



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

FEB - 5 2009

MCPB No. 09-11
Preliminary Plan No. 11989271A
Wildwood Manor Shopping Center
Date of Hearing: January 22, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 23, 2008, Wildwood Medical Center, LLC ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan of subdivision of property that would increase the commercial floor area from 36,423 square feet to 69,893 square feet on 3.5 acres of land located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Rock Spring Drive ("Property" or "Subject Property"), in the North Bethesda/Garrett Park Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan Amendment No. 11989271A, Wildwood Manor Shopping Center ("Amendment" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated January 12, 2009, setting forth its analysis, 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 staff of other governmental agencies, on January 22, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

Christina Sorrento 1/22/09

8787 Georgia Avenue, N.C.P.P.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

WHEREAS, on January 22, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Alfandre; 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 50, the Planning Board approved Preliminary Plan Amendment No. 11989271A to increase the commercial floor area from 36,423 square feet to 69,893 square feet on 3.5 acres of land located in the southeast quadrant of the intersection of Old Georgetown Road (MD 187) and Rock Spring Drive ("Property" or "Subject Property"), in the North Bethesda/Garrett Park Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Amendment is limited to one lot for a total of 69,893 square-feet of floor area, consisting of an existing 36,423-square-foot office building, a new 30,000-square-foot office building, and a new 3,470-square foot bank building with three drive-through lanes.
- 2) The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by installing and/or funding off-site non-automobile transportation improvements within the North Bethesda Policy Area equivalent to a total of 30 new peak-hour vehicular trips. Prior to certification of the site plan, the non-automobile transportation improvements and their locations must be approved by the Montgomery County Department of Transportation (MCDOT).
- 3) Prior to the release of any building permits for each proposed use, the non-automobile transportation improvements to satisfy condition 2 above must be provided by either construction of improvements or payment of a fee in lieu of construction, as follows:
 - a. The Applicant must make the required payments by an acceptable financial instrument determined by MCDOT and/or the Maryland State Highway Administration (MDSHA); or
 - b. The Applicant must receive necessary construction permits and post bond(s) with the Montgomery County Department of Permitting Services (MCDPS) or MDSHA.
- 4) The PAMR improvements may be provided separately for each proposed building as follows:
 - a. For construction of the bank, the Applicant must provide non-automobile transportation improvements equivalent to the first five new site-generated peak-hour trips within the weekday morning and evening peak periods.
 - b. For construction of the office building, the Applicant must provide non-automobile transportation improvements equivalent to the remaining 25

- new site-generated peak-hour trips within the weekday morning and evening peak periods.
- 5) Prior to issuance of any building permit, the Applicant must submit a complete record plat application to M-NCPPC that shows dedication of 3.5 feet of right-of-way, for a total of 60 feet as measured from the centerline, along the property frontage for Old Georgetown Road (MD 187).
 - 6) The Applicant must provide a second westbound approach lane on the Wildwood Manor Driveway at the intersection of Old Georgetown Road. The necessary permits must be approved and the bond received by MDSA prior to the release of any building permit for the 30,000-square-foot general office building.
 - 7) The Applicant must provide bicycle parking as follows:
 - a. Three inverted-U bike racks, each of which must be located within 50 feet of the public entrance of the existing medical office building, proposed general office building, and bank building, respectively.
 - b. Six bike lockers in the garage for the proposed office building.The ultimate locations will be determined prior to certification of the site plan in coordination with an M-NCPPC bikeways planner.
 - 8) The Applicant must comply with all binding elements of Local Map Amendment G-851.
 - 9) The Applicant must comply with the conditions of the MCDOT letter dated December 17, 2008, unless otherwise amended.
 - 10) The Applicant must satisfy provisions for access and improvements as required by MDSA prior to issuance of access permits.
 - 11) No clearing or grading prior to certified site plan approval.
 - 12) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.
 - 13) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
 - 14) All other conditions of Preliminary Plan No. 119892710 that were not modified herein, as contained in the Planning Board's opinion dated January 19, 1990, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the 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. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

Local Area Transportation Review (LATR)

In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study was submitted to satisfy Local Area Transportation Review (LATR) because the existing and proposed land uses generate 30 or more peak-hour trips within the weekday morning and evening peak periods.

The traffic study shows the projected net increase in peak-hour trips generated by the proposed addition of office and bank uses on the site within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). The trips shown are total trips that include the new, diverted, and pass-by trips. The traffic study also shows the calculated Critical Lane Volume (CLV) values at studied intersections for existing, background (trips generated from approved but un-built developments in the study area), total (existing, background, and new trips), and total improved traffic conditions.

According to the traffic study, only the CLV value at the Old Georgetown Road/Rock Creek Drive/Wildwood Manor Drive intersection exceeds the congestion standard of 1,550 CLV for the North Bethesda Policy Area in the evening total traffic condition. The Planning Board's approval includes a condition that the Applicant provide a second westbound approach lane on the Wildwood Manor driveway at the intersection of Old Georgetown Road (MD 187). The increase in capacity provided by this improvement results in reducing the CLV value in the total improved traffic condition below the 1,550 standard and, thus, LATR is satisfied.

Policy Area Mobility Review (PAMR)

Under the current Growth Policy, the PAMR test requires the Applicant to mitigate the following:

1. Proposed bank building: Five (or 40% of 13) new peak-hour trips within the weekday morning and evening peak periods by providing such non-automobile transportation improvements as one handicapped ramp and three static transit information signs.
2. Proposed office building: 25 (or 40% of 63) new peak-hour trips within the weekday morning and evening peak periods by providing such non-automobile transportation improvements as nine handicapped ramps and five static transit information signs.

The Applicant will work with M-NCPPC Transportation Planning and Montgomery County Department of Transportation (MCDOT) staff to identify and implement feasible trip reduction measures equivalent to the required total of 30 (or 40% of 76) new peak-hour vehicular trips. The Applicant's transportation engineer has tentatively identified representative non-automobile transportation improvements above, but may select other feasible alternative improvements, such as sidewalks, bike paths, and real-time transit information signs. As described in Condition No. 2, off-site non-automobile transportation improvements must be identified, located within the North Bethesda Policy Area, and approved by MCDOT prior to certification of the site plan. These improvements must be implemented prior to release of a building permit for the appropriate building.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property is served by public water and public sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, gas, and telecommunications services are also available to serve the Property.

BE IT FURTHER RESOLVED, that the date of this Resolution is FEB - 5 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).

* * * * *

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 Presley, seconded by Commissioner

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Robinson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, January 29, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, appearing to read "Royce Hanson". The signature is written in black ink and is positioned above a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board