



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

MAR 27 2014

MCPB No. 14-06
Site Plan No. 820140030
Home Depot – Aspen Hill
Date of Hearing: March 6, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on September 23, 2013, HD Development of MD, Inc. (“Applicant”) filed an application for approval of a 29,998-square foot addition to the existing 133,002-square foot Home Depot Store on 32.76 acres of R-90 and RMX-2C zoned land, located at 14000 Georgia Avenue, Parcel A “Vitro Corporation Property (“Subject Property”), in the Aspen Hill Policy Area, and the Aspen Hill Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820140030, Home Depot (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 20, 2014, setting forth its analysis and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, on March 6, 2014, 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

WHEREAS, on March 6, 2014 the Planning Board voted to approve the Application subject to modified conditions, on the motion of Commissioner Casey, seconded by Commissioner Dreyfuss, by a vote of 5-0; Commissioner Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor;

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140030 for a 29,998 square-foot addition of home improvement/retail on the Subject Property, subject to the following conditions:¹

Conformance with previous approvals

1. Special Exception

Prior to the submission of the Certified Site Plan, the Applicant must submit updated site and landscape plans for the special exception area to the Montgomery County Board of Appeals. If required by the Board of Appeals, the Applicant must submit a modification to modify the existing special exception to be consistent with the Planning Board Site Plan approval prior to building permit. As part of the Certified Site Plan submission, the Applicant must document the Board of Appeals' decision regarding the need of a modified special exception.

2. 1994 Design Plan Agreement

The development must comply with the 1994 Design Plan Conformance and Enforcement Agreement (Design Agreement), except as modified by this Site Plan, and limit the development on the Subject Property to one building, no greater than 163,000 square feet with a maximum of 140,000 square feet of enclosed space.

Environment

3. Stormwater Management

The development is subject to Stormwater Management Concept approval dated October 16, 2013, unless amended by the Montgomery County Department of Permitting Services.

Transportation and Circulation

4. Transportation

- a. Within six months after the mailing of the Resolution of approval for this application, the Applicant must submit a traffic signal warrant study for the existing access driveways at Georgia Avenue (MD 97) and Connecticut Avenue (MD 187), as required by the Maryland State Highway Administration (SHA).
- b. If in the future the responsible government entity determines that a shared-use path, cycle track, or similar transportation facility is necessary along either property frontage, the Applicant must grant an easement of up to 25 feet in depth to such entity with public access along each frontage for purposes of the facility.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- c. The Applicant must provide a minimum of 12 bike parking spaces, consisting of four inverted-U bike racks (or equivalent, approved by Staff) (i.e., two bike parking spaces per rack), that conform to American Pedestrian and Bicycle Professionals Guidelines, and must continue to provide a secured bike room to store employees' bicycles. The Applicant shall install the bike racks near the main customer entrance in a weather-protected area.
- d. Prior to the release of the Use and Occupancy Certificate, the Applicant must restrict all left turns between 4:00 p.m. – 7:00 p.m. at the Property at Georgia Avenue.
- e. Prior to the release of the Use and Occupancy Certificate, the Applicant must install new "Yield to Pedestrian" signs at both entrances to the Property (Georgia Avenue and Connecticut Avenue).
- f. The Applicant must provide proper signage for safe traffic and pedestrian circulations during all phases of construction.
- g. Prior to the release of Use and Occupancy Certificate, the Applicant must trim tree canopies within the public right-of-way to provide clear sight distance as possible between the entrance and 100 feet to the north of the entrance at Georgia Avenue, subject to the review of SHA.

Site Plan

5. Site Plan/Architecture

- a. The maximum height of the addition must not exceed 40 feet.
- b. The final exterior architectural character, proportion, materials and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans submitted on January 17, 2014, unless modified by Staff approval.

6. On-Site Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All light fixtures around the store, parking areas, and driveways must be full cut-off fixtures.
- c. Illumination levels shall not exceed 0.1 footcandles (fc) at any property line abutting residential properties.
- d. The height of the light poles shall not exceed 18 feet including the mounting base.

7. Surety

Prior to issuance of the building permit, Applicant must enter into a Site Plan Surety and Maintenance agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The

Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, and associated improvements.
- c. The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

8. Development Program

As part of the approval of the Certified Site Plan, the Applicant must provide a development program that includes the following:

- a. On-site amenities including, but not limited to, sidewalks, landscaping and bicycle facilities must be installed prior to release of any Use and Occupancy Certificate.
- 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. Phasing for installation of on-site landscaping and lighting.
- d. Phasing of stormwater management, sediment and erosion control, afforestation, 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 forest conservation exemption approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Ensure consistency of all details and layout between site plan and landscape plan.
- d. Revise the development data table on the cover sheet and all subsequent Site Plan and landscape/lighting plan sheets to be consistent with the Project Data Table in this Resolution.
- e. Submit a copy of the special exception modification request to staff. Provide confirmation from the Board of Appeals if no modification is necessary and the record is closed.

10. Post Certified Site Plan

- a. Prior to the issuance of the building permit, the Applicant must submit a copy of the Certified Site Plan to the Board of Appeals for inclusion into the special exception record.

BE IT FURTHER RESOLVED, that all site development elements as shown on The Home Depot—Aspen Hill drawings electronically stamped by the M-NCPPC on January 17, 2014, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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.*

The Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Property is split-zoned between R-90 (approximately 19.56 acres) and RMX-2C (approximately 13.2 acres). The purpose of the R-90 Zone includes: encourage social and community interaction and activity; provide a broad range of housing types; preserve and take the greatest possible aesthetic advantage of trees; provide for open space for the general benefit of the community; encourage pedestrian circulation networks; and assure compatibility and coordination of each development with existing and surrounding land uses. The R-90 Zone allows off-street parking facilities in connection with a commercial use such as a special exception, subject to approval by the Board of Appeals. Unlike the R-90 Zone, there is no specific purpose clause for the RMX-2C Zone.

The development meets the purpose and requirements of the zones; however, the Applicant will need to file an amendment to the existing special exception on the property if directed by the Board of Appeals. The Applicant must submit the amended landscape and lighting plan for this application to the Board of Appeals to be included in the record.

The following data table indicates that the development meets all of the development standards of the Zoning Ordinance, including any additional setback requirements of the special exception.

Table 1: Project Data Table for the R-90 & RMX-C2 Zones, Standard Method of Development

| Development Standard² | Permitted/Required | Approved |
|---|---|--|
| Maximum Building Height (feet) §59-C-4.351 | 3 stories or 42 ft. | 40 ft. |
| Minimum Building Setbacks (feet) §59-C-4.353 | | |
| Front Yard | 30 ft. (east side) | 65 ft. |
| Side Yard | 25 ft. (north side) 25 ft. (west side) | 415 ft. 645 ft. |
| Rear Yard | 0 ft. (south side) | 90 ft. |
| Minimum Green Area (% of lot) §59-C-4.354 | 10 | 30 |
| Maximum Floor Area Ratio (FAR) §59-C-10.2.1.1.3 | 0.3 | 0.11 |
| Minimum Parking Setbacks (feet) §59-E-2.81³ | | |
| Front §59-E-2.81(a)(1) | 10 ft. landscape buffer, consistent with §59-E-2.71, applies to the property line abutting the right-of-way in lieu of the residential setback(east side) | 65 ft. |
| Side | 25 ft (north side) 25 ft. (west side) | 415 ft. 645 ft. |
| Rear | 0 ft. (south side) | 90 ft. |
| Minimum Parking Spaces⁴ §59-E-3.7 | 5 spaces/1,000 GSF ((5/1,000) X163,000 = 815) | 864 (844 are existing) R-90 Zone: 515 RMX-2C Zone: 349 |

² Section 59-C-10.2.1(3) requires that Standard Method developments in the RMX-2C Zone to comply with the development standards of the C-2 Zone. Floor Area Ratio (FAR); however, must comply with the standards set forth in Section 59-C-10.2.1(3).

³ Parking within the R-90 Zone is subject to special exceptions Case Nos. 381, 381-A, 1270, 1270-A, 2235, 2235-A, 2239, 2239-A and CBA-1270-A.

⁴ The special exception limited the total number of parking spaces on the R-90 zoned portion to 625 parking spaces. The Master Plan limited the total number of parking spaces on-site to 880. After the addition, an increase of 20 parking spaces will be on-site, but will still be less than 880 spaces.

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. Location of buildings and structures

The current site conditions are consistent with the originally approved plans. The 29,998-square foot building addition will be located on the east side of the property, within the RMX-2C Zone boundaries, maintaining the existing distance from the adjacent single-family homes to the north and west of the Property. Locating the addition to the east side of the Property provides compatibility with the existing neighborhood and character of the existing homes. By placing the addition at this location, the modification continues to maintain the existing buffer along the northern and western property lines.

b. Green Space

The Plan continues existing buffers and landscaping recommended in the Master Plan and included in the approved Special Exception. No development activity is within these areas, and they will remain undisturbed. The plan continues to exceed the green area requirement as described above.

c. Landscaping and Lighting

The landscaping shown on the Site Plan facilitates a harmonious interaction between the street, pedestrian and customers, and softens the appearance of an approximately 230-foot long brick/masonry wall. All site lighting will provide adequate, safe and efficient site illumination.

d. Recreation Facilities

No recreation facilities are required.

e. Pedestrian and vehicular circulation system

The pedestrian and vehicular circulation system is adequate; however, if in the future the responsible government entity determines that a shared-use path, cycle track or similar transportation facility is necessary along either property frontage, the Applicant must grant an easement up to a 25-foot in depth to such entity with public access along each frontage for purposes of constructing the path.

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

The building addition will be compatible with the existing use and development. The location of the addition is the farthest from the adjacent

residential uses and is closer to Connecticut Avenue. In addition, the proposal neither changes the existing buffer nor moves pavement closer than 100 feet to the abutting residential property lines. The height of the addition complies with the standards set forth in the zones and has limited visibility from the residential properties.

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.*

a. Forest Conservation

The Property is exempt from the requirements of submitting a Forest Conservation Plan per the approved Forest Conservation Exemption, #42013190E, dated June 20, 2013. The addition is a modification to an existing developed property, and will not remove more than 5,000 square feet of forest, nor affect any forest in a stream buffer or located on a property in a Special Protection Area which must submit a Water Quality Plan. The modification does not require approval of a new subdivision plan.

b. Stormwater Management

The Department of Permitting Services has accepted the stormwater management concept with conditions on October 16, 2013.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 27 2014 (which is the date that this resolution is mailed to all parties of record); and

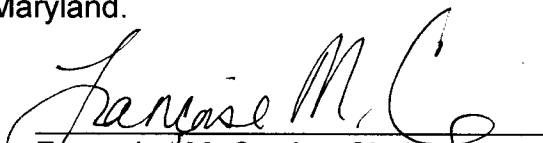
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, with Chair Carrier, and Commissioners Anderson, Dreyfuss, and Presley voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, March 20, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board