

APR 9 2012



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

**MCPB No. 11-136**  
**Preliminary Plan No. 120110340**  
**Travilah Square**  
**Date of Hearing: December 15, 2011**

**RESOLUTION**

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 June 28, 2011, Rockville Travilah Square, LLC c/o Walgreens Co. ("Applicant"), filed an application to consolidate two unrecorded parcels and one recorded lot into one lot approximately 5.56 acres in size, in the CR Zone, which property is located in the southeast quadrant of the intersection of Darnestown Road and Travilah Road ("Property" or "Subject Property"), in the Great Seneca Science Corridor Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110340, Travilah Square ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated December 2, 2011, 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 December 15, 2011, 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

WHEREAS, on December 15, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent.

Approved as to  
Legal Sufficiency:

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NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120110340 consolidating two unrecorded parcels and one recorded lot into one lot approximately 5.56 acres in size, in the CR Zone, subject to the following conditions:

1. Total development under the subject Preliminary Plan is limited to the existing 61,496 square feet of office and retail uses.
2. Any new development onsite will require a Preliminary Plan Amendment and a new APF test will need to be satisfied.
3. Prior to record plat, the Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the greater Shady Grove Transportation Management District (TMD).
4. The Applicant must dedicate additional right-of-way along the following roadways as shown on the Preliminary Plan:
  - a. Ten feet and twenty feet for a total of 50 feet from the centerline of Darnestown Road.
  - b. Nineteen to thirty feet for a total of 70 feet from the opposite right-of-way line on Travilah Road.
  - c. Seventeen to nineteen feet for the required truncation at the Darnestown Road/Travilah Road intersection.
5. The Applicant must provide six-foot-wide sidewalks with handicapped ramps along the property frontage of Darnestown Road and Travilah Road as shown on the Preliminary Plan.
6. The Applicant must provide an ingress/egress easement for the existing bituminous path connecting the site with the adjoining property to the east.
7. The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (MCDOT) letter dated November 25, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. Any future Preliminary Plan amendment must provide the following:
  - a. Lead-in sidewalks from Darnestown Road and Travilah Road.
  - b. The necessary handicapped ramps within the site.
  - c. Inverted-U bike racks and bike lockers for at least one bicycle parking space for every 20 parking spaces provided.
9. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report and presented at the Hearing, 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. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The Subject Property is located within the South District. The Master Plan makes numerous recommendations for the LSC South District, and the Master Plan recommended this Property be rezoned from C-4 to CR 0.75: C 0.5, R 0.75, H 80 to allow the possibility of mixed-use or residential development at this corner. No new development is proposed as part of the Preliminary Plan. Any future development of the Subject Property must substantially conform to the recommendations of the LSC South District in the GSSC Master Plan. Therefore, the Planning Board finds the Preliminary Plan to be in substantial conformance with the Great Seneca Science Corridor Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The Planning Board finds that the following public facilities provide adequate support for and service to the Property:

#### Site Location and Vehicular Site Access

The Subject Property is located in the southeastern corner of the Darnestown Road/Travilah Road intersection. The three existing vehicular access points are from Darnestown Road and Travilah Road.

#### Master-Planned Transportation Demand Management (TDM)

The Subject Property is located within the boundary of the Greater Shady Grove TDM. The Applicant must participate in the TDM and assist the County in achieving and maintaining its non-auto driver mode share goals.

#### Available Transit Service

The transit service is provided by Ride-On route 56, which operates on Darnestown Road and provides service to the Rockville and Shady Grove Metrorail Stations, the Lakeforest Transit Center, and the Montgomery Village Center. The nearest bus stop is located 135 feet east of the Darnestown Road/Travilah Road intersection.

#### Master/Sector-Planned Roadway and Bikeway

In accordance with the 2010 *Great Seneca Science Corridor Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Darnestown Road is designated as a four-lane arterial, A-280, with a recommended 100-foot right-of-way and a shared use path, SP-59, located on the north/opposite side. The existing right-of-way along the property frontage is 53 feet to 69 feet wide, which is less than the Master Plan recommended 100 feet.
2. Travilah Road is designated as a two-lane Primary Residential Street, P-14, with a recommended 70-foot right-of-way and a shared use path, SP-57, on the west/opposite side. The existing right-of-way along the property frontage is 46 feet to 57 feet wide, which is less than the Master Plan recommended 70 feet.

The Applicant is providing additional right-of-way dedication for both Darnestown Road and Travilah Road to meet the Master Plan recommendations noted above.

#### Pedestrian and Bicycle Facilities

Sidewalks do not exist along the property frontage of Darnestown Road and Travilah Road. An 8-foot-wide shared use path exists along the west/opposite side of Travilah Road. The Applicant must provide sidewalks with handicapped ramps along the entire property frontage of Darnestown Road and Travilah Road as shown on the Preliminary Plan. Lead in sidewalks, additional pedestrian improvements, and possibly bike racks or lockers will be required as part of any subsequent Preliminary Plan Amendment.

#### Adequate Public Facilities (APF) Review

Parcel No. N224 (Parcel 1, Plan No. 14524) was recorded and approved under the Preliminary Plan No. 11980960, Travilah Plaza, on December 11, 1980, for 36,000 square feet of retail uses. The other two parcels, P169 and P222, are unrecorded parcels on which the remaining square footage of commercial uses exists.

The square footage of existing commercial and retail uses is not proposed to be increased as part of this Preliminary Plan. As a result, no new peak-hour trips are generated during the weekday morning peak period (6:30 to 9:30 a.m.) or the evening peak period (4:00 to 7:00 p.m.). Since no new development is proposed at this time and there is no increase in the number of peak-hour trips, Local Area Transportation Review and Policy Area Mobility Review do not apply.

Any new development onsite will be subject to a Preliminary Plan Amendment and an APF test will need to be satisfied.

#### Other Public Facilities

Other 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 provided by the Washington Suburban Sanitary Commission (WSSC). The Application has been reviewed by the Montgomery County Fire and Rescue Service

(MCFRS), ~~which has who~~ have determined that the Property has appropriate access for fire and rescue vehicles. Electrical, gas, and telecommunications services are also available to serve the Property. Police stations, firehouses, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Preliminary Plan does not include any residential uses, so there is no impact on schools.

3. *The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.*

The lot has been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lot are appropriate for the location within the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

#### SPA Review

A Water Quality Plan is not required as part of this Application because it qualifies for an exemption under Section 19-63 of the County Code.

#### Forest Conservation

An exemption from preparing a Forest Conservation Plan (#42011154E) was confirmed for the Subject Property on April 11, 2011 under Section 22A-5(m) of the Forest Conservation Law. This section permits an exemption for:

[A] real estate transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel, if:

- (1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and
- (2) Both the grantor and grantee file a Declaration of Intent

This exemption has been granted in this case for the purpose of lot consolidation. Based on this review, the Application is in compliance with Chapter 22A of the County code.

Note, however, that if an application is submitted for development activity on the site within five years of the confirmation of the exemption, the exemption is void and the

proposed activity will require that a Natural Resources Inventory/Forest Stand Delineation and Preliminary Forest Conservation Plan be filed with the development application.

Therefore, with the analysis above and conditions of approval, the Board finds that the Application satisfies the requirements of the Forest Conservation Law and Environmental Guidelines.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the Property. This finding is based on the determination by DPS that the Stormwater Management Concept Plan approval meets DPS' standards.*

A stormwater management (SWM) concept is not required since the disturbance of the Property for the purposes of installing the required sidewalks is less than 5,000 square feet.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and the date of this Resolution is APR 9 2012 (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 an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.

  
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Françoise Carrier, Chair  
Montgomery County Planning Board