE		
RETAINING WALL			REMOVE		
PARKING COUNT			REMOVE		
POLE GUY WIRE			REMOVE		
PROPERTY LINE			REMOVE		
SANITARY SEWER			REMOVE		
SITE LIGHT			REMOVE		
SANITARY CONNECTION			REMOVE		
SOIL / TEST BORING			REMOVE		
SPOT ELEVATIONS			REMOVE		
SWALE			REMOVE		
ABANDON			REMOVE		

**GENERAL NOTES AND ZONING ANALYSIS**

1. OWNER / DEVELOPER:	SANDY SPRING ROAD LLC 11313 CLASSICAL LANE SILVER SPRING, MD, 20903 ATTN: Mr. VIKRAM (VIC) KUSHAWHA (301)437-2279	
2. SITE INFORMATION:	GROSS AREA: 67,058 SF (1.5394 ACRES) AREA DEDICATED TO R/W: 0 SF NET AREA: 67,058 SF (1.5394 ACRES) LIBER/FOLIO: 26349/597 ZONE: I-1 W/BURTONSVILLE EMPLOYMENT OVERLAY TAX MAP: K562 PARCEL(S): 844,845,884 & 900	
3. TAX ACCOUNT:	00257067; 00282222; 00261060; 00276072	
4. WSSC 200 SCALE SHEET NUMBER:	220NE04	
5. BUILDING SETBACKS:	REQUIRED/PERMITTED	PROVIDED
0' FRONT (NORTH SIDE)	0' OR 10' IF > 0	12'
0' WEST SIDE (I-3 W/BEO)	0' OR 10' IF > 0	12'
0' SOUTHEAST REAR (I-3 W/BEO)	0' OR 10' IF > 0	10'
6. PARKING SETBACKS:	FRONT /R.O.W (NORTHEAST SIDE): 10' / 11' SOUTHEAST SIDE: 4' / 9' WEST SIDE: 4' / 13'	
7. PROPOSED BUILDINGS HEIGHT:	42' / 42'	
8. PROPOSED BUILDING AREA(GFA) & FAR BREAKDOWN:	RETAIL/RESTAURANT: NOT SPECIFIED, 6,364 SF/0.095 GENERAL OFFICE: 16,808 SF/0.251	
9. PARKING ANALYSIS: (SEE THIS SHEET)	REGULAR: 78 / 80 HANDICAPPED: 4 / 4 TOTAL PARKING: 82 / 84	
10. GREEN SPACE:	10% (6,706 SF) / 45.8% (37,040 SF)	
11. INTERNAL LANDSCAPE:	5% (3,353 SF) / 8.9% (2,882 SF)	
12. WATER AND PRIVATE SEWER:	PUBLIC / PUBLIC	
13. NRI/FSD PLAN:	MNCPPC HAS APPROVED THE NRI/FSD PLAN (NO. 4-20080640)	

BURTONSVILLE PROPERTIES, LLC.  
PART OF PARCEL "H"  
BURTONSVILLE LAND LLLP  
4001 SANDY SPRING ROAD  
L 53780/232

N 526000  
E 1332600  
N 526300  
E 1332600



- SITE PLAN NOTES**
- INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS, BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATIONS AND ELEVATIONS OF ALL UTILITIES LOCATED WITHIN THE PROJECT SITE BY DIGGING (HAND DIGGING WHERE REQUIRED OR APPLICABLE TO PROTECT EXISTING UTILITIES). CONDUCT TEST PIT AT ALL PIPE OR STRUCTURES CROSSINGS AND CONNECTION POINTS. THE RESULTS OF THESE TEST PITS SHALL FURNISHED TO THE ENGINEER WITHIN FOURTEEN (14) CALENDAR DAYS OF NOTICE TO PROCEED.
  - THE CONTRACTOR SHALL CALL MISS UTILITY (1-800-257-7777), 72 HOURS PRIOR TO BEGINNING EXCAVATION TO DETERMINE THE LOCATION OF EXISTING (ON-SITE & WITHIN ADJACENT PUBLIC R/W) UTILITIES. THE CONTRACTOR SHALL SUBMIT A REDLINED PRINT OF ALL EXISTING UTILITY MARKINGS TO THE ENGINEER. ANY CONFLICTS WITH CONSTRUCTION SHALL BE NOTED FOR RESOLUTION BY THE ENGINEER.
  - THE CONTRACTOR SHALL NOTIFY PEPCO, BELL ATLANTIC, WGS, AND WSSC 72 HOURS PRIOR TO THE START OF ANY CONSTRUCTION AFFECTING THEIR UTILITY. THE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH RESPECTIVE UTILITY COMPANY.
  - THE CONTRACTOR SHALL COMPLY WITH THE CONDITIONS OF MDCPS SEDIMENT CONTROL & SWM PERMIT, ENTRANCE PERMIT, WSSC'S PERMIT, AND MNCPPC APPROVAL CONDITIONS INCLUDING BUT NOT LIMITED TO MAINTENANCE, SUBMITTAL, SEQUENCE, INSPECTION, NOTIFICATION, TRAFFIC CONTROL, TESTING, CONSTRUCTION, & AS-BUILT PLAN.
  - THE CONTRACTOR SHALL COORDINATE WITH DESIGN ENGINEER, GEOTECHNICAL ENGINEER, TESTING & INSPECTION AGENCY (INDEPENDENT COMPANY HIRED BY THE CONTRACTOR) FOR SCHEDULING ALL COMPACTION TESTS, CONCRETE TESTS, SUBGRADE TESTS, SWM STRUCTURES INSPECTIONS, ETC. THE RESULTS OF THESE TESTS INDICATING PROPER LOCATION, ELEVATION, AND REMARKS INDICATING COMPLIANCE SHALL BE SUBMITTED WITHIN SEVEN (7) CALENDAR DAYS OF EACH REQUIRED TEST.
  - THE CONTRACTOR SHALL PROTECT ALL EXISTING ACCESS DRIVES, UTILITIES, CURBS, WALKS, PAVEMENTS, STORM DRAINS, AND OTHER EXISTING SITE IMPROVEMENTS TO REMAIN. THE CONTRACTOR SHALL RESTORE ANY SITE IMPROVEMENTS OR UTILITIES DAMAGED BY CONSTRUCTION.
  - THE CONTRACTOR SHALL PROVIDE SHEETING & SHORING WHERE REQUIRED TO MEET OSHA REQUIREMENTS AND ALSO TO PROTECT ALL EXISTING SITE IMPROVEMENTS INCLUDING BUT NOT LIMITED TO TREES, BUILDINGS, UTILITIES, PARKING, WALL FENCING, ETC. SUBMIT SHEETING & SHORING PLAN FOR APPROVAL BY STRUCTURAL ENGINEER.
  - THE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER CONTRACTORS (INDEPENDENT CONTRACTORS) EMPLOYED BY THE OWNER FOR RESTORATION, RENOVATION, & MAINTENANCE TO BUILDING AND/OR SITE.
  - THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING SIDEWALKS ALONG SANDY SPRING ROAD. COMPLY WITH TRAFFIC CONTROL PLAN REQUIRED.
  - FOR BUILDING DIMENSIONS, SEE ARCHITECTURAL DRAWINGS.
  - HORIZONTAL AND VERTICAL DATUM SHOWN IS WSSC AND AS NOTED.
  - UNLESS INDICATED OTHERWISE, REMOVE ALL EXISTING SITE IMPROVEMENTS LOCATED WITHIN THE PAVEMENT LIMITS OF DISTURBANCE (LOD), NEATLY SAW CUT EXISTING PAVEMENT, WALLS, CURBS, CURB & GUTTER & WALKS ALONG THE LIMITS OF PAVEMENT REMOVAL.
  - CONTRACTOR'S STAGING AND PARKING AREA IS LIMITED TO THE ON-SITE AREA DESIGNATED BY THE OWNER.
  - THE OWNER SHALL HIRE PROFESSIONAL ENGINEER TO PREPARE A COMPLETE AS-BUILT SWM PLAN. THE ENGINEER WILL SUBMIT THE AS-BUILT PLAN TO MDCPS FOR REVIEW & APPROVAL. ANY CORRECTIONS REQUIRED TO COMPLY W/ MDCPS APPROVAL SHALL BE COMPLETED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
  - THE SWM/SC & SD CONNECTION PERFORMANCE BONDS SHALL BE POSTED BY THE OWNER. THE CONTRACTOR SHALL COORDINATE WITH DESIGN ENGINEER & MDCPS FOR THE TIMELY RELEASE OF PERFORMANCE BONDS.
  - SITE LIGHTING SHOWN ON THIS PLAN FOR REFERENCE ONLY (FOR BUILDING LIGHTS & DETAILS, SEE SHEETS E-1 & E-2).
  - CONCRETE GUTTER NOT SHOWN.

**ENGINEER'S CERTIFICATE**

PRITAM ARORA  
REGISTERED PROFESSIONAL ENGINEER  
MD NO. 11101

**DEVELOPER'S CERTIFICATE**

I, the undersigned, agree to release all the features of the Site Plan, Approval No. \_\_\_\_\_, including Approval Conditions, Development Programs, and Certified Site Plan, to the Planning Board for their review and approval. I understand that the Planning Board's approval is required for the project to proceed. I understand that the Planning Board's approval is required for the project to proceed.

**PARKING ANALYSIS - STAR POINTE PLAZA** 8/27/07 (Rev 9/1/08) (12/8/08)

Use	Area (SF)	Parking Ratio	Parking Req'd	Total Parking	Area/No. of Total Floors (SF)	Remarks
Retail - General - Gross Leasable	3,010	0.005	15.1	3,010	1	3,010 First Floor (Excludes Non-Leasable Area)
Office - General (Two Floors)	16,808	0.003	50.4	varies	2	16,808 16808
Restaurant (Patron - internal)	1,807	0.025	45.2	3,354	1	3,354
Restaurant-Patron (external)	0	0.015	0.0			
Lobby, Elevator, Common Area	2,067	0	0.0			
<b>TOTAL PARKING REQUIRED (two Mixed-use Reduction)</b>			<b>110.6</b>			<b>23,172 SF</b>
						<b>2,067</b>
						<b>26,239</b>

**Mixed Use Reduction Analysis**

No.	Use	Parking 100%	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Night Time
1	Office	50.4	100%	50.4	10%	5.0	10%
2	Retail	15.1	60%	9.0	90%	13.5	100%
3	Restaurant	45.2	50%	22.6	100%	45.2	100%
<b>Total Parking Required w Mixed-use Reduction</b>		<b>110.6</b>	<b>82.0</b>	<b>63.8</b>	<b>65.3</b>	<b>58.2</b>	<b>7.8</b>
<b>TOTAL PARKING REQUIRED</b>		<b>110.6</b>	<b>82</b>	<b>63.8</b>	<b>65.3</b>	<b>58.2</b>	<b>7.8</b>
<b>TOTAL PARKING PROVIDED</b>		<b>84</b>	<b>(80 Regular + 1 VHC + 3HC)</b>				

**MNCPPC APPROVAL STAMP**

Montgomery County Planning Department

**DESIGN ENGINEERING INCORPORATED**  
FULL SERVICE ENGINEERING  
18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879  
PHONE: (301) 258-1173 X102 FAX: (301) 258-0690 EMAIL: DESIGNENGINEERING@DCMCAST.NET  
CONTACT: PRITAM ARORA

**STAR POINTE PLAZA**  
PARCELS 844, 845, 884 & 900 (TAX MAP K562)  
PROPERTY OF SANDY SPRING ROAD, LLC  
L 26349, F. 597  
5TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

REVISIONS	DATE	DESCRIPTION
1	7/29/09	PROGRESS
2	08/14/09	MNCPPC
3	09/22/09	MNCPPC

**PRELIMINARY PLAN**

DATE: 06/10/2009  
SCALE: 1" = 20'  
SHEET: C-1 OF 1

TITLE: DRAWN: DRM  
DESIGNED: NM  
CHECKED: PLA