

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

**MCPB**  
**ITEM #**  
**5/10/07**



**MEMORANDUM**

**DATE:** April 25, 2007

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

**FROM:** Catherine Conlon, Subdivision Supervisor (301-495-4542)  
Development Review Division *CC*

**REVIEW TYPE:** Preliminary Plan Amendment  
**APPLYING FOR:** Modification to a previously approved roadway alignment

**PROJECT NAME:** White Flint Crossing  
**CASE NO.** 12006031A  
**REVIEW BASIS:** Pursuant to Chapter 50, the Subdivision Regulations

**ZONE:** TS-M  
**LOCATION:** On Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane  
**MASTER PLAN:** North Bethesda-Garrett Park

**APPLICANT:** White Flint Crossing, LLC  
**ENGINEER:** Johnson Bernat Associates  
**ATTORNEY:** Lerch, Early & Brewer

**FILING DATE:** February 21, 2007  
**HEARING DATE:** May 10, 2007

**Staff Recommendation:** Approval of the proposed amendment to Preliminary Plan No. 120060310, subject to the following conditions:

- 1) The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated January 2, 2007.
- 2) The Applicant must comply with the conditions of the Maryland State Highway Administration (SHA) letters dated December 26, 2006 and April 26, 2007.
- 3) The Applicant must revise the preliminary plan drawing prior to certification to reflect a minimum 40' turning radius in the northwest corner of the Executive Boulevard/Rockville Pike intersection as required by SHA.
- 4) Record plat to reflect revised right-of-way dedication for Executive Boulevard as shown on the amended preliminary plan.
- 5) All other conditions of approval as contained in the Planning Board Resolution dated September 28, 2006 remain in full force and effect.

#### **SITE DESCRIPTION and SURROUNDING AREA:**

The property is located on Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane (Attachment A). It is zoned TSM and contains 4.33 acres. Several structures which currently exist on the property will be removed and replaced by new buildings with access directly from Executive Boulevard and Woodglen Road.

#### **BACKGROUND**

The preliminary plan for White Flint Crossing was presented to the Planning Board on April 27, 2006 for approval of one (1) lot for a maximum of 440 multi-family dwelling units, including 15% moderately priced dwellings (MPDUs), and 223,000 square feet of retail, including 203,000 square feet of gross, leasable retail space (Attachment B). The Planning Board approval was granted subject to conditions as set forth in the Resolution of the Board dated September 28, 2006 (Attachment C). The site plan for the project (Site Plan #8-20060170) was reviewed and approved concurrently.

Prior to this approval, the property was rezoned from the C-2 (General Commercial) zone to the TS-M (Transit Station, Mixed) zone. That zoning case was designated as Case No. G-830, and was adopted by the Montgomery County Council on September 20, 2005 as documented in Resolution #15-1144.

#### **PROPOSED AMENDMENT**

The subject preliminary plan amendment, filed on February 21, 2007, requests a change in the previously approved alignment of the extension of Executive Boulevard, and its intersection with Rockville Pike (MD 355). This road and intersection were discussed at length during the previous hearing for the preliminary plan. At that time, the proposed alignment was opposed by the owner of Fitzgerald Auto Mall ("Fitzgerald"), the property on the east side of Rockville Pike across from the subject property. After deliberation, the Planning Board

concluded that the roadway alignment reflected on the preliminary plan conformed to the recommendations of the White Flint Sector Plan and approved the plan.

Subsequent to the Board's action, Fitzgerald filed a Petition for Judicial Review of the Planning Board's approval with the Montgomery County Circuit Court. Since this filing, the applicant and Fitzgerald have been working together to find a mutually agreeable alternate road alignment. The proposed alignment reflects the compromise agreed upon between the two parties. The proposed amendment results in an additional 1,452 square feet of land being dedicated for Executive Boulevard, and a reduction in the angle of the intersection at Executive Boulevard and Rockville Pike.

### **STAFF ANALYSIS AND RECOMMENDATION**

The proposed amendment modifies the Executive Boulevard right-of-way as it approaches Rockville Pike, while maintaining the approved road cross-section and sidewalk design (Attachment D). The new alignment provides an opportunity for continuation of the road on the east side of Rockville Pike in a manner that may be less intrusive on the Fitzgerald property. To accomplish this, the amendment shifts the point at which the centerline of the roadway meets Rockville Pike by approximately 15 feet. This shift in turn reduces the angle of the intersection between the two roads to approximately 67 degrees. The amendment also reflects minor modifications to the footprint of proposed Building A and other internal site features to accommodate the realignment. The details of these changes are being analyzed as part of a concurrently filed site plan amendment.

The preliminary plan amendment has been reviewed by staff and all applicable county agencies, all of whom have recommended approval. The revised roadway alignment continues to comply with the recommendations of the *North Bethesda/Garrett Park Master Plan* by providing an extension of Executive Boulevard in a manner that facilitates its ultimate continuation on the east side of Rockville Pike through the Fitzgerald Auto Mall property. The design of the roadway will be safe and adequate with the recommended conditions.

#### Angle of the Intersection

Section 50-26(e) of the Subdivision Regulations contains provisions for the design of roadway intersections. Section 50-26(e)(1) states:

“Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy (70) degrees will not be acceptable.”

This amendment reduces the angle of the Executive Boulevard/Rockville Pike intersection to less than 70 degrees, but the resulting design remains acceptable because Rockville Pike is not a new street, and because under the particular facts of this case we have determined that the less-than-70-degree intersection angle will not compromise safety and better facilitates continued extension of Executive Boulevard east of Rockville Pike. Both SHA and DPWT have determined that the intersection will provide adequate site distance and turning movements with

the design revisions recommended in their conditional approvals (Attachment E). These design features include increasing the proposed turning radius in the northwest corner of the intersection from 30 to 40 feet, and widening an existing right-turn lane on southbound Rockville Pike. In addition, left-turns onto northbound Rockville Pike from Executive Boulevard will be restricted, and the applicant will be required to install a traffic signal at the intersection, if and when SHA concludes it is warranted.

In staff's opinion, the proposed road intersection has been designed as nearly as possible to right angles given the existing configuration of Rockville Pike along the property frontage. Since Rockville Pike is not a new street, staff finds that the intersection meets the requirements of Section 50-26(e)(1) and that a waiver of the section is not necessary.

## **CONCLUSION**

Based on the analysis above, staff recommends approval of the preliminary plan amendment to modify the road right-of-way for the extension of Executive Boulevard. All other conditions of approval as contained in the Planning Board Resolution dated September 28, 2006 remain in full force and effect.

### **Attachments:**

- Attachment A – Site Vicinity Map
- Attachment B – Approved Preliminary Plan
- Attachment C – Preliminary Plan Resolution dated 9/28/07
- Attachment D – Preliminary Plan Amendment
- Attachment E – Agency Correspondence

# WHITE FLINT CROSSING AMENDMENT (12006031A)



Map compiled on April 30, 2007 at 8:52 AM | Site located on base sheet no - 214NW05

**NOTICE**

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

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Key Map



Research & Technology Center



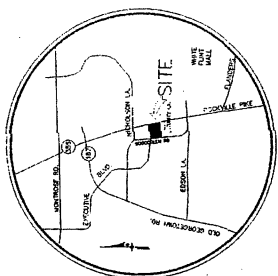
1 inch = 300 feet  
1 : 3600

WHITE FLINT CROSSING  
PRELIMINARY PLAN



DATE: 03/26/06  
SHEET: 1 OF 1  
PROJECT NO.: 13242

OWNER: White Flint Crossing, LLC  
4445 Ridge Avenue  
Crestwood, MD 21117  
ARCHITECT: J. Robert & Son  
1400 Ridge Avenue  
Crestwood, MD 21117  
DATE: 03/26/06  
SCALE: AS SHOWN  
PROJECT NO.: 13242

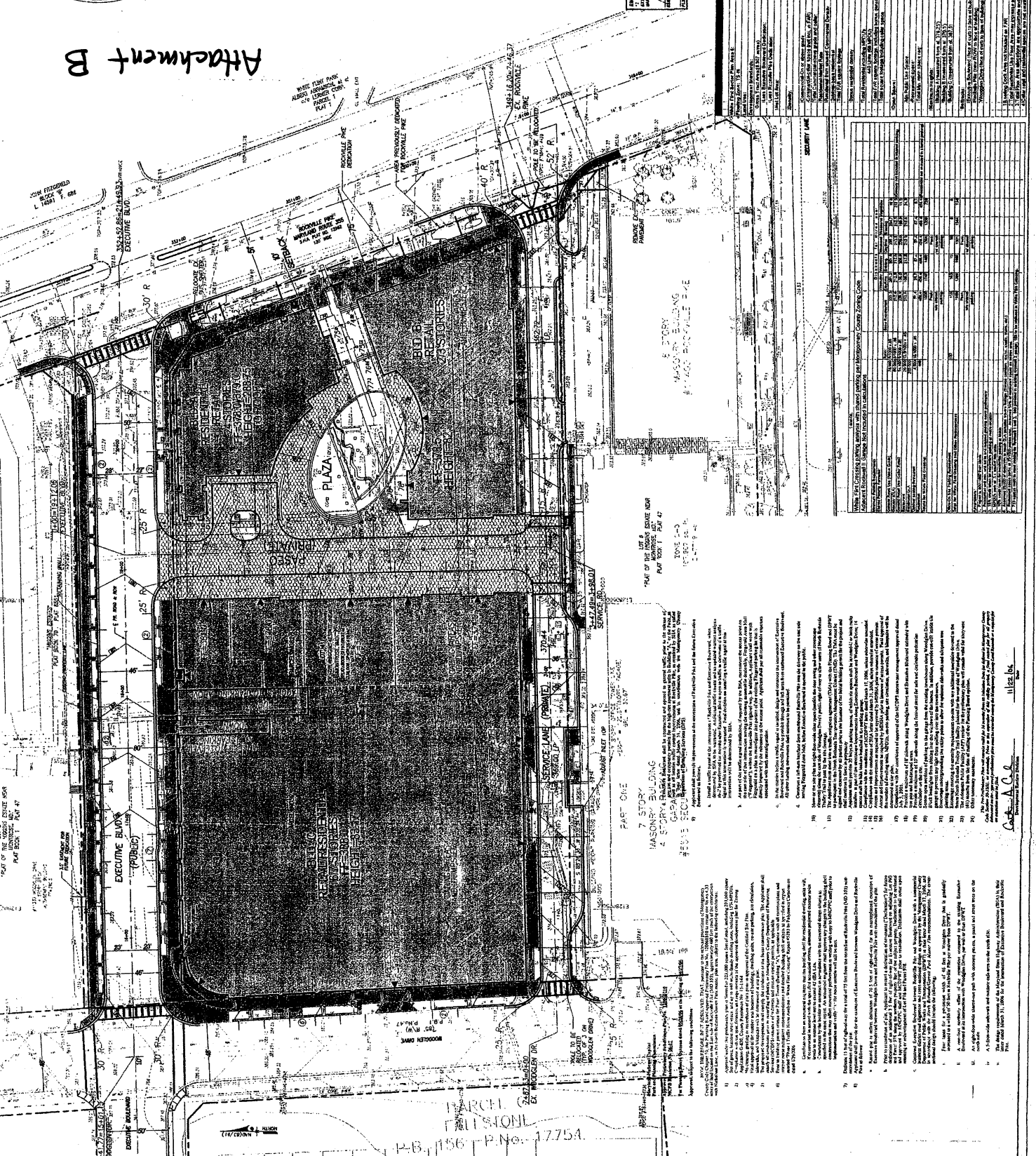


- GENERAL NOTES:
1. ALL INFORMATION CONTAINED HEREIN IS BASED ON THE RECORD DRAWINGS AND SURVEY DATA PROVIDED BY THE OWNER AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
  2. THE WORK IS TO BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARYLAND PROFESSIONAL ENGINEERING AND SURVEYING BOARD AND THE MARYLAND DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
  4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
  6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
  8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
  9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS.
  10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS.
  11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
  12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS.
  13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE AND MARKINGS.

PREPARED BY: J. Robert & Son  
DATE: 03/26/06  
SCALE: AS SHOWN  
PROJECT NO.: 13242

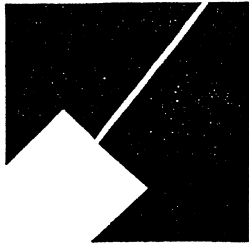
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3	WOOD	200	CU YD	200
4	BRICK	1000	CU YD	1000
5	PAVEMENT	1000	CU YD	1000
6	LANDSCAPE	1000	CU YD	1000
7	SIGNALS	100	SETS	100
8	MARKINGS	100	SETS	100
9	UTILITIES	100	SETS	100
10	CONCRETE	100	CU YD	100
11	STEEL	500	TONS	500
12	WOOD	200	CU YD	200
13	BRICK	1000	CU YD	1000
14	PAVEMENT	1000	CU YD	1000
15	LANDSCAPE	1000	CU YD	1000
16	SIGNALS	100	SETS	100
17	MARKINGS	100	SETS	100
18	UTILITIES	100	SETS	100
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22	BRICK	1000	CU YD	1000
23	PAVEMENT	1000	CU YD	1000
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26	MARKINGS	100	SETS	100
27	UTILITIES	100	SETS	100
28	CONCRETE	100	CU YD	100
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35	MARKINGS	100	SETS	100
36	UTILITIES	100	SETS	100
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97	SIGNALS	100	SETS	100
98	MARKINGS	100	SETS	100
99	UTILITIES	100	SETS	100
100	CONCRETE	100	CU YD	100

Attachment B



DATE: 03/26/06  
SHEET: 1 OF 1  
PROJECT NO.: 13242

DATE: 03/26/06  
SHEET: 1 OF 1  
PROJECT NO.: 13242



SEP 28 2006

**MCPB No. 06-17**  
**Preliminary Plan No. 120060310**  
**White Flint Crossing**  
**Date of Hearing: April 27, 2006**

**MONTGOMERY COUNTY PLANNING BOARD****RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review preliminary plan applications; and

WHEREAS, on September 6, 2005, White Flint Crossing LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 4.33 acres of land located on the East side of Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane ("Property" or "Subject Property"), in the North Bethesda Garrett Park master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120060310, White Flint Crossing ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on April 27, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, Staff had issued a memorandum to the Board, dated March 21, 2006, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, in reaching its determination on a preliminary plan application, and in making the required findings, the Planning Board must consider and apply the purposes and applicable regulations of Montgomery County Code Chapter 50;

WHEREAS, pursuant to Montgomery County Code § 50-35(f), following a public hearing on the application, the Planning Board shall, by majority vote and based upon the evidence and testimony contained in the record, approve, approve subject to any conditions or modifications or disapprove a preliminary plan application; and

WHEREAS, on April 27, 2006, following the Hearing, the Planning Board APPROVED the Application subject to certain conditions, on motion of Commissioner Wellington; duly seconded by Commissioner Perdue; with a vote of 4-0, Commissioners Berlage, Perdue, Wellington, and Robinson voting in favor (Commissioner Bryant necessarily absent); and

WHEREAS, on April 27, 2006, the Planning Board concurrently considered Site Plan No. 820060170 for the Subject Property ("Site Plan"), and, following its action on the Preliminary Plan Application, the Board approved the Site Plan subject to conditions; and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120060310 to create one lot on 4.33 acres of land located on the East side of Rockville Pike (MD 355), approximately 460 feet south of the intersection with Nicholson Lane, in the North Bethesda Garrett Park master plan area, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 223,000 square feet of retail, including 203,000 square feet of gross, leasable retail space, and up to 440 multi-family dwelling units, including 15% MPDUs.
- 2) Compliance with the specifications and requirements of the approved development plan for Zoning Application G-830, County Resolution No. 15-1144.
- 3) No clearing, grading or recordation of plats prior to approval of the Certified Site Plan.
- 4) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.



- 5) The proposed development shall comply with the conditions of the forest conservation plan. The Applicant shall 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.
- 6) Prior to building permit release for Point Tower (Building "A"), compliance with all exterior/plaza and interior noise mitigation recommendations and detailed building shell analysis as specified in report entitled "Phase I Traffic Noise Analysis – White Flint Crossing" Report #5283 by Polysonics Corporation dated 1/26/2006:
  - a. Certification from an acoustical engineer that the building shell for residential dwelling units will, if constructed in accord with the specified acoustical criteria, attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
  - ~~b. Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with copy to MNCPPC staff prior to implementation and verify that the noise criteria will still be met.~~
- 7) Dedicate 15 feet of right-of-way for a total of 75 feet from the centerline of Rockville Pike (MD 355) with recordation of the plat.
- 8) Applicant shall provide for the extension of Executive Boulevard between Woodglen Drive and Rockville Pike as follows:
  - a. Record plat to reflect dedication of 76.5 feet of right-of-way for the master-planned extension of Executive Boulevard between Woodglen Drive and Rockville Pike with recordation of the plat.
  - b. Prior to recordation of plat, Applicant to record a declaration of covenants ("Declaration") for future dedication of an additional 3.5 feet of right-of-way for Executive Boulevard on adjoining Lot P16 and Parcel 978 along the northern property line of the subject property. Declaration to be reviewed and approved by MNCPPC staff and MCDPWT prior to recordation. Dedication shall occur upon rezoning or redevelopment of Lot P16 and Parcel 978.
  - c. Construct Executive Boulevard between Rockville Pike and Woodglen Drive with a commercial business district road alignment and cross-sectional design as approved by the Montgomery County Department of Public Works and Transportation (DPWT) in their letter dated March 17,

2006, and in accordance with the *North Bethesda/Garrett Park Master Plan* recommendations. The cross-sectional design should include the following:

- i. Four lanes for a pavement width of 46 feet at Woodglen Drive that is gradually increased to a width of 50 feet at Rockville Pike per waiver from DPWT.
  - ii. A one-foot northerly offset of the centerline compared to the existing Executive Boulevard at its intersection with Woodglen Drive, per waiver from DPWT.
  - iii. An eight-foot-wide shared-use path with concrete pavers, a panel and street trees on the north side.

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  - iv. A 5-foot-wide sidewalk and outdoor café area on the south side.
  - v. The design requirements of the Maryland State Highway Administration (SHA) in their letter dated March 31, 2006 for the intersection of Executive Boulevard and Rockville Pike.
- d. Executive Boulevard shall be constructed and opened to general traffic prior to the release of any use and occupancy permits for the high-rise apartment units in Building "A", or the Point, as well as all interim traffic control improvements at Rockville Pike, as required by SHA as stated in their letter dated March 31, 2006, and in coordination with the Montgomery County Department of Permitting Services (DPS).
- 9) Applicant shall provide improvements at the intersection of Rockville Pike and the future Executive Boulevard as follows:
- a. Install a traffic signal at the intersection of Rockville Pike and Executive Boulevard, when determined by SHA to be warranted. Additional traffic counts and an updated warrant analysis shall be performed six months after Executive Blvd is open to traffic to determine if a traffic signal at this intersection is warranted. Final decision on installing a traffic signal at this intersection will be determined by SHA.
  - b. As part of the traffic signal installation, if required by the SHA, reconstruct the access point on the east side of this intersection serving the existing automobile dealership, Fitzgerald Auto Mall ("Fitzgerald"), within the Rockville Pike right-of-way. In addition, Applicant shall work with Fitzgerald on a plan to reconfigure that portion of the existing Fitzgerald

parking lot that is directly impacted by the relocation of the access point. Applicant shall pay all reasonable expenses associated with such reconfiguration.

- c. In the interim before a traffic signal is installed, design and construct the intersection of Executive Boulevard and Rockville Pike to prohibit through and left turns from eastbound Executive Boulevard. All other turning movements shall continue to be permitted.
  - d. Construct a left-turn storage bay/lane from southbound Rockville Pike into the driveway on the east side serving Fitzgerald Auto Mall, before Executive Boulevard is opened to the public.
- 10) Show on the site plan an eight-foot-wide clear space (outside the door swing and other streetscape elements) along the east side of Woodglen Drive's public right-of-way to allow users of the North Bethesda Trolley Trail to pass by the site frontage.
  - 11) The Applicant must enter into a traffic mitigation agreement (TMA) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management District (TMD). The TMA must be signed and executed by all parties prior to the issuance of the initial building permit for the project and shall continue in force in perpetuity.
  - 12) Applicant shall provide 20 bicycle parking spaces, of which six spaces shall be inverted-U or hitch racks installed as part of the streetscape improvements along Executive Boulevard and Woodglen Drive; 14 spaces shall be bike lockers installed in the parking garage.
  - 13) Compliance with the conditions of MCDPWT letter dated March 17, 2006, unless otherwise amended.
  - 14) Compliance with the conditions of SHA letter dated March 31, 2006, unless otherwise amended.
  - 15) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
  - 16) Access and improvements as required by MDSHA prior to issuance of access permits. Final approval of the number of dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.

- 17) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 5, 2005.
- 18) Provide a minimum of 18' sidewalk along Woodglen Drive and Executive Boulevard extended with tree pits and landscaped areas.
- 19) Provide a minimum of 15' sidewalk along the festival street for safe and desirable pedestrian circulation on the site.
- 20) Screen open sections of parking in the garage from the existing townhouses along Woodglen Drive. Block headlights from shining into the windows of the homes. In addition, provide cut-offs inside the garage to prevent any light from spilling over into the townhouses.
- 21) Encourage undergrounding the utility poles to allow for optimum sidewalks and adequate tree planting areas.
- 22) Encourage meeting the amenity requirements on-site with any additional amenities devoted to the future North Bethesda Trolley Trail facility planned for the west side of Woodglen Drive.
- 23) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 24) Other necessary easements.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, the testimony of the Applicant and speakers in favor of and in opposition to the Application, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Resolution, the Montgomery County Planning Board FINDS that:

1. *The preliminary plan substantially conforms to the master plan.*

The proposed preliminary plan is subject to the North Bethesda Garrett Park Master Plan and the White Flint Sector Plan (collectively the "Master Plan").

a) Master Plan Objectives

The stated objectives of the Master Plan for the subject area are to:

- i. Develop White Flint as the main urban center of North Bethesda: Located within the White Flint Sector Sub Area 6, the proposed development will include the construction of the extension of Executive Boulevard from Woodglen Drive to Rockville Pike. The proposal will add a street grid to create a more interconnected local street network in the White Flint Metro Station area. The Master Plan recommends that Executive Boulevard be extended to cross Rockville Pike and connect to Huff Court. This street is classified by the Master Plan as a business district street with an 80-foot right-of-way and four planned through lanes. The planned roadway was proposed as a segment of the ultimate street system in White Flint.
- ii. Promote mixed-use development near the Metro station to ensure the 24-hour vitality of the area: The proposed development is the type of mixed-use development envisioned by the Master Plan, which recommends, at page 52, a more intensive mixed-use development pattern for White Flint with the "emphasis on employment east of the Pike and housing west of the Pike. The tallest buildings are proposed adjacent to the Pike, stepping down in height to the east and west . . . ." The presence of both residential and retail uses in a setting with an attractive public realm will contribute to the liveliness of the area at various times of the day and week.
- iii. Include a significant transit serviceable residential component: The proposed development will provide 440 new residential units within a 10-minute walk of the White Flint Metro Station. The project will also provide MPDUs in an amount equal to 15% of the number of dwelling units constructed. Because the Subject Property was rezoned from the C-2 zone to TS-M zone, the Preliminary Plan proposes mixed-use, transit-oriented development with a greater residential density than could otherwise be achieved. The 1992 master plan was flexible in calculating the affordable housing mix. For this project, the number of MPDUs was calculated using the new MPDU legislation. The plan is consistent with the Planning Board recommendations, the binding elements in the zoning case and Development Plan, and the Master Plan. Affordable housing has been very hard to attain in the Bethesda/North Bethesda areas (due to buy-outs, etc.). This project will construct 15 percent or 66 MPDUs on-site.
- iv. Ensure a lively pedestrian environment: The proposed development will add to the pedestrian "friendliness" of White Flint. The design includes a festival street for use by the residential, commercial, and employment communities, which provides pedestrian connections to future Executive Boulevard extended, Security Lane, and Rockville Pike through the development.

b) Density of Development

With respect to density of development, the Master Plan limits the FAR to 2.0 (in the TS-M recommended areas within the White Flint Sector Plan), with a maximum cap of 2.4, provided that the increase is all residential and is at least 50 percent affordable housing. The proposed FAR is 2.29 and the Board finds, based on Staff's analysis, that the proposed development meets the intent of the master plan.

c) Executive Boulevard

An express recommendation of the Master Plan is to "[e]xtend Executive Boulevard east to meet Huff Court." Master Plan at 51. As a condition of its approval of the instant Application, the Planning Board requires Applicant to construct the master-planned segment of Executive Boulevard between Woodglen Drive and Rockville Pike through the subject site in order to provide essential vehicular circulation and access. Staff advised the Board that they had analyzed the alignment of Executive Boulevard from Woodglen Drive to MD 355 and that they had determined that the Applicant's alignment complies with the recommendations of the Master Plan. Staff and the Applicant informed the Board that the proposed alignment, including a proposed one-foot offset of the centerline of the road, is supported by M-NCPPC, DPWT, and SHA staff.

The Planning Board heard testimony and received evidence from the Applicant, Staff, and a representative of Fitzgerald Auto Mall (in opposition to the alignment). Having considered all the relevant testimony and evidence, the Board finds that the proposed alignment of Executive Boulevard extended through the Subject Property is in substantial conformance with the alignment recommended in the Master Plan. In arriving at the latter finding, the Board relies, in part, on Figure 10, at page 291 of the Master Plan (Proposed Ultimate Street System – White Flint). That Figure makes clear that the Master Plan recommends that the master-planned portion of Executive Boulevard, between Woodglen Drive and Rockville Pike was intended to align with the existing Executive Boulevard west of Woodglen Drive. Figures 18 and 19, contained in the White Flint Sector Plan Area section of the Master Plan, also support that view. Evidence and testimony of record demonstrates that the centerlines of the two segments of Executive Boulevard will be substantially aligned. The Board concurs with Staff that the final alignment for the extension of Executive Boulevard east of Rockville Pike may be determined in the future and finds that the Planning Board is not required to make such a determination through this Application.

The Board rejects Fitzgerald's arguments that Code § 50-30(c) requires the Board to establish, at the time of its review of this Application, the final alignment of Executive Boulevard east of Rockville Pike, in order to coordinate that segment of the

master planned road with the proposed extension west of Rockville Pike. In support of its position, the Board notes that Staff and Applicant's consultant advised the Planning Board—and the Board concurs—that the proposed alignment through the Subject Property does not preclude options on the east side of MD 355 for minor offset of the centerline or other roadway alignment options that may be necessary to address site conditions on the east side of MD 355.

The Applicant testified that, as a part of the Woodglen Commons application, concerning property to the north of the Subject Property, the Applicant was required to identify the location at which Executive Boulevard extended would cross into the Fitzgerald property and that there was no objection at that time or during the rezoning case for the Subject Property.

The Preliminary Plan proposes 76.5 feet of right-of-way dedication for Executive Boulevard extended and is conditioned on the recordation, prior to recordation of the plat, of a declaration of covenants for future dedication of an additional 3.5 feet of right-of-way for Executive Boulevard extended on adjoining Lot P16 and Parcel 978 to the north of the subject site, which properties are owned by the Applicant. The Board finds that the present dedication of 76.5 feet substantially conforms to the Master Plan recommendation for an 80-foot right-of-way. Moreover, the Board finds that the requirement for future dedication of 3.5 feet of the right-of-way ensures that the approval is consistent with Chapter 50 minimum street width requirements and, therefore, no waiver is required for a reduction in the width of right-of-way. The Board notes that Staff and the Applicant informed the Board that the initial dedication area is sufficient to provide all the necessary road improvements. The ultimate 80-foot right-of-way will allow for future widening of the shared-use path on the north side of the road if sidewalk cafes are proposed when the northern property develops.

Associated with the alignment of Executive Boulevard extended is the issue of the Executive Boulevard/MD 355 intersection, and its potential impact on the access point to Fitzgerald's Auto Park facility. During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding the staff-recommended condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection, including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. As such, if in the future SHA approves a signalized intersection, the existing Fitzgerald property access point shall be relocated, as required. At the Hearing, the Board crafted a condition that, in the event SHA requires the installation of a traffic signal, requires the Applicant to: (1) reconstruct the aforementioned access point; (2) work with Fitzgerald on a plan to reconfigure that portion of the existing

Fitzgerald parking lot that is directly impacted by the relocation of the access point; and (3) pay all reasonable expenses associated with such reconfiguration. The Board finds that such a condition is reasonable, promotes safety, and is fair to Fitzgerald, in that the Applicant will bear the reasonable costs of reconfiguring those directly impacted portions of Fitzgerald's parking lot.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

a) Pedestrian and Bicycle Facilities

Adequate sidewalks exist or will be provided along the adjacent roadways and internal streets, with pedestrian access directly from Rockville Pike to the proposed promenade mid-block between Executive Boulevard extended and Security Lane. In addition to the existing bikeway along Woodglen Drive, the master-planned bikeway will be constructed along the extension of Executive Boulevard between Woodglen Drive and MD 355.

b) Available Bus Service

Transit service is available along the segment of Rockville Pike fronting the site via Ride-On routes 5, 38, and 46, and Metrobus route J-5. No transit service operates along Woodglen Drive.

c) North Bethesda Transportation Management District ("TMD")

The proposed development is located within the boundary of the TMD. Therefore, the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the TMD to assist the County in achieving and maintaining the 39% non-auto-driver mode share for employees and 30% non-driver mode-share goal for multi-family residents. As conditioned, the Applicant must enter into a traffic mitigation agreement with the DPWT and M-NCPPC.

d) Traffic Signal Warrants at New Rockville Pike and Executive Boulevard Intersection

The Applicant's traffic engineer prepared a traffic signal warrant study for SHA's review. Evidence of record shows that five of the signal warrant conditions for minimum vehicular volumes in the Manual of Uniform Traffic Control Devices were met using the projected traffic generated by the proposed development. In a March 31, 2006 letter to Transportation Planning Staff, the SHA states that it "does not support the installation of a traffic signal at the MD 355/Executive Boulevard intersection. However, in the same letter, the SHA did agree to review any updated Traffic Signal Warrant Studies that are



submitted by the developer at least six months after Executive Boulevard extended to MD 355 is open to traffic.

e) Local Area Transportation Review

Staff advised the Board that a traffic study was required to satisfy Local Area Transportation Review ("LATR") because the proposed development generates 30 or more total peak-hour trips during the weekday morning or evening peak periods. The traffic conditions analyzed included the existing, background, and total future traffic conditions. Staff informed the Board that the study determined that the calculated critical lane volumes for all analyzed intersections are less than the intersection's applicable congestion standard and advised the Board that the proposed development meets LATR requirements.

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The Board questioned Staff regarding concerns raised at the Hearing by representatives of Fitzgerald and the Garrett Park Estates-White Flint Park Citizens' Association ("Citizens' Association"), generally contesting the adequacy of the traffic study. Transportation Planning Staff generally testified that the methodology used in analyzing the instant Application is consistent with that utilized for other large mixed-use developments. Staff walked through its analysis, justifying, based on the proposed uses, the reductions in trips that it factored into the analysis. Staff testified that LATR guidelines were not used to calculate trip generation rates because those guidelines are only accurate for a development of up to 200,000 square feet, which square footage the proposed development exceeds. Staff confirmed that it instead used ITE trip generation rates, as is its practice for larger developments. The Citizens' Association representative conceded that the Staff is permitted to utilize that methodology in its analysis of such cases. With respect to the count of existing trips, Staff confirmed that counts were performed as a part of the traffic study and that the fact that the Citizens' Association may have had a different result in counts it performed is of little consequence as such counts can vary from day to day. Additionally, both Staff and the Applicant confirmed that the analysis was performed, consistent with applicable guidelines, based on the gross leasable figure of 203,000 square feet.

The Board, having considered the arguments of all parties and its Staff, and relevant evidence of record, is persuaded that Staff followed the proper methodology in analyzing the instant Application.

f) Executive Boulevard/Rockville Pike Intersection

During its deliberations at the Hearing, the Board addressed Fitzgerald's concerns regarding the staff-recommended condition, which had required Applicant to reconstruct Fitzgerald's driveway. The Board spent a great deal of time discussing and soliciting testimony on various aspects of the Executive Boulevard/MD 355 intersection,

including the existing access point to Fitzgerald's property. The Board is persuaded, based on the testimony of its Staff and the Applicant's civil engineer, that the Maryland State Highway Administration ("SHA") has jurisdiction over all median modifications and access points within the Rockville Pike right-of-way. The record is clear that the SHA does not support the installation of a traffic signal at that intersection at the present time, for reasons set forth in a letter dated March 31, 2006 to Transportation Planning Staff. That letter also makes clear the position of SHA that motorists exiting the Fitzgerald Auto Park should be allowed to turn left, onto southbound Rockville Pike. Having heard the concerns of Fitzgerald that the extension of the MD 355 median northward would inhibit or render unsafe such left turns from Fitzgerald Auto Park, the Board obtained a commitment from the Applicant that no such median extension would be constructed until, and if, traffic lights are approved and installed at the intersection. The Board notes, however, that the conditions as proposed and approved did not and do not require such a northward extension of the median. The above-discussed SHA letter is clear that the only turning movement prohibited in the intersection is the left turn from eastbound Executive Boulevard onto northbound Rockville Pike; the conditions of approval are consistent with this SHA requirement.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*
4. *The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Staff advised the Board that forest conservation requirements of 0.89 acres of afforestation shall be met through use of credits for shade tree canopy onsite and within surrounding rights-of-way. The approval of this Application is conditioned upon the satisfaction of all conditions of the associated forest conservation plan prior to the recordation of the plat or issuance of sediment and erosion control permits, as applicable.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site*

The Department of Permitting Services, through letter dated July 5, 2005, advised the Applicant that the stormwater management concept for the site is acceptable.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code

Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plan for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 28 2006 (which is the date that this Resolution is mailed to all parties of record); and

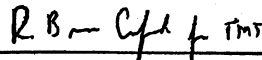
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

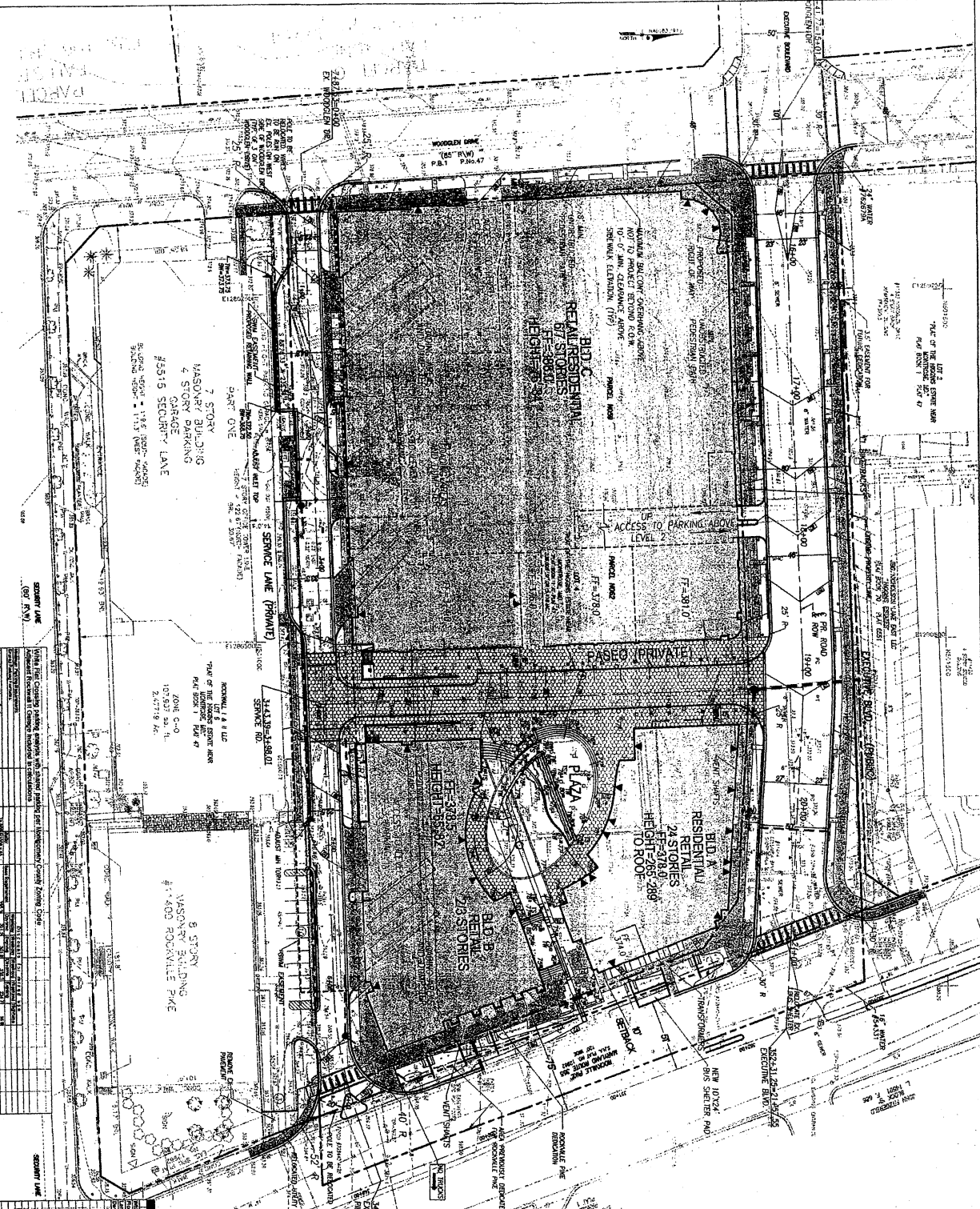
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At its regular meeting, held on **Thursday, September 14, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Perdue, and with Commissioners Perdue, Wellington, and Robinson voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060310, White Flint Crossing**.

Adopted by the Montgomery County Planning Board this 14<sup>th</sup> day of September 2006.

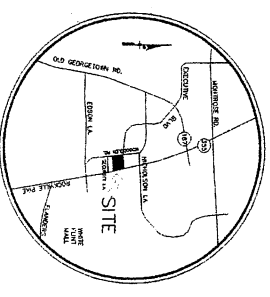
  
\_\_\_\_\_  
Royce Hanson  
Chairman, Montgomery County Planning Board

  
\_\_\_\_\_  
Trudye M. Johnson  
Executive Director



Attachment D

NO.	DESCRIPTION	AMOUNT	TOTAL
1	PLAT BOOK 1, PLAT 47	10,507.00	10,507.00
2	PLAT BOOK 1, PLAT 47	2,477.84	12,984.84
3	PLAT BOOK 1, PLAT 47	10,507.00	23,491.84
4	PLAT BOOK 1, PLAT 47	2,477.84	25,969.68
5	PLAT BOOK 1, PLAT 47	10,507.00	36,476.68
6	PLAT BOOK 1, PLAT 47	2,477.84	38,954.52
7	PLAT BOOK 1, PLAT 47	10,507.00	49,461.52
8	PLAT BOOK 1, PLAT 47	2,477.84	51,939.36
9	PLAT BOOK 1, PLAT 47	10,507.00	62,446.36
10	PLAT BOOK 1, PLAT 47	2,477.84	64,924.20
11	PLAT BOOK 1, PLAT 47	10,507.00	75,431.20
12	PLAT BOOK 1, PLAT 47	2,477.84	77,909.04
13	PLAT BOOK 1, PLAT 47	10,507.00	88,416.04
14	PLAT BOOK 1, PLAT 47	2,477.84	90,893.88
15	PLAT BOOK 1, PLAT 47	10,507.00	101,400.88
16	PLAT BOOK 1, PLAT 47	2,477.84	103,878.72
17	PLAT BOOK 1, PLAT 47	10,507.00	114,385.72
18	PLAT BOOK 1, PLAT 47	2,477.84	116,863.56
19	PLAT BOOK 1, PLAT 47	10,507.00	127,370.56
20	PLAT BOOK 1, PLAT 47	2,477.84	129,848.40
21	PLAT BOOK 1, PLAT 47	10,507.00	140,355.40
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23	PLAT BOOK 1, PLAT 47	10,507.00	153,340.24
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47	PLAT BOOK 1, PLAT 47	10,507.00	309,158.32
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58	PLAT BOOK 1, PLAT 47	2,477.84	376,560.36
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68	PLAT BOOK 1, PLAT 47	2,477.84	441,474.56
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78	PLAT BOOK 1, PLAT 47	2,477.84	506,398.76
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86	PLAT BOOK 1, PLAT 47	2,477.84	558,338.12
87	PLAT BOOK 1, PLAT 47	10,507.00	568,845.12
88	PLAT BOOK 1, PLAT 47	2,477.84	571,322.96
89	PLAT BOOK 1, PLAT 47	10,507.00	581,829.96
90	PLAT BOOK 1, PLAT 47	2,477.84	584,307.80
91	PLAT BOOK 1, PLAT 47	10,507.00	594,814.80
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95	PLAT BOOK 1, PLAT 47	10,507.00	620,784.48
96	PLAT BOOK 1, PLAT 47	2,477.84	623,262.32
97	PLAT BOOK 1, PLAT 47	10,507.00	633,769.32
98	PLAT BOOK 1, PLAT 47	2,477.84	636,247.16
99	PLAT BOOK 1, PLAT 47	10,507.00	646,754.16
100	PLAT BOOK 1, PLAT 47	2,477.84	649,232.00



**GENERAL NOTES:**

1. THE WORKING CONDITIONS OF THIS PLAN ARE BASED UPON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER HAS NOT CONDUCTED ANY FIELD SURVEY.
2. THE CLIENT HAS BEEN ADVISED THAT THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
3. THE DESIGNER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
4. THE DESIGNER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
5. THE DESIGNER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
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10. THE DESIGNER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.

**PLANNING & DESIGN:**

DATE: 10/15/17

BY: [Signature]

FOR: [Signature]

**Attachment E**

**Agency Correspondence**



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

January 2, 2007

Mr. Shahriar Etemadi, Supervisor  
Transportation Planning  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-20060310  
White Flint Crossing

Revised Alignment Proposal for  
Executive Boulevard Extended  
(at and east of MD 355)

Dear Mr. Etemadi:

We are writing in follow-up to our December 11, 2006 inter-agency review meeting with representatives from the JBG Companies, Fitzgerald Auto Mall, and the Maryland State Highway Administration regarding the private property owners' joint proposal to modify the alignment of Executive Boulevard Extended between centerline station 19+00 and Huff Court. This letter is to advise you that DPWT conditionally supports this modification to the previously approved alignment, as follows:

1. Waiver from the Montgomery County Planning Board for intersection angle less than seventy (70) degrees.
2. Access and improvements on Rockville Pike (MD 355) per the Maryland State Highway Administration.
3. In addition to the previously approved dedication, the applicant will need to dedicate additional rights-of-way per the December 12, 2006 "Conceptual Alignment Executive Boulevard" drawing; the southern right-of-way line, within the realignment area, is to be set no less than twenty five (25) from the relocated centerline of pavement.
4. Applicant to grant, as necessary, construction and perpetual easements adjacent to the additional right-of-way dedication.


Division of Operations

Mr. Shahriar Etemadi  
Preliminary Plan No. 1-20060310  
January 2, 2007  
Page 2

5. As discussed during the December 11<sup>th</sup> meeting, the southern right-of-way line for Executive Boulevard Extended, east of Rockville Pike (MD 355), appears to be coincident with the common property line of Fitzgerald Auto Mall and White Flint Mall. The package we received did not include a conceptual profile nor a regrading plan for this extension. We note the alignment plan does indicate a grade change between the two properties, so we anticipate the need for grading easements on one or both of those properties. We do not support allowing retaining wall(s) in the right-of-way for this roadway.
6. Terminus and traffic control at the intersection of relocated Executive Boulevard Extended, Huff Court, and the nearby White Flint Mall "Loop Road" to be determined at the time of redevelopment (for either the Fitzgerald Auto Mall or White Flint Mall properties) or in the pending White Flint Sector Plan, which ever comes first.

Thank you for your cooperation and assistance on this matter. If you have any questions regarding this letter, please e-mail me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or call me at 240-777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Group  
Traffic Engineering and Operations Section

M:/sub/gml/docs/pp/1-20060310, White Flint Xing, amended Exec Blvd align.doc

cc: Steven A. Robins; Lerch, Early & Brewer  
Stephen J. Orens; Miles & Stockbridge  
Robert G. Brewer, Jr.; Lerch, Early & Brewer  
Kevin Johnson; Johnson Bernat Associates  
Catherine Conlon; M-NCPPC DRD  
Edward Axler; M-NCPPC DRD  
Raymond A. Burns; MSHA EAPD  
Sarah Navid; DPS RWPPR  
C. Robert Simpson; DPWT DO  
Emil Wolanin; DPWT TEOS  
Sam Farhadi; DPWT TEOS  
David C. Adams; DPWT TEOS



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation  
April 26, 2007

Mr. Kevin J. Johnson, P.E.  
Johnson Bernat Associates, Inc.  
1395 Piccard Drive  
Suite 350  
Rockville, Maryland 20850

Re: Montgomery County  
White Flint Crossing  
Preliminary Plan # 1-2006031A  
Site Plan # 8-2006017A  
MD 355 @ Executive Boulevard

Dear Mr. Johnson:

The State Highway Administration (SHA) received your March 26<sup>th</sup> submission of a Rockville Pike Exhibit and April 2<sup>nd</sup> submission of revised preliminary plan amendment and revised site plan amendment. We offer the following comments:

One right-in/right-out/left-in public street connection (Executive Boulevard) to MD 355 and one right-in/right-out private entrance on MD 355 are proposed. These access locations are acceptable. The proposed MD 355 improvements are generally acceptable. **SHA has no objection to inclusion of the White Flint Crossing with site plan amendment on the next available Planning Board meeting agenda.** We recommend that our following comments be made conditions of Planning Board approval, if the amended site plan is approved by the Planning Board:

- The proposed 30' turning radius in the northwest corner of the MD 355 @ Executive Boulevard is insufficient. The submitted Auto-Turn exhibit shows that a tractor trailer (apparently a WB-40) can complete this turn. Our manual turning templates conclude that a minimum 40' radius is needed to accommodate a WB-50. Previously we required a 50' turning radius. Please revise the plans to reflect a 40' turning radius.
- Our December 26, 2006 letter required the construction of a southbound MD 355 right-turn lane to westbound Executive Boulevard. Field observations conclude that the existing southbound MD 355 right-turn lane to westbound Security Lane extends beyond Executive Boulevard to the north. The length of this right-turn lane is sufficient. This existing right-turn lane is only 10' wide and must be widened to 11' or more. SHA will review the applicant's recommendations on how to widen this right-turn lane from Nicholson Lane south beyond Executive Blvd. to the proposed right-in/right-out entrance.
- The Executive Boulevard connection with MD 355 must be designed to prohibit left-turns to northbound MD 355, as stated in our December 26, 2006 letter. Please utilize the attached sketch to design a "half-island" where eastbound Executive Boulevard connects with MD 355.
- The developer shall install a traffic signal at the MD 355 @ Executive Boulevard intersection, if and when SHA concludes that signalization is warranted. Additional traffic counts and an updated warrant analysis shall be performed six months after Executive Blvd is opened to traffic to determine whether a traffic signal is warranted.

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



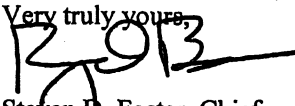
Mr. Kevin Johnson, P.E.

Page Two

- The proposed northbound MD 355 left-turn lane to westbound Executive Boulevard is shown with a 93' long left-turn bay and 100' long taper. Please revise this left-turn lane to provide a 118' long left-turn bay and 75' long taper.
- The appropriate signage must be added to the proposed, private right-in/right-out entrance. See the attached detail.
- We recommend that a separate 20 or 30-scale MD 355 improvement plan be developed and submitted showing both entrances and all required work within MD 355 rights-of-way. Please include a typical section showing MD 355 from the median across the existing southbound lanes to the curb, sidewalk and other features within MD 355 rights-of-way.
- Sidewalk ramps are shown, but must also be labeled with the appropriate SHA standard numbers.
- All existing and proposed storm drain systems must be shown. Hydrologic and hydraulic computations must be submitted for review and comment.
- Truncations and right-of-way dedications must be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications be platted to SHA standards. These plats must be submitted in hard copy format for review and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division at 410-545-8860 or [dandrews@sha.state.md.us](mailto:dandrews@sha.state.md.us).

If you have any questions, please contact Raymond Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,

  
Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/rbb  
attachments

cc: Mr. Steven Robbins, 3 Bethesda Metro Center, Suite 460, Bethesda, Maryland 20814  
Mr. Stephen Orens, 11 N. Washington Street, Suite 700, Rockville, Maryland 20850  
Mr. Kevin Johnson, JBA Associates, Inc.  
Ms. Catherine Conlon, M-NCPPC  
Mr. Shahriar Etemadi, M-NCPPC  
Ms. Sarah Navid, MCDPS  
Mr. Sam Farhadi, MCDPWT  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*  
Mr. Augustine Rebish *sent via e-mail*



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

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

Maryland Department of Transportation

December 26, 2006

Re: Montgomery County  
MD 355 @ Executive Blvd.  
White Flint Crossing

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

Dear Mr. Etemadi:

The State Highway Administration's (SHA) Engineering Access Permits Division (EAPD) received one copy of an "Alternate Executive Boulevard Alignment"/site plan from JBA Associates, Inc. on December 5, 2006. This same revised site plan was shown to all the December 11, 2006 meeting attendees. Based on discussions during the December 11<sup>th</sup> meeting, this proposed, revised Executive Boulevard alignment is mutually acceptable compromise between the developer/applicant and Mr. Jack Fitzgerald, owner of Fitzgerald Auto Park located on the opposite side of Rockville Pike (MD 355). Attorneys for both the applicant/developer and Fitzgerald Auto Park requested that both SHA and Montgomery County Department of Public Works & Transportation (MCDPWT) review this revised site plan and offer approval and/or comments within two (2) weeks. EAPD offers the following comments:

The previously proposed alignment of Executive Boulevard approaching MD 355 from west was shown intersecting MD 355 at a 72 degree angle. The alternate alignment of Executive Boulevard now proposed would intersect MD 355 at a 67 degree angle. Crossroads should intersect at 90 degrees, but SHA sometimes will accept intersection angles of 70 degrees or better. In this particular case, 67 degrees is acceptable because other nearby roadways intersect MD 355 at less than perpendicular angles and because Executive Boulevard will continue across MD 355 at the same angle (mirror image), according to the proposed future alignment. Our primary concern with this alternate alignment proposal is southbound MD 355 motorists will have to make a 123 degree right-turn to go westbound on Executive Boulevard. Plan revisions and additions are needed to address this problem.

The proposed alternate Executive Boulevard plan/site plan is **conceptually acceptable** providing that the applicant/developer agrees to increase the northwest corner radius from 30 feet to 50 feet and construct a southbound MD 355 right-turn lane to westbound Executive Boulevard. A deceleration/right-turn lane will separate the turning vehicles from the southbound MD 355 through vehicles, thereby mitigating the anticipated operational/safety problem. In addition to this improvement, the applicant must submit plans that address the following comments from our March 31, 2006 letter:

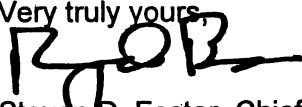
Mr. Shahriar Etemadi  
Page Two

- SHA does not support installation of a traffic signal at this time. The MD 355 at Executive Boulevard intersection must be designed to prohibit left-turns to northbound MD 355. To facilitate continuation of the left-out movement from Fitzgerald Auto Park to southbound MD 355, SHA will allow construction of a "half island" where eastbound Executive Boulevard connects with MD 355. SHA agreed to review an updated signal warrant analysis six (6) months or longer after the Executive Blvd. connection with MD 355 is opened to traffic.
- The proposed left-turn lane from northbound MD 355 to westbound Executive Boulevard must be increased to a 275 foot long storage bay plus a 100 foot taper.
- Separate MD 355 roadway improvement plans at 30 scale or better, showing all existing roadway and required roadway features must be submitted. A separate signing and pavement marking plan should be included.

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- The existing MD 355 median must be modified to produce a southbound MD 355 left-turn lane into the existing Fitzgerald Auto Park entrance.
  - A grade establishment plan for Executive Boulevard extended to MD 355 must be submitted prior to SHA's issuance of an access permit.
  - Hydrologic and hydraulic computations must be submitted.
  - Truncations and right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that the right-of-way dedications be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information.

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,

  
for Steven D. Foster, Chief  
Engineering Access Permits Division

cc: Mr. Stephen Orens, 11 N. Washington Street, Suite 700, Rockville, MD 20850  
Mr. Steven Robbins, Suite 460, 3 Bethesda Metro Center, Bethesda, MD 20814  
Mr. Craig Hedberg, ITS, Inc.  
Mr. Kevin Johnson, JBA Associates, Inc.  
Mr. Ed Axler, M-NCPPC Montgomery County  
Mr. Gregory Leck, Montgomery County Dept. of Public Works & Transportation  
Ms. Sarah Navid, Montgomery County Department of Permitting Services  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
*County Executive*

March 15, 2006

Robert C. Hubbard  
*Director*

Mr. Kevin J. Johnson, P.E.  
Johnson Bernat Associates, Inc.  
1395 Piccard Drive, Suite 350  
Rockville, MD 20850

Re: Stormwater Management **CONCEPT**  
**RECONFIRMATION** White Flint  
Crossing/Higgins Estates  
SWM Concept #: 209779

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Dear Mr. Johnson:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated 7-5-2005 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,

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

RRB:dm

cc: SM File #: 209779



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DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

July 5, 2005

Mr. Geoffrey L. Ciniero, P.E.  
Johnson Bernat Associates, Inc.  
1395 Piccard Drive, Suite 350  
Rockville, MD 20860

Re: Stormwater Management **CONCEPT REVISION**  
Request for White Flint Crossing/Higgins  
Estates  
Preliminary Plan #: 1-04025  
SM File #: 209779  
Tract Size/Zone: 5.418 Ac./TS-M  
Total Concept Area: 5.57 Ac.  
Lots/Block: 4  
Parcel(s): N059 & N062  
Watershed: Lower Rock Creek

Dear Mr. Ciniero:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via under ground storage; on-site water quality control via separator sand filters or Stormfilters and a possible green roof. This is redevelopment so onsite recharge will not be required.

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 when the sediment control plan is submitted.
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. Move the quality structures closer to the drainage area to be treated.
6. Provide MCDPS standard external flow splitters to direct WQv to quality BMPs.
7. Please submit green roof details and specifications to the New Products Committee for acceptance.

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



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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 David Kuykendall at 240-777-6332.

Sincerely,



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

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RRB:dm CN209779 White Flint Crossing(Higgins Estates).DWK

cc: R. Weaver  
S. Federline  
SM File # 209779

QN -Onsite; Acres: 5.57  
QL - Onsite; Acres: 5.57  
Recharge is not provided



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

April 28, 2007

**MEMORANDUM**

TO: Dolores Kinney, Senior Planner  
Linda Komes, Site Planner  
Development Review Division

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VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Coordinator/Planner EA  
Transportation Planning

SUBJECT: Preliminary Plan No. 120060310  
Site Plan No. 820060170  
White Flint Crossing  
White Flint (Metro Station) Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and site plan amendment. The application is for a design change to extend Executive Boulevard and connecting it with MD 355. The new design will gradually shift the centerline of the road 15 feet southward from the current location at Rockville Pike (MD 355).

**RECOMMENDATIONS**

Transportation Planning staff recommend the following conditions for transportation requirements related to the approval of the preliminary and site plans amendments:

1. The applicant must comply with all requirements of the Maryland State Highway Administration (SHA) stated in their letter dated April 26, 2007 and The Montgomery County Department of Public Works and Transportation (DPWT) state in their letter dated January 2, 2007.

(26)

2. The amended preliminary and site plans must retain the previously approved transportation related condition of approval.

## DISCUSSION

The property owner of Fitzgerald Auto Mall on the east side of Rockville Pike requested the change in the alignment of Executive Boulevard. Shifting the centerline of Executive Boulevard 15 feet to the south will potentially reduce the impact on Fitzgerald Auto Mall property on the east side of Rockville Pike where it connects to Huff Court. The shift also creates the intersection with MD 355 at less than a 70-degree angle, which is the typical minimum required degree of angle the any intersection. Both SHA and DPWT have agreed to less than a 70-degree angle of the intersection, considering other mitigation measures are provided. The mitigation measures include installation of a "half-island" on the eastbound approach to prohibit left turn and through movements onto northbound MD 355. In the future, if a traffic signal is installed at this location, that will be an additional mitigating measures for having less than the minimum 70-degree angle of the intersection. At the time of installing a traffic signal, full traffic movements will be allowed at this intersection.

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SHA has also agreed to a reduced curb return of 40 feet, rather than the original recommendation of 50 feet as desired by the Planning Staff.

For previous transportation recommendations to the Planning Board, refer to the attached Transportation Planning memorandum dated April 6, 2006.

EA: JB  
Attachments

cc: Larry Cole  
Kevin Johnson  
Kristin O'Connor  
Steve Robins

mmo to Kinney re White Flint Crossing 12006031A-82006017A