



ASK-1746-2013
1/8/2013

PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitHERSBURGMD.GOV · WWW.GAITHERSBURGMD.GOV

AMENDMENT TO SKETCH PLAN APPLICATION

SUBJECT PROPERTY

Street Address 16331 Shady Grove Rd, Gaithersburg, MD Previous Project Number _____

APPLICANT/BILLING CONTACT

Business Name Carmax Auto Superstores, Inc.

Primary Contact JM Dixon

Street Address 12800 Tuckahoe Creek Pkwy Suite No. _____

City Richmond State Virginia Zip Code 23238

Telephone Numbers: Work 804-747-0422 Cell _____ E-mail Address JM_Dixon@carmax.com

OWNER

Business Name Sears, Roebuck & Co.

Primary Contact Dan Wisk

Street Address 3333 Beverly Rd Suite No. A2-262B

City Hoffman Estates State Illinois Zip Code 60179

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

DEVELOPER

Business Name Centerpoint Integrated Solutions

Primary Contact Greg Toler

Street Address 1240 Bergen Pkwy Suite No. A-250

City Evergreen State Colorado Zip Code 80439

Telephone Numbers: Work 303-679-6960 Cell _____ E-mail Address gtoler@centerpoint-is.com

ATTORNEY

Business Name Linowes and Blocher, LLC

Primary Contact Erin E Girard, ESQ

Street Address 7200 Wisconsin Ave Suite No. 800

City Bethesda State Maryland Zip Code 20814

Telephone Numbers: Work 301-961-5153 Cell _____ E-mail Address egirard@linowes-law.com

ARCHITECT

Business Name Charles J O'Brien III, Architects MD Registration No. _____

Primary Contact Scott Shelton

Street Address 3000 Royal Blvd. South Suite No. _____

City Alpharetta State Georgia Zip Code 30022

Telephone Numbers: Work 770-569-1706 Cell _____ E-mail Address scott.shelton@poharchitects.com

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #1

ENGINEER

Business Name Bohler Engineering MD Registration No. 39999
Primary Contact Matthew K Jones, PE
Street Address 16701 Melford Blvd Suite No. 310
City Bowie State Maryland Zip Code 20715
Telephone Numbers: Work 301-809-4500 Cell _____ E-mail Address mjones@bohlereng.com

PROJECT DESCRIPTION

Proposed Automotive Dealership with uses including fuel, car wash and service, on one parcel and a future commercial development on the adjacent outparcel.

Location Description 16331 Shady Grove Rd, Gaithersburg, MD

Site Plan Number to Amend _____

Re-Zoning Plan Number to Amend _____

USE Change in Use No Change in Use Change Other than to Use (*specify*) Comm. to Comm. (change to Automotive Dealer)

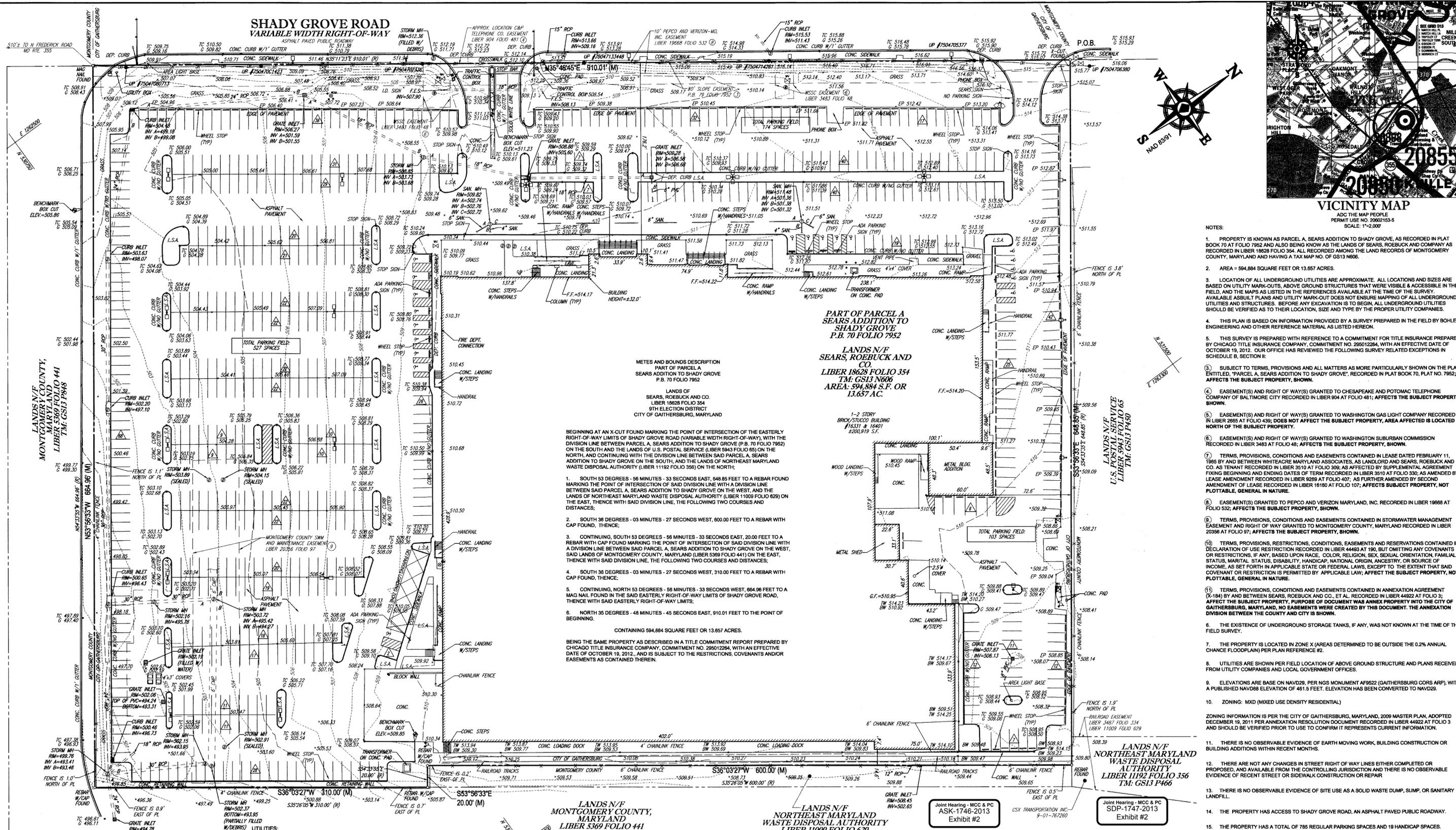
SITE DETAILS

	MINIMUM	MAXIMUM
Site Area Square Feet	456,000 SF	594,884 SF
Site Area Acres	10.00 AC	13.66 AC
Green Area	116,250 SF	148,758 SF
Green Area %	25.00 %	25.00 %
Number of Dwelling Units/Lot	N/A	N/A
Number of Dwelling Units/Acre	N/A	N/A
Height of Tallest Building (ft.)	N/A	10 Stories

SUBMISSION REQUIREMENTS

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Statement of Proposed Change
- Boundary of the Entire Tract
- Legal Metes and Bounds
- Concept Stormwater Management Plan, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF
- Approved NRI and FSD Plans, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF
- Proposed Phasing or Staging Plan of Development, Public Facilities

**SHADY GROVE ROAD
VARIABLE WIDTH RIGHT-OF-WAY**



- VICINITY MAP**
ADC THE MAP PEOPLE
PERMIT USE NO. 20002153-6
SCALE: 1"=200'
- NOTES:**
- PROPERTY IS KNOWN AS PARCEL A, SEARS ADDITION TO SHADY GROVE, AS RECORDED IN PLAT BOOK 70 AT FOLIO 752 AND ALSO BEING KNOWN AS THE LANDS OF SEARS, ROEBUCK AND COMPANY AS RECORDED IN LIBER 19628 FOLIO 354. ALL RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND HAVING A TAX MAP NO. OF GS13 N608.
 - AREA = 594,884 SQUARE FEET OR 13.657 ACRES.
 - LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBESTOS PLANS AND UTILITY MARK-OUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
 - THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY BOHLER ENGINEERING AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
 - THIS SURVEY IS PREPARED WITH REFERENCE TO A COMMITMENT FOR TITLE INSURANCE PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 285012284, WITH AN EFFECTIVE DATE OF OCTOBER 19, 2012. OUR OFFICE HAS REVIEWED THE FOLLOWING SURVEY RELATED EXCEPTIONS IN SCHEDULE B, SECTION II:
 - SUBJECT TO TERMS, PROVISIONS AND ALL MATTERS AS MORE PARTICULARLY SHOWN ON THE PLAN ENTITLED, "PARCEL A, SEARS ADDITION TO SHADY GROVE", RECORDED IN PLAT BOOK 70, FOLIO 752; AFFECTS THE SUBJECT PROPERTY, SHOWN.
 - EASEMENT(S) AND RIGHT OF WAY(S) GRANTED TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF BALTIMORE CITY RECORDED IN LIBER 904 AT FOLIO 481; AFFECTS THE SUBJECT PROPERTY, SHOWN.
 - EASEMENT(S) AND RIGHT OF WAY(S) GRANTED TO WASHINGTON GAS LIGHT COMPANY RECORDED IN LIBER 2855 AT FOLIO 439; DOES NOT AFFECT THE SUBJECT PROPERTY, AREA AFFECTED IS LOCATED NORTH OF THE SUBJECT PROPERTY.
 - EASEMENT(S) AND RIGHT OF WAY(S) GRANTED TO WASHINGTON SUBURBAN COMMISSION RECORDED IN LIBER 3483 AT FOLIO 48; AFFECTS THE SUBJECT PROPERTY, SHOWN.
 - TERMS, PROVISIONS, CONDITIONS AND EASEMENTS CONTAINED IN LEASE DATED FEBRUARY 11, 1986 BY AND BETWEEN WHITEGATE MARYLAND ASSOCIATES, AS LANDLORD AND SEARS, ROEBUCK AND CO. AS TENANT RECORDED IN LIBER 3510 AT FOLIO 330 AT FOLIO 330; AS AMENDED BY LEASE AMENDMENT RECORDED IN LIBER 9269 AT FOLIO 407; AS FURTHER AMENDED BY SECOND AMENDMENT OF LEASE RECORDED IN LIBER 11690 AT FOLIO 107; AFFECTS THE SUBJECT PROPERTY, NOT PLOTTABLE, GENERAL IN NATURE.
 - EASEMENT(S) GRANTED TO PERCO AND VERIZON MARYLAND, INC. RECORDED IN LIBER 19668 AT FOLIO 332; AFFECTS THE SUBJECT PROPERTY, SHOWN.
 - TERMS, PROVISIONS, CONDITIONS AND EASEMENTS CONTAINED IN STORMWATER MANAGEMENT EASEMENT AND RIGHT OF WAY GRANTED TO MONTGOMERY COUNTY, MARYLAND RECORDED IN LIBER 20358 AT FOLIO 97; AFFECTS THE SUBJECT PROPERTY, SHOWN.
 - TERMS, PROVISIONS, RESTRICTIONS, CONDITIONS, EASEMENTS AND RESERVATIONS CONTAINED IN DECLARATION OF USE RESTRICTION RECORDED IN LIBER 4488 AT 190, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW; AFFECT THE SUBJECT PROPERTY, NOT PLOTTABLE, GENERAL IN NATURE.
 - TERMS, PROVISIONS, CONDITIONS AND EASEMENTS CONTAINED IN ANNEXATION AGREEMENT (X-184) BY AND BETWEEN SEARS, ROEBUCK AND CO., ET AL, RECORDED IN LIBER 4492 AT FOLIO 3; AFFECT THE SUBJECT PROPERTY, PURPOSE OF DOCUMENT WAS ANNEX PROPERTY INTO THE CITY OF GATHERSBURG, MARYLAND, NO EASEMENTS WERE CREATED BY THIS DOCUMENT, THE ANNEXATION DIVISION BETWEEN THE COUNTY AND CITY IS SHOWN.
 - THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
 - THE PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER PLAN REFERENCE #2.
 - UTILITIES ARE SHOWN PER FIELD LOCATION OF ABOVE GROUND STRUCTURE AND PLANS RECEIVED FROM UTILITY COMPANIES AND LOCAL GOVERNMENT OFFICES.
 - ELEVATIONS ARE BASE ON NAVD29, PER NGS MONUMENT AF8522 (GATHERSBURG CORN ARP), WITH A PUBLISHED NAVD08 ELEVATION OF 461.5 FEET. ELEVATION HAS BEEN CONVERTED TO NAVD29.
 - ZONING: MXD (MIXED USE DENSITY RESIDENTIAL)
 - ZONING INFORMATION IS PER THE CITY OF GATHERSBURG, MARYLAND, 2008 MASTER PLAN, ADOPTED DECEMBER 19, 2011 PER ANNEXATION RESOLUTION DOCUMENT RECORDED IN LIBER 4492 AT FOLIO 3 AND SHOULD BE VERIFIED PRIOR TO USE TO CONFIRM IT REPRESENTS CURRENT INFORMATION.
 - THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - THERE ARE NOT ANY CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION AND THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.
 - THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP, OR SANITARY LANDFILL.
 - THE PROPERTY HAS ACCESS TO SHADY GROVE ROAD, AN ASPHALT PAVED PUBLIC ROADWAY.
 - THE PROPERTY HAS A TOTAL OF 785 REGULAR PARKING SPACES AND 19 HANDICAP SPACES.

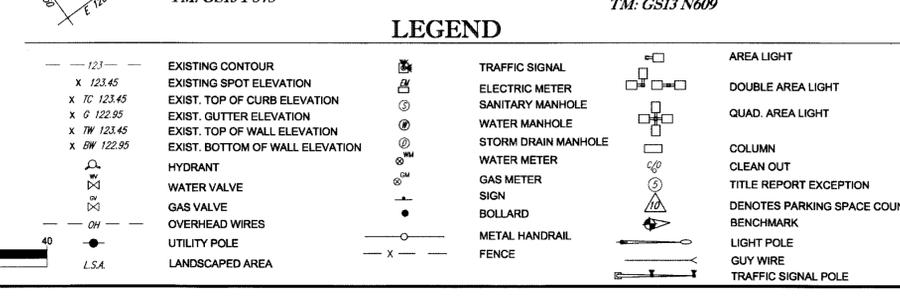
REFERENCES:

- THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION FOR MONTGOMERY COUNTY, MARYLAND, MAP NO. GS13.
- MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS, PANEL 183 OF 480, MAP NUMBER 24031C0193D, EFFECTIVE DATE SEPTEMBER 29, 2009".

UTILITY	COMPANY	REQUESTED	RECEIVED	
WATER	WSSC	O	11-29-12	NOT YET
SEWER	WSSC	O	11-29-12	NOT YET
STORM DRAIN	PERCO	W	11-29-12	NOT YET
ELECTRIC	WASHINGTON GAS	W	11-29-12	12-07-12
TELEPHONE	VERIZON	W	11-29-12	12-07-12
CABLE	MULTIPLE			WILL NOT RELEASE PLANS
FIBER OPTIC				

UTILITY COMPANY

UTILITY COMPANY	PHONE NUMBER
VERIZON - LAMBERT CABLE	(301) 210-0355
ZAYO/STAKE CENTER LOCATIN	(888) 267-1063
WSSC - PINPOINT UG	(301) 868-6803
WASHINGTON GAS-UTILITIES	(301) 210-0355
AT&T TRANSMISSION	(800) 252-1133
COMCAST-UTILITIES	(301) 210-0355
PEPCO/UTILITIES	(301) 210-0355
LEVEL3 COMMUNICATION	(877) 366-8344
MCI	(800) 289-3427



TO CARMAX AUTO SUPERSTORES, INC. AND CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTAGSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 7(A), 7(B)(1), 7(C), 8, 9, 11(A), 13, 15, 16, 17, 18 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 5, 2012.

ROBERT C. HARKINS
MONTGOMERY COUNTY, MARYLAND
12/19/12
DATE

Joint Hearing - MCC & PC ASK-1746-2013 Exhibit #2

Joint Hearing - MCC & PC SDP-1747-2013 Exhibit #2

No.	DESCRIPTION OF REVISION	BY:	DATE
1	REVISED TO SHOW ANNEXATION BOUNDARY	M.J.M.	12-19-12

ALTA/ACSM LAND TITLE SURVEY

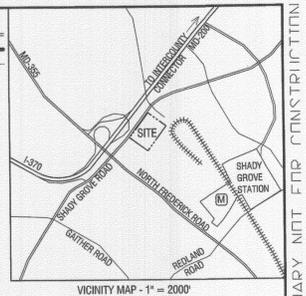
CARMAX
PART OF PARCEL A, SEARS ADDITION TO SHADY GROVE
P.B. 70 FOLIO 752
16331 & 16401 SHADY GROVE ROAD
8TH ELECTION DISTRICT
CITY OF GATHERSBURG, MARYLAND

FILE NO.	DATE	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
SB122083	12-13-12	J.W.	M.J.M.	J.S.	1"=40'	1 OF 1

BOHLER ENGINEERING
2208 DAVIS DRIVE, SUITE 200
STERLING, VIRGINIA 20166
703.902.9500 • 703.902.9501 FAX
www.bohlerengineering.com



- Legend**
- Site Boundary
 - Soils Lines and Text
 - Existing Canopy Edge
 - 15-25% Slopes
 - Slopes 25% and greater
 - Existing Contours
 - Existing Light Pole



Natural Resource Inventory / Forest Stand Delineation Notes:
 This NRI/FSD has been prepared in accordance with the City of Gaithersburg's Environmental Standards for Development.

Tax Map(s): GS13
Lots / Parcels: N606
Property Area: 13.66 Acres +/-
Existing County Zone: Research and Development (R&D)
Property Description:
 The property is currently within Montgomery County, but is requesting annexation into the City of Gaithersburg. The property currently contains several retail stores and associated parking lots. Northeast of the property is a U.S. Postal Service facility, northwest of the property is Shady Grove Road with I-370 beyond, southwest of the property is the access road for the transfer station for the Montgomery County landfill, and beyond that a fallow field with the remains of a gravel parking lot. South of the property is the transfer station, and southeast of the property are abandoned railroad tracks, with the WMATA maintenance facility for the red line of Metro beyond. The Shady Grove Metro station is approximately half a mile (straight line) and one mile (walking distance) from the property.

Boundary and Topography:
 Boundary information and two-foot contour interval information for the site was field run by Rodgers Consulting, Inc. in October, 2011.

Highly Erodible, Unsuitable and Unsafe Soils:
 No highly erodible, unsuitable, or unsafe soils are mapped for the property. The soils on the property, as determined from the Natural Resources Conservation Service (NRCS) Web Soil Survey in October, 2011 are as follows:
 2B - Glenelg silt loam, 3-9% slopes
 5A - Glenville silt loam, 0-3% slopes
 400 - Urban Land
 *The Urban Land mapping unit applies to areas that are covered with impervious surfaces (buildings and parking lots), such as this property. The Urban Land mapping unit is characteristic of the entire property, although a small portion of the property has been mapped as Glenelg or Glenville silt loam.

Streams & Stream Buffers:
 No streams were observed on the property or within the adjacent property width or 100' (whichever is less) of the property. The property is within the Upper Rock Creek watershed, in the Use Class IV portion.

Floodplain:
 FEMA has not mapped any floodplain on or within 100' of the property.

Wetlands:
 No wetlands were observed on the property or in the immediate vicinity.

Forest & Trees:
 There is no forest on the property. Landscape trees exist within the parking islands and along the perimeter of the property, however none are of significant size.

Danger Reach / Dam Break Analysis:
 No dams are noted upstream of the property.

Rare, Threatened, Endangered Species:
 No rare, threatened, or endangered species of plants or animals were observed on the property. An environmental review request was sent to DNR on October 13, 2011.

Existing Wildlife:
 No wildlife was observed on the property during field visits.

Special Protection Areas:
 The property is not within a Special Protection Area.

Cultural Resources:
 No cultural or historic resources were noted in visits to the property, and none are mapped within Montgomery County's published resources for this area - the Approved and Adopted Shady Grove Sector Plan (2006) or the Montgomery County Locational Atlas and Index of Historic Sites.

Noise & Light Pollution:
 The property is surrounded by sources of vehicular activity and the associated noise. Sources include traffic along Shady Grove Road, trucks and heavy equipment at the transfer station, rail stock moving within the WMATA site, and vehicles entering and exiting the post office. There are also vehicles entering and exiting the property due to the retail nature of existing uses. Existing sources of light pollution are largely security derived - lights within the parking lot, at the transfer station, at the Post Office, and along Shady Grove Road.

Significant Views & Vistas:
 There were no significant views observed in site visits to the property.

Other:
 A property visit was conducted by Rodgers Consulting staff on October 18, 2011.

Joint Hearing - MCC & PC
 ASK-1746-2013
 Exhibit #3

Joint Hearing - MCC & PC
 SDP-1747-2013
 Exhibit #3

CITY OF GAITHERSBURG
 311 S. SUMMIT AVE., GAITHERSBURG, MARYLAND 20878
NRI/FSD APPROVAL
 THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF NATURAL RESOURCE INVENTORY/ FOREST STAND DELINEATION
 FOR APPLICATION NO. P1-V12-0001
 DATE 12/11 BY [Signature]



Natural Resource Inventory / Forest Stand Delineation

THE GREAT INDOORS

9TH ELECTION DISTRICT
 GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 50'
 JOB No. 1123A
 DATE: 12/11
 SHEET No. 1 of 1

REVISION	DATE	REVISION	DATE	REVISION	DATE

Applicant/Client Info:
 Rodgers Consulting, Inc.
 19847 Century Blvd
 Suite 200
 Germantown, MD 20874
 Phone: (301) 948-4700
 Contact: Gary Unterberg

**NATURAL RESOURCES INVENTORY/
 FOREST STAND DELINEATION**

RODGERS CONSULTING
 Knowledge • Creativity • Enduring Values
 19847 Century Boulevard
 Suite 200
 Germantown, Maryland 20874
 Ph: 301.948.4700 (Main)
 Ph: 301.253.6609 (Frederick)
 Fax: 301.948.6256
 www.rodgers.com

BY	DATE

RELEASE FOR _____
 BY _____ DATE _____

**Statement in Support of Amendment to the
Approved Sketch Plan in X-184**

I. INTRODUCTION

The property that is the subject of this Sketch Plan Amendment Application (“Amendment”) is 16331 Shady Grove Road, identified as Lot A on Plat No. 7952, further defined as Part of Parcel A due to acquisition by Northeast Maryland Waste Disposal Authority recorded at Liber 11236 at Folio 694 (“Property”). The Property consists of approximately 13.66 acres of land located on the south side of Shady Grove Road, between Maryland Route 355 and Oakmont Avenue. The Property is currently owned by Sears, Roebuck, and Co. (“Owner”) and is under contract to CarMax Auto Superstores, Inc. (“Applicant”).

The Mayor and Council approved the rezoning of the Property from Montgomery County’s (“County”) R&D (Research and Development) Zone to the City of Gaithersburg’s (“City”) MXD (Mixed Use Development) and the accompanying Sketch Plan by Resolution No. R-53-12, adopted on September 20, 2012, in connection with Annexation X-184 (“Annexation”). The approved Sketch Plan reflected the existing improvements on the Property, consisting of an approximately 204,490 square foot retail, office and warehouse building and associated surface parking.

Since the time of the Annexation and approval of the Sketch Plan, the Owner has entered into a contract of sale with the Applicant. The Applicant is now proposing to demolish the existing improvements on the Property and construct a CarMax pre-owned automobile dealership¹, including an approximately 13,000 square foot sales building with an attached approximately 4,500 square foot presentation area, an approximately 6,500 square foot service area, an approximately 1000 square foot non-public carwash, and associated surface parking on 8.82 acres of the Property. The remainder of the Property will be reserved for potential future expansion and/ or creation of a future outparcel. To effectuate the proposed redevelopment, simultaneous with the submission of this Amendment the Applicant is filing a Schematic Development Plan Application (“SDP Application”) and requests simultaneous review and approval of both.

Section 24-160D.10(a) of the City of Gaithersburg’s Zoning Ordinance (“Zoning Ordinance”) requires the following findings for approval of a sketch plan:

- (1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and
- (2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and

**Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #5**

¹ In addition to automobile sales, proposed operations on the Property may also include vehicle service, reconditioning, and painting and non-public wholesale auctions as ancillary uses.

- (3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

With the exception of a requested waiver of the use mix requirements of Section 24-160D.3(b)(2) of the Zoning Ordinance, discussed in more detail below, the Amendment complies with all of the criteria for approval, as detailed herein.

II. PROPERTY DESCRIPTION

The Property consists of approximately 13.66 acres of land and is located on the south side of Shady Grove Road, between Maryland Route 355 and Oakmont Avenue. The Property is zoned MXD and improved with an approximately 204,490 square foot retail, office and warehouse building and associated surface parking (formerly used primarily as The Great Indoors). To the northeast of the Property is a U.S. Post Office in the County's R&D zone. East and south of the property is the Montgomery County Transfer Station. Southwest of the Property is a vacant parcel that includes some wetlands and a stream and is included in the County's I-3 zone. Northwest of the Property are commercial uses zoned C-2 (General Commercial) and residential uses zoned RPT (Medium Density Residential) within the City. North of the Property is the Oakmont Industrial Park, which is in the County's I-1 zone.

The Property is in close proximity to a well-established transportation network including Shady Grove Road, Mid-County Highway, Maryland Route 355, I-370, MD 200 (the InterCounty Connector) and I-270. The Property is served by Ride-On bus service along its Shady Grove Road frontage and is in close proximity to the Shady Grove Metro Station.

III. ANNEXATION

In January of 2012 the Owner applied for the Annexation in furtherance of the City's 2009 Master Plan Land Use Element ("Land Use Element") that specifically recommended annexation of the Property into the City and its placement in the City's MXD Zone. At the time of the Annexation Petition, the existing use on the Property (The Great Indoors) was a grandfathered use in the County's R&D zone, which zone did not permit other general retail uses. As noted in the Annexation Petition and the August 14, 2012 Annexation Agreement, recorded in the Land Records of Montgomery County at Liber 44922, folio 003, the Annexation was intended to permit the continuation of existing and similar uses on the Property, provide the flexibility to adaptively accommodate new users on the Property, and to allow the Property to remain viable and responsive to changing market conditions. As part of the Annexation, the existing building area on the Property (204,490 square feet), as well as a 10 percent expansion of this area, was grandfathered. The Amendment reflects this agreement through notations on the sketch plan and SDP regarding projected future build-out of both portions of the Property.

During the Annexation, compatibility of potential future uses on the Property with the County's Solid Waste Transfer Station was raised as a concern, leading to the Owner's execution on July 24, 2012 of a Declaration of Use Restriction, recorded in the Land Records of Montgomery

County at Liber 44493, folio 190 (“Use Restriction”), that restricts any residential use of the Property for so long as the Transfer Station remains in operation for the benefit of the general public on the land south of the Property. This Use Restriction not only resulted in the County Council’s waiving of any zoning inconsistency, allowing for the immediate placement of the Property in the City’s MXD Zone as part of the Annexation, but also allowed the Annexation to be completed in a timely manner, which was of critical importance given pending actions by the City of Rockville at that time aimed at preventing the Annexation.

IV. PROPOSED AMENDMENT

The Amendment proposes the redevelopment of the Property with a CarMax pre-owned automobile dealership, including an approximately 13,000 square foot sales building with an attached approximately 4,500 square foot presentation area, a 6,500 square foot service area, a 1000 square foot non-public carwash, and associated surface parking on 8.82 acres of the Property. The proposed building location and arrangement of surface parking on the site are as shown on the amended sketch plan. The Amendment proposes two access points from Shady Grove Road. The western entrance will be used for customer, employee and delivery access. The eastern access point will be limited to test drive traffic only. The vehicle display and sales area will be located at the front of the Property, secured by a guardrail and embassy-style security gates, and customer and employee surface parking will be located to the west and south of the proposed sales building and presentation area. Ornamental wrought-iron fencing will be used to separate the customer and employee parking area from the display area. The service building will be located at the southern end of the sales building, and carwash and staging area will be located east of the service building. The staging area and carwash will be surrounded by a combination six foot high masonry wall for screening and security purposes.

As part of the Amendment, the Applicant is also proposing 25% green space, including significant green buffer areas along the perimeter of the Property to enhance screening of surface parking and beautify views into the site.

V. FINDINGS REQUIRED

Pursuant to Section 24-160D.10 of the Zoning Ordinance, a sketch plan may only be approved when the City Council finds that:

(a) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone.

Section 24-160D.1 of the Zoning Ordinance sets forth the objective of the MXD Zone as follows:

It is the objective of this zone to establish procedures and standards for the implementation of master plan land use recommendations for comprehensively planned, multi-use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it

is intended that this zoning category be utilized to implement existing public plans and pertinent city policies in a manner and to a degree more closely compatible with said city plans and policies than may be possible under other zoning categories. The specific purposes of this zone are:

- (a) *To establish standards and procedures through which the land use objectives and guidelines of approved and adopted master plans can serve as the basis for evaluating an individual development proposal, as well as ensuring that development proposed will implement the adopted master plan and other relevant planning and development policies and guidelines for the area considered for MXD zoning.*

As noted above, the Property was recently annexed into the City in conformance with the recommendations of the Land Use Element. Due to existing market conditions, the Property has been vacant for a number of months. The Amendment would revitalize the Property and restore its income-producing status, in furtherance of the City's goals of promoting economic development, diversifying the local economy to allow for a variety of uses, and increasing the City's tax base. The proposed development would also add jobs within the City limits, in furtherance of the City's goal to balance the Jobs to Housing Ratio.

- (b) *To encourage orderly, staged development of large-scale comprehensively planned, multi-use developments by providing procedures for various zoning and plan approvals, including development phasing.*

The Applicant intends to proceed with redevelopment of the subject 8.8 acres of the Property in one phase. While the Amendment does include a potential future development or expansion area, there is currently no timeline for development of that area.

- (c) *To encourage design flexibility and coordination of architectural style building and signage.*

The proposed building includes attractive architecture and materials that will complement the surrounding area. The Amendment also includes attractive and visible signage for the commercial use.

- (d) *To ensure the integration and internal and external compatibility of applicable residential and nonresidential uses by providing a suitable residential environment that is enhanced and complemented by uses such as commercial, recreational, open space, employment and institutional uses and amenities within a multi-use development. A multi-use development is defined as a single parcel or a group of contiguous parcels of land zoned MXD which, among the various parcels comprising that contiguous area, include residential, commercial, recreational, open space, employment and institutional uses and amenities.*

The Property is currently not proposed for mixed-use development and is not contiguous to other MXD property with mixed uses. However, the proposed commercial use will

complement surrounding residential, retail and commercial uses. Additionally, as described above, the Property is located in close proximity to various public transportation options, providing alternative connections to other commercial, employment, and recreational uses.

- (e) *To assure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding that which could be achieved under conventional zoning regulations and procedures.*

The Amendment provides a higher standard of development than that of a conventional zone by using enhanced site design, high quality architectural elements, and significant landscaping. As noted above, the Amendment also provides 25% green space and significant green buffers along the perimeter of the Property.

- (f) *To encourage the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encourage pedestrian and other nonvehicular circulation systems; retaining and providing useable open space and active recreation areas close to employment and residential populations; and providing for the development of comprehensive nonvehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.*

The Amendment efficiently uses the Property by locating a new commercial use and its associated employment opportunities proximate to other commercial, retail and residential uses, at a highly-accessible location. The proposed commercial use is convenient to residents in the surrounding area. Additionally, the Property is accessible by a sidewalk system connecting the site to the surrounding area, allowing for non-vehicular access to the Property. Finally, as noted above, the Property is currently served by Ride-On bus service along its Shady Grove Road frontage and is in close proximity to the Shady Grove Metro Station. Accordingly, the Property's proximity to the various transportation options will reduce reliance upon single-occupancy automobile use and encourage use of the pedestrian system.

- (g) *To provide superior natural environment by the preservation of trees, natural topographic and geologic features, wetlands, watercourses and open spaces.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) has been approved for the Property and identified no wetlands, 100-year floodplains, streams, stream valley buffers, or other environmental features on the Property. The Property currently has very few trees and mainly consists of an unbroken area of surface parking. The Applicant proposes to significantly re-green the Property by introducing 25% green space on the Property, including significant buffers along the perimeter of the Property. In addition, the Applicant will comply with the current State and City stormwater management laws and regulations, which will reduce the impact of water run off, and improve the water

quality coming from the Property. As a result, the environment will be enhanced by this proposed development.

- (h) *To allow development only in a phased or staged fashion to ensure the adequacy of the provision of public facilities and the concurrent implementation of community amenities.*

As discussed above, the Amendment will be developed in one phase. As described in the Statement of Adequate Public Facilities included in the accompanying SDP application, all public facilities are readily available to the Property and sufficient for purposes of the Amendment.

Section 24-160D.2 of the Zoning Ordinance sets forth the minimum location and development requirements of the MXD Zone as follows:

- (a) ***Master plan.** No land shall be classified in the Mixed Use Development Zone unless the land is within an area for which there is an approved and adopted master plan which recommends mixed use development for the land which is the subject of the application, or unless the proposed development otherwise satisfies the purposes and objectives of the MXD Zone. Approval of the MXD Zone for land which is not recommended for this zone in an approved master plan shall require the affirmative vote of four (4) members of the city council.*

As noted above, the Property was identified in the Land Use Element for annexation and rezoning to the MXD Zone, and was subsequently so rezoned by the City pursuant to the Annexation.

- (b) ***Minimum area.** No land shall be classified in the Mixed Use Development Zone unless it contains a minimum of ten (10) acres. Parcels or tracts less than the minimum acreage may be permitted if they are contiguous to an existing MXD zoned area and may be harmoniously integrated into the MXD area, consistent with the objectives and purposes of this zone. Such parcels are not required to contain multiple uses but should contribute to a multi-use development and are subject to the provisions of 24-160D.9(a)(1).*

The Property consists of 13.66 acres and therefore exceeds this minimum requirement.

- (c) ***Location.** Such land shall be located adjacent to and readily accessible from existing or planned highways that are in an approved construction program and are adequate to service the proposed development. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.*

As noted above, the Property is in close proximity to a well established transportation network including Shady Grove Road, Mid-County Highway, Maryland Route 355, I-370, MD 200 (the InterCounty Connector) and I-270. The

Property is served by Ride-On bus service along its Shady Grove Road frontage. Accordingly, adequate access is available to the Property so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems.

- (d) *Public water and sewer. No development shall be permitted unless served by public water and sewer.*

The Property is currently served by all utilities, including public water and sewer.

- (e) *Signage. Signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of this zone and overall character of the surrounding area.*

The Applicant has submitted conceptual sign details as part of the accompanying SDP Application. The proposed sign design is in accord with the purposes of the MXD zone and overall character of the surrounding neighborhood. CarMax does not use flags, balloons, inflatable gorillas (or any other animal), placards in open car hoods, painted window lettering or any similar marketing gimmicks. Rather, CarMax relies on attractive, professionally designed and fabricated signage to welcome customers and associates into its high-end operation.

- (f) *Frontage on public streets. Anything to the contrary notwithstanding in any regulation in this Code, lots in this zone shall not be required to have direct access to a public street provided that such condition will promote the creation of affordable housing, or will be designed in such a way as to foster the purposes and objectives of this zone, provided that satisfactory access to a public street is provided over private rights-of-way.*

The Property has frontage on Shady Grove Road.

Section 24-160D.3 of the Zoning Ordinance establishes the permitted uses in the MXD zone. Section 24-160D.3(b)(2) states that, unless waived by the City Council for good cause shown, the maximum percentage of retail commercial use to be shown on a sketch plan shall not exceed 60% of the total floor area. As shown in the Amendment and accompanying SDP Application, 100% of the floor area proposed for the Property is commercial retail. The Applicant is therefore requesting a waiver of the maximum percentage for good cause. As described above, market conditions have left the Property vacant for months, and the Use Restriction placed on the Property as part of the Annexation prevents any residential development on the Property. Additionally, market conditions are such that office uses are not currently practical on the site. Therefore, to achieve the objectives of the Annexation to keep the Property viable and income-producing and able to adapt to market conditions, the Amendment is proposing the only currently viable use for the Property, which is entirely retail commercial. The Applicant therefore requests that the City Council waive the maximum percentage limitation to allow the redevelopment, and its associated City benefits, described in more detail below, to proceed.

Section 24-160D.5 of the Zoning Ordinance sets forth the compatibility standards of the MXD zone as follows:

- (a) *All uses shall conform to the purposes of the Mixed Use Development Zone and shall be compatible with all uses, existing or proposed, in the vicinity of the area covered by the proposed planned development. In order to assist in accomplishing such compatibility, the following requirements shall apply:*
 - (1) *All right-of-way requirements, setbacks, height limits, open space or buffer areas recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas shall be incorporated into all plans subject to approval under the zone.*

There were no special conditions or requirements for the Property in the Land Use Element or other City Master Plan elements.

- (2) *Where setback, height limits, open space or buffer areas are not recommended in an area master plan or special conditions or requirements stated therein to protect properties adjacent to the MXD zoned areas, the following requirements shall be incorporated into all plans subject to approval under this zone.*
 - a. *No buildings other than single-family detached dwellings shall be constructed within one hundred (100) feet of adjoining property not zoned MXD or in a residential category that is developed with one-family detached homes unless the city planning commission finds that topographical features permit a lesser setback. In all other situations, setbacks from adjoining properties may be less than one hundred (100) feet, with the setback approved by the city planning commission.*

As noted above, none of the adjacent properties are developed with one-family detached homes. Therefore, the provisions of this section are not applicable to the Property.

- b. *No building proposed for commercial/employment/industrial use shall be constructed less than one hundred (100) feet from any adjoining property not zoned MXD recommended for residential zoning and land use on the applicable master plan. The setbacks shall be determined as part of the final site plan approval.*

None of the adjoining properties are recommended for residential zoning and land use. Therefore, this section is not applicable to the Property. The proposed setbacks are shown in the sketch plan and SDP Application and will be determined as part of the final site plan approval.

- c. *No building shall be constructed to a height greater than its distance from any adjoining property not zoned MXD recommended for residential zoning and land use of the applicable master plan, unless the city planning*

commission finds that approval of a waiver of this requirement will not adversely affect adjacent property.

The proposed development is in compliance with this provision.

Section 24-160D.6 of the Zoning Ordinance establishes the minimum green area, landscaping and amenity requirements for the MXD Zone as follows:

(a) The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed use development shall be not less than forty (40) percent of the total area shown for residential use. ... for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment/industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

The Amendment proposes approximately 25 % green area to satisfy this requirement.

(b) All recreation areas, facilities and amenities, and all open space and landscaped areas shall be reflected on the final site plans for approval by the city planning commission.

All facilities and amenities, and all open space and landscaped areas are shown on the amended sketch plan and SDP Application. These items will also be reflected on the final site plan for approval.

(b) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and

As discussed above, the Amendment is in accord with the Land Use Element, which recommends MXD zoning for the Property. There are no special conditions or requirements in the Land Use Element or other Master Plan elements pertaining to the Property. However, the Amendment does comply with a number of the Guiding Strategies of the City's Master Plan (2009 Process and Overview), including limiting development to areas already served by adequate public facilities and diversifying the local economy with a variety of industries, and accomplishes the City's objectives of promoting economic development and increasing the City's tax base.

(c) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.

As reviewed above, the Amendment is compatible and harmonious with the adjacent area. The Amendment will reactivate and revitalize the Property, incorporate significant buffers around the perimeter of the site, and complement surrounding commercial, retail, industrial and residential uses.

VI. CONCLUSION

For the reasons stated above, the Applicant believes the proposed amendment to the approved Sketch Plan continues (1) to meet or accomplish the purposes, objectives, and minimum standards and requirements of the MXD Zone; (2) to be in accord with the Master Plan recommendations for the Property; and (3) to be internally and externally compatible and harmonious with existing and planned land uses in the MXD zone areas and adjacent areas, and therefore respectfully requests its approval.

From: [Girard, Erin E. - EEG](#)
To: [Trudy Schwarz](#)
Subject: CarMax Sketch Plan Amendment and Schematic Development Plan Application
Date: Monday, January 14, 2013 3:22:53 PM
Attachments: [04 Approved X-184 SDP - SP Plan.pdf](#)

Trudy,

Attached for inclusion in the above-referenced applications please find the approved Site and Schematic Development Plan for the subject property, approved as part of Annexation X-184. Please let me know if you would like any hard copies as well. Thank you.

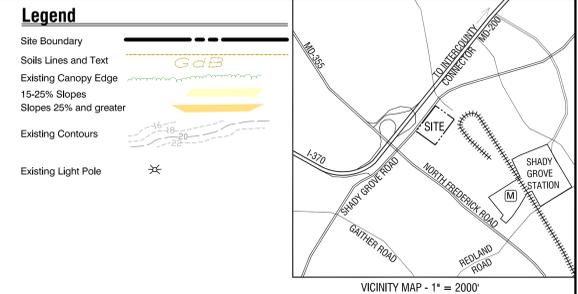
Erin E. Girard, Esq.
Linowes and Blocher LLP
7200 Wisconsin Avenue Suite 800
Bethesda, MD 20814
301.961.5153 (office)
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egirard@linowes-law.com
<http://www.linowes-law.com>

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Internal Revenue Service Circular 230 Disclosure: As provided for in Treasury regulations, advice (if any) relating to federal taxes that is contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any plan or arrangement addressed herein.

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #6

Joint Hearing - MCC & PC
SDP-1747-2013
Exhibit #21



General Notes:
Tax Map(s): GS13
Lots / Parcels: N606
Property Area: 13.66 Acres +/-
Existing County Zone: Research and Development (R&D)
Property Description:
 The property has been annexed into the City of Gaithersburg from Montgomery County. The property currently contains one building housing retail and warehouse uses, and associated parking lots. Northeast of the property is a U.S. Postal Service facility, northwest of the property is Shady Grove Road with I-370 beyond, southwest of the property is the access road for the transfer station for the Montgomery County landfill, and beyond that a fallow field with the remains of a gravel parking lot. South of the property is the transfer station, and southeast of the property are abandoned railroad tracks, with the WMATA maintenance facility for the red line of Metro beyond. The Shady Grove Metro station is approximately half a mile (straight line) and one mile (walking distance) from the property.

Boundary and Topography:
 Boundary information and two-foot contour interval information for the site was field run by Rodgers Consulting, Inc. in October, 2011.

Other Property Information:
 Gross Floor Area: 204,490 sf
 Floor Area Ratio: 0.34
 Green space: 13.4%
 Parking Required:
 Retail: General 5 spaces/1000 sf. 681 spaces
 Warehouse 1.5 spaces/1000 sf. 102 spaces
 Existing Parking: 810 spaces

Provisions of the Annexation Agreement:
 Dated August 14, 2012
 Liber 44922 Folio 3
 2. ZONING. Concurrent with the adoption of the Resolution, the City will, by resolution, classify the Subject Property in the City's MXD Zone (Chapter 24 of the City code, Article III, Division 19, Section 24-160D1, et seq: "MXD Zone").
 3. LAND USE. (a) Sears and the City agree that under the MXD Zone, the existing improvements and uses shown on the Existing Conditions Plan attached hereto and made a part hereof as Exhibit "C" ("Existing Improvements") may be retained on the Subject Property. Additional retail and office components may also be introduced on the Subject Property, as permitted in the MXD Zone. The City agrees to issue all necessary permits for such uses as provided in subsection (b) below.
 (b) Sears and the City agree that no further reviews or approvals, except for those associated with applicable building alteration and use and occupancy permits, shall be required for the continued use of the Existing Improvements for retail, service and office uses, including, but not limited to, forest conservation, stormwater management, and adequate public facilities review and approvals. Sears and the City further agree that no adequate public facilities review, fees, or approvals will be required for any expansion of Existing Improvements up to ten percent (10%) of existing floor area. Sears and the City agree that any forest conservation and/or stormwater management requirements triggered by such expansion of the Existing Improvements, which requirements cannot be waived by the City, will be limited to the actual expansion area and actual limits of disturbance and can be met by means other than on-site reforestation or stormwater management, including, but not limited to, fee-in-lieu or waiver payments and off-site reforestation or stormwater management.
 (c) Sears agrees that any future expansion of Existing Improvements of ten percent (10%) or below the expansion noted in (b) above shall be subject to the procedures and authority of the City Planning Commission to approve an amendment to final site plan for such development.
 (d) Sears and the City agree that any future expansion of the Existing Improvements beyond the ten percent (10%) or redevelopment of the Subject Property shall be pursuant to the provisions of the MXD Zone, presently in effect, or as may be hereinafter amended from time to time. The City acknowledges and agrees that any future development density shall not be reduced as a result of dedications, reservations and/or acquisitions for public use, if any.
 4. MASTER PLAN COMPLIANCE. The City agrees that any revisions to the City's master plans shall be consistent with the terms and conditions of this Agreement and shall make no additional or inconsistent recommendations for a period of ten (10) years following the date of this Agreement.
 5. ADEQUATE PUBLIC FACILITIES. The City has determined that adequate public facilities including transportation, water, sewer, and City services, are available to serve Existing Improvements on the Subject Property.
 6. PERMIT FEES AND PROCESSING. For a period of ten (10) years from the date of this Agreement, the City agrees to waive and not require Sears to pay any required building permit fees otherwise due and payable to the City in the ordinary course of processing building and use and occupancy permits for up to a ten percent (10%) expansion of the floor area of Existing Improvements. The City further agrees that all necessary permits related to such expansion shall be given priority review status by the City without additional fee.
 7. ANNEXATION FEES. The City agrees to waive any and all fees associated with the processing of the Petition and Agreement, otherwise payable to the City in connection to the annexation of the Property.
 8. REBATE OF MUNICIPAL TAXES. For a period of five (5) years from the date of this Agreement, for any fiscal year (July 1 - June 30) during which the Existing Improvements on the Subject Property are more than 50% vacant for greater than 50% of that fiscal year the City agrees to fully rebate municipal taxes payable relative to the Subject Property. The City shall rebate such taxes, via check, within thirty (30) days of their transfer by the County to the City.

CITY OF GAITHERSBURG MAYOR & COUNCIL 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877 SITE PLAN APPROVAL AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON August 6, 2012 APPLICATION NO. X-184 WAS GRANTED FINAL SITE PLAN APPROVAL WITH Zero (0) CONDITIONS. SEE S.D.A. LETTER. DATE Nov. 19, 2012 BY <i>Charles Schwab</i> NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE APPROVED BY THE MAYOR & CITY COUNCIL.	CITY OF GAITHERSBURG MAYOR & COUNCIL 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877 SCHEMATIC DEVELOPMENT PLAN APPROVAL AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON August 6, 2012 APPLICATION NO. X-184 WAS GRANTED SCHEMATIC DEVELOPMENT PLAN APPROVAL BY RESOLUTION R-53-12 WITH ZERO (0) CONDITIONS. DATE Nov. 19, 2012 BY <i>Charles Schwab</i> NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE APPROVED BY THE MAYOR & CITY COUNCIL.
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Joint Hearing - MCC & PC
 ASK-1746-2013
 Exhibit #7

Joint Hearing - MCC & PC
 SDP-1747-2013
 Exhibit #22

REVISION	DATE	REVISION	DATE	REVISION	DATE
Revised to include info requested by Gaithersburg	2/8/12				
Revised for wording changes, new approval stamps	10/5/12				
Revised for City comments	11/15/12				

Applicant/Client Info:
 Sears Holdings
 c/o Dept. 36475 B2-112A
 3333 Beverly Road
 Hoffman, IL 60179-0001
 Contact: James Terrell

EXHIBIT "J" *
EXISTING CONDITIONS MAP
 * This plan is referred to as Exhibit "C" in Annexation Agreement X-184

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 Knowledge • Creativity • Enduring Values

19847 Century Boulevard
 Suite 200
 Germantown, Maryland 20874
 Ph: 301 948 4700 (Main)
 Ph: 301 253 6609 (Frederick)
 Fax: 301 948 6256
 www.rodgers.com

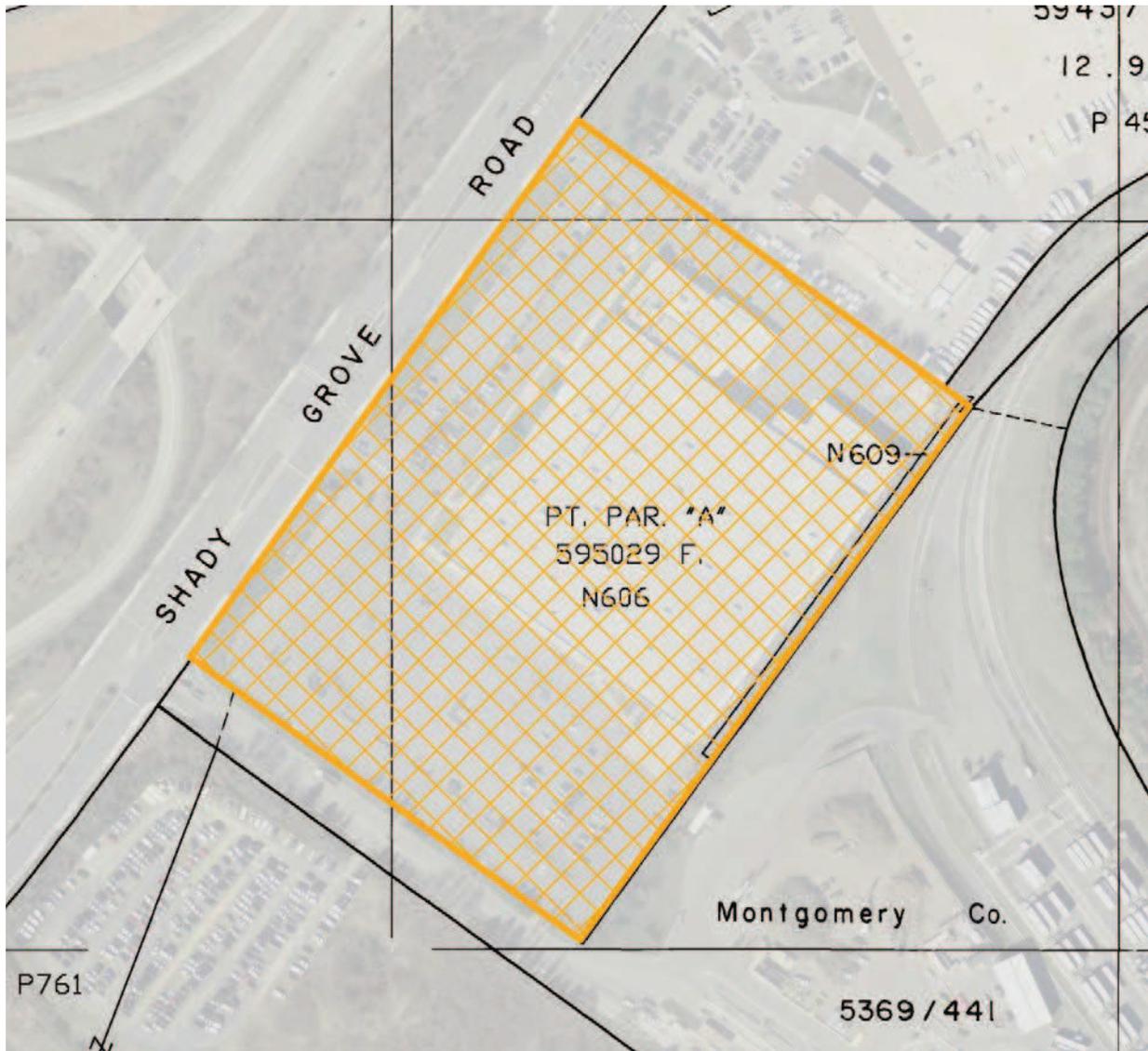
BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

THE GREAT INDOORS

9TH ELECTION DISTRICT
 GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 50'
 JOB No. 1123A
 DATE: 12/11
 SHEET No. 1 of 1

23. The Great Indoors, 2 parcels, 13.8 acres



Tax Map GS13 Parcels N606 and N609

This 13.8-acre area contains a large one-story retail building (The Great Indoors) with a large surface parking lot. This property is within the City's Maximum Expansion Limits, is contiguous with the City's current boundary, and could be annexed without creating an enclave. This property is currently surrounded by a mix of warehouse and industrial uses.

Applicable Strategic Direction: Planning, Economic

Land Use and Zoning Actions:

- Adopt Commercial/Industrial-Research-Office land use designation, if annexed
- Recommend CD or MXD Zoning, or a future zone that facilitates sustainable development standards, if annexed



TRANSMITTAL

DATE Thursday, January 10, 2013

SUBJECT: CarMax - 16331 Shady Grove Road

TO: Ollie Mumpower, Department of Public Works

FILE NUMBER(S) ASK-1746-2013 and SDP-1747-2013

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- Attached to this transmittal
- Under separate cover
- Via special messenger
- Per your request

QUANTITY	DESCRIPTION
2	Amend to Sketch Plan and Schematic Development Plan
1 each	Applications for Amend to Sketch Plan and Schematic Development Plan
2	Traffic Study and (1) Waiver request
2	Conceptual Utility Plan
2	Conceptual Storm Drain & Paving Plan and ALTA Survey

ACTION REQUESTED:

- For your approval
- For your review and comment
- For your information
- For your use and record
- Returned for corrections
- Submit _____ additional copies
- Submit _____ additional copies

**Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #9**

REMARKS:

This will be discussed at the January 17, 2013 DRT. Please send comments to me about the Traffic Study and update Energov and put comments in the Files.

SIGNED Trudy Schwarz

If enclosures are not as noted, kindly notify us at once



TRANSMITTAL

DATE Thursday, January 10, 2013

SUBJECT: CarMax - 16331 Shady Grove Road

TO: Adam Newhart, Department of Public Works

FILE NUMBER(S) ASK-1746-2013 and SDP-1747-2013

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- Attached to this transmittal
- Under separate cover
- Via special messenger
- Per your request

QUANTITY	DESCRIPTION
1	Concept Landscape Plan
1	Preliminary Forest Conservation Plan

ACTION REQUESTED:

- For your approval
- For your review and comment
- For your information
- For your use and record
- Returned for corrections
- Submit _____ additional copies
- Submit _____ additional copies

REMARKS:

This will be discussed at the January 17, 2013 DRT. Please send comments to update Energov .

SIGNED Trudy Schwarz

If enclosures are not as noted, kindly notify us at once



TRANSMITTAL

DATE Thursday, January 10, 2013

SUBJECT: CarMax - 16331 Shady Grove Road

TO: Don Boswell, Department of Public Works

FILE NUMBER(S) ASK-1746-2013 and SEC-1745-2013

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- Attached to this transmittal
- Under separate cover
- Via special messenger
- Per your request

QUANTITY	DESCRIPTION
1	Amend to Sketch Plan and Schematic Development Plan
1	SEC-1745-2013 Application & Plans
2	Concept SWM Plan (SWM-1681-2012)

ACTION REQUESTED:

- For your approval
- For your review and comment
- For your information
- For your use and record
- Returned for corrections
- Submit _____ additional copies
- Submit _____ additional copies

REMARKS:

This will be discussed at the January 17, 2013 DRT. Please send comments to update Energov .

SIGNED Trudy Schwarz

If enclosures are not as noted, kindly notify us at once

TRANSMITTAL

DATE Thursday, January 10, 2013

SUBJECT: CarMax - 16331 Shady Grove Road

TO: Rob Robinson - PC&A - Environmental Services

FILE NUMBER(S) ASK-1746-2013 and SDP-1747-2013

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- Attached to this transmittal
- Under separate cover
- Via special messenger
- Per your request

QUANTITY	DESCRIPTION
1	Concept Landscape Plan
1	Preliminary Forest Conservation Plan

ACTION REQUESTED:

- For your approval
- For your review and comment
- For your information
- For your use and record
- Returned for corrections
- Submit _____ additional copies
- Submit _____ additional copies

REMARKS:

This will be discussed at the January 17, 2013 DRT. Please bring comments.

SIGNED Trudy Schwarz

If enclosures are not as noted, kindly notify us at once

From: Trudy Schwarz
To: [Cliff Lee](#); [Ivan Humberson](#); [Greg Ryberg](#); [Wes Burnette](#)
Subject: CarMax - 16331 Shady Grove Road - ASK-1746- 2013 and SDP-1747-2013
Date: Saturday, January 12, 2013 1:43:00 PM
Attachments: [Sketch Plan- Schematic Development Plan SDP-1747-2013.pdf](#)

Attached is the Sketch Plan for CarMax (Sears/Great Indoors) Plan. I was hoping to get a better version of SDP by yesterday (Friday) but it will now be coming Monday. This will be discussed at the Thursday, January 17, 2013. Development Review Team Meeting at 9 AM, Please put it on your calendar if it isn't already.

Energov comments would be appreciated, too (that is after I get you better plans!!)

Trudy

From: Trudy Schwarz
To: Greg.leck@montgomerycountymd.gov
Subject: Gaithersburg Site Plan - January 17, 2013 Development Review - ASK-1767 & SDP-1767-2013 CarMax - 16331 Shady Grove Road
Date: Saturday, January 12, 2013 11:36:00 AM
Attachments: [Sketch Plan- Schematic Development Plan SDP-1747-2013.pdf](#)

Greg,

Attached is a copy of the Sketch Plan (ASK-1746-2013) for CarMax proposed at 16331 Shady Grove Road (former Sear/Great Indoors). A Gaithersburg sketch plan is very conceptual plan.

In separate e-mail on Monday, I will send you the Schematic Development plan (SDP-1767-2013) for only the CarMax Auto Sales site. If it is too large I will provide you with a link to the City's FTP site to obtain a copy.

I will also be sending you a separate e-mail with a copy of the traffic study for just the CarMax Auto Sales facility.

Please call me if you have any questions or if you would like to meet to discuss this plan. These plans will be under review at the City's DRT meeting on January 17, 2012. I would appreciate receiving any review comments by January 25, 2013. Thanks

Best regards and Happy New Year to you!
Trudy

Trudy M. Walton Schwarz, CFM
Community Planning Director
Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877
Phone: 301-258-6330
Fax: 301-258-6336
City Web Site: www.gaithersburgmd.gov

Get weekly e-mail updates of upcoming City meetings and events by registering for myGaithersburg at www.gaithersburgmd.gov/mygaithersburg

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council

From: JCoutourier@bohlereng.com
To: Trudy.Schwarz
Subject: CarMax Gaithersburg
Date: Tuesday, January 22, 2013 7:57:38 AM

Good Morning Trudy,

This is an e-mail to notify you that the Notice of Public Hearing Signs for Applications ASK-1746-2013 and SDP-1747 were posted by me on January 15, 2013 at 16331 Shady Grove Road.

Sincerely,

James Coutourier



Bohler Engineering

16701 Melford Blvd, Suite 310
Bowie, MD 20715

Serving the East Coast

Office: 301-809-4500

Email: jcoutourier@bohlereng.com
www.BohlerEngineering.com

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Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #10

Joint Hearing - MCC & PC
SDP-1747-2013
Exhibit #25



January 25, 2013

Mark Johnson, Legal Advertising Manager
The Gazette Newspaper
2-A North Market Street
Frederick, Maryland 21701

Dear Mr. Johnson:

Please publish the following legal advertisement in the **January 30, and February 6, 2013**, issues of the Gaithersburg Gazette.

Sincerely,

Trudy Schwarz, Community Planning Director
Planning & Code Administration

ASSIGN CODE: **ASK-1746-2013**

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Amendment to Sketch Plan **ASK-1746-2013**, filed by CarMax Auto Superstores, on

**TUESDAY
FEBRUARY 19, 2013
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This is an application to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, in accordance with § 24-198 of the City Code. The plan proposes 25,000 square foot Automotive Sales Center and a 225,000 square foot Office/Commercial Building. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Trudy Schwarz, Community Planning Director
Planning and Code Administration

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #11

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
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Ryan Spiegel

CITY MANAGER
Tony Tomasello



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **AMENDMENT TO SKETCH PLAN**
File Number: **ASK-1746-2013**
Location: **16331 SHADY GROVE ROAD**
Applicant: **CARMAX AUTO SUPERSTORES, INC**
Development: **MIXED USE DEVELOPMENT/OFFICE**
Day/ Date/Time: **TUESDAY, FEBRUARY 19, 2013 AT 7:30 PM**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT *****

This is an application to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, in accordance with § 24-198 of the City Code. The plan proposes 25,000 square foot Automotive Sales Center and a 225,000 square foot Office/Commercial Building. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland. This is an opportunity to publicly participate, other than providing written testimony which must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330, if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

View Mayor and City Council and Planning Commission meetings live on Gaithersburg Television, Comcast Channel 13, RCN Channel 13, and Verizon FiOS Channel 25 within the City limits and County wide on Comcast Channel 190. Please check the City's website at www.gaithersburgmd.gov/tv to watch live or click on archived meetings. Meetings are rebroadcast for two weeks on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By: *Trudy Schwarz*
Trudy Schwarz, Community Planning Director
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #12

LOCATION MAP



Notice - Joint Public Hearing: ASK-1746-2013, 2/19/2013

Posted 1/29/2013

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **AMENDMENT TO SKETCH PLAN**
File Number: **ASK-1746-2013**
Location: **16331 SHADY GROVE ROAD**
Applicant: **CARMAX AUTO SUPERSTORES, INC**
Proposal: **MIXED USE DEVELOPMENT/OFFICE**
Day/ Date/Time: **TUESDAY, FEBRUARY 19, 2013 AT 7:30 P.M.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL, 31 SOUTH SUMMIT AVENUE**

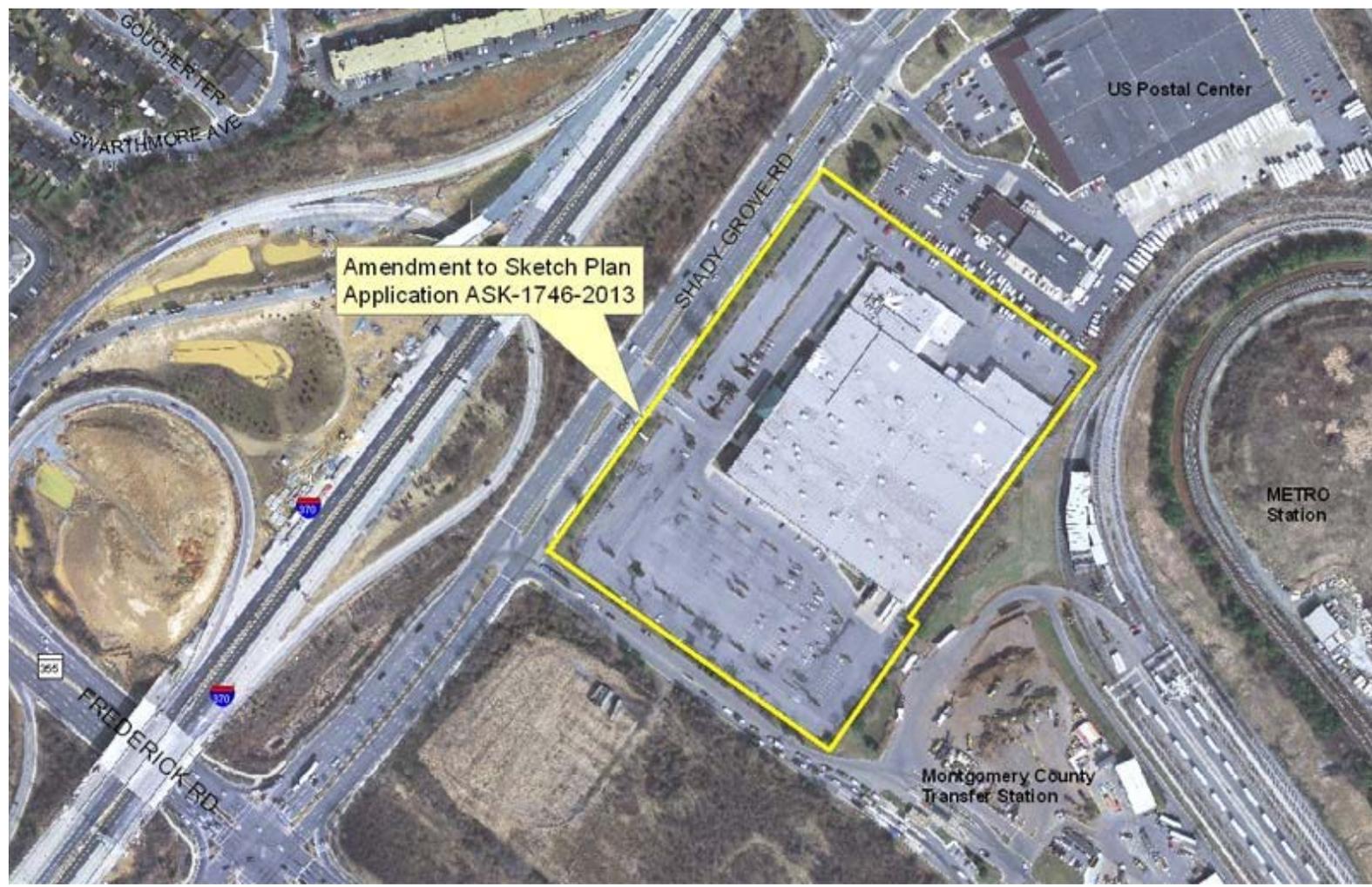
IMPORTANT

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CITY OF GAITHERSBURG
Trudy Schwarz, Community Planning Director
Planning and Code Administration

LOCATION MAP

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #13



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**NOTICE OF JOINT PUBLIC HEARING
CITY COUNCIL AND PLANNING COMMISSION
TUESDAY, FEBRUARY 19, 2013 at 7:30 PM
City Hall Council Chambers
31 S. Summit Avenue, Gaithersburg MD 20877**

You are receiving this postcard to inform you of a proposal for change within 200 feet of your property or you have expressed an interest in the subject plan(s).

APPLICATION TYPE:	AMENDMENT TO SKETCH PLAN
FILE NUMBER:	ASK-1746-2013
LOCATION:	16331 SHADY GROVE ROAD
PROPOSAL:	Amend Sketch Plan to allow 25,000 sq. ft. Auto Sales Center & a 225,000 sq. ft. Office/Commercial Building in the MXD (Mixed Use Density) Zone

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #14

For additional information, you may review the project file at the Planning and Code Administration offices located at City Hall, 31 S. Summit Avenue, Gaithersburg Maryland between the hours of 8:00 am and 5:00 pm Monday through Friday. You may also refer to the City web site at www.gaithersburgmd.gov or contact us via telephone at 301-258-6330.



Gaithersburg

City of Gaithersburg
31 S. Summit Avenue
Gaithersburg MD 20877

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SEARS ROEBUCK & CO	SEARS ROEBUCK & CO	C/O DEPT 36475 B2-112A	3333 BEVERLY RD	HOFFMAN ESTATES IL	60179
NORTHEAST MD WASTE DISP AUTH	NORTHEAST MD WASTE DISP AUTH % BAKER & M	36 S CHARLES ST		BALTIMORE MD	21201
MONTGOMERY COUNTY	MONTGOMERY COUNTY	EOB 101 MONROE ST		ROCKVILLE MD	20850
WASHINGTON METRO AREA TRAN	WASH METRO AREA AUTHORITY OFF OF REAL EST	600 FIFTH ST NW		WASHINGTON DC	20001
CASEY BETTY B TR	CASEY BETTY B TR	16803 CRABBS BRANCH WAY		ROCKVILLE MD	20855
CARMAX AUTO SUPERSTORES, INC	CARMAX c/o JM DIXON	12800 TUCKAHOE CREEK PKWY		RICHMOND VA	23238
SEARS ROEBUCK & CO	SEARS ROEBUCK & CO c/o DAN WISK	3333 BEVERLY RD SUITE A2-262B		HOFFMAN ESTATES IL	60179
GREG TOLER	CENTERPOINT INTERGRATED SOLUTIONS	1240 BERGEN PKWY		EVERGREEN CO	80439
ERIN GIRARD	LINOWES & BLOCHER LLC	7200 WISCONSIN AVE		BETHESDA MD	20814
SCOTT SHELTON	CHARLES J O'BRIEN III ARCHITECTS	3000 ROYAL BLVD S		ALPHARETTA GA	30022
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Andrea Liacouras	President	105 Twelve Oaks Court		Gaithersburg MD	20877
April Day	Community Association Services, Inc.	18401 Woodfield Road, Suite H		Gaithersburg MD	20879
Brian Weiblinger	President	147 Apple Blossom Way		Gaithersburg MD	20878
Bruce Blumberg	Abaris Realty, Inc.	12009 Nebel Street		Rockville MD	20852
Carla Johnson	Bennington	29 Goodport Lane		Gaithersburg Maryland	20878
Carrie Mathis	Quantum	5101 River Road, Suite 101		Rockville Maryland	20816
Cheryl Berger	Association Bookkeeping Service, Inc.	849-F Quince Orchard Boulevard		Gaithersburg MD	20878
Chris Froehlich	Community Mngmnt. Corp.	11300 Rockville Pike #907		Rockville MD	20852
Claude Lumpkins	Vista Management	1131 University Blvd West Suite 101		Silver Spring MD	20902
Craig Chung	The Management Group	20440 Century Boulevard, Suite 100		Germantown Maryland	20874
Dale Roan	Main Street Property Management, Inc.	9 Park Avenue		Gaithersburg MD	20877
David Sapoznick	Summit Management Services, Inc. AAMC	3833 Farragut Avenue		Kensington MD	20895
David Studley	President	716 Beacon Hill Terrace		Gaithersburg MD	20878
Elaine Ziemke	The Management Group	20440 Century Boulevard, Suite 100		Germantown Maryland	20874
Eric Cooper	Property Management People	955-A Russell Avenue		Gaithersburg Maryland	20879
Frances Winter	President	2 Glazebrook Court		Gaithersburg MD	20878
Glenn Loveland	Abaris Realty, Inc.	12009 Nebel Street		Rockville MD	20852
Guisela Deering	The Simmons Management Group, Inc.	8911 60th Avenue, 2nd Floor		College Park MD	20740
Hank Jacob	Allied Realty	7605 Arlington Road		Bethesda MD	20814
Ibrahim Dukuly	Lighthouse Property Management, LTD	P.O. Box 5379		Takoma Park MD	20913
Jackie Shaw	Vice President	5 Antioch Road		Gaithersburg MD	20878
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Jesse James	Allied Realty	7605 Arlington Road		Bethesda MD	20814
Jessica Cummings	IKO Real Estate, Inc.	3416 Olandwood Court, Suite 210		Olney MD	20832
JoAnn Schimke	President	734 Tiffany Court		Gaithersburg MD	20878
Jon May	President	8940 Edgewood Drive		Gaithersburg Maryland	20877
Katrina Barrett	ComSource Management, Inc.	3414 Morningwood Drive		Olney MD	20832
Kevin Kapp	Vista Management	1131 University Blvd West Suite 101		Silver Spring MD	20902
Kim Lee	Villa Ridge Condominum Association	414 Girard Street		Gaithersburg MD	20877
Lisa Franklin	PROCAM	14904 New Hampshire Avenue		Silver Spring Maryland	20905
Lori Cohen	Armstrong Management Services	3949 Pender Drive #205		Fairfax Virginia	22030
Matt Snyder	ComSource Management, Inc.	3414 Morningwood Drive		Olney MD	20832
Mayea Henderson	Community Management Corporation	11300 Rockville Pike #907		Rockville MD	20852
Michael Eckloff	ComSource Management, Inc.	3414 Morningwood Drive		Olney Maryland	20832
Michael LaPrade	ComSource Management, Inc.	3414 Morningwood Drive		Olney MD	20832
Michele Kennedy	ComSource Management, Inc.	3414 Morningwood Drive		Olney MD	20832
Mike Potter	M.T.M Management Associates	26223 Ridge Road		Damascus MD	20872
Nancy Goglio	President	905 Wild Forest Drive		Gaithersburg Maryland	20879
Patty Floyd	Paul Associates, Inc.	6935 Wisconsin Avenue Suite 400		Chevy Chase MD	20815
Peggy Toland	Community Association, Inc.	15742 Crabbs Branch Way		Derwood MD	20855

Peyton Harris	Capital Management	12011 Lee Jackson Highway #350	Fairfax	VA	22033
Ralph Caudle	IKO Real Estate, Inc.	3416 Olandwood Court, Suite 210	Olney	MD	20832
Randy Fox	Kentlands Citizen Assembly, Inc.	485 Tschiffely Square Road	Gaithersburg	Maryland	20878
Richard Skobel	Main Street Property Management, Inc.	9 Park Avenue	Gaithersburg	MD	20877
Robert Fogel	Abaris Realty, Inc.	12009 Nebel Street	Rockville	MD	20852
Ruchita Patel	The Management Group	20440 Century Boulevard, Suite 100	Germantown	Maryland	20874
Sandra Ewing	Vanguard Management Associates	PO Box 39	Germantown	MD	20875
Shireen Ambush	Abaris Realty, Inc.	12009 Nebel Street	Rockville	MD	20852
Steve Leskowitz	The Management Group	20440 Century Boulevard, Suite 100	Germantown	Maryland	20874
Tom Armstrong	President	108 Longdraft Road	Gaithersburg	Maryland	20878

Gun control marchers gather in D.C. 'to bring sanity back'

■ Event draws thousands from across country, some from Newtown, Conn.

BY LINDSAY A. POWERS
STAFF WRITER

Bundled against the bitter cold, Anne Noel held up a sign with 26 names.

Dec. 14, her daughter's seventh birthday, was the day of the shooting at Sandy Hook Elementary School in Newtown, Conn., which brought the Silver Spring mom to tears as she spoke of it.

"I just can't bear that all these kids died," she said.

Noel was one of about 6,000 people from around the country who gathered Saturday for the March on Washington for Gun Control, which included Montgomery County residents among both the marchers and the organizers.

Noel, who has been interested in gun control since the shooting at Virginia Tech in 2007, said she has written letters to Maryland senators and representatives and felt strongly enough about the issue to brave the chill.

"I wish that there were more people here, and I know that it's cold, but it seems so important that we need to make a lot of noise, so that Congress will listen," Noel said.

A member of the event's steering committee, D.W. Gregory, of Glenmont, said the recent shooting in Newtown moved her to take action, a reaction she thinks was shared around the country.

Marches like the one Saturday in D.C. and around the country are necessary for "ham-

mering the message home" to legislators who are also hearing from National Rifle Association lobbyists, Gregory said.

Montgomery County residents took their place among the marchers who also included residents of Newtown, Conn. The event was founded by two Washington-area individuals. The co-sponsors included One Million Moms for Gun Control.

Marchers held signs reading "Down with the NRA and insane gun carnage" and "The Right to Live Precedes the Right to Guns" as they walked the route starting at the Capitol Reflecting Pool and following Pennsylvania and Constitution avenues.

Recalling friends he lost to gun violence as a child in Chicago, U.S. Secretary of Education Arne Duncan said gun control is a personal issue for him, one that requires the contributions of many to create a climate where children feel safe.

"This is about gun responsibility. This is about gun safety," Duncan said. "This is about fewer dead Americans, fewer dead children, fewer children living in fear."

Colin Goddard, a survivor of the Virginia Tech shootings who was shot four times, said changes in gun control are "badly needed."

"I'm not here today because of what happened to me," Goddard said. "I'm here today because I kept seeing what happened to me happen to so many other people, and nothing being done about it."

Looking at the crowd, U.S. Rep. Chris Van Hollen, a Democrat, said he saw a group "gathered to say to the United States Congress that the price of inaction is too high, that the death



Nancy Gardiner, of Trumbull, Conn., (left) takes part in the March on Washington for Gun Control Jan. 26. Gardiner said she attended the march with families of Newtown, Conn., where 26 people were killed in a shooting at Sandy Hook Elementary School.

toll across America is unacceptable."

"We've had enough tragedies, enough senseless violence and enough ... pretending that there's nothing we can do about it," he said.

Molly Smith, one of the march's co-founders, urged participants to continue their work for gun control after the event, echoing a sentiment many speakers expressed.

"This is just part of the process, this march," Smith said.

"Each one of us is going to have to do something every day in terms of gun control."

Smith said the march was organized in about a month by people she described as "a whole group of bipartisan citizen activists."

"This is an act of citizenship. We're joined together to focus on common-sense legislation around gun control," Smith said.

Such legislative goals were outlined in the event's mission, including the reinstatement of the assault-weapon ban, a ban for high-capacity ammunition magazines and universal background checks, according to the event website.

Simone Lavine, of Rockville, who said she supports President Obama's recent gun-control initiative, held one of the signs handed out at the event that bore the name of a gun-violence victim.

"I'm here because I think that guns are a horrible, terrible, evil thing," she said.

"This is an issue that I've always felt strongly about and I'm just glad that more people are paying attention to it now," she added.

Janet Cromer, of Bethesda, attended the march with about a dozen fellow members of Cedar Lane Unitarian Universalist Church in Bethesda. She said

she supported "common-sense changes" to gun-control laws, including a ban on large ammunition clips and a federal registry of gun owners.

Cromer, a nurse for 40 years, said she has seen the effects of gun violence in the hospital and the mental-health system.

It is important, she said, "to talk back to the NRA (National Rifle Association) with their enormous, immense power and funding and to start a groundswell of activity to stand back and show that people really do care about the millions of people killed by guns every year."

lpowers@gazette.net

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and the Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Amendment to Sketch Plan ASK-1746-2013, filed by CarMax Auto Superstores, on

TUESDAY
FEBRUARY 19, 2013
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

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Trudy Schwarz, Community Planning Director
Planning and Code Administration

863938

Gun-shop owner: Lawmakers acting out of fear

■ Montgomery state senator wants gun owners to buy insurance

BY LILLY CHAPA
SPECIAL TO THE GAZETTE

Andrew Raymond pondered Gov. Martin O'Malley's proposed gun legislation and said lawmakers are acting out of fear.

He owns Engage Armament, a firearms store in Rockville that sells primarily assault-style weapons and accessories.

"You get something like what happened in Connecticut and it's so emotional and horrific that people can't let go of it," Raymond said. "But gun violence with assault weapons in

Maryland is exceptionally rare, so why do they need to be regulated here?"

O'Malley (D) has proposed banning assault weapons, limiting the size of the clips that hold bullets and increasing requirements for licenses.

Sen. Jamie Raskin said he enthusiastically supports O'Malley's proposal but is planning on submitting bills of his own.

"The massacres we've seen in Newtown or Virginia Tech or Aurora demonstrate that our gun laws are weak to the point of being dangerous," Raskin said. "My basic point is the First Amendment doesn't give you the right to yell fire in a crowded theater, so the Second Amendment doesn't give you the right

to open fire in a crowded theater."

Raskin (D-Dist. 20) of Takoma Park said he wants gun licensees to carry gun insurance.

"The NRA offers insurance to all its members, because accidents happen. Guns are so dangerous that everybody should be insured," he said.

According to Maryland statistics, the numbers of homicides and violent crimes in 2010 were the lowest ever reported. However, Raskin said the increased measures are necessary to combat straw purchases, people who buy guns for someone who is prohibited by law from doing so.

"The heart of the proposal is the licensing of guns and that's proven to be a very effective technique to prevent straw purchases," Raskin said. "These straw purchases are a major threat to the integrity of gun regulations, and gun licensing has proven to be an effective deterrent to people purchasing guns on behalf of illegal purchasers."

Raymond, who has been running Engage Armament in Montgomery County for more than 30 years, said the passage of the proposal would mean certain death for his company.

"I'll lose everything I've worked for and built," Raymond said. "Everything, all our success, will be taken away if [the bill] is passed."

O'Malley's proposal would require all Maryland handgun owners to pay a \$100 fee to register their firearms, undergo background checks and have their fingerprints taken. All accessories and the maximum capacity would be limited to 10. The

proposal would also increase information sharing among state officials and mental health professionals.

Raymond said the increased licensing requirements won't stop criminals from getting guns, especially since Virginia, which has some of the country's most relaxed gun laws, is so nearby.

"People are going to kill each other no matter what," Raymond said. "So do we hold the innocent responsible for the acts of the guilty because of what some psycho did? I've done nothing wrong but will lose everything I have. How is that fair? How is that just?"

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Joint Hearing - MCC & PC ASK-1746-2013 Exhibit #15

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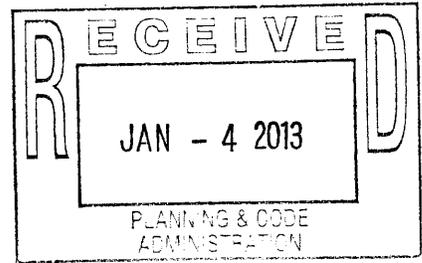
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Copy of Ad Attached

Ad Order Number

1863938

Publication Date(s)

1/30/13

2/6/13

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THURSDAY

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Trudy Schwarz, Community Planning Director
Planning and Code Administration

Gazette Legal Advertising

Notary Public

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My Commission Expires
August 26, 2013

1863938

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #16



GOUCHER TER
SWARTHMORE AVE

US Postal Center

Amendment to Sketch Plan
Application ASK-1746-2013

SHADY GROVE RD

METRO
Station

355

370

370

FREDERICK RD

Montgomery County
Transfer Station

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #17



Amendment to Sketch Plan
Application ASK-1746-2013

US Postal Center

METRO
Station

Montgomery County
Transfer Station

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #18

Distributed to M&CC:2/4/13
CARMAX

From: [Sidney Katz](#)
To: [Smondrowski, Kenneth](#)
Cc: [Thomas Loneragan](#); [Mayor and Council](#); [Cindy Hines](#); [Doris Stokes](#); [Lynn Board](#); [Monica Sanchez](#); [Sidney Katz](#); [Tony Tomasello](#)
Subject: RE: CarMax
Date: Tuesday, January 29, 2013 3:43:48 PM

Ken,
Thank you for your kind words!!
Sidney

From: Smondrowski, Kenneth [mailto:ksmondrowski@mack-cali.com]
Sent: Tuesday, January 29, 2013 3:16 PM
To: Sidney Katz
Subject: CarMax

Sydney:

I am very happy to offer congratulations to you and the city council for their efforts and work on annexing the Great Indoors site into the city and now gaining a great business in CarMax.

Nice work, please extend my thoughts to the council, as this seems to be habit forming lately and your hard work to create such a business friendly environment is commendable.

Hope to see you soon.

Thanks.

Kenneth J. Smondrowski
Leasing Director
Mack-Cali Realty Corporation
6305 Ivy Lane, Suite 710
Greenbelt, MD 20770
DL: 301.474.3326
Fax: 301.474.3666
Cell: 301.512.6600
www.mack-cali.com
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Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #19

Joint Hearing - MCC & PC
SDP-1747-2013
Exhibit #35

MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Trudy Schwarz, Community Planning Director

DATE: February 4, 2013

SUBJECT: Preliminary Background Report:
ASK-1746-2013 and SDP-1747-2013
Car Max
Sketch Plan Amendment and Schematic Development Plan
16331 Shady Grove Road

APPLICANT

CarMax Auto Superstores, Inc.
12800 Tuckahoe Creek Parkway
Richmond, Virginia 23238

OWNER

Sears, Roebuck & Company
3333 Beverly Road A2-262B
Hoffman Estates, Illinois 60179

TAX MAP REFERENCE:

Tax Sheet: FS 563 and GS 123
Tax Parcel ID Number: N606

TAX ACCOUNT NUMBERS:

Pt of Parcel A – ID #09-00768845

REQUEST

CarMax Auto Superstores, Inc. (CarMax) has submitted Amendment to Sketch Plan Application ASK-1746-2013 and Schematic Development Plan (SDP) Application SDP-1747-2013. Application ASK-1746-2013 proposes to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, for the development of a 25,000 square foot Automotive Sales Center and a 225,000-square foot Office/Commercial Building. Application SDP-1747-2013 proposes a 25,000-square foot Automobile Sales Center on 9.83 acres (of the 13.66-acre parcel) of land located in the MXD (Mixed Use Development) Zone. The Property, formerly known as the Sears Warehouse and Great Indoors, is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland.

Joint Hearing - MCC & PC
ASK-1746-2013
Exhibit #20

Joint Hearing - MCC & PC
SDP-1747-2013
Exhibit #36



Amendment to Sketch Plan ASK-1746-2013
Schematic Development Plan SDP-1747-2013

LOCATION

The property is located off Shady Grove Road, south of its intersection with Oakmont Avenue and north of the intersection of North Frederick Avenue (MD Route 355) and Shady Grove Road. The property is addressed 16331 Shady Grove Road. The property includes one parcel and consists of 13.66 acres of land.

REQUIRED ACTIONS

Amendment to the Sketch Plan

Section 24-160D.10(a) states that the City Council may approve a sketch plan when they find the following:

- (1) *The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and*
- (2) *The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and*
- (3) *The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.*

Therefore, the applicants have the burden of proof of showing that this application complies with the purpose and intent of the MXD Zone. In addition, they must show that the accompanying sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

Schematic Development Plan Application SDP-12-001

Section 24-160D.10(b) outlines the findings for approval of the schematic development plan (SDP), as follows:

- (1) *The plan is substantially in accord with the approved sketch plan; and*
- (2) *The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone, and other requirements of the City Code; and*
- (3) *The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
- (4) *The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and*
- (5) *That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
- (6) *That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
- (7) *That the plan, if approved, would be in the public interest.*

The applicant has the burden of proof of showing that this application complies with the schematic development plan findings of the MXD Zone.

EXISTING LAND PHYSICAL CHARACTERISTICS AND NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION:

A natural resource inventory/forest stand delineation (NRI/FSD) was submitted and approved as part of the X-184 Annexation Application (Exhibit #03, ASK-1746-2013/SDP-1747-2013). A copy is included in both the Sketch Plan Amendment and the SDP Exhibit Files. This somewhat rectangular site currently contains several retail stores and associated parking lots. The topography of this relatively flat site ranges from a high point of 512 feet above sea level at the northern portion of the site, near the entrance of the store, to 500 feet above sea level at the southern corner of the property by the Truck entrance to the County Landfill Transfer Station. There are no steep slopes on the site.

The Natural Resources Conservation Service (NRCS) Web Soil Survey indicates three soil types present on the site: Glenelg Silt Loam, Glenville Silt Loam, and Urban Land. None of these soils are highly erodible, unsuitable or unsafe soils. The majority of the

property is Urban Land designation, which applies to areas that are covered with impervious surfaces (buildings and parking lots).

There is no forest on the property. Landscape trees exist in parking islands and along the perimeter of the property. None of these trees are of significant size. There are no streams observed on the Sears property and FEMA has not mapped any floodplain on or within 100 feet of the property. Additionally, there are neither wetlands on the property nor any dams upstream of the property. The property is within the Upper Rock Creek watershed, in the Use Class IV portion.

There have been no rare, threatened, or endangered species observed, identified or known to occur on or near the site. While the property does receive noise pollution from vehicles on Shady Grove Road and I-370, the trucks and heavy equipment at the transfer station, rail stock moving within the WMATA site and vehicles from the Shady Grove Distribution Center/post office, a noise study was not required as a component of the Natural Resource Inventory. Existing light pollution sources are mostly security derived. The pollution comes from lights within the parking lot, the transfer station, the post office distribution center and along Shady Grove Road.

There are no cultural or historic resources on the site and none mapped in the Adopted Shady Grove Sector Plan of 2006 or the Montgomery County Location Atlas and Index of Historic Sites. There were no significant views on this property.

ZONING AND SITE PLAN HISTORY:

Annexation:

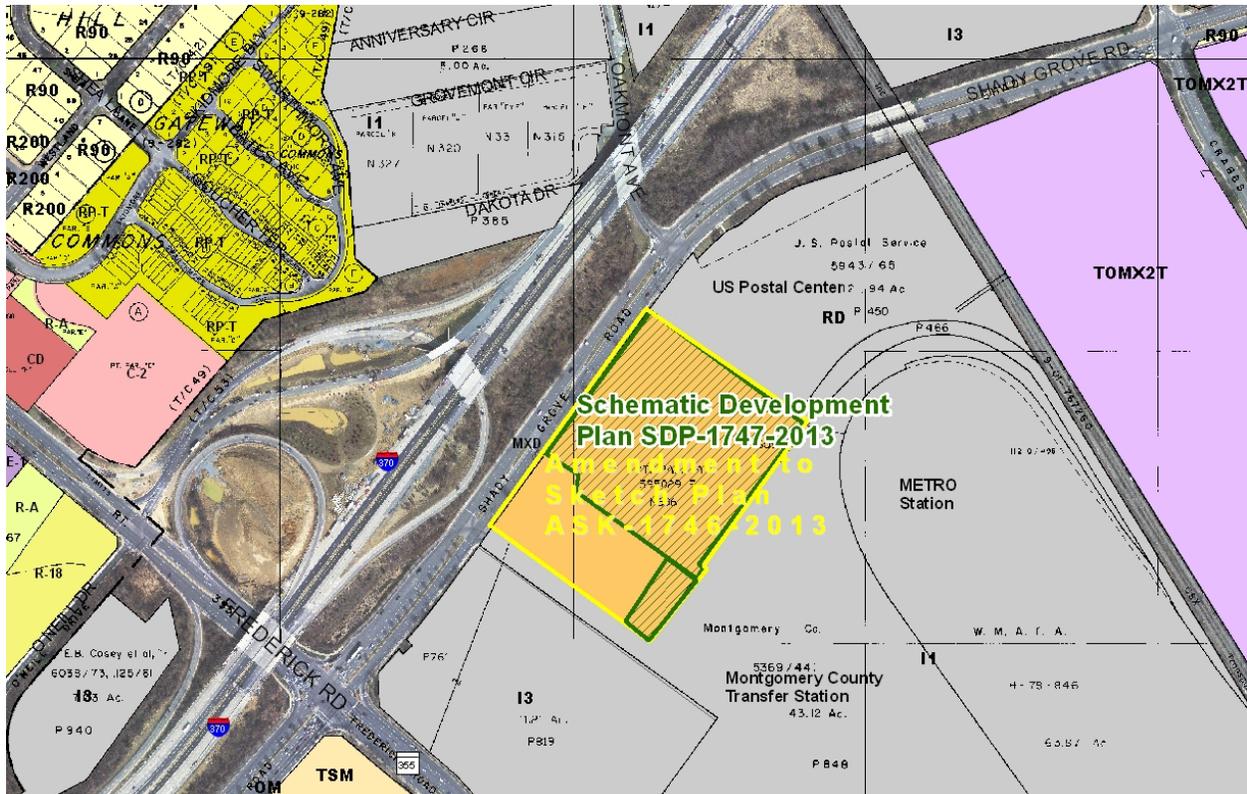
The Mayor and City Council annexed this property as owned by Sears Roebuck & Company as part of Annexation Petition X-184 by Resolution R-53-12, which became effective in September 20, 2012. At the time of the annexation approval, the City Council also established MXD (Mixed Use Development) zoning and retail and warehouse use for the property.

NEIGHBORHOOD LAND USE AND ZONING:

Northeast of the property is the U.S. Postal Distribution Center and Post Office at Shady Grove, which is zoned R&D in Montgomery County. North of the CSX Railroad right of way is the County Service Park, which is zoned Transit Oriented, Mixed Use Zones (TOMX-2). The TOMX-2 Zone surrounds the WMATA property (Shady Grove METRO Station) and the County's Transfer Station, which are zoned I-1. Southeast of the property is the truck entry road to the Transfer Station, which is also zoned I-1. South of the access road is the Casey Property, which is vacant and does include existing wetland and a stream. This property is zoned I-3 and is in the County jurisdiction.

West of the property is the rights of way of both Shady Grove Road and Interstate I-370. The areas further west include the Hyatt House hotel, which is zoned C-2 (General Commercial), and the Gateway Commons subdivision, which is zoned RPT (Medium Density Residential). Gateway Commons includes a mix of unit types including townhouses, back-to-back townhouse units and detached single-family units.

Northwest, across Shady Grove Road and I-370 is the Oakmont Industrial Park, which is zoned I-1 in the County. This includes a mix of retail, warehouse and industrial businesses.



Surrounding Zoning

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The site maintains W-1 and S-1 categories (areas served by community systems which are either existing or under construction). Service does exist and, therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247. Further, the 2003 *Municipal Growth Element* and the 2009 *Water Resources Element* both affirmed that there is sufficient water and sewer supply capacity for growth area developments.

Fire and Emergency Services

The City's APFO requires that any development project be served by at least two (2) fire stations with a ten (10) minute response time. The Sears property is within the ten (10) minute response areas of Montgomery County Department of Fire and Rescue Services Stations 3, 8 and 28.

Schools

The proposed use of Automobile Sales and Services and Office/Commercial/Restaurant Building will not generate any students. Therefore, the schools test for adequate facilities is not required.

Traffic Impacts

The applicant has submitted a Traffic Study Application (Exhibit #6, SDP-1747-2013). Engineering Services Director Ollie Mumpower has reviewed the APF transportation statement, dated December 13, 2012, and has determined that less traffic will be generated by this site that was generated by the previous commercial site at this location and, as such, a formal TIS is not required, Exhibit #24, SDP-1747-2013. The Applicant and staff will be working with Montgomery County Department of Transportation concerning requirements proposed in their review of the plan, Exhibit #29, SDP-1747-2013.

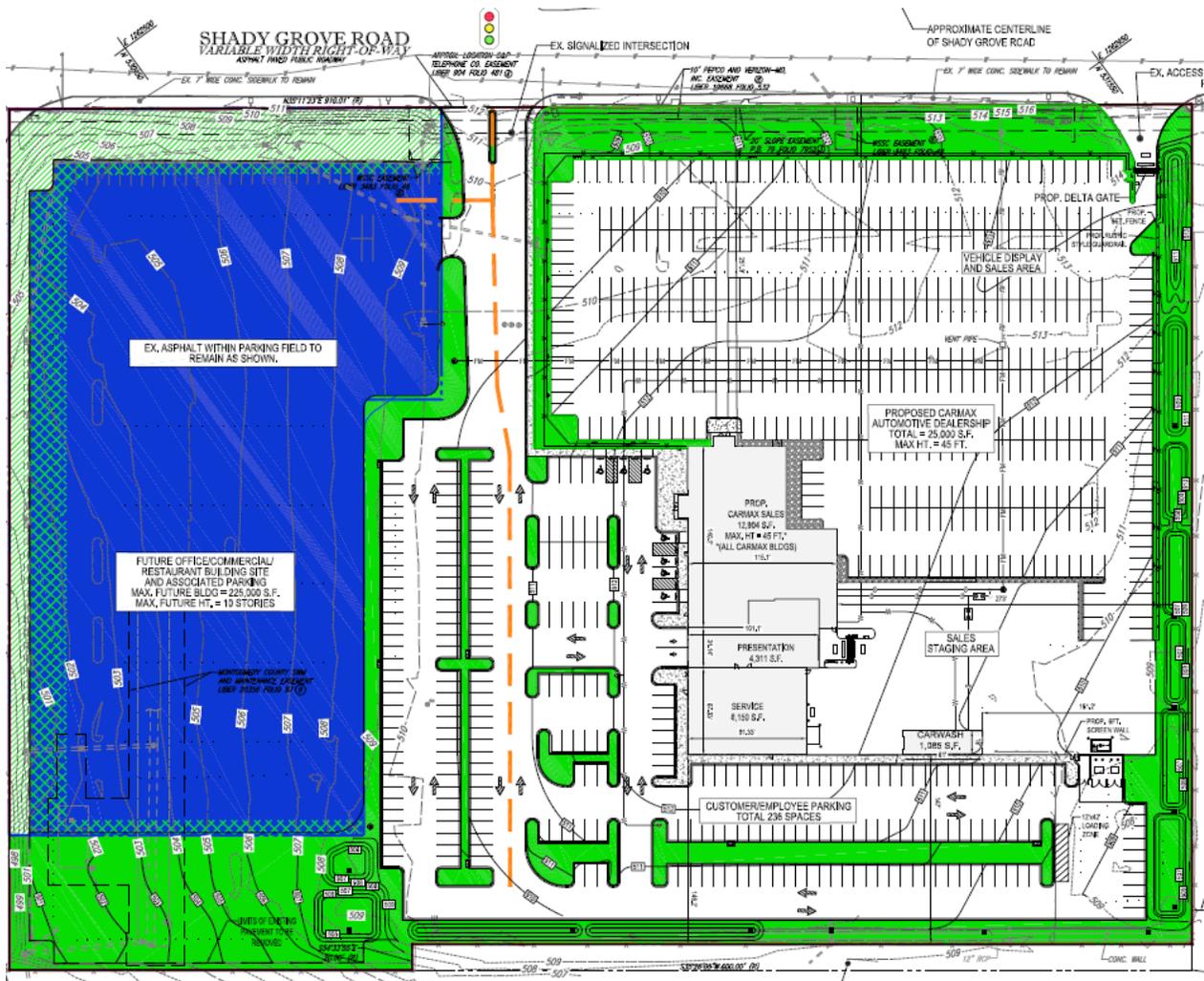
Transportation

The site is serviced by Montgomery County Ride On Bus Routes #43 and 61 on Shady Grove Road and is within a quarter of a mile to Routes #55, 59 and 67 on North Frederick Avenue (MD Route 355). Shady Grove Road is a six-lane major arterial roadway maintained by Montgomery County. There is a shared use (pedestrian & bike) path on the west side of Shady Grove and a sidewalk on the east side of the road. The property is within a one-mile walk to the Shady Grove METRO station.

The applicant has submitted a statement concerning compliance with the Adequate Public Facilities requirements of the City Code. The statement is Exhibit #5, SDP-1747-2013.

AMENDMENT TO SKETCH PLAN ASK-1746-2013 PROPOSAL

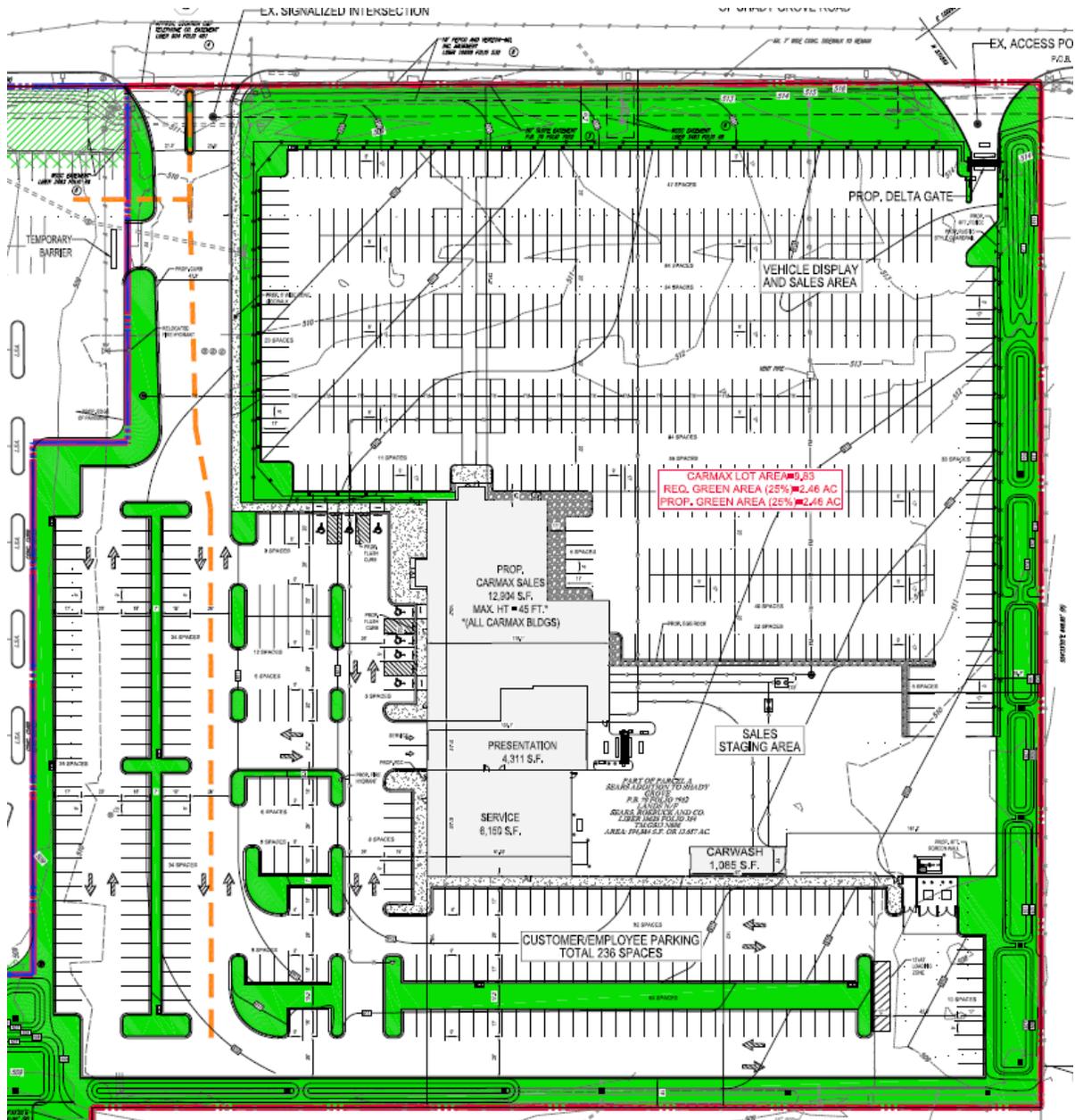
The Amendment to Sketch Plan proposes two use types for the 13.66-acre property. These are proposed to be developed in two phases. The first use type is a proposed Automotive Sales and Services for a CarMax Superstore (automobile dealership) to consist of a maximum of 25,000 square feet, with a maximum height limit of 45 feet, with associated parking and storage of automobiles. The second use would be a future office/commercial/restaurant building site with associated parking. The sketch plan amendment proposes to allow a maximum of 225,000-square foot building at a maximum height of ten (10) stories to be built as part of a future second phase. (This second phase would require a separate Schematic Development Plan.)



Sketch Plan ASK-1746-2013, Exhibit #4,

SCHEMATIC DEVELOPMENT PLAN SDP-1747-2013 PROPOSAL

The Schematic Development Plan (SDP) for CarMax includes the 9.83-acre property which is the first phase of the overall development of the proposed Amendment to the Sketch Plan, ASK-1746-2013. The SDP plan proposes a 25,000-square foot automobile sales and service center. There will be a sales center, a service area and a carwash. There will also be an outdoor sales staging area. This area will be separated by a masonry wall.



Schematic Development Plan SDP-1747-2013, Exhibit #4

Parking

The vehicle display area has parking for 490 cars. The applicant is requesting a waiver to reduce the size of the drive aisle from 26 feet in width to 20 feet in width. This waiver is only in the vehicle display area where vehicles are only driven by employees. The plan also includes 236 customer and employee parking spaces, this area complies with required drive aisle widths and parking stall sizes of the City Code. Below is the Parking Chart from the SDP (Exhibit # 4, SDP-1747-2013).

<u>PARKING ANALYSIS</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
AUTOMOBILE/OTHER MOTOR VEHICLE SALES (BASED ON 12,904 S.F. AND 75 EMPLOYEES):	1 SPACE PER 600 S.F. + 1 SPACE PER EMPLOYEE = 97 SPACES	134 SPACES *
AUTOMOBILE/OTHER MOTOR VEHICLE REPAIR AND SERVICE STATIONS (BASED ON 26 BAYS AND 50 EMPLOYEES):	2 SPACES PER BAY + 1 SPACE PER EMPLOYEE = 102 SPACES	102 SPACES *
ADA PARKING SPACES	7 SPACES	7 SPACES

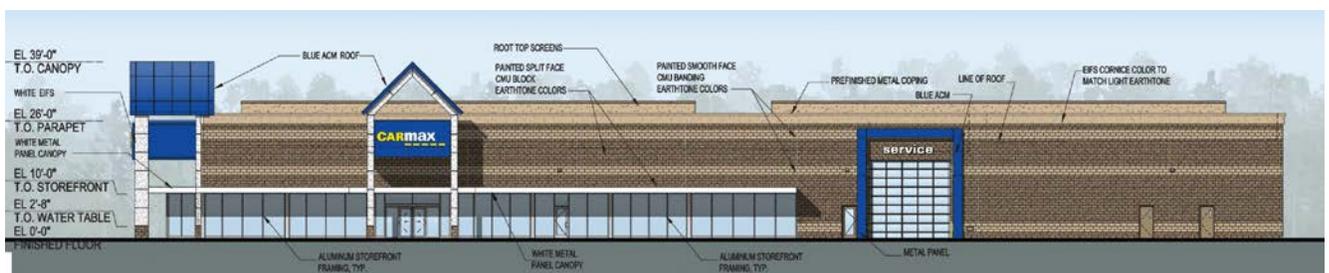
*490 PARKING SPACES PROVIDED IN THE VEHICLE DISPLAY AND SALES AREA.

Architecture

Snap shots of proposed architecture are shown below. The materials consist of painted split face and smooth face concrete masonry unit (CMU) block, aluminum store front glass, and metal panels. The architect has submitted a letter summarizing the architecture, Exhibit #9, SDP-1747-2013. The architectural plans and renderings are shown in Exhibits #10 - #12, SDP-1747-2013.



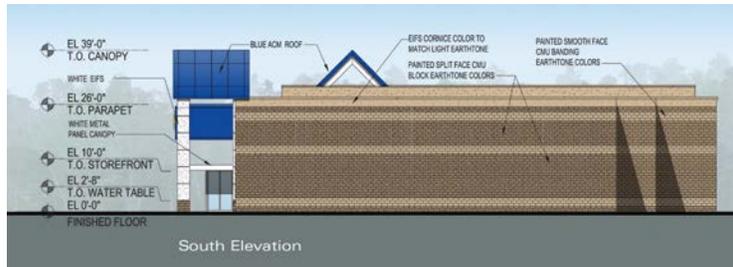
North Elevation facing Shady Grove Road



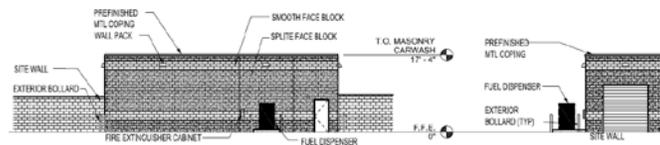
West Elevation facing the Customer Parking and the Transfer Station Access Road



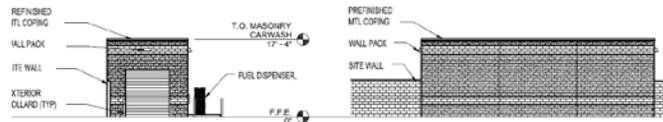
East Elevation facing the Post Office Facility



South Elevation facing the Transfer Station



CARWASH – NORTH & WEST



CARWASH – EAST & SOUTH

Carwash Elevations

Signage

The applicant has submitted a preliminary sign package for the project, which is Exhibit #17 of SDP-1747-2013. Below is the proposed main entry sign which will be located at the entry access to the property at the existing traffic signal:



SUMMARY:

The applicant has submitted for consideration Amendment to Sketch Plan ASK-1746 and Schematic Development Plan Application SDP-1767-2013. These are complete applications as defined by § 24-160D.9.(a) and (b) and § 24-198, Application for Amendment to Sketch Plan and Schematic Development Plan Approval of the City Code. A consolidated joint public hearing with the Mayor and City Council and the Planning Commission has been scheduled for February 19, 2013.