



MCPB No. 16-112
Preliminary Plan No. 12011034B
Travilah Square
Date of Hearing: October 13, 2016

OCT 21 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on April 9, 2012, the Planning Board, by Resolution MCPB No. 11-136, approved Preliminary Plan No. 120110340, creating one lot from two unrecorded parcels and one previously recorded lot on approximately 5.56 acres of land in the CR 0.75 – C 0.5, R 0.75, H 80 Zone, 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 (“Master Plan”) area; and

WHEREAS, on November 6, 2013, the Planning Board approved Preliminary Plan Amendment No. 12011034A (MCPB No. 13-96) to allow the replacement of 19,694 square feet of retail and office uses with a 14,490-square-foot pharmacy/retail store with drive-through window and drive aisle for a total of 56,292 square feet of commercial uses on the Subject Property. Preliminary Plan Amendment No. 12011034A was not implemented, and the Subject Property was sold to the current owners; and

WHEREAS, on August 3, 2016, MFS Travilah LLC and ABS Travilah LLC (“Applicant”) filed a Preliminary Plan Amendment application for approval to replace the previous approval for a 14,490-square-foot pharmacy/retail store with a 16,300-square-foot multi-tenant retail building resulting in an overall approved square footage of up to 58,102 square feet on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 12011034B, Travilah Square (“Preliminary Plan,” “Amendment,” 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 September 30, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

Approved as to
Legal Sufficiency: 

WHEREAS, on October 13, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record 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 Preliminary Plan No. 12011034B to allow the replacement of two existing buildings with a total of 19,694 square feet of office and retail space with one new multi-tenant building of 16,300 square feet of retail uses. The Approval will increase the previously approved maximum floor area on the Subject Property from 56,292 square feet to a total maximum of 58,102 square feet, subject to the following conditions:¹

1. All previous conditions of approval in Planning Board Resolutions MCPB Nos. 11-136 and 13-96, for the Property are hereby replaced by the conditions of approval for this Amendment.
2. The approval is limited to one lot for a total of 58,102 square feet of retail uses.
3. Prior to issuance of the building permit, the Applicant must update the existing Traffic Mitigation Agreement for the Property 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 percent.
4. The Applicant must dedicate, and show on the record plat(s), the following dedications:
 - a. Fifty feet from the centerline along Darnestown Road.
 - b. Seventy feet from the edge of the right-of-way opposite the Property along Travilah Road.
5. Prior to the issuance of any Use and Occupancy Certificate the Applicant must install:

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.

- a. A six-foot-wide sidewalk with an approximately 14-foot wide green panel and handicap ramps along the property frontage of Travilah Road in accordance with Road Code standard 2003.10. 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 Subject Property's Travilah Road frontage.
 - b. A five-foot-wide sidewalk with handicap ramps, an approximately six-and-a-half-foot wide green panel, and a five-and-a-half-foot-wide bike lane along Darnestown Road in accordance with Road Code standard 2004.10.
6. The Applicant must construct lead-in sidewalks with handicap ramps from Darnestown Road and Travilah Road to the new building.
 7. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated July 12, 2013, and as amended in an e-mail dated September 22, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval, except for Condition No. 24 from the July 12 letter regarding the 19-dock bikeshare station. The Applicant must comply with each of the recommendations, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 8. Prior to recordation of the plat, the Applicant must satisfy the provisions for access and improvements (except the aforementioned bikeshare station) as required by MCDOT.
 9. 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 September 1, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.
 10. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of the Planning Board Resolution.
 11. No clearing, grading or recording of plats prior to Certified Site Plan approval.
 12. The record plat must show the necessary easements.

13. 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.”

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 Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the South District of the Life Science Center (“LSC”) of the Master Plan.

Staging Considerations

Although Stage 1 commercial capacity has been fully utilized and is closed to new commercial development, the Applicant will demolish approximately 19,000 square feet of existing uses and replace it with approximately 16,000 square feet of new uses, which results in a reduction of approximately 3,000 square feet. As outlined in the APF Section below, this reduction in square feet and uses results in a net reduction of trips. Thus, the Preliminary Plan conforms to the Master Plan staging limitations.

Site Specific Recommendations

The Master Plan makes 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.”

The Applicant will provide new sidewalks along the Subject Property’s entire frontage with Darnestown Road and Travilah Road, connecting the Subject Property to the area’s pedestrian circulation system and providing a physical connection between the Subject Property and the adjacent area.

LSC Circulation

The Application will contribute to the Master Plan's LSC circulation goals, as described in the Staff Report, by including:

- installation of a five-foot by eight-foot concrete bus stop landing with concrete ramp along the Subject Property's frontage on Darnestown Road (at approximately the middle of its frontage) for a new Ride-On bus stop in addition to an existing bus stop directly across Darnestown Road to the north;
- dedication of additional right-of-way along both roads for planned infrastructure improvements;
- improvement of the pedestrian environment along both frontages of Darnestown and Travilah. The installation of new sidewalks along both roadway frontages, and a shared-use path (SP-56) and bus stop along Darnestown Road will make the area more accessible to pedestrians, bicyclists and Ride-On commuters. These improvements will be coordinated with the County's ongoing CIP program.

Based on the above analysis and the recommended conditions of approval, 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.*

Site Location and Vehicular Site Access

The Subject Property is located at the southeastern corner of the Darnestown Road/Travilah Road intersection with three existing vehicular access points. The Travilah Road access closest to the new building will be modified to eliminate the right turn-in movement for northbound motorists.

Master-Planned Roadways and Bikeways

In accordance with the 2010 *Great Seneca Science Corridor Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan (Countywide)*, the roadways and bikeways are classified 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-56) on the south side. As conditioned, the Applicant will dedicate additional right-of-way for a total of 50 feet from the centerline, as shown on the submitted plans.

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. Properties on the opposite side of Travilah Road have approved subdivision plans with established rights-of-way.

Corridor Cities Transitway (CCT)

The Maryland Transit Administration's (MTA) preferred alignment for the Corridor Cities Transitway (CCT) does not operate along the adjacent roads. The nearest CCT station is planned approximately 1,000 feet to the north of the Subject Property in the northwest quadrant of the intersection of Great Seneca Highway (MD 119) and Darnestown Road.

Transportation Demand Management

The Subject Property is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). 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. However, the Applicant must update the existing Traffic Mitigation Agreement to participate in the TMD and assist the County in achieving and maintaining the 2010 *Great Seneca Science Corridor Master Plan's* Stage 2 non-auto drive mode share goal of 18 percent and the ultimate goal of 30 percent.

Public 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 Travilah Transit Center and the Shady Grove Metrorail Station with 30-minute headways on weekdays only. Transit service is not available along the Travilah Road frontage.

Pedestrian and Bicycle Facilities

Currently, the Subject Property's Travilah and Darnestown Roads have substandard sidewalks. A shared-use path exists on the opposite side of Travilah Road. This Amendment includes the following pedestrian improvements:

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. 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, six-and-a-half-foot wide green panel, and five-and-a-half-foot-wide bike lane along Darnestown Road in accordance with Road Code standard 2004.10.
3. Lead-in sidewalks with handicap ramps from Darnestown Road and Travilah Road to the new building.

4. A pedestrian crosswalk at the southeast corner of the Subject Property with handicap ramps plus adequate traffic control markings and signage to minimize pedestrian conflicts with trucks using the loading docks.
5. Adequate spacing of bollards along the south side of the building for ADA-compliance and ease of access by wheelchair-bound persons.
6. Seven inverted-U bike racks for 14 public bike parking spaces and two bike lockers for private bike parking.

Local Area Transportation Review (LATR)

The most recent Preliminary Plan No. 12011034A approved a total of 56,292 square feet of commercial floor area for the Subject Property and established an APF validity expiration of May 9, 2023. The replacement of the existing fastfood, drive-through restaurant and office building with a multi-tenant commercial retail building totaling 16,300 square feet increases the total approved development for the Subject Property by 1,810 square feet. A traffic study was not required to satisfy the Local Area Transportation Review (LATR) test because this Amendment generates no additional peak-hour trips within the weekday morning and evening peak hours. Therefore, the LATR test is satisfied.

Policy Area Mobility Review (PAMR)

The APF test for the Subject Property was approved under Preliminary Plan No. 12011034A when the Policy Area Mobility Test under the 2009-2011 Subdivision Staging Policy was required. The "Policy Area Review" test for this Amendment is satisfied because the Amendment generates no additional peak-hour trips within the weekday morning and evening peak hours.

Other Public Facilities and Services

The existing and new development on the Subject Property will be adequately served by public water and sewer systems. The Montgomery County Department of Permitting Services–Fire Code Enforcement Section has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, including police stations and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following construction of the development approved by this Preliminary Plan. Electric, gas, and telecommunications services will also be available and adequate. The Preliminary Plan does not include 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 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 Count 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 the M-NCPPC's *Environmental Guidelines*.

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 Amendment No. 82013007A. The FFCP amendment will fulfill the 0.83-acre afforestation requirement through 0.08 acres of on-site tree cover and the purchase of 0.75 acres of afforestation credit (or 1.50 acres of preservation of existing forest) in an approved off-site forest mitigation bank.

Water Quality Plan

The Subject Property falls partially 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 (MCDPS) previously issued an exemption from preparing a Water Quality Plan when Site Plan 820130070 was approved. Department of Permitting Services – Water Resources staff has confirmed that this exemption still applies.

- 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.*

On September 1, 2016, DPS issued a letter accepting the Stormwater Management Concept Plan for the Subject Property. 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 Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), 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 in 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 Board in this matter, and the date of this Resolution is OCT 21 2016 (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 Cichy, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, October 13, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board