



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

MCPB No. 16-110
 Site Plan No. 82013007A
 Travilah Square
 Date of Hearing: October 13, 2016

OCT 21 2016

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, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on November 6, 2013, the Planning Board, by Resolution MCPB No. 13-98, approved Site Plan No. 820130070 for construction of 14,490-square feet for a Walgreens retail/pharmacy store with a drive-through window and drive aisle on 5.56 acres of CR 0.75 C 0.5 R 0.75 H 80 zoned-land, located in the southeast quadrant of the Darnestown and Travilah Roads intersection ("Subject Property"), in the Great Seneca Science Corridor ("Master Plan") area; and

WHEREAS, on May 11, 2016, MFS Travilah LLC and ABS Travilah LLC ("Applicant"), filed a site plan amendment to replace 19,694 square feet of commercial uses in two existing structures with a 16,300-square-foot multi-tenant building and retain the remaining 41,802 square feet of existing floor area, resulting in a total maximum of 58,102 square feet of commercial of floor area on the Subject Property; and

WHEREAS, the Applicant's site plan application was designated Site Plan No. 82013007A, Travilah Square ("Site 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: 

8787 Georgia Avenue, Suite 200, Gaithersburg, MD 20878-4100 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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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 this Amendment for up to 16,300 square feet of new retail space, including modifications to the approved Final Forest Conservation Plan, landscaping and lighting plans, and architectural plans. The conditions of approval for this site plan amendment replace all conditions of approval for Site Plan No. 820130070.¹

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 12011034B.

2. Transportation – Pedestrian and Bicycle Facilities

The Applicant must provide the following bike parking facilities:

- a. At least seven spaces as inverted-U bike racks, or equivalents as approved by Staff, located near the main entrance of the grocery store.
- b. Two bike lockers, or equivalent as approved by Staff, for employees in a safe location.
- c. Final location and details of bike facilities to be determined by Staff at Certified Site Plan.

3. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (DPS) Fire Code Enforcement Section in its letter dated July 27, 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 DPS Fire Code Enforcement Section may amend provided that the amendments do not conflict with other conditions of Site Plan approval.

4. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape, and site elements is the responsibility of the Applicant and subsequent owner(s).

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.

5. Final Forest Conservation Plan

The Applicant must comply with the conditions of the amended Final Forest Conservation Plan. 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 off-site forest mitigation bank to satisfy the forest conservation plan requirements.

6. Landscaping and Lighting

The Applicant must provide 181 square feet of additional internal pervious area in relation to the 18 new parking spaces.

7. The Applicant must increase the tree canopy coverage to 30 percent (or 1,087 square feet) in relation to the 18 new parking spaces.

8. Prior to Certified Site Plan approval, the Applicant must provide certification to Staff from a qualified professional that the proposed exterior lighting conforms to the latest illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type:

- a. All on-site down lights must have full cut-off fixtures.
- b. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

9. Site Plan Surety and Maintenance Agreement

Prior to issuance of the building permit or Sediment Control 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 the 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 surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to bicycle parking racks, plant material, on-site lighting, trash receptacles, the trellis, special paving, and exterior site furniture.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for the development will be followed by inspection and reduction of the surety.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions of the Certified Site Plan.

10. Architecture

The architectural character, proportion, materials and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

11. Development Program

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

12. Certified Site Plan

Before 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 stormwater management concept approval, development program, inspection schedule, and Planning Board Resolutions for this Site Plan Amendment and the Preliminary Plan Amendment No. 12011034B in the Certified Site Plan set.
- b. The Certified Site Plan must be consistent with the approved Final Forest Conservation Plan.
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify the Data Table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout shown on the Site Plan, Final Forest Conservation Plan and Landscaping and Lighting plans.
- f. Provide the pedestrian crosswalk with handicap ramps and other traffic control markings and signage.
- g. Show adequate spacing of the bollards along the south side of the building for ADA-compliance for wheelchair-bound persons to have easy access.
- h. On the details sheet show:
 - 1) the height of the proposed Screen Wall; and
 - 2) the proposed pedestrian crosswalk at the main entrance of the grocery store with stamped concrete.

- i. Show the location of the two cart corrals in the parking lot and adjust the amount of proposed parking spaces provided in the Data Table that will be eliminated for these corrals.

BE IT FURTHER RESOLVED that all site development elements shown on the site, final forest conservation, landscaping and lighting, and architectural plans received by the M-NCPPC as of September 30, 2016 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 set forth in the Staff Report, which the Planning 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.*

This finding is not applicable; the Subject Property 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.*

General Requirements

Per Section 59-C-15.6, development in the CR Zone must comply with the several general requirements, including master plan conformance, bicycle parking and parking, landscaping and lighting. The 244 existing parking spaces exceed the required amount. The Applicant will add 18 new parking spaces; however, four spaces will be eliminated in the central parking lot for two cart corrals, resulting in a total of 258 parking spaces. One car-share space will be located in the central parking lot as required in the CR Zone.

Development standards in the former Zoning Ordinance calculate public use space exclusively based on the area inside the proposed limits of disturbance. Table 1 below demonstrates the application's conformance to the CR Zone's development standards required in Section 59-C-15.7.

evergreen hedge or fence; plus, one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.

Because Lot 1 is a corner lot and the limits of disturbance for the new building is in the northwest part of Lot 1, it has linear street frontage along Darnestown and Travilah Roads with a combined total of 374 feet. The landscape plan meets the green panel requirement with provision of a six-and-a-half-foot wide and 14-foot wide green panel along Darnestown and Travilah Roads, respectively. The landscape plan addresses minimum landscape standards for surface parking with a continuous evergreen hedge for 60 shrubs (in lieu of a fence), and 12 deciduous trees to be planted on the Subject Property along the street frontages. There are no applicable streetscape standards associated with the Subject Property.

(d) Internal Pervious Area: No less than 10 percent of the parking facility area composed of individual areas of at least 100 square feet each.

The area for the 18 new parking spaces on the south side of the new building contains 3,624 square feet. The Landscape plan shows 181 square feet of internal pervious area equivalent to five percent in two areas nearby the new parking spaces. In order to meet the 10 percent requirement a total of 362 square feet must be provided. As in the recommended conditions, the plan must be revised to increase this amount to achieve the 10 percent requirement.

(e) Tree Canopy Coverage: No less than 30 percent of the parking facility area (at 15-year growth).

The landscape plan shows the new parking facility's area totaling 3,624 square feet and provision of 25 percent tree canopy coverage, or 906 square feet. This does not meet the minimum 30 percent requirement (or 1,087 square feet). As conditioned, the plan must be revised to increase the tree canopy coverage by five percent in relation to the 18 new parking spaces to capture the minimum requirement of 1,087 square feet.

(f) Lighting: Per the Illuminating Engineering Society of North America standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line.

As conditioned, prior to the approval of the certified site plan, the Applicant must submit certification from a qualified professional that this requirement has been met.

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As conditioned, prior to the approval of the certified site plan, the Applicant must submit certification from a qualified professional that this requirement has been met.

Public Use Space

The public use space will be landscaped to create a park-like setting/gathering area. Deciduous shade trees will create shade for their tree canopies. The required public use space amount is based on 10 percent of the application's proposed LOD. The area inside the LOD is 71,171 square feet and the plan provides 7,122 square feet to meet the requirement. The public use space will have park benches and six tables, each table with four attached seats (moveable), a trellis, and connected pathways to activate the public realm.

Master Plan and Design Guidelines Conformance

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 is proposing to demolish approximately 19,000 square feet of existing uses, and replace it with approximately 16,000 square feet of proposed 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 Application achieves integration with the north area of Darnestown Road by creating a defined building edge along Darnestown Road and by incorporating architectural and site design elements such as green spaces, canopies at the two store entrances, large display windows, seating areas with a trellis as a focal point, and signage, all to contribute to a sense of engagement with the street frontage and confronting property to the north. The Applicant will also install new sidewalks along the Subject Property's Darnestown Road and Travilah Road frontages, including a focal point at the western facade of the new building. These features will connect the new building to the pedestrian circulation system and provide physical and visual connections between the Subject Property and the adjacent area.

LSC Circulation

This application will contribute to the Master Plan's LSC circulation goals 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 Master Plan.

Design Guidelines

The Application addresses the applicable Design Guidelines as summarized below.

- "Creating an engaging pedestrian environment along streets with building facades and spaces that define the public realm";

Through the removal of existing drive aisles between buildings and significant additional pedestrian and bicycle improvements, the Application will enhance the pedestrian-oriented environment along Darnestown and Travilah Roads. The pedestrian and bicycle-friendly environment along these two roads will activate the public realm and create a physical connection at this location in the LSC.

- "Encouraging design excellence through use of innovative building materials, façade articulation, street-oriented buildings, and sustainable building practices";

The Applicant will provide innovative building materials and façade articulation on three sides of the new building and incorporate sustainable building practices in the design (i.e., a cool or vegetated roof and use of local building materials). The building's north, south and west facades will have a combination of brick and stone veneer building materials instead of a typical grocery store façade in an integrated, multi-tenant shopping center.

- "Use of materials, finishes, and architectural features that refine building facades by creating visual interest and texture"; and

Through the use of glass, masonry, metal, and canopy features (the latter on the west and south facades), display windows wrap around the new building with a continuous artwork feature for visual interest. A trellis feature is proposed in the center of the public use space as an architectural focal point with movable outdoor seating with tables and chairs. Each store entrance will have a canopy as an architectural feature that addresses the intent of the Design Guidelines.

- "Create retail frontages that are transparent as possible" and "avoid long stretches of blank walls."

The new building will be made as transparent as possible through the integration of display windows. Although the entrance faces away from the streets, the building design along Darnestown and Travilah Roads integrate public art to create a defined building edge. There will be no blank walls on three facades. The northwest corner of the building will be emphasized with tall windows. The building's east façade, where the loading dock is located, will have a screen wall to block direct views of the activities associated with this area of a commercial retail building.

Bicycle Parking Spaces and Commuter Shower/Change Facility

The Applicant will provide seven inverted-U bike racks and two bike lockers. The bike racks will be located near the main entrance of the grocery store and the bike lockers will be located near the building's east façade in a safe and secure location. A change/shower facility is not required for this redevelopment.

3. *The location of buildings and structures, open spaces, landscaping, recreational facilities, and pedestrian and vehicular circulation systems are adequate, safe and efficient.*

Building location

The location of the building at the intersection of Darnestown and Travilah Roads is adequate, safe, and efficient and will create an attractive building line

along the Darnestown Road frontage. Open spaces around the building will be highly visible and easily accessible.

Open Spaces

The public use space meets the requirements in the Zoning Ordinance and will be adequate, safe, and efficient. The public use space and open space areas will be highly visible and connected by walkways and sidewalks easily accessible by the public.

Landscape and Lighting Plan

As conditioned, the Application includes landscaping and lighting that is adequate, safe, and efficient. New landscaping will be planted around the building and in the public use space, along with the installation of two ESD-design stormwater management facilities and street trees along the frontages of both Darnestown and Travilah Roads. Outdoor lighting around the new building, public use space, walkways and parking area will provide a safe environment for customers during evening hours and will meet lighting industry standards.

Pedestrian and Bicycle Circulation

The Application's pedestrian and bicycle facilities are adequate, safe, and efficient. The perimeter sidewalks to be constructed along the frontages of Darnestown and Travilah Roads, coupled with the installation of new sidewalks on these roads and in relation to the new building all contribute to an interconnected, ADA-compliant circulation system that does not currently exist on the Subject Property. The required number of bike racks will be located near the main entrance to the grocery store, and bike lockers will be located in a safe and secure location in vicinity of the loading dock area. Two pedestrian crosswalks will be installed in relation to the new building on the south side, to make these facilities adequate, safe and efficient for pedestrians. The pedestrian crossing at the grocery store's main entrance will be constructed with stamped concrete as a traffic-slowing feature for enhanced pedestrian safety. Bollards will be installed at the edge of the sidewalk in relation to the 18 new parking spaces on the building's south side for increased safety. The Applicant will dedicate additional right-of-way along both Darnestown and Travilah Roads for planned public road improvements and ADA compliant intersection connections that will ultimately include shared-use paths to implement such facilities identified in the *GSSC Master Plan* and the *2005 Countywide Bikeways Functional Master Plan*. These design features will enhance the pedestrian and bicycle facilities at this location and thereby make these adequate, safe, and efficient.

Vehicular Circulation

The Application will improve vehicular circulation on the Subject Property. The right-turn in movement from northbound Travilah Road into the shopping center closest to the Darnestown Road intersection will be eliminated. Elimination of

this turning movement will improve internal vehicular circulation in vicinity of the new building at the Subject Property and cause vehicular circulation to be adequate, safe, and efficient.

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

The new building takes into account the existing and future development to the north across Darnestown Road and the existing development to the south. The new building will be similar in scale and height compared to the three other existing retail buildings at the shopping center, and it will be compatible with the existing residential uses to the west. In addition, the new building's modern architecture style will complement proposed development to the north and the Human Genome Sciences facility to the south.

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.*

Amended Final Forest Conservation Plan

Site Plan No. 820130070 included approval of a Final Forest Conservation Plan (FFCP) with an afforestation requirement of 0.83 acres. The approved FFCP allowed an on-site credit of 0.11 acres for tree cover and landscaping, with the remaining 0.72 acres of afforestation fulfilled through purchase of 0.72 acres of afforestation credit (or 1.44 acres of preservation of existing forest) in an approved off-site forest mitigation bank. The reconfiguration of the site under this Amendment reduces the area available for on-site landscaping credit. Therefore, the FFCP amendment will fulfill the 0.83-acre afforestation requirement through 0.08 acres of on-site tree cover, with the balance met through purchase of credit in an approved off-site forest mitigation bank.

Water Quality Plan

The Subject Property falls partially within the Piney Branch Special Protection Area (SPA). Disturbances (as defined in Chapter 19, Section 19-62 of the County Code) with an SPA must receive approval of a Water Quality Plan unless granted an exemption. When Site Plan No. 820130070 was approved, an exemption from preparing a Water Quality Plan under Section 19-63(B)(2) of the code was granted. DPS has confirmed that this exemption still applies.

Stormwater Management

On September 1, 2016, MCDPS issued a Stormwater Management Concept Reconfirmation letter for Site Plan Amendment No. 82013007A (Attachment 6). The stormwater management concept proposes to meet required stormwater

management goals via Environmental Site Design (ESD) with the use of micro-biofiltration.

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

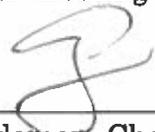
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 21 2016 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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