



Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

Effective: May 1, 2012

8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550
 Fax 301.495.1306

MANDATORY REFERRAL APPLICATION

File Number	MR _____	MR Type (check One)
Date Application Received	_____	_____ 1 – Comprehensive
Application Completed by	_____	_____ 2 – Administrative
		_____ 3 – Consent

An application will not be accepted for review unless all required information and fees are provided. If an item requires more space, attach a separate sheet.

Project Name (Subdivision): Ourisman Honda Acres 1.59 (sf / 43,560)

200 scale Base Map # 209NW5 Tax Map # HN22 Special Protection Area Not within SPA

Property Tax Account Number(s) associated with the plan (8 digits)

A. 07-02595161 B. _____ C. _____ D. _____ E. _____
 F. _____ G. _____ H. _____ I. _____ J. _____

Location: (Complete either A or B)

A. On Bethesda Avenue, 70 +/- feet W of Woodmont Avenue
Street Name (N,S,E,W etc.) Nearest Intersecting Street

B. _____ quadrant, intersection of _____ and _____
(N,S,E,W etc.) Street Name Street Name

Subdivision Information: (Complete either C, if located within a recorded subdivision, or D)

C. Lot 13 Block F Subdivision Miller's Addition to Bethesda

D. Parcel _____ Liber 7221 Folio 346; Parcel _____ Liber _____ Folio _____; Parcel _____ Liber _____ Folio _____

Description of Project: Improvements to the Capital Crescent Trail within the Georgetown Branch Montgomery County right-of-way.
Improvements consist of addition of a plaza area, trail adjustment and striping, walkway addition, architectural screening and landscaping improvements.

Applicant (Agency/Department Head or Agency/Department Representative)

Montgomery County Department of Transportation	Chris Conklin
<i>Submitting Agency or Department</i>	<i>Contact Person</i>
101 Monroe Street, 9th Floor	
<i>Street Address</i>	
Rockville	MD
City	State
240-777-7170	20850
Telephone Number	Zip Code
ext. Fax Number	christopher.conklin@montgomerycountymd.gov
	E-mail

Engineer/Plan Preparer

TRINI RODRIGUEZ - PARKER RODRIGUEZ INC
Name Contact Person
 101 NORTH UNION STREET, SUITE 320
Street Address
 ALEXANDRIA VA 22314
City State Zip Code
 703.548.5010 Ext 112 trodriguez@parkerrodriguez.com
Telephone Number ext. Fax Number E-mail

Other Contact Person (if applicable)

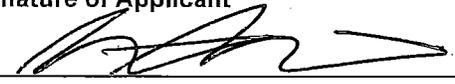
Name Contact Person

Street Address

City State Zip Code

Telephone Number ext. Fax Number E-mail

Signature of Applicant



Signature

6/16/2017

Date

CHRISTOPHER R. CONKLIN

Name (Type or Print)

The project site is a portion of the Georgetown Branch right-of-way which is owned by Montgomery County (the "Georgetown Branch") and located adjacent to the existing Ourisman Honda dealership ("Ourisman") at 4800 Bethesda Avenue, Bethesda, Maryland ("Site"). The Site includes a portion of the Capital Crescent Trail ("Trail"), pathways and certain landscaping and furnishings.

The Georgetown Branch includes a 6.5 mile portion of the railroad corridor that extends from the District of Columbia border into Montgomery County towards Silver Spring. Montgomery County acquired the 6.5 mile portion of the Georgetown Branch from the Metropolitan Southern Railroad Company, Washington and Western Maryland Railroad Company and CSX Transportation (successor by Articles of Merger to the Chesapeake and Ohio Railway Company and the Baltimore and Ohio Railroad Company) (collectively, the "Railroads"). The Railroads transfer to the County was done with the permission of the Interstate Commerce Commission¹ in a Certificate of Interim Trail Use issued under the Federal National Trails System Act, 16 U.S.C. §1247(d).

Historically, trains used this area until the mid-1980's. Following the County's acquisition of the Georgetown Branch line, a portion of the Site was converted to trail use. The Maryland - National Capital Park and Planning Commission, Department of Parks ("Parks") maintains the trail.

The Site is bounded to the east by the recently completed Lot 31 mixed use development (the Lot 31 development landscaping and furnishings encroach into a portion of the County's Georgetown Branch right-of-way) and to the west by Ourisman Honda. The County and Ourisman share a 20' common access easement ("Common Easement") at their respective property boundaries with 10' of the easement being on the County side and 10' being on the Ourisman side. See, Attachment 1. The surrounding land use for this area is predominantly mixed use with commercial office/retail and residential as the site leads directly to the heart of the Bethesda Central Business District and Bethesda Row. At the Georgetown Branch intersection with Bethesda Avenue, 3 of the 4 corners have seen retail and mixed use development. See, Attachment 2.

Ourisman undertook certain improvements to its operation at 4800 Bethesda Avenue which included interior renovations, certain accessibility improvements, and a 3-level addition to its parking structure to consolidate its inventory from remote locations in downtown Bethesda to its property at 4800 Bethesda Avenue (the "Ourisman Work").² Following commencement of construction of the Ourisman garage, the Department of Permitting Services, in response to a complaint, investigated the Site and related information and found that the 3-levels of the garage addition extended across the Common Easement. The Department issued Ourisman a stop work order prohibiting further construction of the garage and a directive to remove the encroachment. Ourisman stopped its construction of the garage addition and has appealed the issuance of the

¹ The Interstate Commerce Commission has since the date of approval been replaced by the Surface Transportation Board as the federal agency with authority over regulation of railroad lines, their rights-of-way, operations, rates, transfers, etc.

² Ourisman advises that the parking garage is not for use by customers.

stop work order to the Board of Appeals. In its appeal to the Board of Appeals, while acknowledging the existence of County easements, Ourisman took the position that the County "retains all reasonable use of the easements, and there is no encroachment in the right-of-way." While the appeal is pending, Ourisman removed walls that were affixed to the exterior of the garage addition. In an effort to settle the respective positions and avoid protracted and expensive legal proceedings, Ourisman has made certain proffers to the County. Provided that the County determines to allow the Ourisman Garage addition to remain and to occupy a volume of air space above the Common Easement with the existing column supports, Ourisman has proffered certain improvements.

In an effort to address existing conditions, improve Site conditions, and settle pending litigation, Ourisman has made a proffer of certain improvements, including modifications to the County's Georgetown Branch right-of-way as shown on Attachment 3 and described generally as follows:

1. Reduction of vehicular, bicycle and pedestrian conflicts at Bethesda Avenue access to Trail. Ourisman will relocate the Ourisman Honda access driveway westerly on Bethesda Avenue, away from the Capital Crescent Trail to reduce conflicts between vehicles, pedestrians, and bikers. This relocated driveway will also lessen conflicts with other vehicles on Bethesda Avenue and, with relocation of a portion of the Common Easement wholly onto Ourisman property, will permit the development of a public plaza.
2. Relocation of portion of Common Easement to Create Plaza Area. Ourisman will relocate a segment of the Common Easement for the term of a Franchise Agreement entirely onto its property to make way for the plaza described below. This will encumber approximately 1,838 sf of Ourisman property.
3. Provide a Public Plaza to the west of the Bethesda Ave. Trail entrance. Ourisman will construct an approximately 2,236 square feet Plaza for public use adjoining the Capital Crescent Trail. The Plaza will be landscaped and furnished in accordance with plans submitted with this Application. To accommodate the Plaza, Ourisman has offered to relocate a segment of the Common Easement wholly onto its own property for the duration of a proposed Franchise Agreement as described in item 2. Additionally, Ourisman offered an additional approximately 793 square feet of its own land to include in the Plaza. The Plaza will connect users of the Trail and businesses in to the west and will enable pedestrians to gather safely, away from much of the bicycle traffic on the Trail. The Plaza will include public seating, interpretive signage and landscaping.
4. Trail Improvements. To address concerns that have been raised, some of which existed prior to the Ourisman Work, Ourisman has hired engineers and a landscape architect to design certain Trail improvements and landscaping relative to a need for trail shoulders for pedestrian refuge, improvements and markings to reduce conflicts between pedestrians and bicyclists, modifications to existing furnishings that creates potential hazards and conflicts, and to generally improve the appearance and functioning of the Trail and the Site. These proposed improvements, which are intended generally to

provide safer utilization of the Trail for pedestrians and bikers, are as shown on the plans submitted with this Application and include:

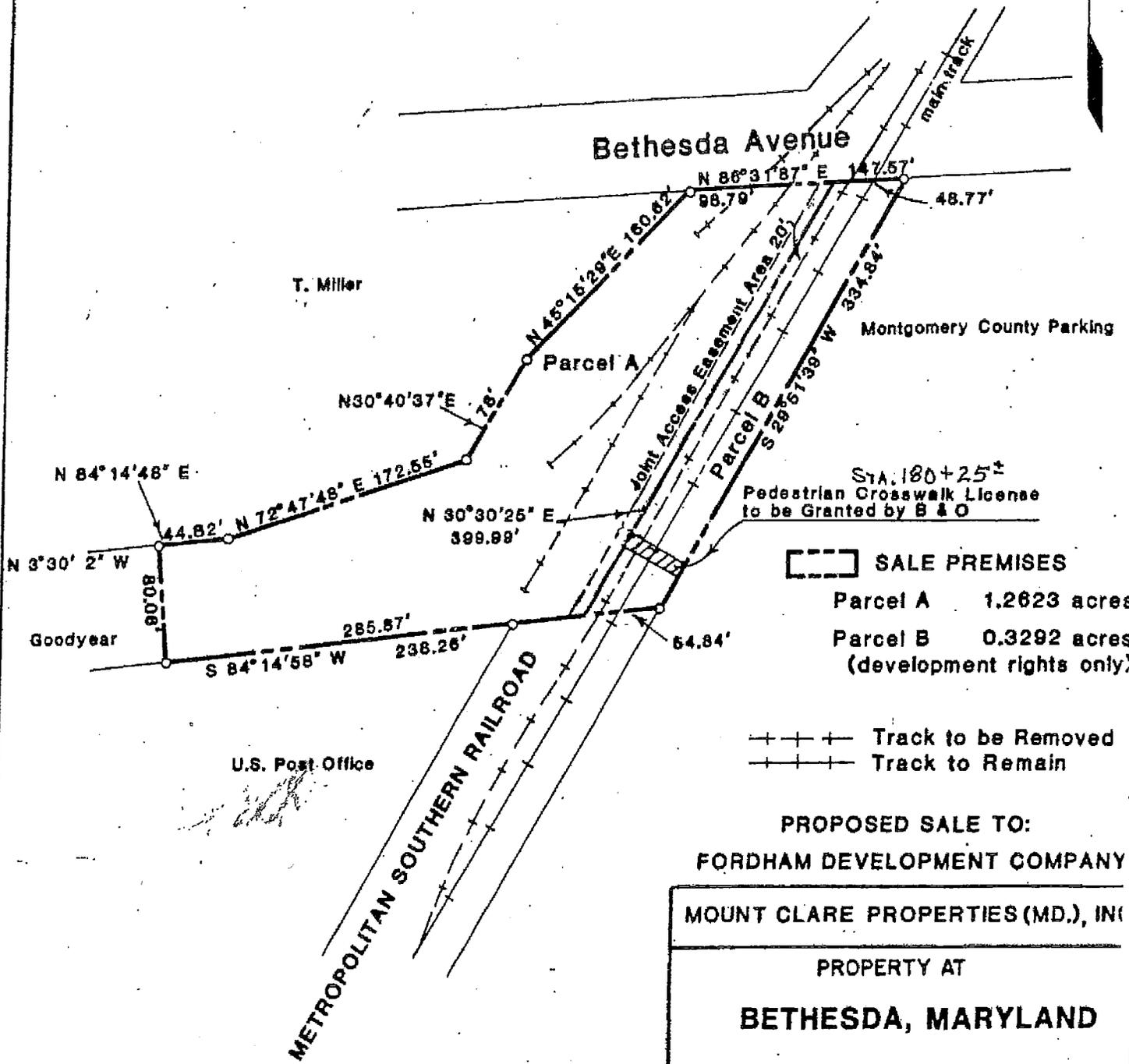
- a. Create an extension of the pedestrian path which parallels the Capital Crescent Trail, to provide more space for pedestrians.
 - b. Provide landscaping and signage along the Trail and generally on the Site, all as shown on the plans submitted with this Application.
 - c. Provide decorative fencing to replace existing fencing on the western edge of the Capital Crescent Trail.
 - d. Provide decorative metal screening on the eastern and southern facades of the expanded Ourisman Honda garage.
 - e. Relocate and improve portions of the landscaping and street furniture adjoining the Trail within the Site.
5. Maintenance. Ourisman has offered to provide maintenance for the Plaza and the landscaping improvements.

The Department of Transportation proposes to have Ourisman Honda make modifications to the existing trail to further enhance the trail experience along with community identity by providing the above-described enhanced plaza gathering space to build upon the existing plaza area currently fronting the Barnes and Noble site across Bethesda Avenue. The gathering space will have seating areas and interpretative signage to highlight the past, present and future of this vibrant urban junction. Additionally, modifications to the trail will include providing better defined areas for walking and bicycling by better marking of lanes and providing pedestrian refuge areas along the shoulders of the trail. Landscaping will be added along with architectural screening elements to help screen the existing car dealership operations from the trail experience.

Montgomery County, M-NCPPC Parks and Ourisman Honda have met with the community and interested parties regarding proposed enhancements on May 15, 2017 and have revised the concepts to address community concerns. This project will be fully funded by Ourisman Honda.

This project is to further enhance the overall trail experience with an extremely vibrant area within Bethesda. This project adds to the newly adopted Bethesda Downtown Plan by adding functional improvements along with increased plaza amenities within the Woodmont Avenue/Bethesda Avenue intersection. Modal trail improvements will be an added benefit and a first step to alleviate congestion in this area. The improvements will benefit both pedestrians and bicyclists by offering safety improvements and to maximize pedestrian and bicycle modal movement within the currently congested trail area.

BETHESDA AVENUE BETHESDA, MARYLAND



SALE PREMISES
 Parcel A 1.2623 acres
 Parcel B 0.3292 acres
 (development rights only)

---+---+---+ Track to be Removed
 ---+---+---+ Track to remain

PROPOSED SALE TO:
FORDHAM DEVELOPMENT COMPANY

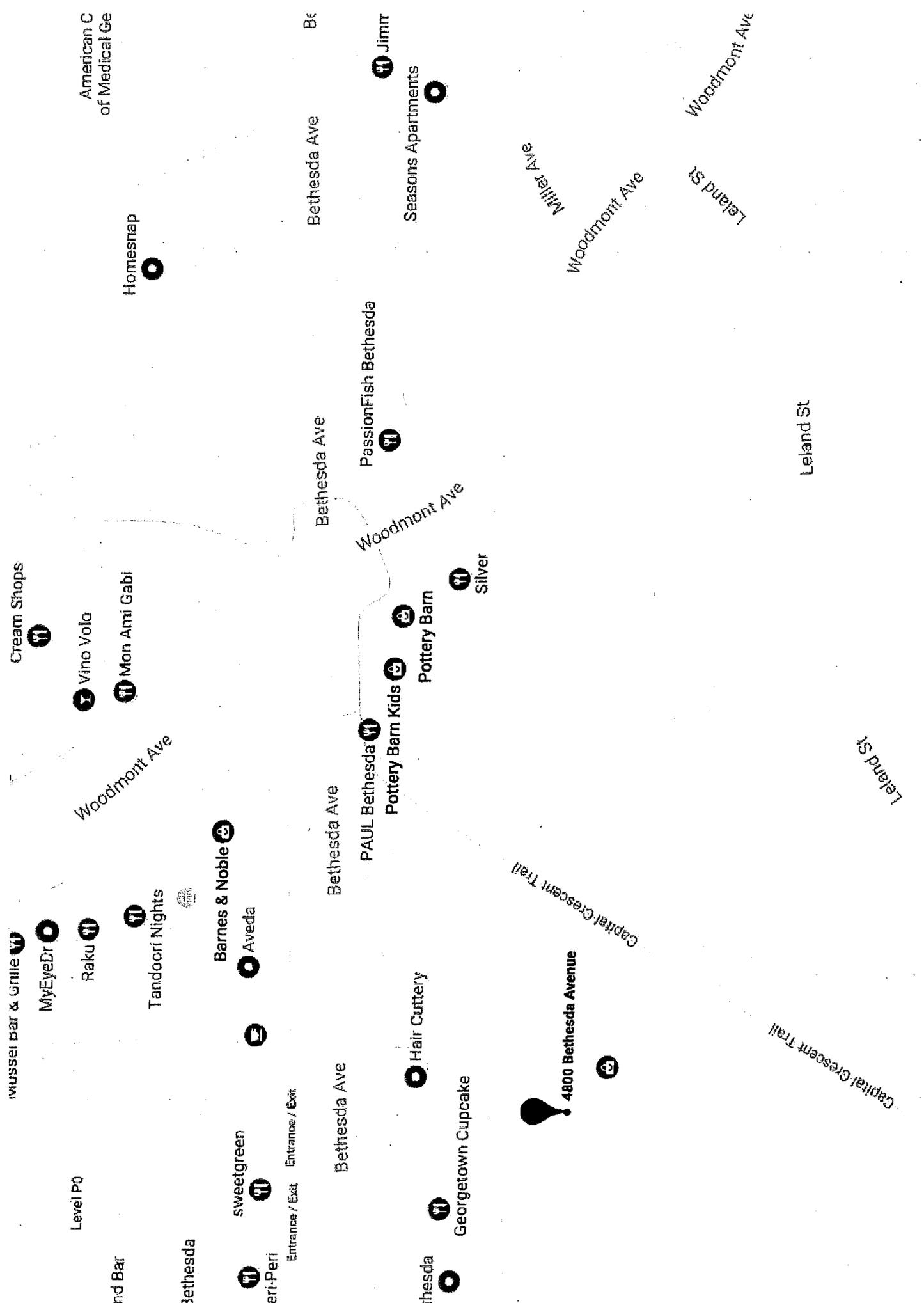
MOUNT CLARE PROPERTIES (MD.), INC
 PROPERTY AT
BETHESDA, MARYLAND

MONTGOMERY COUNTY

SCALE: 1"=100'	VALUATION SECTION: V.S. 24.1 (2)	DRAWING NO.: CSXR-142
DATE: 11-30-84 Rev. 12-6-84 DRAWN ABC		CUSTODIAN NC 614-21-01

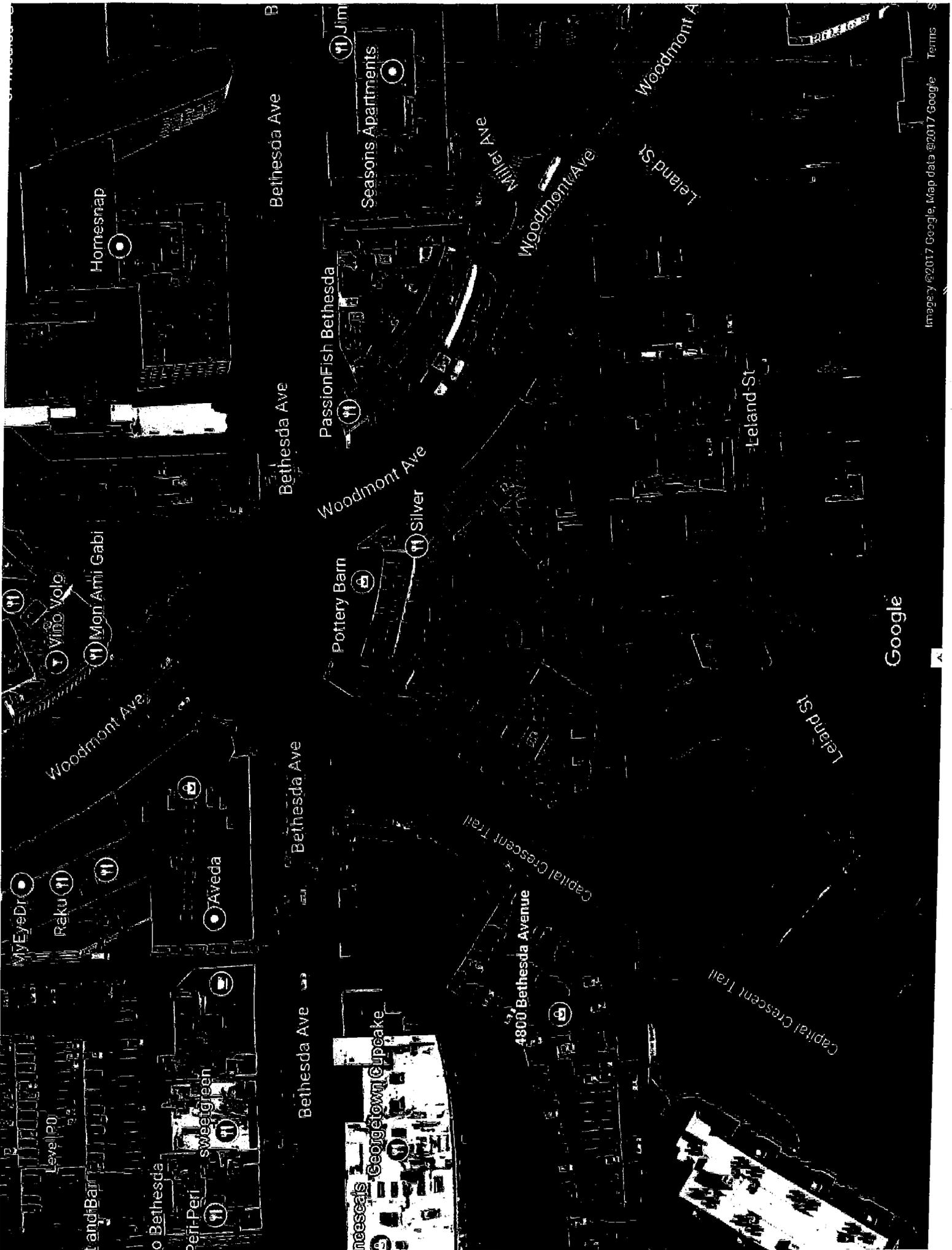
FROM SURVEY 5/84

ATTACHMENT "1"



ATTACHMENT 2

Google



Google