



City of Rockville

MEMORANDUM

January 4, 2010

TO: Board of Appeals
CAC

FROM: Castor D. Chasten, Planner III

SUBJECT: Show Cause Hearing for
Special Exception Application SPX2002-00312, Sonic Automotive, Inc.
1125 Rockville Pike, Rockville, Maryland 20852

In follow-up to the Board of Appeals meeting on December 5, 2009, the attached information is again provided for the Board's consideration. On September 24, 2009, the applicant was contacted by forestry staff that "a recent inspection of the property revealed that the trees which were required to be planted and installed along Talbott Street, to provide screening and meet forest conservation requirements were severely damaged due to inappropriate pruning, carried out by a contractor hired by the dealership." The manner in which the trees were pruned caused irreparable damage; the trees no longer meet the site's Forest Conservation Plan requirements. Further, the trees as they now exist, do not provide the required level of screening that was intended and required along the site's Talbott Street frontage, in staff's determination. As such staff finds that the applicant (i.e., property owner) must replace the damaged trees with new trees, in accordance with the attached Forestry Division's warranty inspection results dated August 31, 2009 (See Attachment A).

The applicant was reminded that there was substantial discussion at both the Board of Appeals public hearing and Planning Commission's review of the respective special exception and use permit applications (See Attachments C and D), about the species and the number of trees that would be planted along the site's Talbott Street frontage. As such, the site's approved Use Permit Landscape and Forest Conservation Plan detailed both the number and species of all trees to be planted along Talbott Street, that would provide an effective screen of the auto dealership from nearby residential uses.

In written correspondence dated September 24, 2009, the Chief of Planning informed the applicant and the attorney who had represented the owner at the public hearing of the special exception and use permit applications, of the concerns forestry staff discovered from a site inspection held on or around August 31, 2009. On October 7, 2009 staff met with the General Manager of the automobile dealership to discuss the site inspection and the condition of the trees damaged by pruning carried out by a contractor hired by the applicant's representative.

After discussing a number of issues with regard to the health and condition of the impacted trees, staff informed the applicant's representative that the damaged trees should be replaced with new

trees. The applicant disagreed and cited a number of reasons why the impacted trees should not be replaced at this time, but at a later date, to see which trees would survive and thus not require replacement. It was pointed out by staff that not only was the health and survivability of the damaged trees a major concern, but that the primary purpose of the trees was to provide a full vegetative screen between the auto dealership and the neighboring land uses north and west of the property.

It continues to be staff's position that the trees have been so severely impacted by the pruning, that they no longer provide the intended vegetative/treed screen, which was of substantial concern and debate before the Board of Appeals in its consideration and ultimate decision to grant the special exception, allowing the automobile dealership to be built at 1125 Rockville Pike.

On December 5, 2009, the Board of Appeals authorized a "show cause hearing" on the failure to abate this matter. Staff provides the attached information, which we believe, demonstrates that the applicant is not in formal compliance with site's approved Forest Conservation Plan and the screening required by the grant of Special Exception. Thus, staff recommends that the applicant replace and replant all of the trees damaged due to the pruning carried out by a contractor hired by the dealership's General Manager as soon as possible.

As a point of information for the Board, the Forestry Inspector has levied a civil penalty of \$1,000.00 on Sonic Automotive. Sonic and/or its representatives to date has not paid the fine, nor appealed the matter to the Board of Appeals by filing an Appeal Application. Both State and Local law allows daily penalty assessment, which is being considered by Forestry staff at this time.

Written public comment is included as Attachments E and F. Written notice of the show cause hearing is included as Attachment G.

/cdc

Attachments

Attachment "A" - Chief of Planning's Letter Dated 9/24/09

Attachment "B" - Forestry Staff Assessment

Attachment "C" - SPX2002-00312 Approval Letter

Attachment "D" - USE2003-00661 Approval Letter

Attachment "E" - Letter from the President of the Village Green Condominiums Association

Attachment "F" - Letter from President of the Woodmont Spring Condominium, Inc.

Attachment "G" - Written Notice of Show Cause Hearing

Exhibit "1" - Special Exception Site Plan

Exhibit "2" - Special Exception Landscape Plan

Exhibit "3" - Special Exception FCP

cc: Board of Appeals
Planning Commission
Tami Dietrich, Zoning Inspector-CPDS
Deane Mellander, Zoning Administrator
Wayne Noll, Assistant City Forester – R&P
Paula Perez, Forestry Division Inspector – R&P
Bobby Ray, Principal Planner - CPDS
Cindy Walters, Assistant City Attorney
Jim Wasilak, Chief of Planning



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing Division
 240-314-8200

MAYOR
 Susan R. Hoffmann

COUNCIL
 John B. Britton
 Piotr Gajewski
 Phyllis Marcuccio
 Anne M. Robbins

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Debra Yerg Daniel

ATTACHMENT "A"

September 24, 2009

Sonic Automotive, Inc.
 C/o Robert Sanders, Vice President
 6425 Idlewild Road, Building 3, Suite 205
 Charlotte, North Carolina 28212

Jody Kline, Esquire
 Miller, Miller, & Canby
 200-B Monroe Street
 Rockville, Maryland 20850

Re: Use Permit Application USE2003-00661
 Special Exception Application SPX2002-00312
 1125 Rockville Pike, Rockville, Maryland 20852

Dear Mr. Sanders and Kline:

As you are aware, at its October 12th 2002 meeting, the City of Rockville Board of Appeals voted to approve Special Exception SPX2002-00312, subject to specific conditions. Approval allowed for the subject property to be developed for use and operation of an automobile dealership, engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

Hence, on October 8th 2003, the City of Rockville Planning Commission met to consider Use Permit USE2003-00661; the site development plans for the construction of the automobile dealership approved under SPX2002-00312. Based on the information and testimony provided, the Planning Commission found that the development proposal was consistent with the previously approved special exception and thus voted to approve the use permit subject to certain conditions

Among the many conditions of approval imposed by both the Board of Appeals and the Planning Commission in their approval of the Special Exception and the Use Permit respectively, the applicant was required to screen the subject site from the adjacent residential properties, and comply with applicable requirements of the City's Forest and Tree Preservation Ordinance.

Please be advised that a recent inspection of the property revealed that the trees that were required to be planted and installed along Talbott Street, to provide screening and meet forest conservation requirements were severely damaged due to inappropriate pruning, carried out by a contractor hired by the dealership. The manner in which the trees were pruned, caused irreparable damage; the trees no longer provide the required level of screening that was intended and required, along the site's Talbott Street

Robert Sanders
Jody Kline
Page 2
September 24, 2009

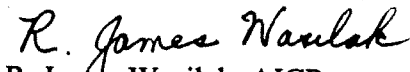
frontage. As such the applicant (i.e., property owner) must replace the damaged trees with new trees, in accordance with the attached Forestry Division's warranty inspection results dated August 31, 2009.

As you will recall there was substantial discussion at both the Board of Appeals public hearing and Planning Commission's review of the respective special exception and use permit applications, about the species and the number of trees that would be planted along the site's Talbott Street frontage. As such, the site's approved Use Permit Landscape and Forest Conservation Plan detailed both the number and species of all trees to be planted not only along Talbott Street, but also throughout the subject project site area.

Please note that failure to fully comply with applicable conditions of the Use Permit approval has resulted in a fine of (\$1,000.00) one thousand dollars, as imposed by the City Forester's Office, and that additional fines will be levied if the damaged trees are not replaced with new trees as outlined in the attached "Order of Correction Action" from the City's Forester's Office.

Note, removal and replanting of new trees must occur no later than October 31, 2009. Should you have questions please feel free to contact me at 240-314-8200. Your attention and assistance in this matter is greatly appreciated.

Respectfully,


R. James Wasilak, AICP
Chief of Planning

/cdc

cc: Board of Appeals
Planning Commission
Cas Chasten, Planner III - CPDS
Tami Dietrich, Zoning Inspector-CPDS
Deane Mellander, Zoning Administrator
Wayne Noll, Assistant City Forester - R&P
Paula Perez, Forestry Division Inspector - R&P
Bobby Ray, Principal Planner - CPDS



City of Rockville
Department of Recreation and Parks – Forestry Division
 14625 Rothgeb Drive • Rockville, Maryland 20850-5312
 240-314-8700 • www.rockvillemd.gov

Forest Conservation Plan – Inspection Report
Order for Corrective Action

Project Audi of Rockville
 Address 1125 Rockville Pike
Rockville md 20850

FTP# 2002-00008
 Date August 31, 2009
 Time 9:55 am

Issued to:

Contractor Name A and Z Landscaping
 Address PO Box 314
Upper Marlboro md 20773
 Permittee Name Sonic Automotive
 Address 200-B Monroe Street
Rockville md 20850

Phone # 301 952 0961
 Fax # _____
 Contact Andre Norman
 Phone # _____
 Fax # _____
 Contact _____

Findings of site inspection: Several trees improperly pruned and
limbs raised to a height of 13-4 feet.

Correction needed: Replace (10) 10-12' Leyland cypress along Talbott Street
Replace (7) 10-12' Nellie Stevens Holly along Talbott Street
Replace (6) 10-12' Foster Holly along Talbott Street
Payment of \$1000.00 fine by 10/31/09.
until 10/31/09

Note: You have hours working days) to make any and all corrections noted above. If corrections are not satisfactorily completed in that time, enforcement action will be initiated. Enforcement action may include, but not be limited to, the issuance of a stop work order, revocation of permit, forfeiture of bond or other security, imposition of an administrative penalty in the amount of \$.30 per square foot of area in violation, and/or the issuance of a citation and imposition of a fine in the amount of \$1,000 per violation of each day a violation continues. **Also Note:** If you have any questions you may contact the Assistant City Forester at 240-314-8710.

I hereby acknowledge receipt of this Inspection Report by my signature, which does not imply agreement or disagreement with its contents.

Contractor: _____

Date: _____

Permittee: _____

Date: _____

Signature of Inspector: Paula Pez
 By authority of the City Forester.

Date: 9/14/09

FOR OFFICE USE ONLY					
Method of Service	Service	Personal	Certified Mail	Posting	Date
<input type="checkbox"/>	Permittee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	Contractor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**CITY OF ROCKVILLE
FORESTRY DIVISION
WARRANTY INSPECTION RESULTS**

Replace the following individual trees that are dead, missing, mishapen, or less than 80% alive in accordance with the Planting Specification Detail shown on the approved FCP:

- (5) 2.5" cal. single stem Celestial Dogwoods along Rockville Pike.
- (1) 2.5" cal. Willow Oak in rear by fence, it is undersized.
- (10) 10/12' Leyland Cypress along Talbott Street.
- (7) 10/12' Nellie Stevens Holly along Talbott Street.
- (6) 10/12' Foster Holly along Talbott Street.

Remove weeds/vines from trees along rear of site.

The warranty and maintenance period is scheduled to end 10/30/2009, this may be extended if the site is not in compliance as of that date.

The Warranty and Maintenance period for the (23) newly planted Leyland cypress and holly trees along Talbott Street is being extended until 10/31/2010 to help ensure established trees.

A \$250.00 reinspection fee will be due if further corrections are needed after the next inspection.

OFF SITE AT RECREATION SERVICES BUILDING

Remove stakes/strapping.

Prune dead or broken branches in accordance with ANSI standards. The applicant is responsible for determining if a Roadside Tree Permit or Licensed Tree Expert law is applicable.

Reduce height of planting pit saucers to a height of 2 inches to help prevent excess soil/mulch from washing onto root balls.

A \$250.00 reinspection fee will be due if further corrections are needed after the next inspection.

Warranty Inspection

**CITY OF ROCKVILLE
FORESTRY DIVISION
WARRANTY INSPECTION RESULTS**

Case Number: **FTP2002-00008** Project: **AUDI OF ROCKVILLE**
Site Address: **1125 ROCKVILLE PIK**
Last Inspection: **8/31/2009** Re-inspection on: **10/31/2009**

Inspector: **Paula Perez** Phone: **240-314-8713**

Applicant: **SONIC AUTOMOTIVE INC, C/O JODY KLIN
MILLER, MILLER & CANBY
200-B MONROE STREET
ROCKVILLE MD 20850**

A \$250.00 re-inspection fee is required for site re-inspections that do not comply with Chapter 10.5 for third and all subsequent inspections for non-compliance. **NOTE:** You must notify the Forestry Inspector if you are unable to complete the Deficiency List by the re-inspection date listed above. Otherwise, a re-inspection fee may be assessed.

Under Section 10.5-34 of the Forest and Tree Preservation Ordinance (FTPO) and pursuant to Section 6-1612 of the Natural Resources Article of the Annotated Code of Maryland, a fine in the amount of one thousand dollars (\$1,000.00) may be imposed for each violation of Chapter 10.5, including any violation of an approved Forest Conservation Plan. In addition to any of the foregoing remedies, the City, through its appropriate commissions, departments, agencies, or other representatives, may in response to any violation:

- (a) Issue a stop-work order until the violation has been abated, and/or any fine or penalty imposed has been paid, except that a stop work order shall be lifted, with respect to any fine or penalty from which an appeal has been filed pursuant to Section 10.5-35 of Chapter 10.5;
- (b) Initiate forfeiture proceedings of security posted;
- (c) Order corrective action to restore or reforest an area;
- (d) Revoke a covered permit or covered approval issued conditioned on compliance with this chapter. Revocation of any covered permit or approval due to non-compliance with an approved conservation plan or any other violation of this chapter shall be conducted in the same manner as revocation proceedings for other reasons;
- (e) Assess an administrative penalty in the amount of thirty cents (\$0.30) per square foot of the area found to be in non-compliance with required forest conservation. Payment of such an administrative penalty shall become a condition of the covered permit or approval.

DEFICIENCY LIST

FALL 2009 WARRANTY INSPECTION 8/31/2009

ON SITE AT 1125 ROCKVILLE PIKE

Prune dead or broken branches in accordance with ANSI standards. The applicant is responsible for determining if a Roadside Tree Permit or Licensed Tree Expert law is applicable.

Remove all stakes/strapping.

Warranty Inspection

ATTACHMENT "B"

BoA item for Sonic Automotive, SPX2002-00312

The Special Exception Landscape Plan presented as Exhibit "3" at the October 12, 2002 Board of Appeals meeting contained the following note: "A continuous evergreen screen is to be maintained beginning at the western-most corner of the property that lies adjacent to Talbott Street and running approximately 150' down the hill parallel to the right-of-way. This screen may be accomplished either by preserving the existing row of arborvitae, or by planting the evergreen as noted on this plan." This requirement was the result of concerns raised by the surrounding neighbors. The Use Permit Landscape Plan and Forest Conservation Plan (FCP) as subsequently approved provided a new evergreen screen along the Talbott Street frontage consisting of Leyland Cypress and holly trees.

As required by the approved plans, a double row of large evergreen trees was planted along Talbott Street. The tree sizes were increased from the standard planting height requirement of 7-8 feet to 10-12 feet for the Leyland Cypress trees and 8-10 feet high for the Hollies. Sixteen hollies consisting of American holly and Foster's holly were planted within the Talbott Street right-of-way and are classified as City street trees under the Maryland Roadside Tree Law. The taller Leyland Cypress trees were planted behind the hollies within the Sonic property. Every other Leyland Cypress (10 of the 20 trees in the row) is credited toward the forest conservation requirement.

On August 31, 2009 the City Forestry Inspector, Paula Perez, observed a landscape contractor, A & Z, pruning a variety of trees along Talbott Street including the evergreen Leylands and Hollies. A total of 10 Leylands and 13 hollies were pruned from ground level up to 3.5 feet high on the tree trunks. Ms. Perez also noted that the pruning was not done in accordance with industry standards. The landscape contractor was told to immediately stop pruning all trees.

As a result of the tree pruning, the applicant violated the evergreen screening requirement of the Special Exception Landscape Plan. On September 24, 2009 the Chief of Planning, Jim Wasilak, sent a letter, along with an Order for Corrective Action and a Planting Inspection Report, both issued by the Forestry Inspector, to the applicant, Robert Sanders, and his attorney, Jodi Kline, notifying them of the violation. The letter and Corrective Action stated that the improperly pruned trees must be replaced by October 31, 2009. Furthermore a \$1000 fine, as sanctioned by the Forest and Tree Preservation Ordinance, was issued for the unauthorized and injurious pruning of trees protected by a Forest Conservation Easement and City street trees.

In addition to the replacement of the evergreen trees listed on the Forestry Planting Inspection Report, a number of other items requiring correction such as replacing dead/dying trees, pruning dead branches, and removing tree stakes were required by the October 31, 2009 deadline. The applicant has failed to comply with the Forestry Planting Inspection Report and letter from the Chief of Planning.



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.ci.rockville.md.us

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Inspection Services
 240-314-8240

Planning and Zoning Division
 240-314-8220

Landlord Tenant
 240-314-8219

ATTACHMENT "C"

January 17, 2003
 (Modified Letter)

Sonic Automotive, Inc.
 c/o Robert Sanders, Vice President
 6425 Idlewild Road, Building 3, Suite 205
 Charlotte, North Carolina 28212

Jody Kline, Esquire
 Miller, Miller, & Canby
 200-B Monroe Street, Rockville, Maryland 20850

Re: Special Exception Application SPX2002-00312
 1125 Rockville Pike, Rockville, Maryland 20852

Dear Misters Sanders and Kline:

This letter supercedes the previous approval letter dated November 22nd 2002. At its September 14th 2002, the City of Rockville Board of Appeals held a public hearing on the referenced application request and at the conclusion of the hearing, voted to continue its work session on the request to its October 12th 2002 meeting. At its October 12, 2002 meeting, the Board continued its work session on the request, considered all of the testimony and evidence presented at the public hearing and voted to approve the application request subject to specific conditions. Approval allows for the subject property to be developed for use and operation of an automobile dealership, engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

The proposed new automobile dealership's showroom and service building facility will have a total gross floor area of 32,400 square feet \pm and designed as follows: a) the main front portion of the building will be occupied by vehicle showroom, reception area, sales and service offices, parts department, customer and employee lounges, and restrooms, b) the rear portion of the building will contain the service and maintenance repair area, featuring 25 service bays, and three (3) auto prep (PDP) bays, and c) located on the partial second floor of the building will management offices, conference and training rooms, auto parts storage area, and additional restrooms. The proposed new building facility will have approximately 8,090 square feet of retail space, auto service repair facilities consisting of 19,750 square feet, and approximately 4,615 square feet of ancillary office space.

As illustrated on the site development plans submitted with the special exception request, the proposed showroom and service building facility will be centrally located on site, with site surface parking located around the building. Vehicular access to the site will be provided via a single entrance onto Congress Street by way of Rockville Pike. The applicant plans to construct a portion of Congress Street in accordance with Department of Public Works road standards, in order to provide vehicular access onto the subject property.

MAYOR
 Larry Giammo

COUNCIL
 Robert E. Dorsey
 John F. Hall, Jr.
 Susan R. Hoffmann
 Anne M. Robbins

CITY MANAGER
 W. Mark Pentz

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Paul T. Glasgow

The dealership will be staffed by approximately forty (40) employees, consisting of the following personnel; three (3) managers, four (4) general office personnel, ten (10) sales persons, three (3) parts department employees, fourteen (14) service technicians, and six (6) support personnel. The dealership will operate under the following business hours: a) Sales – Monday thru Saturday 7:00 a.m. to 9:00 p.m., and the last Sunday of each month 11:00 a.m. to 6:00 p.m. for sales only, and b) Service – Monday thru Saturday 7:00 a.m. to 6:00 p.m.

The Board of Appeals voted to approve the application request and accompanying site development proposal subject to full compliance with the following conditions:

1. The business use must be operated in substantial accordance with the descriptions and representations set forth in the subject special exception request and development proposal.
2. The use of an external intercom/public address loudspeaker system in the operation of the business is strictly prohibited.
3. The subject site must be developed in compliance with applicable requirements of the City's Forest and Tree Preservation Ordinance, i.e., afforestation and reforestation, site landscaping, on and off-site planting requirements, approved forest conservation plan, etc. In no event shall the retaining wall proposed to the west side of the property be closer than 16 feet from the property line.
4. For a period of three (3) years from the issuance of an occupancy permit, the applicant shall be required to replace any trees that die within that period and is within ten (10) feet of the west property line, provided however the applicant must obtain written permission from the adjacent property owner/s if trees need to be replaced on their property, as a result of this condition. If tree replacement is necessary, the applicant will work in consultation with the City Forester to select replacement trees that the applicant can plant on the adjacent property, in the area abutting the subject site's rear western lot line area.
5. Vehicle repair or dismantling shall not be permitted outside of the service building. No dismantled, partly dismantled or wrecked motor vehicles or trailers shall be parked outside of an enclosed structure. Display of banners, pennants or flags for purposes of advertising is prohibited (ref. Section 25-366(b) of the Ordinance).
6. Delivery, unloading, and/or loading of vehicles from truck carriers on public streets are strictly prohibited.
7. Storage and/or parking of the dealership's vehicular inventory, on abutting properties are prohibited.

8. The following note should be added under the general notes of the special exception site plan: "All construction must meet the requirements of the city's construction codes, fire code, life safety code, state accessibility code, and federal requirements of the American's with Disabilities Act (ADA)."
9. Proposed site lighting facilities shall be installed and arranged to prevent glare and light spillage onto adjacent properties and so that it does not interfere with the movement of vehicular traffic along Rockville Pike. The final lighting plan shall be reviewed as part of the use permit.
10. All internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians, and/or other vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD); which is currently the Millennium Edition. A signage and pavement marking plan, must be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation, prior to the issuance of a public works permit.
11. In consultation with the City's DPW - Traffic and Transportation staff the applicant shall petition the Maryland State Highway Administration (SHA) to install appropriate signage "prohibiting U-turns" from northbound Rockville Pike at Talbott Street and to maintain the median break at Congress Street on Rockville Pike. The applicant shall be financially responsible for the implementation of these improvements.
12. If the median break at Congress Street on Rockville Pike is maintained, no left turns northbound shall be permitted from Congress Street onto Rockville Pike.
13. The applicant will post a bond or other form of security acceptable with the City Attorney's Office, for the future construction of Congress Street (to public roadway design standards) along the length of the site's frontage.
14. Proposed site parking spaces may not be located in front of doorways that provide access into the proposed automobile dealership showroom and service building facility.
15. The trash dumpster located in the in the southwest corner of the site must be screened by an enclosure constructed of building materials compatible in make, color, and quality to that of the proposed showroom building facility.
16. All proposed sidewalks shall have a minimum width of four (4) feet.
17. The applicant is allowed to construct an additional driveway at the rear of the property for access onto Congress Street.

18. Employees shall not be allowed to park on adjacent commercial sites or residential streets for purposes other than patronizing such adjacent commercial sites and residences along those residential streets.

19. Demo rides and service test drives shall be prohibited on Talbott Street or on the premises of the Talbott Center, or any other nearby properties.

The Board's decision was based on the following evidence of record and findings of facts:

1. The proposed automobile dealership will not violate or adversely affect the City's Master Plan, the Zoning Ordinance, or any known laws of the City. The subject property is zoned for RPC (Rockville Pike Commercial) land usage, which is consistent with the Master Plan's land use designation for Rockville Pike Corridor Mixed Use Development. As per the Ordinance "the purpose of the RPC Zone is to provide a wide range of retail uses and services, commercial activities and residential opportunities within the Rockville Pike Corridor Area." Based on the information provided, it was the determination of the Board of Appeals that the proposed new automobile dealership's building facility and accompanying site improvements as shown on the proposed site plan, comply with applicable requirements of the Ordinance at this initial stage in the development review process, e.g., building setback, lot coverage, floor area ratio, building height, and/or parking requirements.

2. Based on the evidence and testimony provided, the Board concurred with the findings in the project's staff report (dated 7/18/02), that the proposed site use will not greatly overburden existing public services, area roadways, or other public improvements within the site area. The subject property has frontage on Rockville Pike (Md. Route 355) a six (6) lane divided major state roadway. Rockville Pike is one of the most heavily traveled roadways within the city and county.

As per the information provided, the automobile dealership will not generate greater than 100 peak hours trips and as such the applicant was not required to conduct a formal traffic study. The applicant's traffic consultant did however provide a traffic assessment for the proposed business operation. The consultant examined traffic generation during the morning (a.m.) and evening (p.m.) weekday-peak hours, as well as the Saturday peak hour. The traffic assessment also included an examination of traffic volumes along the adjacent Rockville Pike. According to the consultant's findings, there was no evidence that vehicular traffic generated by the proposed auto dealership, would overburden existing site area roadways or poses a risk to the health and safety of persons working, living, or traveling within the site area.

3. The State Highway Administration in its review of the subject land use proposal requested that the median break at Congress Street and Rockville Pike be closed. With the closure of this median break, vehicular access to the subject site via Congress Street from northbound Rockville Pike would no longer be possible. Evidence and testimony was presented at the public hearing, noting that persons desiring to access the subject property

via northbound Rockville Pike would be forced to do so by making "U-turns" at Talbott Street. Based on existing accident data provided by staff, the Board agreed that any increase in vehicles making "U-turns" from northbound Rockville Pike at Talbott Street would create a safety hazard to drivers attempting such turning movements and to other drivers utilizing this intersection. To discourage such vehicular turning movements, the Board of Appeals in its grant of the special exception, imposed as a condition of approval and referenced in this correspondence, that the applicant petition the State Highway Administration (SHA) to install signage at the intersection that prohibits "U-turns" from northbound Rockville Pike at Talbott Street and to maintain the median break at Congress Street and Rockville Pike.

4. The property will be served by public utilities, e.g., water and sewer, gas and electricity, storm drainage infrastructure, etc. Since the subject property is currently undeveloped, the Board concurred with staff's assessment that it is likely, respective site area utilities and other infrastructure may require some retrofit and/or upgrade in order to accommodate the planned building and site improvements. In its review of the land use request, there was no evidence or testimony presented to the Board of Appeals, that the proposed automobile dealership, would overburden existing public services and/or improvements within the subject site area.

5. Due to previous use of the site and current land use patterns that make up the site area, the character of the site area will not be altered by the proposed new automobile dealership. The subject property was initially developed in 1962 by grant of special exception for use and operation of an automobile dealership, engaged in outdoor and indoor sales of motor vehicles (ref. S-64-62 and S-110-65). The property was used and operated in this manner up until 1995, at which time the (then) dealership (Thomassen Lincoln-Mercury) ceased operations.

The property is surrounded by an array of commercial, retail, and residential land uses. The Rockville Pike Corridor is one of the most heavily commercialized areas within the metropolitan region and as such the applicant's proposal to develop the site for use and operation of automobile dealership is in keeping with the character of the area in which it is located. There are a number of automobile dealerships currently located along Rockville Pike, within immediate and reasonable proximity to the subject site. These existing motor vehicle dealerships were also allowed at the those locations by special exception approval, i.e., outdoor motor vehicle sales, when conducted as an accessory use to indoor motor vehicle and trailer sales.

6. To mitigate potential adverse impacts that the newly expanded automobile dealership might have on surrounding land uses, the Board of Appeals approval of the request "prohibits all delivery, unloading and/or loading of vehicles from truck carriers on public streets." Such loading and off loading of vehicles within public rights-of-way would impede traffic flow movement in and around the subject site, thus creating unsafe and potentially hazardous conditions for motorist traveling along Rockville Pike and Talbott Street. Also, said delivery, unloading, and loading of vehicles may not occur on

neighboring properties. The Board concluded that if the business is operated as proposed, and in accordance with the recommended conditions of approval as imposed in this grant of special exception, there should be little if any disruption in the delivery of services to the subject site area, i.e., police, fire and rescue services, refuse collection, snow removal, etc.

In addition to the information provided by the applicant and staff, the Board also heard and considered testimony from a substantial number of neighboring property owners, who attended the public hearing and voiced a number of concerns, which included but was not limited to the following: a) potential loss of mature site trees located along the site's Talbott Street frontage and western rear lot line, b) the importance of replanting new trees to replace those lost due to site development, c) prohibiting the proposed auto dealership's vehicular traffic from parking along Talbott Street, and d) site generated vehicular traffic and its impact on the operation of the unsignalized intersection of Talbott Street and Rockville Pike. After hearing and considering all of the evidence and testimony provided, the Board of Appeals voted to approve the application request subject to specific conditions, based on but not limited to the findings as referenced in this correspondence.

The applicant is advised that the Board's decision does not constitute approval by any agency having jurisdiction over operation of the proposed site use. Section 25-54 of the Zoning Ordinance requires **a use permit must be filed within six (6) months of the date of the Board's decision or application approval will expire.** If however the applicant can show good cause, the Board may grant a maximum of two (2) time extensions, each not to exceed six (6) months respectively. It should be noted that this property is subject to a moratorium on the acceptance and processing of a use permit until March 23, 2003. Given this, the six (6) month period will begin when the moratorium is completed. **As such the Board's decision is effective when the moratorium is no longer in effect on the subject property.**

By Direction of the City of Rockville
Board of Appeals



Robert J. Spalding, AICP
Chief of Planning

/cdc

cc: Board of Appeals
Planning Commission
John Arrieta, Traffic & Transportation Engineer – DPW
Art Chambers, Director of Community Planning & Dev. Services
Cas Chasten, Planner III
Greg Cook State Highway Administration
Wayne Noll, Assistant City Forester

Robert Sanders &
Jody Kline

-7-

January 17, 2003

Mark Wessel, Civil Engineer III- DPW



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.ci.rockville.md.us

Community Planning and
Development Services

240-314-8200

TTY 240-314-8137

FAX 240-314-8210

Inspection Services

240-314-8240

Planning and Zoning Division

240-314-8220

Landlord Tenant

240-314-8219

MAYOR

Larry Giammo

COUNCIL

Robert E. Dorsey

John F. Hall, Jr.

Susan R. Hoffmann

Anne M. Robbins

CITY MANAGER

W. Mark Pentz

CITY CLERK

Claire F. Funkhouser

CITY ATTORNEY

Paul T. Glasgow

ATTACHMENT "D"

December 8, 2003

Sonic Automotive, Inc.
c/o Robert Sanders, Vice President
6425 Idlewild Road, Building 3, Suite 205
Charlotte, North Carolina 28212

Jody Kline, Esquire
Miller, Miller, & Canby
200-B Monroe Street, Rockville, Maryland 20850

Re: Use Permit Application USE2003-00661
1125 Rockville Pike, Rockville, Maryland 20852

Dear Mr. Sanders and Kline:

At its October 8th 2003 meeting, the City of Rockville Planning Commission considered and voted to approve the referenced application and accompanying development proposal, subject to certain conditions. The Commission's approval allows for the construction of an automobile dealership at the referenced location, in the RPC (Rockville Pike Commercial) zone. The new dealership will be engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

The new showroom and service building facility will have a total gross floor area of approximately 32,743 square feet \pm and designed as follows: a) the main front portion of the building will contain floor space that will include the showroom, reception area, sales and service offices, parts department, customer and employee lounges, and restrooms, b) the rear portion of the building will contain the service and maintenance repair area, featuring 25 service bays, and 3 auto prep (PDI) bays, and c) the partial second floor will contain floor space, consisting of management offices, conference and training rooms, auto parts storage area, and additional restrooms. The proposed new building facility will have a total of 6,900 square feet of retail space, auto service repair facilities consisting of 19,825 square feet, and approximately 6,017 square feet of ancillary office space.

The proposed showroom and service building facility will be centrally located on site, with site surface parking located around the building. Vehicular access to the site will be provided via a single entrance onto Congress Street by way of Rockville Pike. The applicant will construct a portion of Congress Street in accordance with Department of Public Works road standards, in order to provide vehicular access to the subject property. Under the subject proposal, there will be no direct vehicular access onto Rockville Pike or Talbott Street. Site access onto Congress Street, from Rockville Pike will be a right-turn-in and right-turn-out. Northbound left turns from Congress Street onto Rockville Pike are strictly prohibited.

The Planning Commission voted to approve the use permit and accompanying development proposal subject to the following conditions:

1. The applicant must submit to the Chief of Planning nine (9) copies of the site development plan revised to illustrate that the following development concerns have been satisfactorily addressed:
 - a. The site must be developed in substantial accordance with the site development and building plans submitted by Macris, Hendricks & Glascock, P.A. and AI Design Group respectively.
 - b. In accordance with the project's previously approved Special Exception SPX2002-00312, in no event shall the retaining wall proposed located along the west side of the property be closer than 16 feet from the property line.
 - c. For a period of three years from the issuance of an occupancy permit, the applicant shall be required to replace any trees that die within that period and is within ten (10) feet of the west property line, provided however the applicant must obtain written permission from the adjacent property owner/s if trees need to be replaced on the property, as a result of this condition. If tree replacement is necessary, the applicant will work in consultation with the City Forester to select replacement trees that the applicant can plant on the adjacent property, in the area abutting the subject site's rear western lot line area.
 - d. Delivery, unloading, and/or loading of vehicles from truck carriers on public streets are strictly prohibited.
 - e. Storage and/or parking of the dealership's vehicular inventory, on abutting properties are prohibited.
 - f. The following note should be added under the general notes of the use permit site plan: "All construction must meet the requirements of the city's construction codes, fire code, life safety code, state accessibility code, and federal requirements of the Americans with Disabilities Act (ADA)."
 - g. All internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians, and/or other vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signage and pavement marking plan, must be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation, prior to the issuance of a public works permit.


- k. Left-turns northbound onto Rockville Pike from Congress Street shall not be permitted.
 - l. Tiebacks for the proposed retaining wall along Talbott Street will not be used unless permitted by the City of Rockville Department of Public Works.
 - m. The applicant shall enter into an agreement, acceptable with the City Attorney's Office, for the future construction of Congress Street (to DPW standards) along the length of the site's frontage.
 - n. On-site parking spaces shall not block pedestrian access to the showroom and service building or vehicular circulation around the building.
 - o. Provide a revised truck movement exhibit.
 - p. All proposed on-site sidewalks should have a minimum width of four (4) feet.
 - q. Provide a five (5) foot wide sidewalk with a fourteen (14) planting strip along the site's Talbott Street frontage.
 - u. Construct a standard bus stop pad for the existing bus shelter on Md. Route 355 as per Rockville Pike streetscape sheet #5. The bus shelter must be reinstalled on the pad. Construction of said improvement must be coordinated with Montgomery County Ride-On.
 - r. Reconfigure sidewalk ramps and drainage system to provide a safe crossing of Talbott Street along Md. Route 355. The existing features on the north side of Talbott Street should be shown on site plan, i.e., sidewalks, trees, ramps, etc.
 - s. All easements must be approved by the City and recorded prior to DPW permit issuance.
3. The City Forester requires the following information be provided and/or action be taken:
- a. The site landscape plan must be incorporated into the Forest Conservation Plan (FCP), which must be approved by the City Forester.
 - b. Proposed streetscape and landscape along the site's Md. Route 335 frontage, must be installed in accordance with design standards of the Rockville Pike Neighborhood Corridor Plan. Note, the sidewalk that will be installed with these improvements will be designed in accordance with the City's Bikeway Master Plan guidelines

4. The Maryland State Highway Administration (MSHA) requires the following actions be taken:

- a. Obtain a permit to close one (1) commercial entrance, construct one (1) public street (Congress Street), and provide sidewalk and landscaping along Md. Route 355.

After considering the information provided, the Commission voted to approve the development proposal subject to the applicant's compliance with all of the referenced conditions of approval. Section 25-193(d) of the Zoning Ordinance requires **construction or operation of the proposed use must commence within two (2) years of the date of the application's approval or the use permit becomes void**. If however, the applicant can show good cause, the Planning Commission may grant two (2) time extensions of the expiration date, each not to exceed one (1) year in duration. The applicant is advised that time extensions are not automatically approved and that sufficient justification will be required for time extensions.

By Direction of the City of Rockville
Planning Commission



Robert J. Splading, AICP
Chief of Planning

/cdc

cc: Board of Appeals
Planning Commission
Cas Chasten, Planner III ✓
Greg Cook, State Highway Administration
Linda Mac Dermid, Chief of Inspection Services
Sandra Marks, Traffic & Transportation Engineer - DPW
Wayne Noll, Assistant City Forester
Mark Wessel, Civil Engineer III - DPW

P.S. The applicant must read, sign, and return a copy of the following statement of acknowledgement.

Note: Building permits will be issued only when all of the noted conditions of approval have been met/satisfied and a copy of the following acknowledgement has been signed/executed by the applicant and returned to the City's Community Planning Division office. The applicant is advised that the Commission's approval does not constitute approval by any agency or department having jurisdiction over the use and/or proposed site development.

Robert Sander.
Jody Kline

-6-

December 8, 2003

I ACKNOWLEDGE RECEIPT OF USE PERMIT USE2003-00661 AND AGREE TO FULLY COMPLY WITH ALL CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.



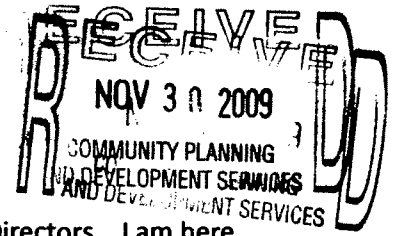
(Applicant's Signature)

Robert Sanders, Vice President
Sonic Automotive, Inc.
6425 Idlewild Road; Bldg.-3, Suite 205
Charlotte, NC 28212
704-566-8750 / Fax: 704-566-8758

ATTACHMENT "E"

Board of Appeals

City of Rockville, 111 Maryland Avenue, Rockville, Md 20850



My name is Karen Voight, President of Village Green Condominium's Board of Directors. I am here today to support the City's Forestry Division's order for corrective action for the trees along Talbott Street.

Earl Kendrick, President of Woodmont Spring Condominium's Board of Directors has done an excellent overview of the history and parties involved in the decision making process for the trees on Talbott Street. I would like to echo his appreciation of the parties involved in working to get the trees planted. And I would like to add my own thanks and appreciation to Earl for his untiring efforts on behalf of both our communities.

However, There are some things that pertain more to Village Green than Woodmomt Spring that I would like to bring to your attention. Village Green faces the land which Sonic Automotive 's Audi/Porshe dealership now occupies. The previous occupants were a car dealership that used very little of the land, which left room for a nice hillside of trees facing Village Green. The property was vacant for a number of years which allowed the trees and underbrush to expand into a sizeable stand of trees and underbrush. The trees ran down Talbott Street almost to Rockville Pike and along the back of Woodmont Spring, giving our communities protection from viewing Rockville Pike and any potential development on the property owned by the former Lincoln/Mercury dealership.

When Village Green residents learned that a company, Sonic Automotive, was planning to build a new car dealership, they were not concerned. However, when Village Green residents learned that the new proposed dealership was of such a large size, that it require the removal of all the trees, they were outraged. The wooded hillside had protected our community from staring right into Rockville Pike and whatever was built on the land Sonic proposed to purchase for as long as anyone could remember. The residents of Village Green were adamant in their opposition to the removal of the trees. Thirty residents of Village Green attended the Board of Appeals hearing on October 8th, 2003, to protest the loss of the trees facing Village Green's property. Our community was offered an alternative solution, to saving the trees.

Prior to the Board of Appeals Meeting, I attended several meetings with the City forester and a representative of Sonic' s landscape company. They proposed an evergreen screen running along Talbott Street, which would be composed of two alternating rows of Leyland Cypress. The screen was to be maintained as a screen, with any damaged or dead trees, removed and replaced. The dealership's responsibility for maintaining the screen was to be in effect as long as Sonic owned the property and if they sold, the responsibility conveyed to the next owner. Our community agreed to the evergreen screen plan, as an acceptable solution to the loss of the hillside of trees.

The evergreen screen surpassed our expectations. The trees were large, healthy and beautiful. Additionally Sonic agreed to expend additional funds to change the plans from two rows of Leyland cypress to one row of Leyland cypress and one row of hollies. The combination of the two different

types of trees, created a very attractive evergreen screen. Village Green residents were more than pleased.

Now, however, while some parts of the trees are green, other parts are brown misshapen trunks. THE TREES NO LONGER PROVIDE A SCREEN. I can stand on parts of Village Green's property and see into their parking lot –I can watch people drive in and out of their parking lot, walk in and out of their buildings. Our community was promised, by both the City of Rockville and Sonic Automotive, an evergreen screen THAT would shield us from the car dealership and would be continually maintained.

THE SCREEN IS GONE – The previously beautiful, healthy trees have been hacked up into grotesque, mutilated trees. They are now an eye sore. The residents of Village Green want the damaged trees removed and replaced with new trees --There is no other solution – we are against additional planting next to the trees, there is no space and if there were, we would still be against it, we were promised trees not shrubs – we are against adding more fencing – again, we were promised trees, not make shift fencing.

We want the City of Rockville's forestry plan Implemented and we want it implemented as soon as possible. It is the only solution our community will accept. There is no other acceptable solution to the loss of Village Green's evergreen screen.

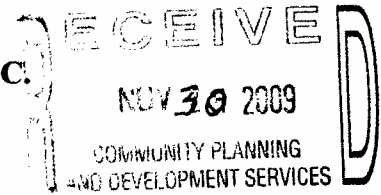
Thank you for your time.

Karen Voight, President, Village Green Condominiums ,

193 Talbott St., Rockville, Md. 20852, 301-279-9203

ATTACHMENT "F"

**WOODMONT SPRING CONDOMINIUM, INC.
11013 GAINSBOROUGH ROAD
POTOMAC, MARYLAND 20854**



Phone: 301-641-8985

November 28, 2009

Board of Appeals
City of Rockville
111 Maryland Avenue
Rockville, MD 20850-2364

Re: Sonic Automotive, Inc., 6425 Idlewild Road, Building 3, Suite 205, Charlotte, NC 28212
Audi of Rockville, 1125 Rockville Pike, Rockville, MD 20852
Use Permit, October 8, 2003
Stripping of Trees in Violation of Use Permit
Ltr., R. James Wasilak, Chief of Planning to Sonic Automotive and Jody Kline, Esq., 9/24/09

Dear Board Members:

This letter is written in strong support of the subject letter from Mr. Wasilak to Sonic Automotive et al, which transmits the Order for Corrective Action by the City of Rockville Forestry Division as a remedy for the stripping of trees along Talbott Street in violation of the subject Use Permit. I and the other six members of the board of directors of Woodmont Spring Condominium were appalled at this destruction, which defeated the successful implementation of years of planning. We, on behalf of all Woodmont Spring owners, urge the Board of Appeals, to fully enforce the Order at the hearing scheduled for December 5, 2009.

A number of organizations worked together over a period of time from mid-2002 through September, 2007, when Rockville Audi-Porsche occupied the new building at 1125 Rockville Pike, at the corner of Rockville Pike and Talbott Street, to ensure that the new dealership would be compatible with the existing residential neighborhoods on Talbott Street, and that the trees that screened the subject lot from the sight of residents at Village Green Condominium and Woodmont Spring Condominium, which were to be removed in the construction process, would be replaced with evergreen trees to be selected and planted so as to provide visually pleasing and effective screening.

The following organizations were involved in this process: The City of Rockville Planning Commission, Forestry Division, Board of Appeals, and Mayor and Council; Sonic Automotive; Woodmont Spring Condominium through its president, Earl Kendrick, and individual owners; and Village Green Condominium through its president, Karen Voight, and individual owners. Dozens of meetings were held, and dozens of proposals and position papers were prepared and submitted to the City organizations. Among the many issues resolved was that of the screening trees: A double row of Leyland Cypress and Nellie Stevens Holly trees was required to be planted along Talbott Street as a condition of issuing the Use Permit.

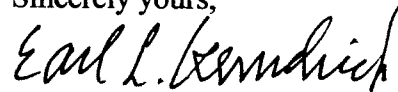
The Use Permit was approved in October 2003, and construction proceeded. Most of the required trees along Talbott Street were planted in October, 2006, and the remainder in the Spring of 2007. The dealership occupied the property in September 2007. The twelve-foot trees were well-selected, planted, and cared for so that by the summer of 2009 they had grown and filled out to the point that they perfectly provided the intended function of a pleasing, neighborhood-friendly screen along Talbott Street. Unfortunately, this state of affairs was not to last long.

On August 29, 2009 Karen Voight, president of Village Green Condominium was shocked to see that the subject trees had been stripped of their lower limbs so that they no longer served their screening purpose.. She promptly began an inquiry among City personnel, and advised Earl Kendrick , president of Woodmont Spring Condominium, who called Steve Heller, manager of Rockville Audi-Porsche, and made plans to meet him at the site. Mr. Heller said he had only given his landscape contractor instructions to "trim the shrubbery and trees" without specifics and without limitation, and the contractor took it upon himself to strip the trees of live limbs to a height of about four feet above ground level.

As I understand it, Paula Perez, City of Rockville Forester, arrived at the site to do an inspection just as the landscape contractor had almost finished stripping the trees. She stopped him from stripping the few remaining ones. The photograph of one of the unstripped trees in Figure 2, attached, at the northwest corner of the Audi of Rockville lot, shows that the trees prior to stripping had healthy, live branches all the way to the ground, providing good screening of the adjacent Audi lot. Figure 2 shows the long row of stripped trees east (toward Rockville Pike) from the location of Figure 1 with the now-open view of the adjacent lot..

The existing state of affairs is unacceptable and must be remedied. It is the position of the officers and boards of directors of Woodmont Spring and Village Green Condominiums that the stripped trees must be removed and replaced with new trees of the same type and size. Therefore, we urge you to fully enforce the Order for Corrective Action. Thank you for your attention to this letter.

Sincerely yours,



Earl L. Kendrick, President
Woodmont Spring Condominium

c: Woodmont Spring Condominium Directors and Owners

Karen Voight, President, Village Green Condominium

Kevin B. McParland, Esquire
Bregman, Berbert, Schwartz & Gilday

BdAp11/09

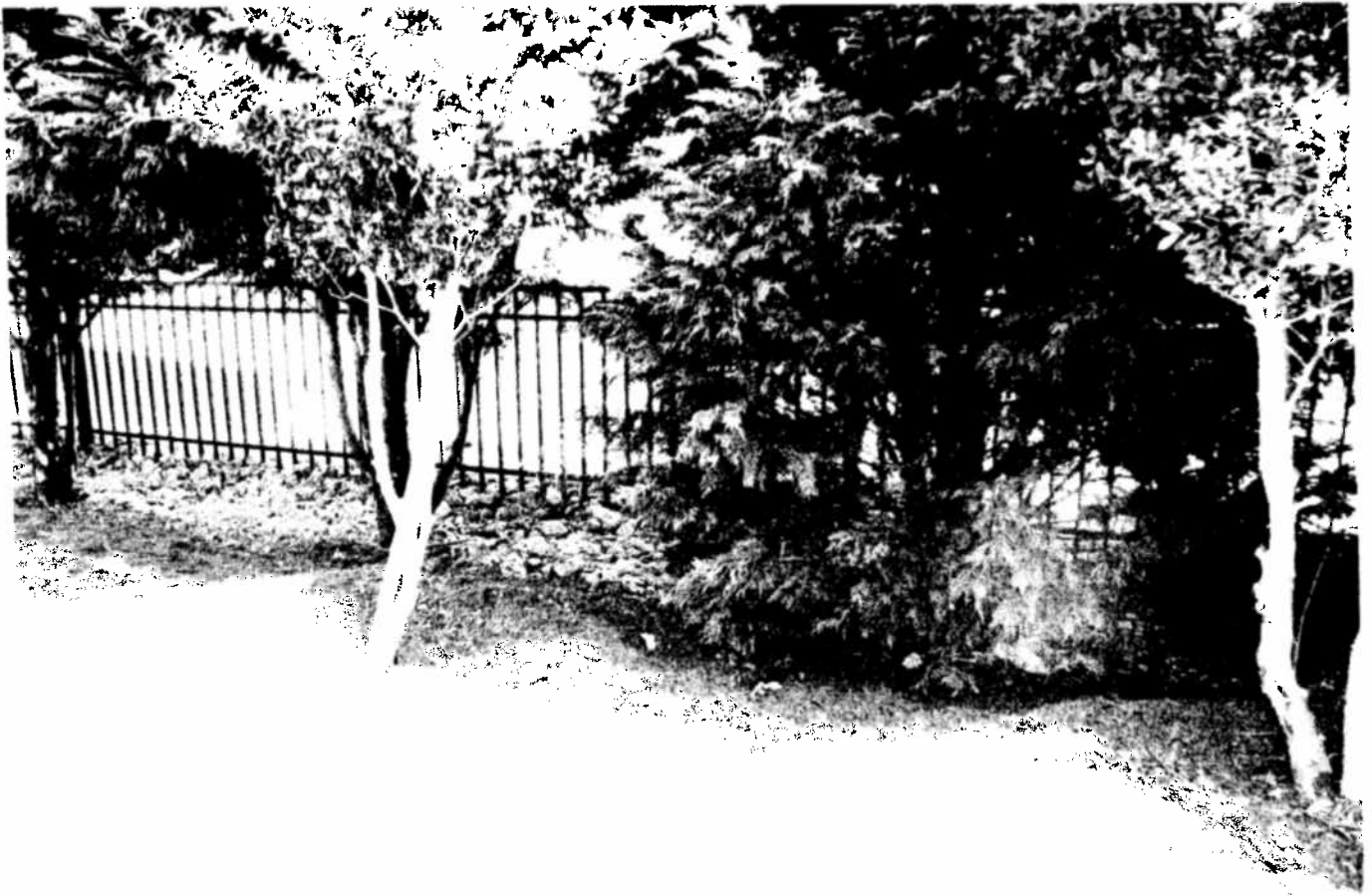


Fig. 1



Fig. 2



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing Division
 240-314-8200

December 23, 2009

ATTACHMENT "G"

Sonic Automotive, Inc.
 C/o Robert Sanders, Vice President
 6425 Idlewild Road, Building 3, Suite 205
 Charlotte, North Carolina 28212

Jody Kline, Esquire
 Miller, Miller, & Canby
 200-B Monroe Street
 Rockville, Maryland 20850

Steven Heller
 Rockville Porsche-Audi, Inc.
 1125 Rockville Pike
 Rockville, Maryland 20852

Re: Show Cause hearing related to Special Exception Application SPX2002-00312
 1125 Rockville Pike, Rockville, Maryland 20852

Dear Mr. Sanders, Mr. Kline and Mr. Heller:

This letter constitutes formal notice that, pursuant to Section 25.19.07 of the Rockville Zoning Ordinance, a show cause hearing will be conducted by the City of Rockville Board of Appeals related to the above-referenced Special Exception on Saturday, January 9, 2010, at 9:30 a.m., or as soon thereafter as it may be heard. You are hereby directed to appear at the hearing and to show cause as to why the zoning approval for the property should not be suspended or revoked.

As you are aware, at its October 12th 2002 meeting, the Board of Appeals approved Special Exception SPX2002-00312, subject to certain conditions. Approval allowed for the subject property to be developed for use and operation of an automobile dealership, engaged in outdoor and indoor motor vehicle sales, auto service repair and maintenance, and retail sales of auto parts and accessories.

Among the conditions of approval imposed by the Board of Appeals in its approval of the Special Exception, the applicant was required to comply with applicable requirements of the City's Forest and Tree Preservation Ordinance, as well as the Special Exception plans detailing proposed landscaping as presented to the Board.

As you were previously advised by letter dated September 24, 2009, an inspection of the property has revealed that the trees that were required to be planted and installed to provide screening of adjacent residential properties along Talbott Street were severely

MAYOR
 Phyllis Marcuccio

COUNCIL
 John B. Britton
 Piotr Gajewski
 Bridget Donnell Newton
 Mark Pierzchala

CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Debra Yerg Daniel

150

damaged due to inappropriate pruning, causing irreparable damage to the trees. In staff's view, the trees no longer provide the required level of screening that was intended and required along the site's Talbott Street frontage, nor do the trees now meet the requirements of the Forest and Tree Preservation Ordinance.

As you will recall, there was substantial discussion at the Board of Appeals public hearing and review of the special exception application about the species and the number of trees that would be planted along the site's Talbott Street frontage. As such, the site's approved Forest Conservation Plan detailed both the number and species of all trees to be planted not only along Talbott Street, but also throughout the subject project area.

Please note that notice of the show cause hearing has been given in accordance with Section 25.05.03.b. Also note that, pursuant to Section 25.19.07.c, the Board must render a decision on the matter in the same manner it renders other decisions.

Should you have questions please feel free to contact me or Cas Chasten at 240-314-8200.

Respectfully,

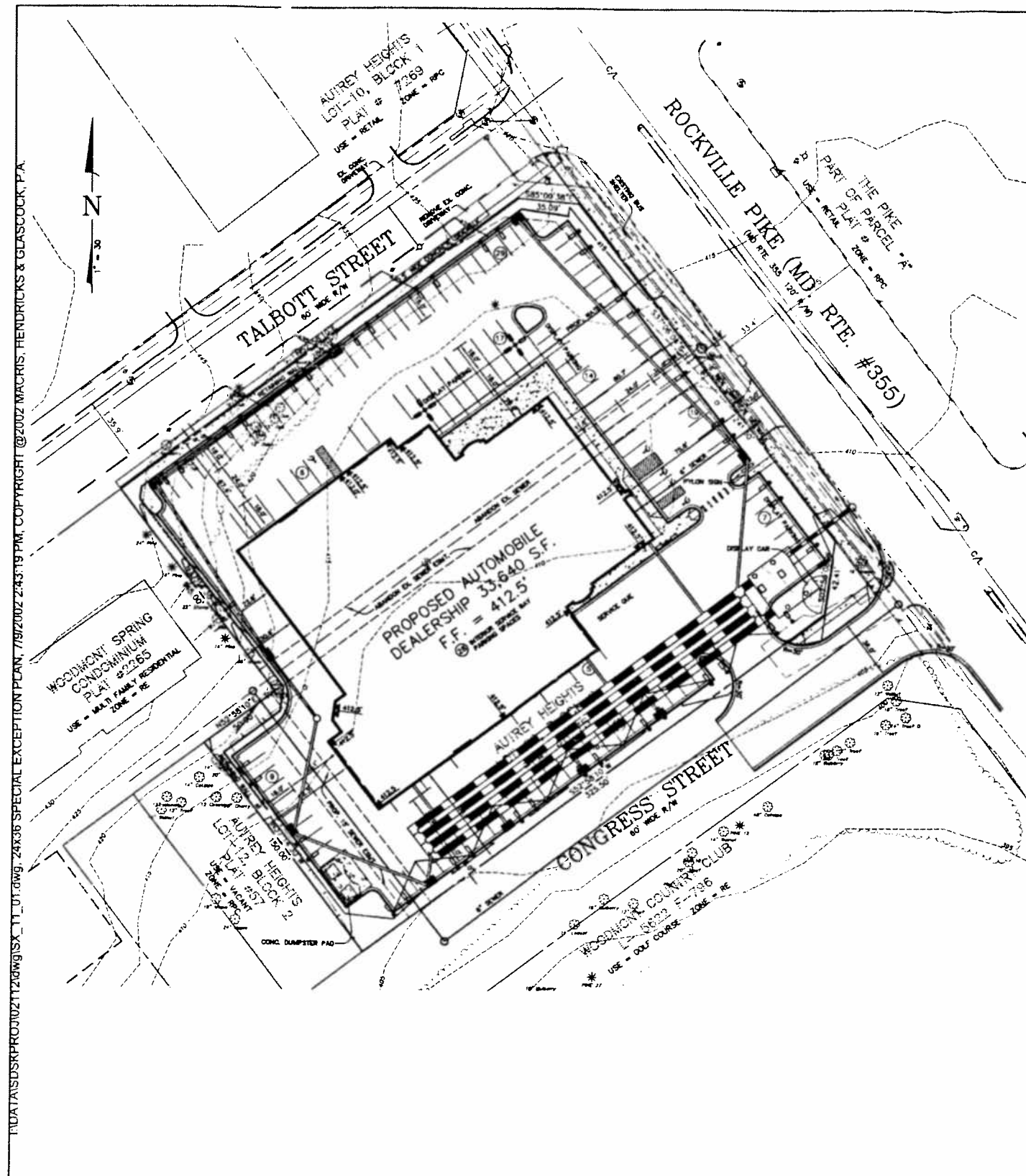


R. James Wasilak, AICP
Chief of Planning

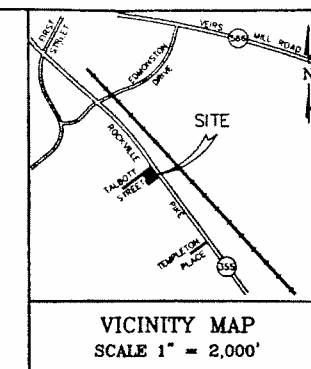
/cdc

cc: Board of Appeals
Planning Commission
Cas Chasten, Planner III - CPDS
Tami Dietrich, Zoning Inspector-CPDS
Wayne Noll, Assistant City Forester - R&P
Deane Mellander, Zoning Administrator - CPDS
Paula Perez, Forestry Division Inspector - R&P
Bobby Ray, AICP, Principal Planner - CPDS
Cindy Walters, Assistant City Attorney

T:\DATA\SDR\PROJ02\1126\GISX_TT_01.dwg, 24X36 SPECIAL EXCEPTION PLAN, 7/9/2002 2:43:19 PM, COPYRIGHT © 2002 MACRIS, HENDRICKS & GLASCOCK, P.A.



EXISTING		PROPOSED	
	Paving		Paving
	Curb & Gutter		Curb & Gutter
	Sign		Sign
	Utility Pole		Utility Pole
	Lamp Post		Lamp Post
	Post or Ballard		Post or Ballard
	Tree		Tree
	Electric		ELEC
	Overhead Wire		Overhead Wire
	Sanitary Sewer		8" SEWER
	Storm Drain		15" RCP
	Water Line		4" WATER
	Fire Hydrant		Fire Hydrant
	Gas		4" GAS
	Telephone		TELE
	Building		Building
	Concrete		Concrete
	Spot Elevation		75.5+
	Contour		474



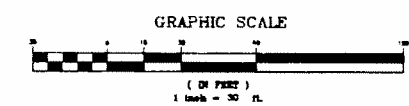
SITE DATA

SUBJECT PROPERTY: LOT 29, BLOCK 2, AUTREY HEIGHTS
 LOT AREA: 56,974 S.F. OR 2.22 AC.
 ZONING CLASSIFICATION: RPC (ROCKVILLE PIKE COMMERCIAL)
 PROPERTY ADDRESS: 1125 ROCKVILLE PIKE
 TAX ACCOUNT #: 14-00145745
 PROPOSED USE: AUTO SALES, SHOWROOM & OFFICE

DEVELOPMENT STANDARDS

	REQUIRED/ALLOWED	PROPOSED
TRACT AREA	NONE PRESCRIBED	56,974 S.F. 2.22 AC
BUILDING SETBACK REQUIREMENTS		
FRONT - ROCKVILLE PIKE	75' BUILD TO LINE 135' FROM C/L R/W	75'
SIDE/REAR - NON RES. ZONE	0 OR 10' IF PROVIDED	5'
SIDE/REAR - RESIDENTIAL ZONE	EQUAL TO BUILDING HEIGHT (30')	30.6'
MAXIMUM BUILDING HEIGHT	35'	2 STORY 30'
BUILDING AREA		
BUILDING AREA	0.35 FAR OR 33,940 S.F.	32,458 S.F.
RETAIL SALES		8,090 S.F.
SERVICE		18,730 S.F.
OFFICE		5,618 S.F.
GROSS BUILDING AREA		32,458 S.F.
SITE GREEN AREA	10% 9,700 S.F.	15,500 S.F.
OFF STREET PARKING AND LOADING		
INTERNAL LANDSCAPING	2.8 S.F./PARKING SPACE OR 136 S.F.	1,200 S.F.
PARKING SPACES		
RETAIL SALES (8,090 S.F.)	1/200 S.F. = 41	
SERVICE (18,730 S.F. + 14 EMP)	1/300 S.F. + 1 EMP = 60	
OFFICE (5,618 S.F.)	1/300 = 16	
TOTAL	137 SPACES	17 ATTENDED 114 STANDARD 28 INTERIOR SERVICE 186 SPACES

* 5 SPACES ARE RESERVED FOR THE HANDICAPPED AND 28 SPACES ARE RESERVED FOR DISPLAY/INVENTORY



TAX MAP 0R581 SPECIAL EXCEPTION #SPX 2002-00312 WSSC 216 NW 7

SPECIAL EXCEPTION SITE PLAN
 1125 ROCKVILLE PIKE
AUDI OF ROCKVILLE
 AUTREY HEIGHTS, LOT-29, BLOCK 2, PLAT #8275

4th ELECTION DISTRICT - CITY OF ROCKVILLE - MARYLAND

Macris, Hendricks & Glascock, P.A.
 Engineers • Planners • Surveyors
 (301) 870-0840 Suite 120
 FAX (301) 948-0893 8220 Wightman Road
 WWW.MHGPA.COM Montgomery Village, Maryland
 20886-1279

Designed MDP	Drawn MDP
Date 7-9-02	Scale 1" = 30'
Job No. 02-112-12	Sheet 1 of 1

CONTRACT PURCHASER/APPLICANT
 SONIC AUTOMOTIVE, INC.
 6425 IDLEWILD ROAD
 BUILDING #3, SUITE 205
 CHARLOTTE, NC
 PHONE: 704-566-3980

EXHIBIT "1"



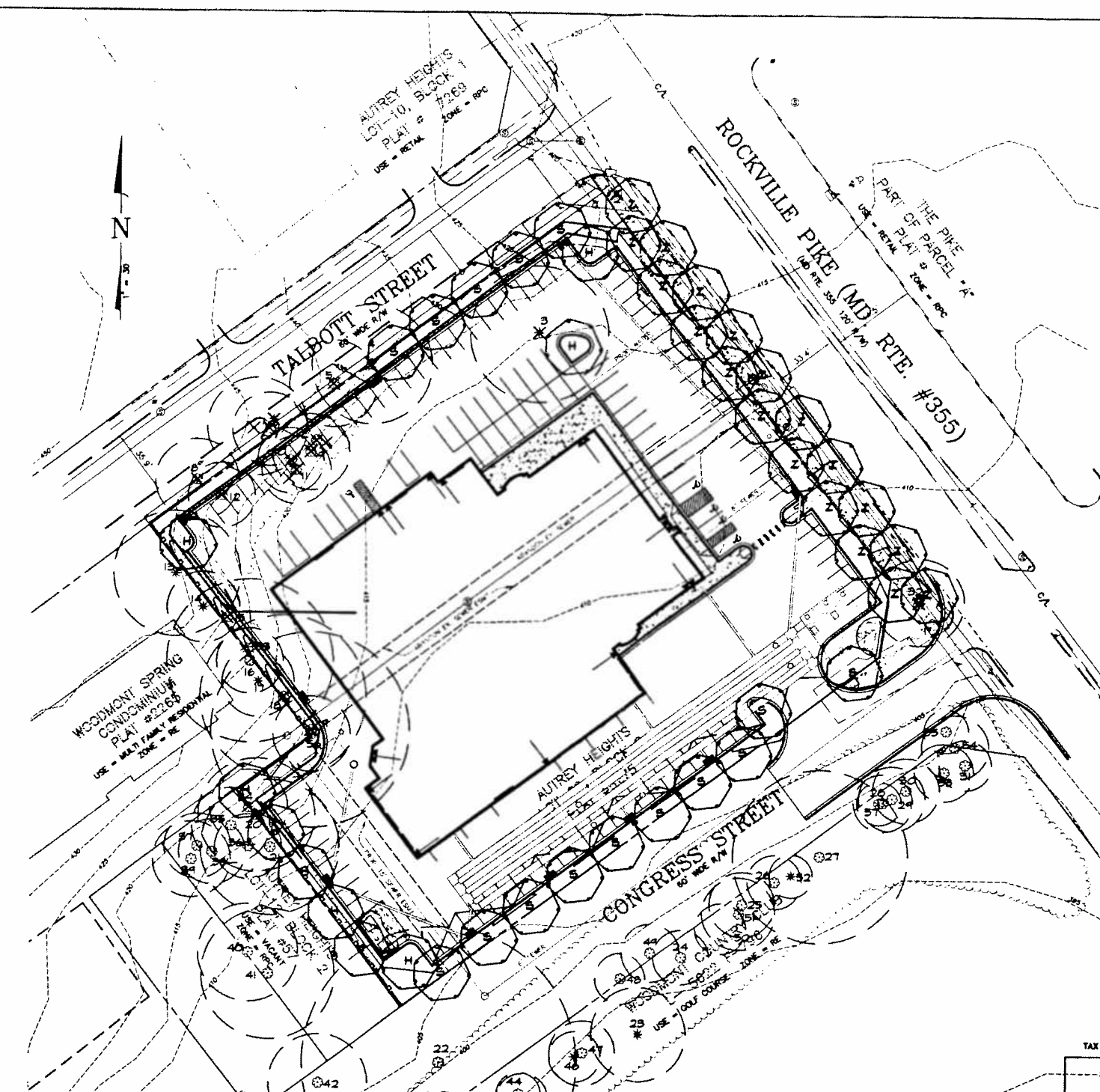
TABLE 1: SUMMARY OF AFFORESTATION REQUIREMENTS

Item	Description	Value
1	Total area of site	84,000 sq ft
2	Area of site to be used for operations	1,000 sq ft
3	Area of site to be used for parking	1,000 sq ft
4	Area of site to be used for other purposes	1,000 sq ft
5	Area of site to be used for other purposes	1,000 sq ft
6	Area of site to be used for other purposes	1,000 sq ft
7	Area of site to be used for other purposes	1,000 sq ft
8	Area of site to be used for other purposes	1,000 sq ft
9	Area of site to be used for other purposes	1,000 sq ft
10	Area of site to be used for other purposes	1,000 sq ft
11	Area of site to be used for other purposes	1,000 sq ft
12	Area of site to be used for other purposes	1,000 sq ft
13	Area of site to be used for other purposes	1,000 sq ft
14	Area of site to be used for other purposes	1,000 sq ft
15	Area of site to be used for other purposes	1,000 sq ft
16	Area of site to be used for other purposes	1,000 sq ft
17	Area of site to be used for other purposes	1,000 sq ft
18	Area of site to be used for other purposes	1,000 sq ft
19	Area of site to be used for other purposes	1,000 sq ft
20	Area of site to be used for other purposes	1,000 sq ft
21	Area of site to be used for other purposes	1,000 sq ft
22	Area of site to be used for other purposes	1,000 sq ft
23	Area of site to be used for other purposes	1,000 sq ft
24	Area of site to be used for other purposes	1,000 sq ft
25	Area of site to be used for other purposes	1,000 sq ft
26	Area of site to be used for other purposes	1,000 sq ft
27	Area of site to be used for other purposes	1,000 sq ft
28	Area of site to be used for other purposes	1,000 sq ft
29	Area of site to be used for other purposes	1,000 sq ft
30	Area of site to be used for other purposes	1,000 sq ft
31	Area of site to be used for other purposes	1,000 sq ft
32	Area of site to be used for other purposes	1,000 sq ft
33	Area of site to be used for other purposes	1,000 sq ft
34	Area of site to be used for other purposes	1,000 sq ft
35	Area of site to be used for other purposes	1,000 sq ft
36	Area of site to be used for other purposes	1,000 sq ft
37	Area of site to be used for other purposes	1,000 sq ft
38	Area of site to be used for other purposes	1,000 sq ft
39	Area of site to be used for other purposes	1,000 sq ft
40	Area of site to be used for other purposes	1,000 sq ft
41	Area of site to be used for other purposes	1,000 sq ft
42	Area of site to be used for other purposes	1,000 sq ft
43	Area of site to be used for other purposes	1,000 sq ft
44	Area of site to be used for other purposes	1,000 sq ft
45	Area of site to be used for other purposes	1,000 sq ft
46	Area of site to be used for other purposes	1,000 sq ft
47	Area of site to be used for other purposes	1,000 sq ft
48	Area of site to be used for other purposes	1,000 sq ft
49	Area of site to be used for other purposes	1,000 sq ft
50	Area of site to be used for other purposes	1,000 sq ft
51	Area of site to be used for other purposes	1,000 sq ft
52	Area of site to be used for other purposes	1,000 sq ft
53	Area of site to be used for other purposes	1,000 sq ft
54	Area of site to be used for other purposes	1,000 sq ft
55	Area of site to be used for other purposes	1,000 sq ft
56	Area of site to be used for other purposes	1,000 sq ft
57	Area of site to be used for other purposes	1,000 sq ft
58	Area of site to be used for other purposes	1,000 sq ft
59	Area of site to be used for other purposes	1,000 sq ft
60	Area of site to be used for other purposes	1,000 sq ft
61	Area of site to be used for other purposes	1,000 sq ft
62	Area of site to be used for other purposes	1,000 sq ft
63	Area of site to be used for other purposes	1,000 sq ft
64	Area of site to be used for other purposes	1,000 sq ft
65	Area of site to be used for other purposes	1,000 sq ft
66	Area of site to be used for other purposes	1,000 sq ft
67	Area of site to be used for other purposes	1,000 sq ft
68	Area of site to be used for other purposes	1,000 sq ft
69	Area of site to be used for other purposes	1,000 sq ft
70	Area of site to be used for other purposes	1,000 sq ft
71	Area of site to be used for other purposes	1,000 sq ft
72	Area of site to be used for other purposes	1,000 sq ft
73	Area of site to be used for other purposes	1,000 sq ft
74	Area of site to be used for other purposes	1,000 sq ft
75	Area of site to be used for other purposes	1,000 sq ft
76	Area of site to be used for other purposes	1,000 sq ft
77	Area of site to be used for other purposes	1,000 sq ft
78	Area of site to be used for other purposes	1,000 sq ft
79	Area of site to be used for other purposes	1,000 sq ft
80	Area of site to be used for other purposes	1,000 sq ft
81	Area of site to be used for other purposes	1,000 sq ft
82	Area of site to be used for other purposes	1,000 sq ft
83	Area of site to be used for other purposes	1,000 sq ft
84	Area of site to be used for other purposes	1,000 sq ft
85	Area of site to be used for other purposes	1,000 sq ft
86	Area of site to be used for other purposes	1,000 sq ft
87	Area of site to be used for other purposes	1,000 sq ft
88	Area of site to be used for other purposes	1,000 sq ft
89	Area of site to be used for other purposes	1,000 sq ft
90	Area of site to be used for other purposes	1,000 sq ft
91	Area of site to be used for other purposes	1,000 sq ft
92	Area of site to be used for other purposes	1,000 sq ft
93	Area of site to be used for other purposes	1,000 sq ft
94	Area of site to be used for other purposes	1,000 sq ft
95	Area of site to be used for other purposes	1,000 sq ft
96	Area of site to be used for other purposes	1,000 sq ft
97	Area of site to be used for other purposes	1,000 sq ft
98	Area of site to be used for other purposes	1,000 sq ft
99	Area of site to be used for other purposes	1,000 sq ft
100	Area of site to be used for other purposes	1,000 sq ft

TREE REPLACEMENT SUMMARY

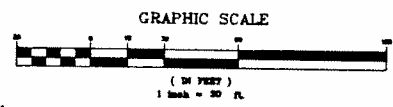
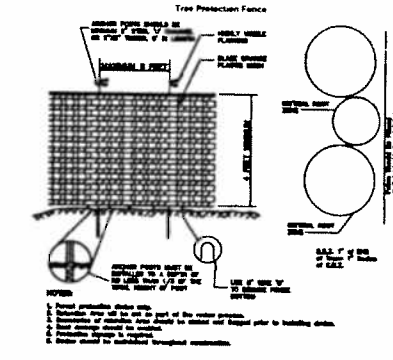
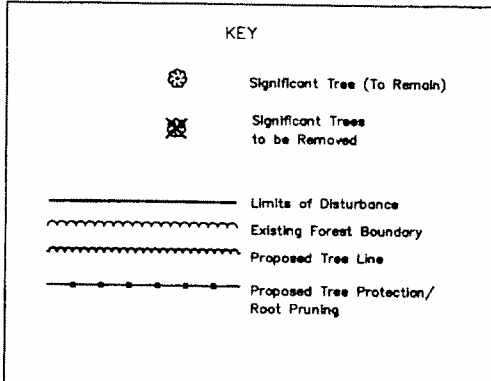
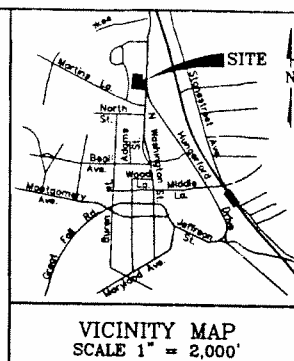
Tree #	Species	D.B.H.	# of replacements required
1	unknown	13"	1
2	unknown	13"	1
3	Pinus strobus	25"	3
4	Robinia pseudoacacia	22"	2
5	Robinia pseudoacacia	16"	1
6	Quercus palustris	13.5"	1
7	Quercus falcata	18"	2
8	Morus sp	15"	1
9	Quercus falcata	14"	1
10	Quercus falcata	12"	1
11	Quercus falcata	12.5"	1
12	Quercus falcata	12"	1
15	Acer rubrum	30"	3
16	Quercus sp	12"	1
18	Acer rubrum	30"	3
19	Acer rubrum	36"	3
20	Acer negundo	21"	2
32	Acer saccharum	16"	1
34	Acer negundo	14"	1
56	Acer negundo	14"	1

TOTAL TREE REPLACEMENTS REQUIRED 31



- NOTES:**
- The 31 replacement trees will be met with 5 parking lot and 26 on-site trees. The remaining 2 on-site trees will be credited toward on-site afforestation (800 sf of credit). 9 street equal to 25% of the afforestation requirement to be counted for credit.
 - A Fee-in-lieu of \$0.40 will be used to met the remaining 10,146 sf of afforestation required. A fee of \$4,058.40 will be contributed to the City Conservation Fund.

CONTRACT PURCHASER/APPLICANT
 SONIC AUTOMOTIVE, INC.
 6425 IDLEWILD ROAD
 BUILDING #3, SUITE 205
 CHARLOTTE, NC
 PHONE: 704-566-3980



TAX MAP 0R561 SPECIAL EXCEPTION #SPX 2002-00312 WSSC 216 MW 7

SPECIAL EXCEPTION FOREST CONSERVATION PLAN
 1125 ROCKVILLE PIKE
AUDI OF ROCKVILLE
 AUTREY HEIGHTS, LOT-29, BLOCK 2, PLAT #8275
 4th ELECTION DISTRICT - CITY OF ROCKVILLE - MARYLAND

Macris, Hendricks & Glascock, P.A.
 Engineers • Planners • Surveyors
 (301) 670-0840 Suite 120
 FAX (301) 848-0693 9220 Wightman Road
 WWW.MHOPA.COM Montgomery Village, Maryland
 20886-1279

Designed	VB	Drawn	
Date	7-8-02	Scale	1" = 30'
Job No.	02-112-12	Sheet	1 of 2

EXHIBIT "3"

I:\DATA\SDSKPROJ\02112\dwg\FC_12_00.dwg, 24x36 SE FCP, 7/9/2002 2:45:01 PM, COPYRIGHT ©2002 MACRIS, HENDRICKS, HENDRICKS & GLASCOCK, P.A.