



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

NOV 03 2017

MCPB No. 17-082  
Site Plan No. 82004016B  
Wildwood Manor Shopping Center  
Date of Hearing: September 14, 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, under Section 59-7.7.1.B., 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 January 9, 2004, the Planning Board, in an unnumbered Opinion approved Site Plan No. 820040160 for 122,422 gross square feet of retail and office space, including a 609-square-foot addition to the existing shopping center, for a total of 84,710 square feet of retail, on 11.6 acres of C-1 and R-90 split zoned-land, located at 10233 Old Georgetown Road (MD 187) in the northeast quadrant of its intersection with Cheshire Drive and is known as Parcel 753 ("Subject Property"), in the North Bethesda Policy Area and *North Bethesda/Garret Park Master Plan* ("Master Plan") area; and

WHEREAS, on March 15, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82004016A (MCPB No. 07-23), to install a bank ATM and construction of associated sidewalks and steps for pedestrian access to the pad site. The bank's total area was increased by 28-square feet from the approved 1,224 square feet to the built 1,252 square feet. Other minor revisions included relocation and reconfiguration of an accessible parking space in front of the bank, deletion of one standard parking space, installation of a different style bike rack and relocation of planting areas displaced by the ATM addition and its appurtenances on the Subject Property; and

WHEREAS, on September 9, 2014, Federated Realty Investment Trust ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) for an additional 3,720 square feet of retail space to allow for a 4,971-square-foot building addition, realigned vehicular access at Cheshire Drive,

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Approved as to  
Legal Sufficiency:

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improved landscaping, stormwater management, parking lot circulation and additional off-street parking on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82004016B, Wildwood Manor Shopping Center ("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 1, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 14, 2017, 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, on September 14, 2017, the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0, Commissioners Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor, and Commissioner Anderson absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82004016B for an additional 3,720 square feet for a 4,971-square-foot addition, for a total of 88,430 square feet of retail, and associated landscape, stormwater management, and access improvements in parking lots, with the following conditions:<sup>1</sup>

1. Site Plan Conformance  
The development must comply with the conditions of approval for Site Plans 820040160 and 82004016A.
2. Special Exception Conformance  
The development must comply with the conditions of approval of Special Exception CBA-357 dated January 30, 1956.

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<sup>1</sup> 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.

3. Transportation  
The overall development on the site is limited to a total of 88,430 square feet of general retail space with a grocery store. Any change of use must be reevaluated for compliance with the APF regulations.
4. The Adequate Public Facility (APF) review for the addition of 3,720 square feet of general retail space with a grocery store will remain valid for sixty-one (61) months from the date of the mailing of this Planning Board's Resolution.
5. Prior to issuance of the final Use and Occupancy Certificate, the Applicant must upgrade the meandering pedestrian connection from the Cheshire Drive/Grosvenor Lane intersection, as shown on the Certified Site Plan.
6. Prior to issuance of the final Use and Occupancy Certificate, the Applicant must provide two inverted-U bike racks, or equivalent, as approved by staff located near the entrance of the proposed addition and shown on the Certified Site Plan.
7. Environment  
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 May 18, 2017, 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 stormwater management easements and facilities.
8. Landscape Plan  
Prior to the end of the first planting season after issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed as shown on the revised landscape plan and approved by Staff in the field.
9. Along the Site's frontage of Cheshire Drive must:
  - a) Remove all invasive plants and trash;
  - b) Create and maintain an enhanced landscaping screen, through native species plants approved by the Staff and as shown on the Certified Landscape Plan; and

- c) Extend the existing wood fence in relation to Cheshire Drive to the new edge of the meandering sidewalk to block headlight glare.

10. Lighting Plan

- a) Prior to Certified Site Plan, the Applicant must provide certification to 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 (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting installation must be in accordance with these recommendations.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from onsite lighting must not exceed 0.5 footcandles at any property line abutting residentially developed properties.
- e) Pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, any light pole height must not exceed the height illustrated on the Certified Site Plan.

11. Site Plan Surety and Maintenance Agreement

Prior to the 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-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, but not limited to, bike racks, plant material, on-site lighting, sidewalks, site furniture, trash enclosures, retaining walls, fences, railings, paths and associated improvements of development, including storm drainage facilities, street trees and lighting.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon the inspector recommendation and that the remaining surety is sufficient to cover completion of the remaining work.

- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

12. Development Program

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

13. Certified Site Plan

The Certified Site Plan must include the following revisions subject to Staff review and approval:

- a) Stormwater management concept approval letter, development program, and Site Plan Resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) A note stating that “M-NCPPC Staff must inspect protection devices before clearing and grading.”
- c) 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) Modified data table to reflect development standards approved by the Planning Board.
- e) Consistency of all details and layout between the approved limits of Site and Landscape plans.
- f) Signage details and its location in relation to the ADA-compliant path.
- g) Address review comments from the DPS Right-of-Way Section as in their conditions of approval memo dated May 23, 2017 as follows:
  - 1. For the existing driveway to remain:
    - a. Provide actual sight distance analysis;
    - b. Label the curb radii for and provide truck turning for all movements.
  - 2. Along the County frontage on Cheshire Drive:
    - a. Ensure the sidewalks are enhanced to be ADA-compliant;
    - b. Close the unused curb cut to the north of the existing driveway;
    - c. Plant minor species trees where needed (30’apart);
    - d. Provide and label the Public Utility Easement (PUE) along the Site’s frontage.

- h) Incorporate a revised landscape plan that (1) provides more robust screening between the Subject Property and adjacent residential neighborhoods, as determined by Staff; and (2) requires the Applicant to take reasonable measures to preserve existing native and evergreen trees within the area of the landscape plan.

14. The outdoor patio area associated with this Amendment is limited to 1,000 square feet.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Wildwood Manor Shopping Center 82004016B, 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 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;*

The Subject Property is not subject to a project plan, development plan, diagrammatic plan, or schematic development plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan under Chapter 56;*

#### Development Standards

This Application was filed September 9, 2014, and per Section 7.7.1.B of the current Zoning Ordinance, the Application was reviewed under the development standards and procedures of the Subject Property's zoning in effect on October 29, 2014. An urban renewal plan is not applicable to the Wildwood Manor Shopping Center site. The Site Plan meets the development requirements of the C-1 and R-90 Zones as follows:

*Development Standards Data Table - C-1 and R-90 Zones*

<b>Development Standard</b>	<b>C-1 Zone Required/Allowed</b>	<b>Approved in C-1 Zone</b>
<b>Maximum Building Height</b> (feet) Sec. 59-C-4.342(a)	30'	27' 8"
<b>Minimum Setbacks</b> (feet) Sec. 59-C-4.343:		
<b>Building Setback</b> from any street right-of-way Sec. 59-C-4.343(a)(1)	10'	Cheshire Drive: 155' Old Georgetown Road: 170'
<b>Building Setback from R-O-W</b> for Berkshire Drive (50' R-O-W) Sec. 59-C-4.343(a)(3)	60' from centerline	180'
<b>Off-Street Parking Setback</b> Sec. 59-C-4.343(b)(2)	N/A	N/A
<b>Minimum Green Area</b> Sec. 59-C-4.344 (at least 10% of area of the lot)	10%	17%
<b>Off-Street Parking</b> Sec. 59-E- 3.7. <b>Retail, general:</b> 5 spaces per 1,000 SF of GFA <sup>2</sup>	5	35

<sup>2</sup> The Applicant provided a Development Data Table at the bottom of the Site Plan that details the required parking by retail uses: [bank] offices, a health club, and five restaurants. The required parking spaces totals 681 spaces based on these various retail uses. The general retail uses calculation is based on five spaces per/1,000 square feet of gross leasable area (GLA). The office uses, health club and five restaurants were calculated with slightly different formulas based on gross floor area (GFA). A total of 683 spaces will be provided with the 62 new spaces proposed in the subject amendment for a total of 35 new spaces in the C-1 Zone (and a parking surplus of two spaces). Twenty-seven of the new off-street parking spaces are in the R-90 Zone at the south side of the Subject Property in relation to the addition. The 27 new off-street parking spaces in the R-90 Zone are located consistent with the July 2016 amendment to CBA-357-A as approved by the Board of Appeals in 2016.

<b>Development Standard</b>	<b>R-90 Zone Required/Allowed</b>	<b>Approved in R-90 Zone</b>
<b>59-C-1.31(b) Parking of automobiles, off-street in connection with commercial uses.</b>	By SE until 5.6.02 as in ZTA No. 01-10	27 (as in CBA-357-A effective date of Resolution: 7.27.16)
<b>Minimum Setback from Street Sec. 59.C-1.323.a.</b>	30 feet	N/A*
<b>Setback from Adjoining Lot Sec. 59.C-1.323.b.</b>	N/A	N/A*

\*There is no building located in the R-90 Zone.

The Application will provide approximately 17 percent green area on the Subject Property. The expansion will require removing existing trees, some of which are in poor to fair health. The Applicant has made design modifications to the original proposal to save as many healthy trees as possible. The loss of existing trees will be mitigated by replacement trees and landscaping shown on the Landscape Plan.

3. *The location of buildings and structures, open spaces, landscaping, recreational facilities, and pedestrian and vehicular circulation systems are adequate, safe and efficient.*
  - a. Location of Buildings and Structures  
 The addition will be adequate, safe and efficient in its location at the south side of the existing shopping center. The scope of work is considered minor in this Limited Site Plan Amendment.
  - b. Open Spaces  
 The Landscape Plan shows the Applicant will provide approximately 17 percent green area at the Subject Property. This amount exceeds the required 10 percent in the C-1 Zone.
  - c. Landscaping  
 The Landscape Plan includes new native species plant materials to mitigate for the loss of two non-specimen-sized trees. The Applicant is providing enhanced landscaping at the south side of the Subject Property in relation to the confronting single-family residential uses across Cheshire Drive. As conditioned, the Applicant will also trim and maintain



the existing landscaping at the southeast side of the Subject Property at Cheshire Drive.

d. Recreational Facilities

Because no residential use is proposed on the Subject Property, recreational facilities are not required.

e. Pedestrian and Vehicular Circulation Systems

The realignment of the driveway access point on Cheshire Drive will improve vehicular circulation as will a redesign for the location of the new off-street parking spaces. A sidewalk enhancement on Cheshire Drive will be made to ensure the sidewalks are ADA-compliant. Several pedestrian crosswalks in the existing parking lots will be painted, while the new and reconfigured parking spaces are designed more efficiently to improve pedestrian and vehicular circulation and safety. A meandering sidewalk was designed, from Cheshire Drive to the south side of the addition, to be ADA-compliant to improve safety for wheelchair-bound patrons traveling to the shopping center from the nearby residential neighborhood, while preserving as many trees as possible. The existing sidewalk and drive-aisle from Cheshire Drive require a pedestrian to enter the drive-aisle and negotiate with vehicles prior to reaching the sidewalk adjacent to the shopping center, while the new sidewalk will provide safe ADA-compliant access to the shopping center from Cheshire Drive, with one clearly marked crosswalk to reach the shopping center. The Application provides adequate, safe and efficient pedestrian and vehicular circulation to and within the Subject Property.

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

The 4,791-square foot addition is compatible with the existing shopping center building because the Applicant will use the same construction materials to integrate it into the south side of the structure. The shopping center addition is located at the south side of the Site, and it is not in the immediate vicinity of existing buildings to the north and at the Wildwood Manor Office (Aubinoe Property). Enhanced landscaping shown on the Landscape Plan will screen the addition from the existing single-family residential units to the east and 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.*

a. Forest Conservation

On September 26, 2016, Staff issued an exemption from Article II of Chapter 22A, Forest Conservation, for the Site (No. 42017032E).

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 NOV 03 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).

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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 Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 2, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board