

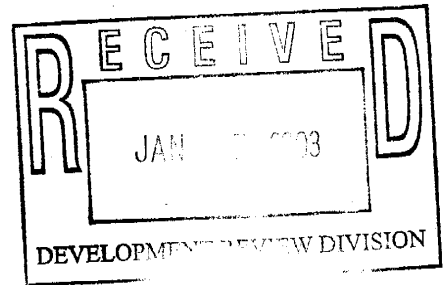
STONEBRIDGE HOMEOWNERS ASSOCIATION

C/O VANGUARD MANAGEMENT

P.O. BOX 39

GERMANTOWN, MD 20875

January 3, 2003



Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Trville, Parcels I, J and K - File Number 8-03012

We are in receipt of the site plan for the above referenced application.

On behalf of the Stonebridge Homeowners Association, the Board of Directors would like to register opposition to this project. We do not believe that Travilah Rd., which is already congested, can absorb the significant increase in vehicular traffic that will be generated by this commercial development.

The Board of Directors intends to stay actively involved in the Trville project and will appreciate your keeping us advised of the status of this project and any related hearings.

Sincerely,
For The Board of Directors
STONEBRIDGE HOMEOWNERS ASSOCIATION

A handwritten signature in black ink, appearing to read "Sandra G. Ewing".

Sandra G. Ewing
Community Manager
sewing@vanguardmgt.com

LYNOTT AND LYNOTT, P.A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

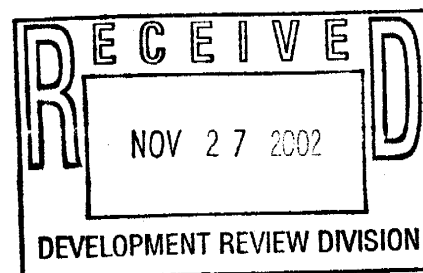
JOSEPH A. LYNOTT
JOSEPH A. LYNOTT, III

ROCKVILLE, MARYLAND 20850-4208

(301) 424-5100
FAX (301) 279-0346
lynottlaw@aol.com

November 25, 2002

Mr. Joseph Davis, Chief
Development Review Committee
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Preliminary Plan No. 1-97022
Site Plan No. 8-03012
Name of Plan - Travilah Parcels I, J & K
Geographic Location - Trville

Dear Mr. Davis and Members of the Committee:

We represent Mr. William M. Rickman, Rickman Travilah, LLC, Rickman Travilah II, LLC and Rickman Travilah III, LLC. Our clients own land adjacent to the property which is the subject of the above-identified site plan.

The property of our clients, described as the "Rickman Property" in the recently adopted Master Plan for the Potomac Subregion, is zoned R & D, fronts on Travilah Road and faces Shady Grove Road. It does not have direct access onto Shady Grove Road, however, because of an intervening, non-developable 3-acre strip of land owned by the applicant.

Our client has previously offered to: (i) purchase the adjacent property; or (ii) purchase the 3-acre strip of land; or (iii) purchase an access easement over the 3-acre strip of land; or (iv) contribute to the cost of constructing a monumental common entrance way at Shady Grove Road to serve both properties. Mr. Rickman's engineer prepared and submitted to the applicant several alternative plans for an access easement which would not have any effect on the adjacent property or the endangered species located on a portion of the 3-acre strip. All of the offers and the alternate easement plans were rejected with no counterproposal.

During the recent hearing on the Master Plan, the Planning Commission and the County Council recognized the importance of providing the Rickman Property with access onto Shady Grove Road. The Master Plan specifically provides that the Rickman Property would be

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LYNOTT AND LYNOTT, P.A.

Mr. Joseph Davis, Chief
Development Review Committee
Maryland-National Capital Park
and Planning Commission

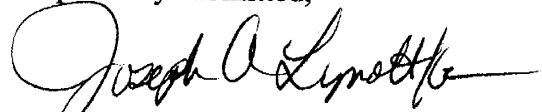
November 25, 2002

Page 2 of 2

oriented to Shady Grove Road and would be provided access to it during the subdivision process, either by separate easement or joint access.

The proposed site plan does not conform to the recommendations of the Master Plan in that it does not provide the Rickman Property with access onto Shady Grove Road. We respectfully request that you require that the site plan be modified to provide the Rickman Property with access onto Shady Grove Road, as recommended by the Master Plan.

Respectfully submitted,



Joseph A. Lynott

JAL/bla

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TRAVILAH PARK DEVELOPMENT CORPORATION

11900 Tech Road
Silver Spring, MD 20904
Telephone: 301-622-0100
Telecopier: 301-622-3507

October 16, 2003

Via Hand-Delivery

Ms. Wynn Witthans
Development Review Division
Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: **Cohen Site Plan Application at Traville**

Dear Wynn:

Thank you for your recent inquiry about the status of discussions between the Rickman family and the Gudelsky family relating to the Rickman's desire to obtain access to Shady Grove Road through the Gudelsky's private property at Traville. As I mentioned to you, John Gudelsky would not be able to write this reply letter to you, because of his wife's untimely passing last week. Instead, I will try to address your issues.

This past July I met with Bill Rickman, Jr., along with his attorney (Mr. Lynott) and his land planner (Mr. Hendricks) to discuss the Rickman's interest in obtaining access to Shady Grove Road through the Gudelskys' property. At the outset of that meeting, Mr. Rickman explained that he thought the Gudelskys were *obligated* to provide the Rickmans access to Shady Grove Road through the Gudelskys' land, which was his basis for thinking the Gudelskys were being unreasonable in refusing to consent to the Rickman's access.

I explained to Mr. Rickman, however, that the most recent adopted Master Plan did *not* in any way alter Traville's approved MXN use, and that the Master Plan recommendations did *not* place any obligation on the Gudelskys to provide the Rickman's with access through the Gudelskys' private property. Instead, the Master Plan recommendations place the burden on the Rickmans to obtain their access. Mr. Rickman's attorney, Mr. Lynott, confirmed for Mr. Rickman that the Gudelskys did not have an obligation under the Master Plan, which helped clear up Mr. Rickman's misunderstanding.

Moreover, I further explained that as part of Traville's Approved Amended Diagrammatic Plan, Traville became subject to significant property-specific restrictions, including absolute caps on impervious surfaces, strict traffic monitoring and mitigation requirements, strict water quality mandates, and a Traville-wide pedestrian system, all of which would be adversely affected by the Rickman's proposed access and traffic going through Traville.

Ms. Wynn Witthans
October 16, 2003
Page 2

As a result of these conversations, Mr. Rickman and his attorney acknowledged during this meeting that the Gudelskys have *no obligation* to provide the Rickmans with access through the Gudelsky's private property. Furthermore, they acknowledged that the Rickmans' desire to improve the development capacity of their private property (by obtaining access through the Gudelskys' private property) should be a business issue between the Rickmans and the Gudelskys, and should be completely separate from Richie Cohen's site plan approval process; thus, Richie Cohen's site plan approval process should not be held hostage to the Rickmans' private interests.

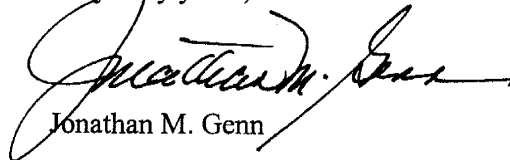
During that meeting I also expressly assured the Rickmans that the Gudelskys are completely willing to explore the possibility of negotiating a mutually agreeable and fair "business resolution" to the Rickmans' desired goal; but that such an arrangement must be agreeable to both parties and must take into account the Traville site-specific restrictions (outlined above).

For these reasons (among others), I respectfully suggest that it would be wholly inappropriate and an abuse of Park & Planning's discretion to condition Richie Cohen's site plan approval on forcing one private property owner to provide access through its private property solely to benefit an adjoining private property owner. If, on the other hand, there were some legally enforceable public purpose to such a requirement, then the County could use its powers of condemnation. In this case, however, no such legally valid public purpose exists to justify using governmental powers to provide the Rickman's with a private benefit.

Nevertheless, please know that the Gudelskys continue to be willing to explore a "business resolution" to the Rickmans' dilemma, so long as any such resolution would not adversely impact and unreasonably burden the Gudelskys' Traville property. Please also know that after you called me, I spoke with Mr. Lynott to follow up and find out if the Rickmans had any proposal for a "business resolution." Mr. Lynott said he would discuss the matter with Mr. Rickman and get back to me with a reply.

If you have any questions or need any additional information, please feel free to contact me at any time.

Very truly yours,




Jonathan M. Genn

cc: Mr. John Gudelsky
Mr. Richard Cohen
Stephen Elmendorf, Esquire, Linowes & Blocher, LLP

October 16, 2003

MEMORANDUM

TO: Wynn Witthans, Development Review

FROM: Stephen Federline, Supervisor 
Countywide Environmental Planning

SUBJECT: Final Water Quality Plan for Proposed Traville "I and J"; Block "A"
(Piney Branch Special Protection Area – SPA)

Introduction

The Planning Board must approve a final water quality plan (FWQP) associated with the approval of this site plan per the Special Protection Area legislation contained in Chapter 19.65 of the County Code. This approval should be a separate action and precede the Board's action on the site plan.

This approval conforms to the basic tenets of an earlier Planning Board approval of the preliminary water quality plan for the overall Traville property granted in February, 1996.

Recommendations

Staff recommends approval of this final water quality plan with the following conditions:

- 1) **Conformance with all requirements of DPS approval letter dated March 4, 2003.**
- 2) **Compliance with Textual Stipulation #2 on the approved Diagrammatic Plan requiring an imperviousness limit for the entire Traville site of 33% maximum.**
- 3) **Approval of Final Forest Conservation plan drawings by time of signature set.**
 - A) Final forest conservation plan worksheet shall be amended accordingly to reflect inclusion of only those areas which equal or exceed forest retention area minimum dimensions of 50' in width and 10,000 square feet in size.
 - B) Additional stress reduction measures for preserving trees in serpentine formations shall be examined by an ISA certified arborist due to significant documented dieback after construction.
- 4) **If found applicable to this site by County DPS, applicant agrees to voluntarily comply with the County recommendations for asbestos control performance plan in areas of serpentine formations as they may be found on this property.**

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(Note: this recommendation is consistent with former recent approvals on Traville (Avalon Bay), and is in keeping with the Piney Branch SPA's intention to provide the highest level of sediment control in this area.

Imperviousness Cap

With approval of this plan, the overall imperviousness of the site is 32.71 %, or 62.75 acres of the 191.84 acre Traville site. The area covered by this site plan contributes 4.9 acres of imperviousness to this total.

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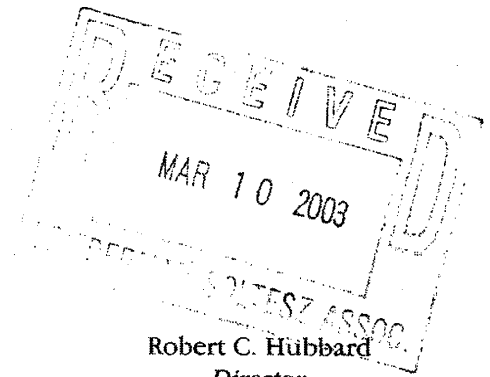


DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 4, 2003

Robert C. Hubbard
Director



Mr. M. Taghi Behzadi
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, suite 100
Rockville, Maryland 20850

Re: **Final Water Quality Plan** for Traville-Parcels I,
J and K
Preliminary Plan #: 1-97022
SM File #: 206891
Tract Size/Zone: 14.76 acres/MXN
Total Concept Area: 14.76 acres
Tax Plate: FR 343
Montg. Co. Grid: 285D
Watershed: Watts Branch / Piney Branch

SPECIAL PROTECTION AREA

Dear Mr. Behzadi:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the Final Water Quality Plan for the above mentioned site is **acceptable**. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site consists of 14.76 acres located between Travilah Road and Shady Grove Road and adjacent to the Human Genome Sciences complex. The proposed development is zoned MXN and will consist of two buildings and the associated infrastructure bisected by a street that connects Travilah Road and Shady Grove Road. The property is located within the Piney Branch Watershed which is a designated Special Protection Area (SPA).

Stormwater Management: Water quantity control will be provided via two on-site dry ponds. These structures will provide detention of the one-year channel protection volume and as an added measure of stream protection, will also provide control of the two-year storm with a predeveloped release rate. Quality control will be provided on-site via an extensive system of linked BMPs, which include dry swales, water quality inlets, vegetated pretreatment channels and surface sand filters. The surface sand filters will be sized to treat one inch runoff over the contributing impervious area with additional treatment provided by water quality structures and vegetated pretreatment channels in series. The proposed layout for the water quality inlets will be for both filtering (five structures) and flow through (two structures) type structures. Pretreatment is required for all areas intended for vehicular use.

Sediment Control: In general sediment control will be provided via dual cell sediment traps with the required storage volume divided equally between the two cells whenever feasible. This two celled sediment control approach will provide for a redundant sediment trapping system. The earth dikes that feed the traps must be constructed using trapezoidal channels to reduce flow velocities. The site is to be graded in phases whenever possible to minimize the amount of disturbance at any one time. Small areas that do not drain to a sediment trap must use super silt fence for sediment control. Silt fence alone will not be allowed as a perimeter control.



Monitoring: The following is the requirement for monitoring that is to be done by this development in conjunction with the on-going overall site monitoring being done by the other Traville properties:

- Total suspended solids are to be sampled (composite samples) at the discharge into each cell of a sediment trap/basin, and at the outlet of the sediment trap/basin. The sediment trap/basin with the largest drainage area will be the structure that is to be sampled. This sampling is to be done four times a year during storm events throughout the construction phase.

The monitoring requirements must be in accordance with the BMP monitoring protocols that have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
2. The quality control structure detention duration must not exceed 12 hours.
3. Surface sand filters are to be pretreated with a minimum of a 30' of vegetated buffer as shown on the Final Water Quality Plan, in addition to a water quality inlet.
4. Due to the sensitivity of the watershed the additional measure of providing a flocculent for sediment control is required.
5. At a minimum one foot of stone (dead storage) is to be provided below the outlet pipe of the surface sand filters and 18" in the bottom of the quantity control cell. The stone in the quantity cell is to provide a partial underdrain so as not to pond water.

This letter must appear on the original sediment control/stormwater management plan at its initial submittal. 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 you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,



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



Memorandum

TO: Wynn Witthans, Steve Federline – MNCP&PC

FROM: Ed Wallington - LSA

DATE: January 10, 2002
Revised July 30, 2002: item II.F.3
Revised February 3, 2003: item II.E
Revised June 23, 2003: item II.E

Re: Traville
LSA No: 54-08

Summary Table of Impervious Area Analysis (All figures are in Acres, unless noted otherwise)

	<u>Area</u>	<u>Impervious Area</u>	<u>Percentage Impervious</u>	<u>Stream Buffer Area</u>
I. South of Shady Grove Road				
A. R&D – 3 (Lot 2)	15.98	2.65	16.58%	3.7
B. Park	13.87	0.40	2.88%	4.7
C. AvalonBay (Lot 3)	36.62	8.47	23.13%	13.7
D. AvalonBay (Lot 5)	29.54	6.15	20.82%	15.9
SUBTOTAL	96.01	17.67	18.40%	38.0
II. North of Shady Grove Road				
E. Proposed R&D – 2 (Parcels I and J)	11.40	4.9	42.98%	0
F. Village Center & Elderly Housing	20.92	14.32	70.17%	3.6
1. Retail	(10.53)	(7.86)		
2. Streets	(2.85)	(2.23)		
3. Apartments	(5.86)	(3.58)		
4. Day Care	(1.68)	(0.65)		
G. Krigia Protected Area (Parcel K)	2.64	0.0	0.08%	0
H. Office & R&D – 1 (Lot 1)	49.98	18.6	37.21%	6.9
SUBTOTAL	84.94	37.82	44.53%	10.5
SUBTOTAL (I & II)	180.95	55.49	30.66%	48.5
III. Shady Grove Road				
I. Shady Grove Road	10.89	7.26	66.67%	0
TOTAL	191.84	62.75	32.71%	48.5

NOTES:

- ◆ Calculations for Item I reflect “as-built” condition.
- ◆ Calculations for Items C, D, G, and H based on Site Plans approved or under review.
- ◆ Calculations for Items A & E based on illustrative concept plans, not currently under contract.

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DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

October 17, 2003

TO: Wynn Witthans
Development Review Division - MNCPPC

FROM: Sarah R. Navid *S. Navid*
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #8-03012 Traville Parcels I & J

We have reviewed the proposed staff revisions to the subject site plan and recommend approval. Our comments are as follows:

- The proposed location and design of the interparcel connecting driveway will provide satisfactory access and safe circulation.
- Trees may be spaced 35 feet on center in the streetscaped area between the two proposed buildings and should be 40 feet on center elsewhere along the right-of-way.
- Applicant will need to verify that the existing Maintenance and Liability Agreement for the Traville Conservancy includes this site and/or execute a new agreement to cover the streetscape elements.

Please contact me if you have any questions concerning our comments.

srn\cloverlycommercial.doc

cc: Rachel Wales



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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

**Action: Approved Staff Recommendation
(Motion of Comm. Richardson, seconded
by Comm. Holmes with a vote of 4-0;
Comms. Richardson, Holmes, Baptiste,
and Hussmann voting in favor).**

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97022
NAME OF PLAN: TRAVILLE

On 09-12-96, TRAVILLE PARTNERSHIP, submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed to create 6 lots on 192.10 ACRES of land. The application was designated Preliminary Plan 1-97022. On 09-11-97, Preliminary Plan 1-97022 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97022 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022, subject to the following conditions:

Approval for 750 Multi-Family Dwelling Units and 750,000 Square Feet of Mixed Commercial/Employment Development, Subject to the Following Conditions:

- (1) Prior to recording of plats, enter into an adequate public facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 750,000 square feet of mixed commercial/employment development, and provide the necessary roadway improvements as identified in the 9-4-97 transportation division memorandum (Exhibit #1, attached) prepared by Park and Planning Department staff. Applicant must also agree to provide for payment of a pro rata share for any required APF roadway improvements, consistent with the applicant's APF phasing requirements, prior to release of any building permit, if the improvement has been constructed by another applicant with the same APF off-site requirement
- (2) Prior to submitting a site plan application, applicant to enter into agreement with Montgomery County to establish the transportation action partnership (TAP) as the operating organization for the proposed transportation management district (TMD) for the greater Shady Grove Area

- (3) Prior to record plat, applicant to enter into an agreement with the Planning Board to participate in a future transportation management district (TMD), share-a-ride district and/or other funding mechanism recommended for the Shady Grove Master Plan Study Area. The cost for such participation will be legislatively determined by the County Council when a district is enacted. Participation in a TMD may be approved in lieu of the transportation management organization required as part of the approved zoning diagrammatic plan. If a TMD is not enacted for the area, then the applicant must initiate a transportation management organization (TMO) that fully achieves the textual stipulations for a TMO approved as part of the MXN zoning
- (4) As part of the first site plan application for the commercial/employment area located north of the future extension of Shady Grove Road, the applicant must submit a concept plan for internal traffic and pedestrian circulation showing all proposed streets (both public and private). A determination will be made at the time of site plan whether the proposed streets are adequate for the amount of development proposed
- (5) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to site plan approval or MCDPS issuance of sediment and erosion control permit, as appropriate
- (6) Approval of the preliminary water quality plan update subject to the conditions contained in the environmental memorandum prepared by staff of the Park and Planning Department
- (7) Applicant must comply with management plan recommendation for protection of "Krigia Dandelion" (State Endangered Species), any changes recommended by the Maryland Department of Natural Resources Forest, Wildlife and Heritage Service
- (8) Noise sensitive site design and/or noise mitigation to protect residential uses located along Shady Grove Road to be addressed at site plan
- (9) Record plats to reflect delineation of conservation easements over any 100-year floodplain, wetlands and stream buffer
- (10) Dedicate at least 75 feet of right-of-way for MD Route 28, as measured from the center line of the existing road. Dedicate at least 35 feet of right-of-way for Travilah Road, as measured from the center line of the existing road. Dedicate 100 feet of right-of-way for Shady Grove Road extended through the site, as shown on plan
- (11) Access and improvements as required and approved by MCDPW&T and MDSHA, prior to recording of plats
- (12) Conditions of MCDPS stormwater management approval dated 2-6-96 and as updated on 5-28-97

- (13) Applicant must comply with all textual stipulations contained in the diagrammatic plan that was approved by the County Council, sitting as the District Council, as part of the approval of MXN Zoning for the property
- (14) No clearing, grading or recording of lots prior to site plan approval
- (15) Provide necessary 10 foot public utilities easement adjacent and parallel with all public rights-of-way
- (16) Final number of dwelling units, the amount and type of commercial/employment uses, the number of parking spaces and location of all buildings and uses will be determined at site plan
- (17) Other necessary easements
- (18) As provided in Sec. 50-30(d) of the Subdivision Regulations, concerning the suitability of land to be dedicated for public use, applicant must enter into an agreement with the Planning Board to clear, rough grade for positive drainage and seed the active recreation portion of the proposed park, as shown on a clearing and grading plan to be submitted and approved as part of the first site plan. The timing for the dedication and grading of the park shall be determined at site plan
- (19) This preliminary plan will remain valid until October 12, 2000 (37 months from date of mailing, which is September 12, 1997). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

Date Mailed: April 23, 2001

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded
by Comm. Perdue with a vote of 4-0;
Comms. Bryant, Hussmann Perdue and
Wellington voting in favor
Comms. Holmes absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97022R
NAME OF PLAN: TRAVILLE

On 11/30/00, TRAVILAH PARK DEVELOPMENT CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed number of lots (will be determined at Site Plan) on 192.2 acres of land. The application was designated Preliminary Plan 1-97022R. On 03/08/01, Preliminary Plan 1-97022R was brought before the Montgomery County Planning Board for a public hearing to request to revise the previous conditions of approval for Preliminary Plan no. 1-97022 to increase the amount of approved development and establish applicant's participation in a proposed Transportation Management Organization (TMO). At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97022R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022R.

Comments: On September 11, 1997 the preliminary plan was originally presented to the Planning Board for consideration. The Board, at that hearing, approved only a portion of the development due to the limited staging ceiling available in the R&D Policy Area. The amount of development approved by the Board at that hearing accounted for 750 Multi-Family Dwelling units and 750,000 square feet, of the 1.3 million square feet, of Retail, Office and R&D development. In January 1999 the Planning Board amended the approved preliminary plan to include a Phasing Schedule and Extension of the Validity Period for the plan. The applicant is requesting this revision to the preliminary plan to seek approval of the remaining development submitted under the original preliminary plan application. The remaining amount of development under this application is 572,500 square feet of Office and R&D. The applicant filed this request pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("Pay-and-Go"). This additional development is allocated to Phase I and Phase II of the revised conditions. The revised conditions also include a requirement for participation in the Transportation Management Organization.

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Staff Recommendation: Approval of an Additional 572,500 Square Feet of Office and R&D Development Pursuant to the FY2001 Annual Growth Policy Alternative Review Procedures for Expedited Development ("Pay-and-Go") and Establishment of the Applicant's Participation in the Transportation Management Organization (TMO), Subject to the Revised Conditions:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D development. The applicant is to pay to the Montgomery County Department of Finance the expedited development approval excise tax for the additional 572,500 square feet of office and R&D development prior to receipt of building permits for that portion of the development
- (2) Applicant to enter into a traffic mitigation agreement with the Montgomery County Department of Public Works and Transportation and M-NCPPC to participate in the Transportation Management Organization (TMO) and abide by the goals set forth in Greater Shady Grove Transportation Management District and achieve a desirable overall performance goal in the order of a 25% reduction in the total peak hour traffic generated by the Traville property without a Transportation demand program, transit use, or ride share the requirements under the Diagrammatic Plan Amendment as stipulated in the Transportation Planning Division memorandum dated March 1, 2001 (revised March 5, 2001)
- (3) Applicant shall pay their pro-rata share of the developer's participation cost in the Montgomery County Department of Public Works and Transportation's (MCDPW&T) CIP Project, "Spur Road"
- (4) Record plats for this large scale residential and mixed commercial/employment development may be recorded in stages that allow for a nine year validity for the preliminary plan based on the following phases
 - Phase I: January 1, 1999 to January 1, 2003 plats must be recorded for the minimum of 250 multi-family dwelling units and a minimum of 536,250 square feet of mixed commercial/employment development
 - Phase II: January 1, 2003 to January 1, 2005 plats must be recorded for an additional 250 multi-family dwelling units and an additional 536,250 square feet of mixed commercial/employment development
 - Phase III: January 1, 2005 to January 1, 2008 record plats must be commercial/employment development recorded for the remaining 250 multi-family dwelling units and the remaining 250,000 square feet of
- (5) The applicant is to continue to coordinate with MCDPW&T in developing a roadway improvement project addressing the traffic safety issues currently existing along Darnestown Road (MD 28) in front of the Travilah Square Shopping Center
- (6) The validity of the preliminary plan is dependent upon the applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan under Zoning Application G-718
- (7) This Preliminary Plan and the Adequate Public Facilities (APF) Review will remain valid as long as the applicant abides by the phasing schedule outlined in Condition #4 above
- (8) All applicable previous conditions of the approved preliminary plan as contained in the Planning Board's opinion dated November 11, 1997 remain in full force and effect