




Item # 15
MCPB 9/11/03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MEMORANDUM

DATE: September 5, 2003
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
Michael Ma, Supervisor *ma jrd*
Development Review Division
FROM: Robert A. Kronenberg, RLA
Planning Department Staff
(301) 495-2187



REVIEW TYPE: Site Plan Review
APPLYING FOR: Automobile Filling Station/Convenience Store
PROJECT NAME: Pita Subdivision (7-Eleven Store)
CASE #: 8-00042A
REVIEW BASIS: Site Plan Review Required in the C-3 Zone, Section 59-D-3

ZONE: C-3 Commercial
LOCATION: Germantown
Southeast intersection of Route 118 and Bowman Mill Drive
MASTER PLAN: Germantown
APPLICANT: IO Limited Partnership LLP
FILING DATE: May 30, 2003
HEARING DATE: September 11, 2003

STAFF RECOMMENDATION: Approval of an automobile filling station with ancillary 3,062 square foot convenience store, with the following conditions:

1. Special Exception
Applicant to comply with the binding elements of the Schematic Development Plan (G-788) dated October 1, 2002 and conditions of the approved Special Exception (S-2568) dated May 28, 2003 [Appendix A].
2. Stormwater Management
Conditions of MCDPS stormwater management concept approval date June 7, 2000, as amended [Appendix B].
3. Forest Conservation
Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning

Section memorandum dated June 30, 2003 [Appendix B], prior to recording of plat or DPS issuance of sediment and erosion control permit:

- a. The services of a licensed arborist shall be retained for the pre-construction meeting to evaluate the appropriate measures necessary to ensure the survival of the specimen Cottonwood tree, if appropriate, proposed to be preserved whose critical root zones will be impacted by construction;
- b. Show and label the Critical Root Zone (CRZ) of the specimen Cottonwood tree on the site plan.

4. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Clearing and Grading to correspond to the construction phasing, to minimize soil erosion;
 - ii. Coordination of each section of the development and roads;
 - iii. Landscaping associated with the parking lot and building shall be completed as construction of each facility is completed;
 - iv. Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features.
- b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

5. Signature Set

Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:

- a. Show all easements, LODS, ROW's, Forest Conservation Areas and Stormwater Management Parcels, development program inspection schedule, numbers and dates of approval on the drawing;
- b. All internal sidewalks to be 6-feet in width;
- c. Provide painted crosswalks across each access point into the site from Walter Johnson Road and Bowman Mill Road;
- d. Landscape and Lighting Plan to show the following:
 - i. Provide a lighting distribution plan showing details and specifications for lighting fixtures (fixtures, cut sheets, wattage, illumination summary, pole height, deflector shields); lighting levels shall follow the Illuminating Engineering Society of North America (IESNA), Lighting for Parking Facilities, RP-20-98, which recommends that light levels in parking lots where enhanced security is desired, not exceed a 15:1 Maximum to Minimum Uniformity Ratio;
 - ii. Distribution Plan to include any wall pack or wall mounted fixtures on the proposed building;
 - iii. Light poles not to exceed 18 feet in height;
 - iv. All light fixtures shall be full cut-off fixtures;
 - v. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on fixtures adjacent to Route 118;

6. Transportation Planning

Applicant to comply with the following conditions from M-NCPPC-Transportation Planning memorandum dated September 3, 2003:

- a. Total development under this site plan application is limited to a 12-pump automobile filling station with a 3,062 square-foot convenience store.
- b. The applicant shall participate in constructing a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane, and re-stripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the intersection of MD 118 and Wisteria Drive.
- c. The applicant shall participate in constructing a second westbound left-turn lane, a second northbound left-turn lane, modify signal to eliminate eastbound-westbound split phasing at the intersection of MD 118 and Middlebrook Road. The applicant also shall participate in removing the channelized island located in the northeast quadrant of this intersection.
- d. The proposed driveway on Bowman Mill Drive closest to Germantown Road (MD 118) shall operate as a right in/right out only.

SUMMARY OF ISSUES:

In the course of site plan review and discussion, staff and the applicant reviewed the building location, access to and from the site, screening of adjacent properties, lighting distribution and the preservation of the specimen cottonwood. Design and placement of parking spaces was studied for adaptability to the site to accommodate tree preservation measures and more efficient vehicular circulation within the site. Additional landscaping was provided to assist in screening of the building and parking from Walter Johnson Road and Germantown Road. Lighting was reviewed for visibility and safety of the users of the proposed building and for any negative reflection or glare onto the adjacent roadways. Location of the proposed entrance from Walter Johnson Road was reviewed for safe alignment and sight distance by MCDPW&T. The existing access from Germantown Road will be improved into the property and will be the primary entrance into the site.

PROJECT DESCRIPTION: Surrounding Vicinity

The subject property is located at the intersection of Germantown Road (Route 118) and Bowman Mill Drive. An access point is proposed from Bowman Mill Drive as well as two entrances from the proposed loop extension of Walter Johnson Drive, a portion of which will be constructed by the Applicant.

The adjacent property to the north and west across MD route 118 is zoned RMX-2 (Residential-Mixed Use, Specialty Center). These properties include Germantown Mini Storage, the Waters Community Center (Site Plan #8-96012) and the Germantown Commons Shopping Center (Site Plan #8-83063). The property directly southwest of the site across Bowman Mill Drive is the parking lot, which provides commuter access to the MARC train station, which is, zoned CT (Commercial-Transition) with R-200 zoning abutting. The property directly adjacent to the southeast is the Verizon Dial Center (Site Plan #8-01026) and zoned O-M. The property directly adjacent to the northeast is a vacant parcel zoned O-M (Office). Just beyond this parcel is property zoned O-M and includes lots 1-3 of the Wisteria Business Park containing the Germantown Copy Center (Site Plan #8-96013) and Office/Bank facility (Site Plan #8-03018).

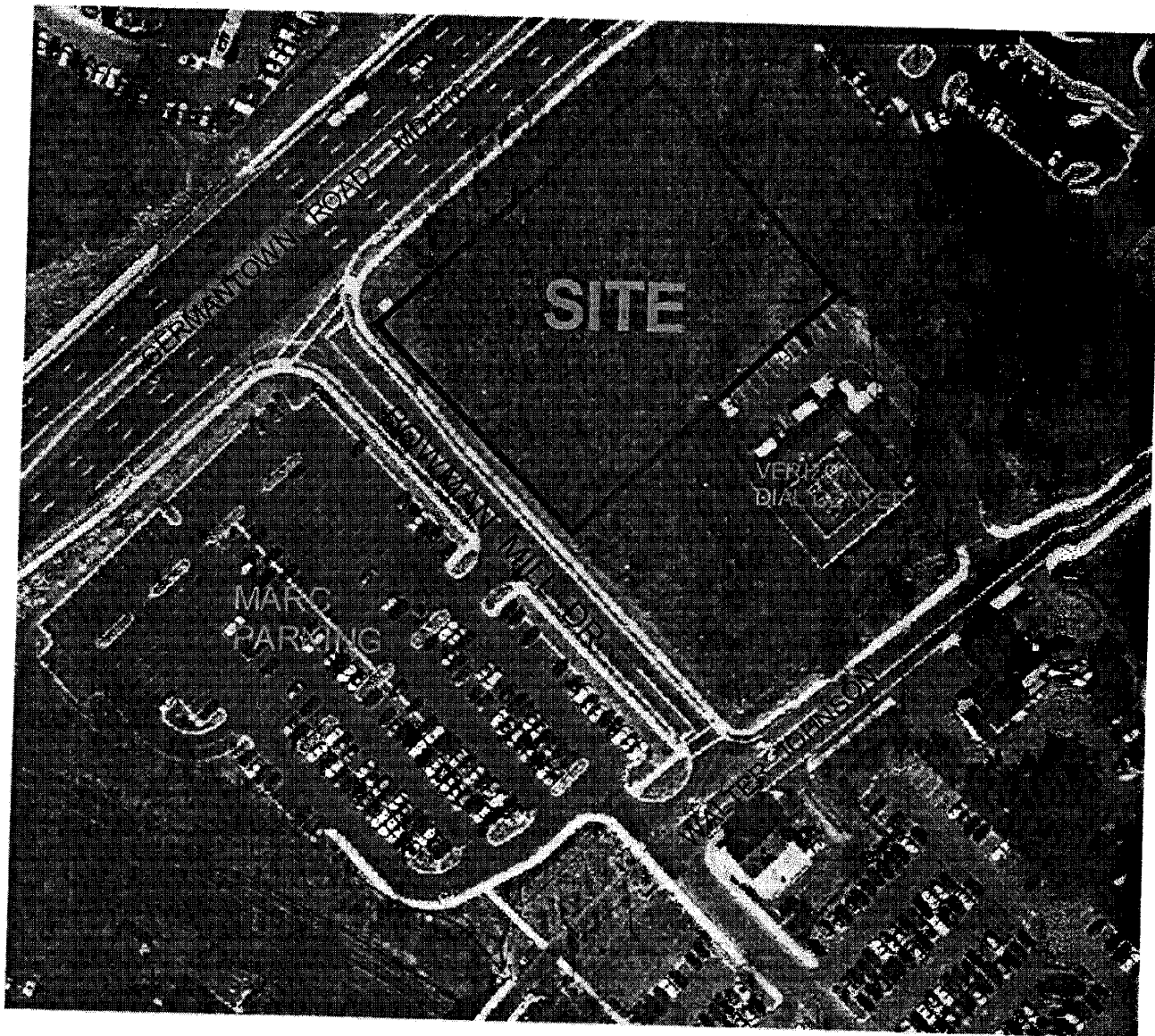


PROJECT DESCRIPTION: Site Description

The site is currently vacant and wooded and includes a 30" cottonwood at the corner of Germantown Road (Route 118) and Bowman Mill Drive. The property has frontage on two roads: Germantown Road (Route 118) and Bowman Mill Drive, and also abuts the proposed loop extension of Walter Johnson Road. Existing improvements surrounding the site include sidewalk within the public right-of-way and street trees on Route 118.

The property is surrounded by various types of properties, including the Verizon Dial Center (Site Plan #8-01026) to the southeast, undeveloped Huie property to the northeast, the MARC station parking lot to the southwest, and Germantown Mini Storage to the northwest.

The overall slope of the property is approximately 3% with a seven-foot change in elevation from north to south towards Walter Johnson Road from Route 118.



PROJECT DESCRIPTION: Proposal

The current proposal for Site Plan consists of a proposed automobile filling station and convenience store with associated parking. The existing site is vacant although completely wooded. The site plan is consistent with the binding elements for the Schematic Development Plan (G-788) approved October 16, 2002 and conditions of approval for the Special Exception (S-2568) dated May 28, 2003 [Appendix A].

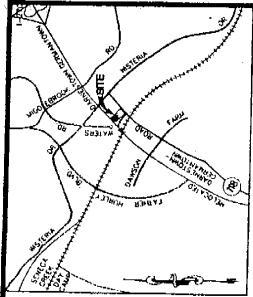
The proposed 1-story convenience store will be located at the southeastern boundary of the site adjacent to the service road for Walter Johnson Road. Vehicular access to the site is provided from Bowman Mill Drive and a service road that is part of Walter Johnson Road as shown on the Germantown Master Plan. The proposed driveway directly south of MD Route 118 is recommended to operate as a right-in/right-out only access. Two additional full movement access points are proposed on each side of the convenience store from the Walter Johnson service road.

Existing sidewalks provide pedestrian access from Route 118 to Walter Johnson Road. Sidewalks will be provided as part of the service road and pedestrian access is proposed into the site from Bowman Mill Road and Walter Johnson Road.

The location of the drive aisles and parking areas has been reviewed by staff to minimize impacts to the Critical Root Zone ("CRZ") of the specimen cottonwood tree. Grading activity around the tree has been revised to minimize the disturbance around the CRZ. The specimen tree is showing signs of decline, however, protection measures are being implemented as part of this plan to ensure survivability. Forest conservation requirements are being met on site through a combination of retention of the specimen tree and installation of shade trees throughout the site.

The proposed landscaping on the site consists of shade trees and shrubs within the parking areas and around the perimeter of the site. Street trees are proposed along the service road for Walter Johnson Road. Evergreen shrubs are also proposed along the edge of the parking facilities to provide a buffer along the public roads. The entrance to the site will include ornamental plantings and the building will include foundation planting. Lighting within the site consists of full cut-off fixtures at a maximum pole height of eighteen feet. Lighting under the canopy is in conformance with IESNA standards for filling stations. Deflectors will be installed for any lights causing negative glare on adjacent properties or public roads.

Storm Water Management Concept for the Site Plan was approved on June 20, 2000 by the Montgomery County Department of Permitting Services [Appendix B].



VICINITY MAP
SCALE: 1" = 2000'

BENCHMARK
 THE 100' CONCRETE BENCHMARK IS LOCATED AT THE INTERSECTION OF GERMENTOWN ROAD AND BOWMAN MILL DRIVE. THE BENCHMARK IS 100' FROM THE CORNER OF THE INTERSECTION. THE BENCHMARK IS 100' FROM THE CORNER OF THE INTERSECTION.

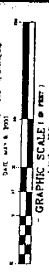
LEGEND
 DOTTED LINE: EXISTING CENTERLINE
 SOLID LINE: PROPOSED CENTERLINE
 DASHED LINE: EXISTING RIGHT-OF-WAY
 SOLID LINE WITH DASHES: PROPOSED RIGHT-OF-WAY
 DOTTED LINE WITH DASHES: EXISTING SIDEWALK
 SOLID LINE WITH DASHES: PROPOSED SIDEWALK
 DOTTED LINE WITH DASHES: EXISTING DRIVEWAY
 SOLID LINE WITH DASHES: PROPOSED DRIVEWAY
 DOTTED LINE WITH DASHES: EXISTING UTILITY
 SOLID LINE WITH DASHES: PROPOSED UTILITY

GENERAL NOTES

1. THE PROPOSED PROJECT IS LOCATED ON THE EAST SIDE OF GERMENTOWN ROAD, BETWEEN BOWMAN MILL DRIVE AND WALTER JOHNSON ROAD.
2. THE PROPOSED PROJECT IS A 7-ELEVEN STORE, RELOCATED GERMENTOWN ROAD (MD. RTE. 118) AND BOWMAN MILL DRIVE.
3. THE PROPOSED PROJECT IS A 7-ELEVEN STORE, RELOCATED GERMENTOWN ROAD (MD. RTE. 118) AND BOWMAN MILL DRIVE.
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20. THE PROPOSED PROJECT IS A 7-ELEVEN STORE, RELOCATED GERMENTOWN ROAD (MD. RTE. 118) AND BOWMAN MILL DRIVE.

AMENDED PRELIMINARY PLAN

7-ELEVEN STORE
 RELOCATED GERMENTOWN ROAD (MD. RTE. 118)
 AND BOWMAN MILL DRIVE
 'BOWMAN MILL' LOT 1 - BLOCK A
 PREVIOUS PRELIMINARY PLAN FILED WITH BALTIMORE COUNTY, MARYLAND
 PLAT NO. 2004



DATE: 11/11/2004
 DRAWN BY: J. COLBERT
 CHECKED BY: J. COLBERT

Project Certification
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

Colbert Matz Rosenfield, Inc.
 Registered Professional Engineer
 2335 South Avenue, Suite 200
 Baltimore, Maryland 21224
 Telephone: (410) 452-2628
 Facsimile: (410) 452-2625

RELOCATED GERMENTOWN ROAD (MD. RTE. 118)
 (VARIABLE R/W)

LEGEND
 DOTTED LINE: EXISTING CENTERLINE
 SOLID LINE: PROPOSED CENTERLINE
 DASHED LINE: EXISTING RIGHT-OF-WAY
 SOLID LINE WITH DASHES: PROPOSED RIGHT-OF-WAY
 DOTTED LINE WITH DASHES: EXISTING SIDEWALK
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 DOTTED LINE WITH DASHES: EXISTING UTILITY
 SOLID LINE WITH DASHES: PROPOSED UTILITY

LIMITS OF DISTURBANCE, TYP.

BOWMAN MILL DRIVE
 (PRIVATE DRIVE WITHIN MARG. PARKING LOT)
 (PUBLICLY MAINTAINED)

WALTER JOHNSON ROAD
 (VARIABLE R/W)

SITE PLAN DATA TABULATION

ITEM	DESCRIPTION	PROVIDED	REQUIREMENTS
SITE AREA	1.5 AC	1.5 AC	1.5 AC
PROPOSED USE	7-ELEVEN STORE	7-ELEVEN STORE	7-ELEVEN STORE
PARKING	10 SPACES	10 SPACES	10 SPACES
BUILDING HEIGHT	12 FT	12 FT	12 FT
SETBACKS	10 FT FRONT, 5 FT SIDE, 5 FT REAR	10 FT FRONT, 5 FT SIDE, 5 FT REAR	10 FT FRONT, 5 FT SIDE, 5 FT REAR
UTILITIES	WATER, SEWER, GAS, ELECTRIC	WATER, SEWER, GAS, ELECTRIC	WATER, SEWER, GAS, ELECTRIC
ENVIRONMENTAL	NO SIGNIFICANT IMPACT	NO SIGNIFICANT IMPACT	NO SIGNIFICANT IMPACT

SITE DATA:
 1. THE PROPOSED PROJECT IS A 7-ELEVEN STORE, RELOCATED GERMENTOWN ROAD (MD. RTE. 118) AND BOWMAN MILL DRIVE.
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PROJECT CERTIFICATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

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 Registered Professional Engineer
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NO.	DATE	DESCRIPTION
1	11/11/2004	ISSUED FOR PERMITS
2	11/11/2004	ISSUED FOR PERMITS
3	11/11/2004	ISSUED FOR PERMITS
4	11/11/2004	ISSUED FOR PERMITS
5	11/11/2004	ISSUED FOR PERMITS
6	11/11/2004	ISSUED FOR PERMITS
7	11/11/2004	ISSUED FOR PERMITS
8	11/11/2004	ISSUED FOR PERMITS
9	11/11/2004	ISSUED FOR PERMITS
10	11/11/2004	ISSUED FOR PERMITS

RELOCATED GERMANTOWN ROAD (MD. RTE 118)
(VARIABLE R/W)

SITE PLAN DATA TABULATION

ITEM	DESCRIPTION	REMARKS
1. SITE AREA	5.74 AC	AS SHOWN ON THE SITE PLAN
2. ZONING	RES-10	RESIDENTIAL SINGLE-FAMILY
3. PERMITTED USE	RESIDENTIAL SINGLE-FAMILY	AS PERMITTED BY THE ZONING ORDINANCE
4. LOT AREA	5,740 SQ. FT.	AS SHOWN ON THE SITE PLAN
5. LOT COVERAGE	100%	AS SHOWN ON THE SITE PLAN
6. SETBACKS	FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.	AS SHOWN ON THE SITE PLAN
7. BUILDING AREA	5,740 SQ. FT.	AS SHOWN ON THE SITE PLAN
8. BUILDING COVERAGE	100%	AS SHOWN ON THE SITE PLAN
9. BUILDING HEIGHT	10 FT.	AS SHOWN ON THE SITE PLAN
10. BUILDING SETBACKS	FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.	AS SHOWN ON THE SITE PLAN
11. DRIVEWAY WIDTH	10 FT.	AS SHOWN ON THE SITE PLAN
12. DRIVEWAY SETBACKS	FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.	AS SHOWN ON THE SITE PLAN
13. DRIVEWAY AREA	100 SQ. FT.	AS SHOWN ON THE SITE PLAN
14. DRIVEWAY COVERAGE	100%	AS SHOWN ON THE SITE PLAN
15. DRIVEWAY HEIGHT	10 FT.	AS SHOWN ON THE SITE PLAN
16. DRIVEWAY SETBACKS	FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.	AS SHOWN ON THE SITE PLAN
17. DRIVEWAY AREA	100 SQ. FT.	AS SHOWN ON THE SITE PLAN
18. DRIVEWAY COVERAGE	100%	AS SHOWN ON THE SITE PLAN
19. DRIVEWAY HEIGHT	10 FT.	AS SHOWN ON THE SITE PLAN
20. DRIVEWAY SETBACKS	FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.	AS SHOWN ON THE SITE PLAN

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BLOCK UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRACT UNLESS OTHERWISE NOTED.
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SITE DATA:

- SITE AREA: 5.74 AC
- ZONING: RES-10
- PERMITTED USE: RESIDENTIAL SINGLE-FAMILY
- LOT AREA: 5,740 SQ. FT.
- LOT COVERAGE: 100%
- SETBACKS: FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.
- BUILDING AREA: 5,740 SQ. FT.
- BUILDING COVERAGE: 100%
- BUILDING HEIGHT: 10 FT.
- BUILDING SETBACKS: FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.
- DRIVEWAY WIDTH: 10 FT.
- DRIVEWAY SETBACKS: FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.
- DRIVEWAY AREA: 100 SQ. FT.
- DRIVEWAY COVERAGE: 100%
- DRIVEWAY HEIGHT: 10 FT.
- DRIVEWAY SETBACKS: FRONT: 10 FT., REAR: 10 FT., SIDE: 10 FT.

AMENDED SITE PLAN

7-ELEVEN STORE
RELOCATED GERMANTOWN ROAD (MD. RTE 118)
AND BOWMAN MILL DRIVE
"BOWMAN MILL" LOT 1 - BLOCK A
PREVIOUS SITE PLAN KNOWN AS "TIA SUBDIVISION"

LEGEND

GRAPHIC SCALE: 1" = 200'

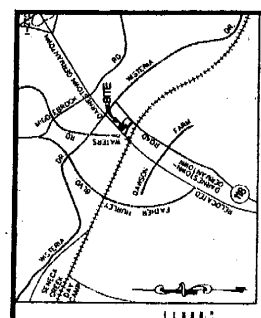
Cobert Metz Robertek, Inc.

3335 South ...
Baltimore, Maryland 21208
Telephone: (410) 833-3338
Facsimile: (410) 833-3339
E-mail: cmr@cmr.com

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland.

Signature: _____
Title: _____



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

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AMENDED SITE PLAN

7-ELEVEN STORE
RELOCATED GERMANTOWN ROAD (MD. RTE 118)
AND BOWMAN MILL DRIVE
"BOWMAN MILL" LOT 1 - BLOCK A
PREVIOUS SITE PLAN KNOWN AS "TIA SUBDIVISION"

LEGEND

GRAPHIC SCALE: 1" = 200'

Cobert Metz Robertek, Inc.

3335 South ...
Baltimore, Maryland 21208
Telephone: (410) 833-3338
Facsimile: (410) 833-3339
E-mail: cmr@cmr.com

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland, and that the same has been prepared in accordance with the provisions of the laws of the State of Maryland.

Signature: _____
Title: _____

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PHOTO 7-28-03-KAC

PROJECT DESCRIPTION: Prior Approvals

The original parcel was subdivided to become "Parcel A" in August of 1970 [Plat Book 509, Page 51]. Subsequently, the subject property was subdivided again in July of 2000 to become lots 1 and 2, Block A of the Pita subdivision [Plat Book 614, Page 38]. The Preliminary Plan [#1-00088] and the site plan [#8-01026] were presented concurrently for a commercial building on Lot 2 (Verizon Site). Site Plan #8-00042 was approved on August 24, 2000 for a bank and future office building on Lot 1. This amendment to site plan #8-00042 is being reviewed for a convenience store and filling station.

The subject property was recently reclassified to the C-3 Zone (Highway Commercial) under the optional method of development (G-788) by the District Council on October 1, 2002. As part of the approval for the local map amendment, a schematic development plan was approved containing the binding elements related to development standards, prohibited uses and traffic mitigation. On May 28, 2003, the property received approval for a convenience store and gas filling station under the provisions for a Special Exception in the C-3 zone (S-2568-Appendix A). The binding elements on the Special Exception are consistent with the proposed site plan.

All of the binding elements and conditions of the Special Exception (S-2568) remain in full force and effect. The site plan is being presented concurrently with the Preliminary Plan of Subdivision (1-00088R).

ANALYSIS: Conformance to Master Plan

The property is within the TC-6 analysis area and conforms to the 1989 Germantown Master Plan. The Master Plan recommends that this area be a quiet, green, pedestrian-oriented area that provides relief from the intense development of the town center. The Master Plan anticipated that when relocated MD 118 was open to traffic, the existing railroad bridge would either be closed to traffic or replaced by a pedestrian bridge.

"As shown on the Zoning and Highway Plan, this analysis area is recommended to be served by a one-way loop road branching off a divided arterial road. The intent of this recommendation is to provide appropriate access while preserving existing trees and reducing the impact of traffic on two historic resources within the Germantown Historic District".

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning: C-3 (Highway Commercial)
 Existing Land Use: Vacant
 Proposed Land Use: Automobile Filling Station/Convenience Store

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Gross Tract Area (ac.):		1.285 acres
F.A.R.:		0.06
Green Space (%):	35%*	35.5%
Building Coverage (Including Canopy) (%):	35%	12.1%
Building Height (ft.)	1 story	28 (1 story)
Parking Setbacks (ft.):		
From Huie property (Pcl 965)	10	10
From Germantown Road	10	20
From Walter Johnson Road	15	15
Building Setbacks (ft.):		
From Bowman Mill Drive	10	133
From Germantown Road	10	133
From proposed Walter Johnson Road	10	15
From Huie property (Pcl 965)	0	82
Parking:		
Standard (5 sp./1000 gsf of building)	15	24
Handicapped-accessible	<u>1</u>	<u>1</u>
Total	16	25

*Binding Elements of the Schematic Development Plan approved October 16, 2002, including restrictions and traffic mitigation elements.

FINDINGS for Site Plan Review:

1. The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.

The site plan meets all of the binding elements of the Schematic Development Plan (G-788), approved October 16, 2002 and conditions of approval for the Special Exception (S-2568) approved on May 28, 2003. The conditions of approval are attached in Appendix A.

2. The site plan meets all of the requirements of the zone in which it is located.

See Project Data Table above.

3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

- a. Location of Buildings

The proposed convenience store is oriented in a safe and efficient manner to the three adjoining public roads. The building is proposed to be a one-story building is proposed to be recessed by grade and distance from MD Route 118. The canopy for the filling station will located parallel to MD Route 118 to provide safe access for vehicles and more efficient circulation.

- b. Open Spaces

The site contains open spaces around the perimeter of the parking and southeast boundary of the building as well as at the entrance to the site from Bowman Mill Drive.

The Stormwater Management Concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) on June 20, 2000, as amended. Stormwater management consists of an underground quantity management system in the open space at the entrance to the site.

- c. Landscaping and Lighting

The 35 percent of green space proposed on the property surpasses the required amount of 10 percent for the C-3 zone, however, 35 percent was required as part of the binding elements of the Special Exception. The majority of the green space consists of the area between the parking facility and the surrounding roads, and contains the specimen Cottonwood tree. Additional green space will include

landscaping and grass areas within the parking facility and around the building.

Landscaping on the site consists of shade trees and a mixture of evergreen and deciduous shrubs within the parking area and around the perimeter of the property. The mixture of trees, as well as shrub massing at the parking edge will provide screening from all three public roads. Street trees are also being provided along the service road for Walter Johnson Road. Additional landscaping is being provided around the specimen Cottonwood tree to enhance the entrance to the site from MD Route 118. Landscaping within and around the site will significantly enhance the visual quality of the site and overall appearance of the major intersection.

Exterior lighting is proposed for the building and the ancillary parking area. Lighting was reviewed for safety and conformance to parking standards for commercial properties and parking facilities. Pole heights will be limited to 18 feet, as opposed to the 20-foot height approved in the Special Exception. Deflector shields will also be required to mitigate any negative glare or illumination on the public roads.

e. **Vehicular and Pedestrian Circulation**

Vehicular and pedestrian circulation is safe and efficient and provides improved turning movement within the site.

A right-in, right-out access point from Bowman Mill Drive is proposed to allow a safe transition from MD Route 118. MC DPW&T and the MD State Highway Administration had concerns about the safe stacking distance for vehicles, especially large trucks, turning into the site from MD Route 118. Vehicles turning into the site from MD Route 118 will be required to access the site from the service road for Walter Johnson Road. There are two full movement access points to the site from Walter Johnson Drive, which connects with Bowman Mill Drive. This will allow for safe turning movements and more efficient transition to and from the site to MD Route 118.

Pedestrian circulation has been improved by providing a sidewalk from Bowman Mill Drive. This connection provides increased access to MD Route 118 and the adjacent County parking facility.

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

The relationship of the building is consistent with the surrounding commercial office uses. The activity associated with the proposed building will not cause any negative effect on the adjacent properties.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

Forest conservation requirements are being met on site through a combination of retention of the specimen Cottonwood tree and installation of shade trees throughout the site. Protection measures are being implemented to ensure survivability of the cottonwood tree with the proposed construction activity around the critical root zone.

APPENDIX

- A. Special Exception (S-2568)
- B. Documentation and memos from supporting agencies

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BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/mc/council/board.html

Case No. S-2568

PETITION OF IO LIMITED PARTNERSHIP, LLLP

OPINION OF THE BOARD
(Hearing held April 30, 2003)
(Effective date of Opinion: May 28, 2003)

Case No. S-2568 is the petition of IO Limited Partnership, LLLP ("Petitioner") for a special exception pursuant to Section 59-G-2.06 (Automobile Filling Stations) of the Zoning Ordinance to permit the construction and operation of an automobile filling station and accessory convenience store. The subject property (the "Subject Property") contains 1.285 acres of land (55,900 sq. ft.) known as Lot 1, Block A, Bowman Mill Subdivision, classified in the C-3 Zone.

Decision of the Board: Special Exception for an automobile filling station (and accessory convenience store) **GRANTED**, subject to conditions enumerated below.

Stanley D. Abrams, Esquire represented Petitioner and called as witnesses the following: Kenneth Colbert, an expert in civil engineering and site design; Phillip Perrine, an expert in land planning; Lee Cunningham, an expert in transportation planning and traffic engineering; James Geigerich, an expert in market analysis and Aris Mardirossian, a representative of the Petitioner.

No person or other party appeared in opposition.

EVIDENCE PRESENTED TO THE BOARD

1. The Petitioner is the owner of the subject property which is located at the southeast quadrant of the intersection of relocated MD Rt. 118 and Bowman Mill Drive in Germantown, Maryland. The subject property containing 1.285 acres of land known as Lot 1, Block A, Bowman Mill Subdivision is a square shape, relatively level, wooded lot located in the TC-6 analysis area of the 1989 Germantown & Vicinity Master Plan and is located approximately one mile southwest of the I-270 interchange with MD Rt. 118. The property has 257 ft of

frontage on MD Rt. 118 and 249 feet of frontage on Bowman Mill Drive. The property also abuts the proposed loop extension of Walter Johnson Road, (50 ft. R/W) which is currently dedicated, but unimproved and will be constructed by the Petitioner. Consequently the property is surrounded on three (3) sides by existing and planned roadways.

2. The subject property was recently reclassified to the C-3 (highway commercial) Zone under the optional method of application (Application G-788) by the District Council on October 1, 2002 (Exh. 9). As part of the approval of Local Map Amendment G-788 a schematic development plan was approved containing certain binding elements relating to development standards, certain prohibited uses and transportation impact mitigation. The subject property although subdivided will be required to obtain a modification to its approved preliminary plan of subdivision to implement the petitioned use.

3. The evidence reflects that the surrounding neighborhood is bounded on the northwest by MD Rt. 118, on the northeast by Wisteria Drive, on the southeast by a regional storm water management facility and on the south by a ridge line within the Germantown Historic District, across the CSX railroad line. The land use and zoning pattern of the neighborhood reflects a variety of uses classified in the O-M, C-T and R-200 Zones.

4. To the east of the subject property is the dedicated but unimproved portions of the Walter Johnson loop road and a large Verizon Telephone dial center which has recently received Board of Appeals approval for an expansion in size and additional parking area. Beyond the dial center is the existing paved portion of Walter Johnson Road (formerly old MD Rt. 118), a historic structure used for offices (the Pumphrey-Mateney House) as well as a veterinary clinic and medical office buildings also along Walter Johnson Road. To the south of the property is Bowman Mill Drive which functions as the access road to the adjacent MARC train parking lot and to Walter Johnson Road. Across Bowman Mill Drive is a large parking lot for the MARC commuter train, the CSX railroad track and thereafter the Germantown Historic District behind a heavy stand of trees. The closest home to the subject property is approximately 800 feet distant within the Germantown Historic District. There is no vehicular connection across the railroad track but there are a series of pedestrian cross overs. Testimony at the hearing further reflected that approximately 33% of the entire TC-6 planning area wherein the subject property is located is comprised of off street parking use and at full build out under the Master Plan will contain almost 50% off street parking use.

5. The Petitioner proposes to erect and operate an automobile filling station with ancillary convenience store. As reflected on the special exception plan (Exh. 4) and in the Petitioner's Operation Statement (Exh. 3) the development would include a convenience store containing 3,062 sq. ft. in size, six (6) multi-product dispensers on six (6) pump islands covered by a canopy and 25 parking

spaces. The amended elevation drawings (Exh. 25) reflect a convenience store building constructed of brick and stone with a peaked roof similar in design with buildings within the Germantown Town Center approximately 1-2 blocks to the northwest and compatible with the architecture within the Historic District and the Pumphrey-Mateney House. Approximately 1,760 sq. ft. of building would be devoted to convenience food, beverage and customer service area. The remainder of the building would contain a cashier/sales area, storage and utility area, restroom, cooler space/storage and an office (Exh's.4 and 5). The facility would operate 24 hours a day, seven (7) days a week, operating on three (3) employee shifts of eight (8) hours per shift. One sales associate and one assistant manager would work each shift, with the station manager rotating among the shifts as necessary. Driveway access to the subject property would be by three (3) full movement locations, one (1) driveway entrance from Bowman Mill Drive and two (2) entrances from Walter Johnson Road.

6. All major utilities are available to serve the petitioned use and reforestation requirements under the Forest Conservation Ordinance will be resolved as part of the modification of the previous subdivision plan approval for this property.

7. The proposed landscaping is reflected on Exhibit 5(c) and Exhibit 23 containing a mix of shade, ornamental and evergreen trees, shrubs and grasses. Lighting would consist of 20' high pole mounted lights for the parking area and drive isles; wall mounted fixtures illuminating building walls and sidewalks; and flush mounted down lights with flat lenses under the canopies. One monument sign is proposed as well as signage on the building and canopy (Exh. 5(b) and Exh. 25).

8. The primary market area is described in the need analysis (Exh. 11) and contains a substantial population base of approximately 47,797 people and significant employment base of over 14,760 employees. Based on the needs analysis and the testimony of the applicants expert witness substantial growth in resident and employee populations will be experienced through the year 2005. Based upon two methodologies involving consumer expenditures and vehicle derived fuel demand it is determined that an unfulfilled need exists in the subject market area. It is further noted that the evidence reflects that the subject location is adjacent to the MARC train station parking lot and would be the first station along the north bound lanes of MD Rt. 118, both conditions providing unique service opportunities to the consuming public.

9. Petitioners based upon the binding elements of the schematic development plan approved in Zoning Application (G-788) as well as information from the Montgomery County Planning Board Transportation Staff will be required to participate in intersection road improvements along with other development projects in the immediate vicinity. Various requirements involving these transportation improvements have already been imposed on several

projects approved in the Germantown Town Center and surrounding environments.

10. The Maryland National Capital Park and Planning Commission technical staff in its Report and Recommendation dated April 18, 2003, recommended approval of the special exception with six conditions:

- i. The applicant shall be bound by all of its submitted statements and plans.
- ii. Approval of an amended preliminary plan of subdivision by the Montgomery County Planning Board in accordance with the subdivision regulations, Chapter 50 of the County Code.
- iii. Approval of an amended site plan by the Planning Board in accordance with the division 59-D-3 of the Zoning Ordinance. The site plan must address staff concerns regarding the provision of additional green space, improved opportunities for pedestrian access, and mitigation of lighting.
- iv. Approval of a final forest conservation plan prior to issuance of sediment and erosion control permits.
- v. Compliance with storm water and sediment control regulations of the Montgomery County Department of Permitting Services. The storm water management concept plan must be consistent with the final forest conservation plan.
- vi. Compliance with all county, state and federal technical standards and permitting requirements for underground fuel storage tanks.

10. The Montgomery County Planning Board, at its session on April 24, 2003, recommended approval of the special exception incorporating conditions #1, 2, 4, 5 & 6 recommended by its technical staff but deleted the recommendation for additional green space for improved opportunities for pedestrian access referenced in condition #3. The Planning Board revised condition #3 to state that the "site plan must address staff concerns regarding the mitigation of lighting." In addition, the Planning Board added a new condition, # 7, which states:

"7. Except as required for disabled customers or for customers to communicate with employees about emergencies, intercom boxes and external speakers are prohibited."

The Planning Board noted in its recommendation with reference to condition #3 that the Board found that the amount of green space proposed was adequate and no additional green space or buffer area was needed. Further, additional green space would require elimination of one of the two (2) proposed driveway

entrances on Walter Johnson Road could compromise the safety of tanker trucks for accessing the site (Exh. 20).

FINDINGS OF THE BOARD

Based on the testimony and evidence of record, the Board finds that the proposed special exception for an automobile filling station (and accessory convenience store) meets the general requirements for special exception set forth in Sec. 59-G-1.21, neighborhood need requirements set forth in Sec. 50-G-1.24, as well as the specific requirements for the use contained in Sec. 59-G-2.06 of the Zoning Ordinance.

Requirements of Sec. 59-G-1.21:

1. An automobile filling station is a permissible special exception in the C-3 Zone and the convenience store is an allowed accessory use.
2. The proposed special exception complies with the specific standards for an automobile filling station contained in Sec. 59-G-2.06.
3. The District Council in its review of local map amendment G-788 found the use to be in harmony with the Master Plan goals for the area, particularly when considered in light of existing development in the immediate area. The construction of Bowman Mill Drive after the adoption of the Germantown Plan and the enlargement of the MARC train parking lot changed the character of the subject property and surrounding area and therefore the proposed use would be in general harmony with the Master Plan goals for the area and its current character.
4. The use will be in harmony of the general character of the neighborhood considering population density, design, scale and bulk of the proposed structures and the intensity and character of activity, traffic and parking conditions. The convenience store building and canopy has been designed to be architecturally compatible with the neighborhood. There is adequate stacking and parking provided on site and there is more than generous retention of green space and provision of landscaping to ensure compatibility. Further, the use would be the only automobile filling station in the subject neighborhood.
5. The proposed special exception would not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood irrespective of any adverse effects the use might have elsewhere in the zone. Impacts from the use would be inherent with this use and the absence of any carwash and repair facilities, would have fewer impacts than generic automobile filling stations. The

subject property would be surrounded on three (3) sides by roadways, is amply buffered from any adjacent historic sites or the Germantown Historic District and is over 800 feet away from the nearest residence. The evidence further reflects that there would be no non-inherent adverse effects.

6. The special exception would not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity or any other adverse effects irrespective of any adverse effects the use might have elsewhere in the zone. To the extent that any of the foregoing effects are noticeable, they are inherent in the petitioned use. Physical activity is limited outdoors to the use of multi-product dispensers and all activity for the ancillary use is conducted within the convenience store building. The fumes and odors would be reduced with the use of vapor recovery nozzles and noise levels would be mitigated by the absence of any carwash or repair facilities and are essentially masked by traffic activity occurring on adjacent roadways. The lighting proposed would not spread and cause glare beyond the boundaries of the property and further, the evidence reflects that the level of lighting is consistent with or below the level of lighting in similar uses along MD Rt. 118 and falls within the range of recommended illumination levels for this use by the Illuminating Engineer Society of North American (IESNA) and therefore disagrees with the reduced illumination levels proposed for this property under the filling station canopy and access drive areas. The levels of light proposed would not adversely impact surrounding property and does not produce excessive sky glow as currently proposed. The Board does not see the necessity for a "skirt" to be installed around the perimeter of the canopy in view of the type of lighting fixtures proposed.
7. The proposed special exception will not increase the number of special exceptions in the area sufficiently to create an adverse impact or alter the nature of the area. There are no other automobile filling stations in the immediate neighborhood and a substantial portion of the neighborhood is currently devoted and will be devoted in the future to off street parking.
8. The proposed special exception will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area. The proposed use will provide a convenience and amenity to residents, workers and visitors to the area. Pedestrian and vehicular access would be safe, particularly with the retention of two access points onto Walter Johnson Road in accordance with the findings of the Planning Board. Further, access to and from MD Rt. 118 would be safe and convenient due to gaps in traffic offered by signalized intersections at MD Rt. 118 and Wisteria Drive and MD Rt. 118 and Dawson Farm Road.
9. The subject special exception would be subject to approval of a revised

preliminary plan to reflect the change in use of property and be subject to adequate public facilities conditions and requirements. The evidence of record however reflects the adequacy of public transportation facilities with public improvements to nearby critical intersections in which the applicant will have to participate with other developers in the area.

REQUIREMENTS OF SECTION 59-G-1.24.

The Board finds from a preponderance of the evidence of record that, for the public convenience and service, a neighborhood need exists for the automobile filling station use. The Board finds that there is an insufficient number of similar uses presently available to serve existing population concentrations in the neighborhood and general market area. The use at the proposed location will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use. The Petitioner has utilized several methods commonly employed in this type of needs analysis and utilized industry wide data or historical sales trends at the county level to approximate likely sales potential at the subject site. The findings of the Petitioners' needs analysis reflects an unused demand for this type of use in this area and the applicants proposed use will in part serve this existing unmet demand. The location of the Petitioned use will likewise be a convenience to MARC train commuters in view of the location of the MARC parking lot and this location also is readily available to service northbound traffic along MD Rt. 118.

REQUIREMENTS OF SECTION 59-G-2.06.

1. The Board finds that the specific requirements for an automobile filling station as set forth in Sec. 59-G-2.06 of the Zoning Ordinance are satisfied as follows:
 - (a) The use will not constitute a nuisance because of noise, fumes, odors or physical activity at the location proposed. Vapor recovery nozzles will be utilized to minimize fumes and odors and noise levels and traffic activity will be masked by vehicular activity on the adjacent roadways. Physical activity outdoors is limited to the use of multi-product dispensers, and all other activity will be conducted within the convenience store building.
 - (b) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on the other sites, or by reason of its location near any pedestrian entrance or crossings to any public or private schools, parks, playground or hospital. Circulation onto and out of

the site would be controlled in part by existing traffic signals at the intersection of MD Rt. 118 and Wisteria Drive to the north and MD Rt. 118 and Dawson Farm Road to the south. Site distance is good and on-site circulation is safe and efficient particularly with the two (2) access points retained on Walter Johnson Road and the access point retained on Bowman Mill Drive. There are no schools, parks or playgrounds, hospitals or other places of public assembly that might be impacted in this area.

- (c) The proposed special exception at this location will not adversely affect nor retard the logical development of the general neighborhood or of the C-3 Zone in which the station is proposed, considering service required, population, character, density and number of similar uses. The evidence reflects that the District Council in its approval of local map amendment G-788 found the use to be in harmony with the Master Plan goals for the area, particularly when considering existing development in the immediate vicinity. The proposed station would enhance convenience to the local population for its automobile filling station needs. The proposed special exception will require no services beyond that which is already provided to the property and the population, character, density and number of similar uses will not be adversely impacted by the addition of this use.
- (d) The subject property does not abut residentially zoned property or institutional uses.
- (e) No signs, product displays, parked vehicles or other obstructions will adversely affect visibility at intersections or to points of access to and from the subject property. Further, there is ample room on-site for queuing of vehicles at the pump islands.
- (f) Lighting and illuminated signage on the subject property are arranged and at an illumination level which does not reflect or cause glare into any residential zone. The nearest residence is approximately 800 feet distant and large lighting standards on the MARC train parking lot have been in existence for some number of years without any detrimental impact.
- (g) The ingress and egress driveways for the subject property, being a corner lot, will be located at least 20 feet from the intersection of MD Rt. 118 and Bowman Mill Drive as well as Bowman Mill Drive and Walter Johnson Road and all driveways will not exceed 30 feet in width.
- (h) All multi-product dispensers (gasoline pumps) are located at least

10 feet behind the building line and would be located in conformance with the submitted site plan (Exh. 4). The driveway entrances are at least 20 feet apart and perpendicular to the curb. No outdoor storage or similar activities are proposed.

- (i) No repair work is proposed in conjunction with the operations at this location.
- (j) No vehicles will be parked so as to overhang the public right-of-way.
- (k) The proposed special exception does not include a car wash facility.

Based on the Board's findings that this petition complies with all requirements, on a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement, the Board **GRANTS** the proposed special exception for an automobile filling station (and accessory convenience store) subject to the following conditions:

1. As required by Section 59-A-1.27, the holder of the special exception is bound by all of its exhibits of record and testimony, to the extent that such evidence and representations are identified in this opinion and except as altered by compliance with the following conditions.
2. The holder of the special exception must obtain approval of an amendment to preliminary plan of subdivision by the Montgomery County Planning Board in accordance with subdivision regulations, Chapter 50 of the Montgomery County Code.
3. Approval of an amended site plan by the Montgomery County Planning Board in accordance with Division 59-D-3 of the Zoning Ordinance. The lighting shall be implemented according to the illumination standards of the Petitioners photometric plan (Exh. 4(d)).
4. Approval of a final forest conservation plan prior to issuance of sediment and erosion control permits.
5. Compliance with storm water and sediment control regulations of the Montgomery County Department of Permitting Services. The storm water management concept plan must be consistent with the final forest conservation plan.
6. Compliance with all county, state and federal technical standards and permitting requirements for underground fuel storage tanks.

7. Except as required for disabled customers or for customers to communicate with employees about emergencies, intercom boxes and external speakers are prohibited.
8. Signage will be subject to the requirements of the Montgomery County Sign Ordinance.

The Board adopted the following Resolution.

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above, be adopted as the Resolution required by law as its decision on the above entitled Petition as amended.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 28th day of May, 2003.

Katherine Freeman
Executive Secretary to the Board

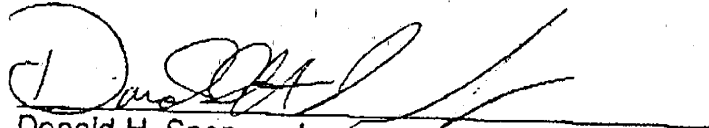
NOTE:

See Section 59-A-4.53 of the Zoning Ordinance regarding the 24 months' period within which the special exception granted by the Board must be exercised.

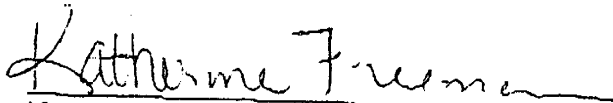
See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit for a Special Exception.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above, be adopted as the Resolution required by law as its decision on the above entitled Petition as amended.


Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 28th day of May, 2003.


Katherine Freeman
Executive Secretary to the Board

NOTE:

See Section 59-A-4.53 of the Zoning Ordinance regarding the 24 months' period within which the special exception granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit for a Special Exception.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

See the Board's Rules of Procedures for information about the process for requesting reconsideration.

the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

See the Board's Rules of Procedures for information about the process for requesting reconsideration.



APPENDIX B
100

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 7, 2000

Robert C. Hubbard
Director

Mr. Stuart Darley
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

2000-023

Re: Stormwater Management **CONCEPT** Request
for Pita Subdivision
SM File #: 201192
Tract Size/Zone: 2.77Ac/O-M /R-200
Total Concept Area: 2.77 Ac
Tax Plate: EU341 & EU342
Parcels: 7, 50, 924, N980
Liber/Folio: 5039/327; 13007/483; 5437/812;
4017/707
Montg. Co. Grid: 18D03
Watershed: Great Seneca Creek

Dear Mr. Darley:

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 water quality control via structural sand filter and a waiver request for water quantity.

Based upon Section 2.A.2.b. (Railroad Branch Regional Pond) of Executive Regulation 5-90, a **conditional** waiver of on-site water quantity control is hereby granted.

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

- The structural sand filter will be sized to provide storage for the first one-half inch of rainfall over all impervious surfaces.
- All driveway entrances, which do not drain into the site, will be required to have trench drains installed.

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

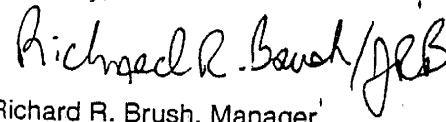
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is due. Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.

This letter must appear on the 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 there are subsequent additions or modifications to the development, a separate concept request shall be required.

Stuart Darley
June 7, 2000
Page 2

If you have any questions regarding these actions, please feel free to contact Richard I. Gee at 240-777-6333.

Sincerely,

Handwritten signature of Richard R. Brush in black ink.

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

RRB:enm:CN201192

cc: M. Shaneman
S. Federline
SM File # 201192

QN - waived; Acres: 2.77
QL - on-site; Acres: 2.77



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 3, 2003

MEMORANDUM

TO: Malcolm Shaneman, Supervisor
Robert Kronenberg, Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner
Transportation Planning

SUBJECT: Preliminary Plan No. 1-00088A
Site Plan No. 8-00042A
Bowman Mill Subdivision at MD 118 and Bowman Mill Drive
Germantown

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan and site plan. The application is for development of an automobile filling station with a convenience store on 1.60+ acres of land, the Bowman Mill subdivision, located east of MD 118 and north of Bowman Mill Drive in the Germantown Town Center Policy Area.

RECOMMENDATIONS

Based on our review of the submitted traffic analysis, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this preliminary plan and site plan application.

1. Total development under this preliminary and site plan application is limited to a 12-pump automobile filling station with a 3,062-square-foot convenience store.

2. The applicant shall participate in constructing a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane, and re-stripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the intersection of MD 118 and Wisteria Drive.
3. The applicant shall participate in constructing a second westbound left-turn lane, a second northbound left-turn lane, modify signal to eliminate eastbound-westbound split phasing at the intersection of MD 118 and Middlebrook Road. The applicant also shall participate in removing the channelized island located in the northeast quadrant of this intersection.
4. The proposed driveway onto Bowman Mill Drive closest to Germantown Road (MD 118) shall operate as a right in /right out only.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

Access to the site is provided from Bowman Mill Drive and a service road that is a part of Walter Johnson Road as shown on the Germantown Master Plan. The proposed driveway closest to MD 118 is recommended to operate as a right in/right out only per DPWT's comments. If DPWT decides at a later date to change the operation of Walter Johnson Road through the subject property (i.e., made one-way only) and if it will negatively affect commercial operation of the property, then DPWT will permit a change to the use of the above driveway.

Staff finds the proposed site access points and the ingress/egress proposal shown on the site plan to be safe and adequate. Staff also finds that the internal pedestrian circulation, using existing sidewalks along Bowman Mill Drive, proposed sidewalks along Walter Johnson Road, and internal walkways as shown on the site plan, is safe and adequate.

Local Area Transportation Review

Three local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Germantown Town Center Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour								
	Existing		Background		Total*		Total**	
	AM	PM	AM	PM	AM	PM	AM	PM
MD 118/Middlebrook Road	1190	1372	1331	1589	1534	1603	1494	1406
MD 118/Wisteria Drive	950	1526	1382	1858	1394	1875	1295	1440
Walter Johnson Road/Wisteria Drive	444	507	623	742	627	748	627	748

* Total development conditions without proposed roadway improvements
 ** Total development conditions with proposed roadway improvements

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500) except during the evening peak hour at the MD 118/Wisteria Drive intersection. Under the background development (developments approved but not built) condition, the intersections of MD 118/Middlebrook Road and MD 118/Wisteria Drive exceed the acceptable congestion standard. Under the total development conditions, the unacceptable condition at the intersections identified under the background development conditions further deteriorate without the roadway improvements. The applicant proposed to participate other area developments in constructing roadway improvements at intersections where unacceptable conditions are projected. These intersections will operate at acceptable CLVs with the roadway improvements conditioned upon approval of this special exception application.

Policy Area Transportation Review

Based on the FY 03 AGP staging ceiling capacity, there is sufficient capacity available for both the housing and employment developments (599 housing units and 3,843 jobs as of July 31, 2003) in the Germantown Town Center Policy Area.

CONCLUSION

Staff concludes that the subject preliminary plan and site plan satisfy the APF requirements since all nearby intersections are anticipated to operate within the acceptable congestion standard with the roadway improvements as conditioned in this memorandum.

KK:kcw