



MCPB No. 16-139
Site Plan No. 820160150
CVS Derwood
Date of Hearing: December 15, 2016

JAN 13 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 20, 2016, JC Bar Properties (“Applicant”) filed an application for approval of a site plan for a 9,965 square-foot Drug Store and drive-thru on 1.24 acres of Commercial Residential Town zoned-land, located at 17647 and 17651 Redland Road in the southeast quadrant of the intersection of Redland Road and Muncaster Mill Road (MD 115) (“Subject Property”), in the Upper Rock Creek Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820160150, CVS Derwood (“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 December 2, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 15, 2016, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160150 for a 9,965 square-foot Drug Store and drive-thru on the Subject Property, subject to the following conditions:¹

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.

Approved as to
Legal Sufficiency:  1/4/17
8787 Georgia Avenue, NCRPC Legal Department 0 Chairman’s Office: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

1. Public Open Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 10,009 square feet of public open space (18.5%) on-site.
- b. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.

2. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, hardscape, and public open space.

3. Access from Redland Road

- a. The Applicant must provide documentation to Staff that indicates that the adjacent property owner has consented to the shared access off Redland Road as a means of access to the subject Site Plan prior to Certified Site Plan approval.
- b. As both access points off Redland Road are “full movement”, the Applicant must provide truck turning diagrams for “all” movements for each to show they are adequate and safe prior to Certified Site Plan approval.

4. Parking

Vehicle parking is restricted to the designated parking areas shown on the Certified Site Plan.

5. Transportation Policy Area Review

The Applicant must make a Transportation Policy Area Review (“TPAR”) Mitigation Payment for transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (“MCDPS”). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

6. Pedestrian and Bicycle Circulation

- a. The Applicant must clearly show on the Certified Site Plan pavement markings and signage alerting motorists entering the drive-through lane of pedestrian crossing movements.
- b. The Applicant must provide and show on the Certified Site Plan four invert-U bike racks (or equivalent as approved by the Planning Board staff) as a replacement for the proposed wave bike racks.

7. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated November 2, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

8. Preliminary/Final Forest Conservation Plan

- a. The Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. A fee-in-lieu payment for the 0.24 acres of afforestation requirement must be submitted and approved by M-NCPPC prior to the start of any demolition, clearing and/or grading on the Property.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the Forest Conservation Plan (FCP) may be required by the M-NCPPC forest conservation inspector.
- d. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FCP.

9. Site Design

The exterior character, proportion, materials and articulation must be substantially similar to the illustrative elevations shown on the submitted architectural plans dated July 26, 2016, as determined by M-NCPPC Staff.

10. Building Elements

- a. The maximum height for the proposed building is 30 feet.
- b. The Applicant must provide details for historical graphics or other imagery to be located behind selected windows on Redland Road and Muncaster Mill Road facades.

11. Landscaping

- a. Before issuance of the final use and occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, sidewalks/pedestrian pathways,

hardscape, benches, trash receptacles, bicycle facilities, and public open space amenities must be installed.

- b. The Applicant must install landscaping no later than the next growing season after completion of site work.
- c. Eliminate the street tree located next to the northern entrance on Redland Road. Relocate the adjacent street tree to the green panel to be in line with the other street trees.

12. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest illuminating Engineering Society of North America (IESNA) recommendations for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor recommendations.
- b. All on-site down light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
- d. The light poles must not exceed the height (28 feet) and number shown on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC 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 59.73.4.k.4 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 surety amount.
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, entrance signage features, plant materials, on-site lighting, exterior site furniture, railings, curbs, gutters, sidewalks and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of materials and facilities covered by the surety will be followed by inspection and release of the surety.

14. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC Staff prior to the approval of the Certified Site Plan.

15. Certified Site Plan

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

- a. Include the stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the coversheet.
- 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. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. The Applicant must provide details for historical graphics or other imagery to be located behind selected windows located on the north and west elevations of the building at Certified Site Plan.
- f. The Applicant must provide details and specifications for all signage, including materials, lighting fixture mounts, lamps and wattage and installation details on the Certified Site Plan.
- g. The Photometric Plan must be revised to ensure that the illumination levels do not exceed 0.5 footcandles or less at the lot line.
- h. Final landscaping must be substantially similar to Landscape Plan sheet number LS-1, with a revision date of October 28, 2016.

16. Adequate Public Facilities Review

The Adequate Public Facility (“APF”) review for the Site Plan will remain valid for eighty-five months from the date of mailing of the Planning Board Resolution.

17. Site Monitoring

A qualified technician must be on-site during any major soil disturbance activities.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of CVS Derwood, 820160150, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are 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 development satisfies any previous approval that applies to the site;*

A Special Exception (CBA 2151) for an automobile service station was approved for the property (excluding a 120-foot strip) on February 7, 1967. With the proposed development, the service station will be razed and the special exception will no longer be in effect.

2. *The development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This finding is not applicable as the property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- a. Development Standards

The Subject Property is approximately 1.24 acres zoned CRT 0.75, C0.75, R0.25, H45. The following table, Table 2, shows the Application's conformance to the development standards of the zone.

The building will be placed as close as possible to the intersection of Redland and Muncaster Mill Roads. The building meets the Build-to-Area requirement along Redland Road, but because of the configuration of the site and the placement of a bioretention facility, the Applicant was only

able to partially meet the Build-to-Area requirement along Muncaster Mill Road. Section 4.5.3.C.3 requires that no less than 35% of the building façade must be within 20 feet of Muncaster Mill Road – the Site Plan only achieves 15% of the building façade within 20 feet of Muncaster Mill Road facade. The Applicant requested, and the Planning Board approved modifications to the Build-to-Area requirement in accordance with Section 7.3.4 because of the physical constraints of the site, and because design elements such as benches, shade trees, bioretention, and other landscaping have been proposed along a widened 10-foot shared-use path to enhance the streetscape along Muncaster Mill Road.

The building also does not meet the 40% transparency requirement along Redland Road in accordance with Section 4.5.3.C. Approximately 37.7% transparency is achieved for the building façade along Redland Road. CVS did revise their standard building design in an effort to meet the transparency requirement by providing a row of 20 windows that stretches along the entire length of the western façade of the building. Although the windows could have been made larger to meet the transparency requirement, CVS has operational needs inside the building so that windows are located high above the floor. The Applicant requested, and the Planning Board approved modifications to the transparency requirements in accordance with Section 7.3.4. to accommodate the proposed land use, and because selected windows along the western façade will be enhanced with historical graphics or other imagery to engage the street and sidewalk and add visual interest to the building’s façade. Benches, shade trees and other landscaping will also be added along the sidewalk to enhance the streetscape along Redland Road.

Table 2 - Site Plan Project Data Table – Standard Method

Section	Development Standard	Permitted/Required	Proposed in Site Plan
59-4	Gross Tract Area (ac)	n/a	1.24
4.5.3.C.2	Density (FAR/GFA) CRT 0.75, C0.75, R0.25,H45	0.75/40,635	0.18/10,009
4.5.3.C.4	Building Height (feet) CRT 0.75, C0.75,R0.25,H45	45'	25'4"
4.5.3.C.3	Minimum Setback Front – Redland Road Side North – Muncaster Mill Rd.	0 0	20' North: 16.60' South: (to internal

Section	Development Standard	Permitted/Required	Proposed in Site Plan
	South – to internal property boundary between Parcel A and Parcel B Rear -	0	property boundary between Parcel A & Parcel B: 39.77' 92.51'
4.5.3.C.3	Build to Area² Front Street (Redland Road) Side Street (Muncaster Mill Road)	No less than 70% of the building façade shall be located within 20' of Redland Road No less than 35% of the building façade must be within 20' of Muncaster Mill Road	100% of the building is located within 20' of Redland Road 15% of the building façade is within 20 feet of Muncaster Mill Road
4.5.3.C.1	Open Space Public Open Space (%/sq.ft.)	10% or 5,418 sq.ft.	18.5% or 10,009 sq.ft.
4.5.3.C.5	Transparency, for Walls Facing a Street Ground Story, Front Ground Story, Side	40% (Redland Road) 25% (Muncaster Mill Rd.)	37.7% (Redland Road) ³ 28% (Muncaster Mill Rd.)
6.2	Parking spaces, minimum- maximum	35 -60	54
4.5.3.C.3	Parking Setbacks (feet) Front (Redland Road) Front (Muncaster Mill Road)	6' 6' 6'	20' 40.8' 12.5'

² The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalk, and parks.

³ Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

Section	Development Standard	Permitted/Required	Proposed in Site Plan
	Side (southeast) Side (southwest)	6'	15.1'
6.2.9.C.1	Parking Facility Internal Landscaping	5%	13.1%

b. Use Standards

Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:

- i. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

There are no properties in the agricultural, rural residential, or residential detached zones within 100 feet of the drive-thru.

- ii. *For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

This is not a restaurant use, therefore, this standard is not applicable.

- iii. *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

The drive-thru service window, drive aisle and queuing area are not located between the street and main wall of the building.

- iv. *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3 foot high wall or fence.*

As noted above, the drive aisle is not located between the street and main wall of the building.

- v. *Site plan approval is required under Section 7.3.4.*

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

c. Division 6.1. Site Access

Four existing access points from Redland Road will be eliminated with access to Redland Road to be provided by modifying and sharing an existing access to the adjoining property, Redland Plaza. The Applicant must obtain an easement agreement to cross through the adjoining property. There will be one full movement access from Muncaster Mill Road, the westernmost access is eliminated in the proposal. Eliminating five of the six current access points to the property reduces the number of conflicting vehicular movements near the intersection.

d. Division 6.2. Parking, Queuing, and Loading

Adequate off-street parking will be provided with a total of 54 on-site parking spaces. A range of between 35 – 60 parking spaces are required by the Zoning Ordinance.

e. Division 6.3. Open Space and Recreation

The project has 10 percent or 5,418 square-foot open space requirement. The project proposes 18.5 percent or 10,009 square feet of open space.

f. Division 6.4. General Landscaping and Outdoor Lighting

The existing site is devoid of landscaping or tree save areas. The Landscape Plan proposes to add a total of 46 shade and ornamental trees on the site, as well as over 200 shrubs and a variety of perennials and ornamental grasses in planting beds and the bioretention areas. The streetscape along Redland and Muncaster Mill Roads will be greatly enhanced with the landscaping and street furniture being provided along the public sidewalks.

The Photometric Plan must be revised prior to the certification of the Site Plan to ensure that the illumination levels do not exceed 0.5 footcandles or less at the lot line.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Combined Stormwater Concept/Site Development Stormwater Management Plan was found to be conditionally acceptable by the Montgomery County Department of Permitting Services on November 2, 2016. The stormwater management plan proposes to meet required stormwater management goals via the use of 4 micro-bioretention

facilities, and a structural water quality filtration facility to treat the remaining ESD volume.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. An FCP has been submitted for review as part of this Application. The net tract area of the project is 1.57 acres, the site is unforested and is being developed under the Mixed Land Use Category on the Forest Conservation Worksheet. This results in an afforestation requirement of 0.24 acres which will be met by payment of a fee-in-lieu.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The proposed parking, circulation patterns, building massing, open spaces and site amenities are adequate, safe, and efficient. No parking will be provided between the building and the street and the single drive-thru lane will be located internal to the site. A shared-use path with benches are provided along Muncaster Mill Road. Benches are also provided along the sidewalk on Redland Road, with a lead-in sidewalk to the building entrance. The building is placed as close as possible to the intersection of Muncaster Mill and Redland Roads to create a presence on the street.

7. *The development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The proposed CVS with drive-thru will replace a former service station and convenience store and does not conflict with the goals and objectives of the 2004 Upper Rock Creek Master Plan. The Master Plan does not offer specific recommendations for the Subject Property, but makes a recommendation for the Redlands commercial center that allows for additional housing adjacent to the center, and to retain the existing commercial zoning in the Planning Area.

8. *The development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate*

public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

Local intersections will operate adequately within the critical lane volume standards. A TPAR payment will be required at the time of building permit, unless this requirement is amended.

9. *On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

10. *On a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The proposed development is compatible with and will complement the existing uses in the adjacent and confronting developments. The Redlands commercial area is primarily developed with other low-density commercial and service uses.

11. *Sec. 3.5.9.C. – Surface Parking for a Use Allowed in the Zone*

Per Section 3.5.9.C, surface parking for a use allowed in the zone is classified as a limited use in the CRT Zone. The following section demonstrates that the surface parking on Parcel B satisfies the standards of the Zoning Ordinance (§3.5.9.C.2.b).

- (i) The parking setbacks must accommodate the landscaping required under Section 6.2.9; and

As shown on the Site Plan, the surface parking setbacks will accommodate the landscaping required under Section 6.2.9 of the Zoning Ordinance.

- (ii) In the CRT Zone:

- (a) *The surface parking must be providing parking for a use on an abutting lot or be a municipal public parking lot;*

The surface parking on Parcel B will serve the CVS store, proposed on the abutting Parcel A.

- (b) *For properties on a business district street, site plan approval is required under Section 7.3.4. The Planning Board must find that the surface parking supports the commercial or residential uses that substantially conform with the recommendations of the applicable master plan.*

The Property does not front on a business district street – the Master Plan classifies Redland Road as a Primary Residential street and Muncaster Mill Road as an Arterial street. As such, site plan approval is not required for the surface parking.

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 § 59-7.3.4.H; and

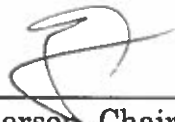
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 13 2017 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, January 12, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board