



FEB 11 2009

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

MCPB No. 09-10  
Site Plan No. 820090020  
Project Name: Pike Center  
Date of Hearing: January 15, 2009

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on August 12, 2008, JBG/Pike Center, LLC, ("Applicant") filed an application for approval of a site plan for the addition of two pad-site commercial retail buildings, including a 3,710-square foot bank with three drive-through lanes and a 6,060-square foot retail building, totaling 9,770 gross square feet, to an existing retail center site, for a grand total of 81,067 gross square feet, as well as a reduction in the required number of parking spaces from 415 to 358, and a reduction in the landscape strip between the parking lot and the rights-of-way for Bou Avenue and Chapman Avenue from 10 feet to 5 feet to accommodate construction of a master-planned shared-use bike path on those roads, ("Site Plan" or "Plan") on 6.84 acres of C-4-zoned land, located at the intersection of Rockville Pike and Bou Avenue ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820090020, Pike Center (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated January 2, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on January 15, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.C. Planning Board, Legal Department 301-495-4605 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on January 15, 2009, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820090020 for the addition of two pad-site commercial retail buildings, including a 3,710-square foot bank with three drive-through lanes and a 6,060-square foot retail building, totaling 9,770 gross square feet, to an existing retail center site, for a grand total of 81,067 gross square feet, as well as a reduction in the required number of parking spaces from 415 to 358, and a reduction in the landscape strip between the parking lot and the rights-of-way for Bou Avenue and Chapman Avenue from 10 feet to 5 feet to accommodate construction of a master-planned shared-use bike path on those roads, on 6.84 gross acres in the C-4 zone, subject to the following conditions:

1. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved tree save plan. The Applicant must satisfy all conditions prior to the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

2. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 21, 2008, unless amended and approved by the Montgomery County Department of Permitting Services.

3. LEED Certification

- a. In the final design and construction of this project, the Applicant must implement sustainable design strategies sufficient to achieve the equivalent of a minimum of 19 points in the LEED-NC rating system.
- b. By Certified Site Plan, the Applicant must provide LEED-NC score card indicating the total points anticipated.
- c. Before final building use and occupancy permit, the Applicant must demonstrate to the appropriate Montgomery County Department of Permitting Services staff that this condition has been met.

4. Transportation

- a. The Applicant must limit the site plan to a maximum of 81,067 square feet of general retail space.
- b. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by paying the County \$77,000 to mitigate seven new peak-hour trips generated

by the proposed new land uses prior to release of any building permit. The payment of \$11,000 per PAMR new trip is a permitted alternative to providing off-site non-auto transportation improvements within the North Bethesda Policy Area.

- c. The Applicant must enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management District (TMD) and assist in achieving and maintaining the 39% percent non-auto driver mode share goal for employees working within the *North Bethesda/Garrett Park Master Plan*. The Traffic Mitigation Agreement must be executed prior to certification of the site plan.
- d. Dedicate land area along the site's Rockville Pike frontage as necessary to meet the Master Plan right-of-way for that road to the Maryland State Highway Administration (SHA), as described in SHA's letter dated September 15, 2008.
- e. The Applicant must provide eight (8) inverted-U bike racks and place one rack in front of each pad site, with the remaining racks distributed evenly in front of the main cluster of stores. The final locations of the bike racks shall be determined prior to certification of the site plan in coordination with the Montgomery County Planning Department's bikeway planner.

#### 5. Site Design

- a. The Applicant may modify the approved building footprint up to two feet in any direction, provided the approved maximum buildable area for each building – 3,710 sf. for the bank and 6,060 sf. for the retail building – is not exceeded and the revised footprint does not impinge on any required minimum setbacks or easements.
- b. Provide continuous streetscape along the site frontages on Rockville Pike, Bou Avenue, and Chapman Avenue, consistent with the North Bethesda Master Plan, following the "Business Street" standard for Bou and Chapman Avenues.
- c. Except where leadwalks enter the site from the adjacent sidewalks, screen the parking lot from Rockville Pike and Bou Avenue using a low wall or landscaping of sufficient height. By Certified Site Plan, provide an elevation diagram showing a typical screen condition for both streets.
- d. Provide a consistent minimum parapet/roof height of 23 feet.

#### 6. Landscaping

- a. Provide shade trees in all parking lot islands.
- b. At each parking lot island the Applicant must fully excavate to a minimum depth of 3 feet and install a modified soil panel.

#### 7. Lighting

- a. All onsite downlight fixtures must be full cut-off fixtures.
- b. Deflectors shall be installed on all upright fixtures.
- c. Illumination levels of all new on-site fixtures shall not exceed 0.5 footcandles (fc) at any property line abutting county roads, except at the Bou Avenue and Chapman Avenue entrances, which may not exceed 6 footcandles.
- d. The height of the light poles shall not exceed the height specified on the certified site plan, including the mounting base.

8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing acceptable to M-NCPPC staff for installation of on-site landscaping and lighting.
- d. Landscaping associated with the parking lot and building shall be completed as construction of the new pad buildings is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

9. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Indicate all public use easements on the site plan.
- c. Execute the SHA plat of dedication for the site's Rockville Pike frontage required in Condition 4.d.
- d. Modify data table as necessary to reflect development standards enumerated in the staff report.

- e. Ensure consistency of all details and layout between site plan and landscape plan.
- f. Provide a table identifying the built/buildable area for each building/structure on-site.
- g. Provide a diagram delineating the location of the on-site Green Area.

BE IT FURTHER RESOLVED that all site development elements as shown on Pike Center drawings stamped by the M-NCPPC on December 8, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the C-4 zone.*

The proposed commercial retail use is allowed in the C-4 Zone and the site plan fulfills the purposes of the zone by providing additional locations for low-density commercial uses of a nature compatible with locations on arterial or major roads outside of central business districts, in this instance Rockville Pike.

As the project data table below indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is less than all the maximum standards allowed. Further, the proposed development provides more than the minimum green area required.

Additionally, this application requests a 13.73 percent reduction in the number of parking spaces required by the Zoning Code, from 415 to 358. Currently, the existing parking at the center is under-utilized, and the Applicant testified that the proposed additions will not impose a strain on the users of this center. The reduction in the required number of parking spaces does not impair the projects ability to meet the purposes, intents, and other requirements of the C-4 Zone.

**Requirements of the C-4 zone**

The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the C-4 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standards Approved by  
 the Planning Board and Binding on  
 the Applicant

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Min. Gross Lot Area (acres)	6.84
Min. Gross Lot Area (sf.)	298,021
Right-of-Way Dedication (sf.)	5,581
Net Lot Area (sf.)	292,440
Max. Commercial Density (FAR)	0.28
Max. Commercial Density (sf.)	81,067
Max. Lot Coverage (% of Gross Lot Area)	29.5
Max. Lot Coverage (sf.)	86,363
Min. Lot Frontage (ft.)	810
Min. Green Area (% of Net Lot Area)	14.11
Min. Green Area (sf.)	41,287
Max. Building Height (ft.)	30
Min. Parapet Height (ft.)	23
Min. Building Setback (ft.)	
Rockville Pike	10
Bou Avenue	25
Chapman Avenue	10

Parking

Internal Landscape (% of parking lot area)	10
Internal Landscape (sf.)	11,313
Spaces	358

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

a. Buildings and Structures

The two new buildings are located along Rockville Pike, providing a quantum of streetfront. The buildings will provide a two-story presence on the street, helping to further define the street edge. The location of the buildings is adequate, safe, and efficient.

b. Open Spaces, Landscaping, Lighting, and Recreation Facilities

As this remains a primarily automobile-oriented retail center with surface parking, the open space, landscaping, and recreation facilities are limited in scope and reach. The primary landscape benefit is to improve the attractiveness and shading of the parking lot through the addition of planted islands. Throughout the parking lot and along the roadways, the generous addition of shade trees will provide not only respite from the hot summer sun, but also visual relief the year round. The reduction in the landscape buffer between the parking lot and the public shared-use bikeway, from ten feet to five feet, remains sufficient to provide screening and will promote recreation along the bikeway. Through the sidewalks, pedestrian paths, and extension of the bikeways along Chapman and Bou Avenue, the project further provides some opportunity for recreation along and through the site. Taken as a whole, the open spaces, landscaping, and recreation facilities are adequate, safe, and efficient.

c. Vehicular and Pedestrian Circulation

Pedestrian access to the site is provided from the existing sidewalk, to be refurbished in places, on three sides of the site. Bicycle access will be from the shared bikeway on Chapman and Bou Avenues. Vehicles entering from Rockville Pike, Chapman Avenue, or Bou Avenue enter into

a slightly reconfigured parking lot with additional lighting, shade trees, and landscaping. Pedestrian, bicycle, and vehicular access and circulation systems are adequate, safe, and efficient.

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

The proposed one-story pad-site buildings are compatible with the existing adjacent and confronting one-story retail buildings and with other nearby one-story retail buildings.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The proposed development is exempt from forest conservation requirements, but requires review of a tree save plan for the site. The plan is in compliance with the requirements for water resource protection, with an approved stormwater management concept dated March 21, 2008.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is FEB 11 2009 (which is the date that this resolution is mailed to all parties of record); and

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

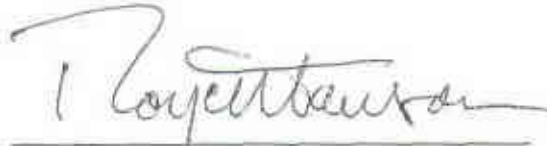
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### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by



Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor at its regular meeting held on Thursday, February 5, 2009, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman  
Montgomery County Planning Board