



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

MCPB No. 13-96
Preliminary Plan No. 12011034A
Travilah Square
Date of Hearing: July 25, 2013

July 6 2013

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 April 9, 2012, the Planning Board approved Preliminary Plan No. 120110340 for up to 61,496 square feet of office and retail uses while consolidating two unrecorded parcels and one recorded lot into one lot approximately 5.56 acres in size, in the CR Zone, located in the southeast quadrant of the intersection of Darnestown Road and Travilah Road ("Subject Property"), in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, on November 14, 2012, Rockville Travilah Square, LLC c/o Walgreens Co. ("Applicant"), filed a preliminary plan amendment for removal of 19,694 square feet of commercial uses and construction of a 14,490 square foot pharmacy/retail store with drive-through window for a total of 56,292 square feet of commercial and retail/pharmacy uses; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12011034A, Travilah Square ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board on July 15, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 25, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
 Legal Sufficiency

[Handwritten Signature] 9/25/13
 MNCPPC Legal Department

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WHEREAS, on July 25, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley 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. 12011034A, subject to the following conditions:

1. The Preliminary Plan is limited to one lot for 56,292 square feet of commercial and retail uses.
2. 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) and assist the Transportation Management Organization (TMO) in achieving the 2010 Great Seneca Science Corridor Master Plan's Stage 2 non-auto driver mode share goal of 18%. The Traffic Mitigation Agreement must be executed prior to certification of the Site Plan.
3. The Applicant must dedicate a total of 50 feet from the centerline along the entire frontage of Darnestown Road.
4. The Applicant must dedicate a total of 70 feet from the opposite right-of-way line along the entire frontage of Travilah Road.
5. The Applicant must coordinate with and participate in the MCDOT Capital Improvements Program (CIP) Project No. 500101-2, Travilah Road Sidewalk, for the subdivision-related improvements along the site's Travilah Road frontage. At a minimum, the Applicant must provide six-foot-wide sidewalks with handicapped ramps along the property frontage of Travilah Road, as shown on the Preliminary Plan.
6. The Applicant must construct approximately 175 feet of off-site sidewalk with handicapped ramps along Darnestown Road and connect to the existing sidewalk located to the east of the property, as shown on the Preliminary Plan.
7. The Applicant must provide a cross easement for pedestrians to use the bituminous path connecting the site with the adjoining property to the southeast, as shown on the Preliminary Plan.
8. The Applicant must satisfy bike parking requirements as specified in the Site Plan.
9. Prior to any demolition, clearing, or grading, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for use of an M-NCPPC-approved offsite forest mitigation bank to satisfy the afforestation requirement.
10. The certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations

of buildings, structures and hardscape will be determined by the Certified Site Plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

11. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 12, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval, except for No. 24 on page 5 regarding the 19-dock bikesharing station. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, except for No. 24 on page 5, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. Prior to recordation of the plat, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
13. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated April 4, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid until May 9, 2021.
15. No clearing, grading or recording of plats prior to certified site plan approval.
16. The record plat must show necessary easements.

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 Life Science Center ("LSC") of the Master Plan. The LSC includes five districts. The Subject Property is located within the South District.

Site Specific Recommendations

The Master Plan has the following recommendations that are specific to the Subject Property:

“This Plan encourages the physical and visual integration of LSC South with the areas north of Darnestown Road, through building design and massing, street character and improved connections across Darnestown Road, and access to the CCT stations at LSC Central and West. These stations are between one-half to three-quarters of a mile (a 10-15 minute walk) from LSC South destinations.” (Page 50)

The Applicant will achieve integration with the area north of Darnestown Road by creating a more defined building edge along Darnestown Road, and by incorporating architectural and site design elements such as green spaces, a canopy, seating areas, display windows, and signage that foster a sense of engagement with the street frontage and confronting property to the north. The Applicant will also provide new sidewalks along the property’s entire frontage with Darnestown Road and Travilah Road, including a focal point at the northwestern corner of the proposed building, connecting the site to the area’s pedestrian circulation system and providing a physical connection between the Subject Property and the adjacent area.

Staging Considerations

Although Stage 1 commercial capacity has been fully utilized and is closed to new commercial development, the Applicant is proposing to demolish approximately 19,000 square feet of existing uses, and replace it with approximately 15,000 square feet of proposed uses, which results in a reduction of approximately 5,000 square feet. As outlined in the APF Section above, this reduction in square feet and uses results in a net reduction of trips. Thus, the Preliminary Plan is exempt from the Master Plan staging limitations.

Climate Protection and Sustainability

The Master Plan makes a number of recommendations about reducing development’s carbon footprint (page 29), including site and building design and orientation that takes advantage of passive solar heating and lighting and passive cooling opportunities, and commitments to reduce energy and water consumption. Many of these recommendations will be incorporated into the building, such as the use of water-conserving fixtures, efficient heating and cooling systems, the use of recycled and regional materials, a cool roof, and low VOC interior finishes.

Based on the analysis above, 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 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 with three vehicular access points, which will not change with this Preliminary Plan.

Master/Sector-Planned Roadways and Bikeways

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.

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. The Master Plan does not explicitly differentiate between vehicular trips generated by residents and employees nor limit participation with the TMD to only non-residential developments. With fewer than 25 employees on site at any one time, a traffic management plan is not required as part of the Traffic Mitigation Agreement.

Available Transit Service

Along Darnestown Road, Ride-On route 56 operates between the Lakeforest Transit Center and the Rockville Metrorail Station with 30-minute headways on weekdays and weekends. Approximately 1,000 feet to the east, at the intersection of Darnestown Road and Great Seneca Highway, Ride-On route 67 operates between the Traville Transit Center and the Shady Grove Metrorail Station with 30-minute headways on weekdays only.

Pedestrian and Bicycle Facilities

Currently the site's Travilah Road and Darnestown Road frontages do not have sidewalks. A shared-use path exists on the opposite side of Travilah Road. The following pedestrian accommodations will be provided:

1. A six-foot-wide sidewalk with handicap ramps and a 14-foot wide green panel along Travilah Road in accordance with Road Code standard 2003.10. As conditioned, the Applicant must coordinate the construction of this sidewalk with MCDOT CIP Project No. 500101-2, Travilah Road Sidewalk.
2. A five-foot-wide sidewalk with handicap ramps, 6.5-foot wide green panel, and 5.5-foot wide bike lane along from Darnestown Road in accordance with Road Code standard 2004.10.
3. Replacing the existing substandard sidewalks and providing any needed (missing) substandard crosswalks and/or handicap ramps as required by MCDOT at the Darnestown Road/Travilah Road intersection.
4. A missing off-site sidewalk segment along Darnestown Road.
5. Lead-in sidewalks with handicap ramps from Darnestown Road and Travilah Road to the proposed building.
6. A connection to an existing pedestrian path to the adjoining property to the southeast with a proposed access easement.
7. Adequate traffic control markings and signs to minimize pedestrian conflicts with motorists using the drive-through window.

Bike parking spaces must be provided as required in Section 59-C-15.62 of the County Zoning Ordinance for a development located in the CR Zone. The Applicant is currently showing a total of seven public bike parking spaces, which is three more than the number required by the County Zoning Ordinance. The final number of bike spaces and locations will be determined as part of the Site Plan.

Local Area Transportation Review (LATR)

Preliminary Plan No. 120110340 which has an APF validity expiration of May 9, 2021, established a maximum density for the shopping center of 61,496 square feet. The replacement of the existing fast-food, drive-through restaurant and office building with a retail/pharmacy store and drive-through window results in an overall reduction of 5,204 square feet of development on the Subject Property.

A traffic study was not required to satisfy the Local Area Transportation Review (LATR) test because the Application does not generate additional peak-hour trips within the weekday morning and evening peak hours. Thus, the LATR test is satisfied.

Policy Area Mobility Review (PAMR)

The APF test was approved under Preliminary Plan No. 120110340 when the Policy Area Mobility Test was required by the 2009-2011 Subdivision Staging Policy. The "Policy Area Review" test is satisfied because the Application does not generate additional peak-hour trips within the weekday morning and evening peak hours.

Other Public Facilities

The development will be served by public water and sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, including police stations, firehouses and health care, are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the Project. Electric, gas, and telecommunications services will also be available and adequate. The Preliminary Plan does not propose any residential units, therefore, a schools test is not required as part of the adequate public facilities test.

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

The lot configuration as previously approved by the Planning Board remains unchanged, and the Planning Board finds that the size, shape, width, and area of the lot remain 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.*

Environmental Guidelines

The Subject Property contains no wetlands, streams, floodplains, or stream valley buffers and is partially located in a Special Protection Area (see the Water Quality Plan discussion below). The Application is in compliance with M-NCPPC's *Environmental Guidelines*.

Final Forest Conservation Plan

The Subject Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Final Forest Conservation Plan ("FFCP") is being approved with Site Plan No. 820130070. The FFCP has a planting requirement

of 0.83 acres. The Applicant will meet this requirement using 0.11 acres of on-site landscaping and tree canopy credit and purchasing 0.72 acres in an off-site tree mitigation bank.

Water Quality Plan

As part of the requirements of the Special Protection Area law, a preliminary water quality plan must be reviewed in conjunction with a preliminary subdivision plan. The Subject Property is partially located within the Piney Branch Special Protection Area (SPA); however, the majority of the redevelopment is not located within the SPA. Only approximately 650 square feet of impervious area for sidewalk improvements will be constructed within the SPA along Travilah Road. Therefore, due to the small area of impervious surface within the SPA, the Montgomery County Department of Permitting Services (DPS) waived the requirement of a Water Quality Plan and only required the submittal of the standard Stormwater Concept Plan.

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.*

Stormwater Management

DPS issued a letter accepting the Stormwater Management Concept for the Travilah Square site on April 4, 2013. The stormwater management concept will meet required stormwater management goals via Environmental Site Design (ESD) with the use of micro-biofiltration.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and the date of this Resolution is NOV 6 2013 (which is the date that this Resolution is mailed to all parties of record); and

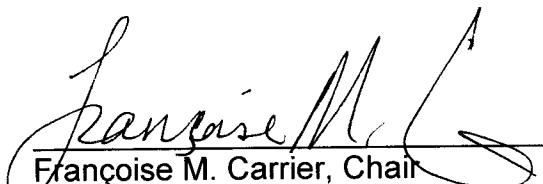
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, September 26, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board