



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

MCPB No. 18-042
Site Plan No. 81980017A
Cabin John Auto Park (N. Bethesda Home Depot)
Hearing Date: April 26, 2018

MAY 21 2018

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.3, the Planning Board reviewed this site plan amendment under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on May 8, 1980, the Planning Board approved Site Plan No. 819800170 for a retail center on 7.51 acres of C-2 zoned-land, located on the north side of Westlake Terrace between Auto Park Avenue and Motor City Drive, Bethesda (and also known as Parcel G recorded by Plat No. 13039 in 1980) ("Subject Property"), in the *Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, on December 20, 2017, Home Depot USA, Inc., ("Applicant"), filed an application for approval of an amendment to the previously approved site plan(s) for approval of the following modifications to the previously approved site plan:

1. Remove up to 15,870 square feet of vacant retail space;
2. Regrade to reconfigure an existing parking lot for 65 new spaces and associated landscape, outdoor lighting, and stormwater management;
3. Provide ADA upgrades and parking lot circulation improvements; and
4. A waiver of required parking standards for bicycle spaces and motorcycle stalls under Section 59-E-4.5.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81980017A, Cabin John Auto Park (N. Bethesda Home Depot) ("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

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

Planning Board, dated April 16, 2018, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 26, 2018, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, on motion of Commissioner Patterson, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0: Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff’s recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81980017A, with all site development elements shown on the latest electronic version, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required except as modified by the following conditions:

1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 119780470.

2. Site Plan Conformance

The Applicant must comply with the conditions of approval of Site Plan No. 819800170.

3. Transportation

The Applicant must satisfy the Local Area Transportation Review (LATR) test if the square footage increases beyond the new total of 128,130 square feet of retail space in this Amendment.

4. Environment

The Planning Board accepts the recommendation of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept reconfirmation letter dated September 13, 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.

5. 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.

6. Lighting Plan

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the new 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 on-site exterior area lighting installation must be in accordance with these recommendations.
- b) All on-site 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 new on-site 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) For all rooftop light fixtures on the building, any light pole height must not exceed the height illustrated on the Certified Site Plan.

7. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its comments dated March 26, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the comments, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

8. Site Plan Surety and Maintenance Agreement

Prior to issuance of a grading 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, including, but not limited to, bike racks or lockers, cart corrals, plant material, outdoor lighting, sidewalks, site furniture, trash enclosures, paths and associated improvements of development, including storm and drainage facilities.
- 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 with the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

9. 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.

10. 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) Modify the data table to reflect development standards approved by the Planning Board.
- e) Consistency of all details and layout between the approved limits-of-disturbance on the Site and Landscape plans.
- f) Provide the standard details and locations for three short-term and long-term bicycle spaces and one motorcycle stall.
- g) Provide wheel stops at the end of each parking space in the Home Depot parking lot where a pedestrian crosswalk is proposed in this parking bay.
- h) Add the wheel stop detail to the Site Plan details sheet.
- i) Add a new Phasing Plan sheet (with Phases A, B, C and Completion) to the plan set.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 81980017A, 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 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*
2. *The Site Plan meets all of the requirements of the zone in which it is located.*

Development Standards

The Subject Property was developed prior to October 30, 2014 under the C-2 Zone standards. Therefore, under Section 7.7.1.B.3.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, (C-2) in the former Zoning Ordinance.

The purpose of the C-2 Zone is to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. The Amendment is in conformance with the purpose of the C-2 Zone.

The Amendment will also meet the development standards in the C-2 Zone as shown in the table below. Off-Street parking standards in Section 59-E-1 are applicable, including provision for an off-street loading space, bicycle spaces or lockers and motorcycle parking stalls.

Development Standards Data Table - C-2 Zone

Development Standard	C-2 Zone Required/Allowed	Approved
Building height Sec. 59-C-4.351.	Maximum of 3 stories or 42 feet from finished grade	N/A
Floor area Sec. 59-C-4.352.	GFA not to exceed FAR of 1.5	0.41
Setbacks Sec. 49-C4.353.		
(a) Front: (no less than from front lot line)	10 feet	N/A

(b) Side & rear	3 and 3	N/A
Minimum Green Area Sec. 59-C-4.354. (at least 10% of area of the lot)	10%	16%
Off-Street Parking – loading space Sec. 59.E.1.4.	1	1
Bicycle & motorcycle parking Sec.59-E-2.3. (a) & (b) Bicycle metric and	20 bike spaces	10 bike spaces
(d) Motorcycle metric	10 stalls	1 stall
Off-Street Parking -Retail, general Sec. 59-E-3.7. (metric:) 5 spaces per 1,000 SF of GFA	641 spaces	698 spaces
Internal Landscaping of surface parking facility Sec. 59-E-2.73.	5%	7.6%

The Amendment will provide approximately 16 percent green area on the Subject Property. Sidewalks and walkways shall be protected from vehicular encroachment by wheel stops, curbs or other methods in between a parking bay for pedestrian safety.

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

a. Location of Buildings and Structures

The Application’s scope of work is limited to removal of approximately 15,870 square feet of existing retail space at the west side of the strip commercial shopping center behind Home Depot to expand and regrade to reconfigure the existing parking lot for 65 new parking spaces. No new buildings are proposed in this application; the 15,870 square feet of vacant retail space has been demolished.

b. Open Spaces

The Landscape Plan shows that the required green area will be provided in landscape islands throughout the two parking lots and on a portion of the USPS property.

c. Landscape and Lighting Plan

The Landscape Plan includes removal of 14 existing trees around the parking lot with 11 new trees to be planted at the north end/new parking lot edge. The minimum five percent internal landscaping is met as demonstrated in the Landscape Plan in an exhibit with 7.6 percent.

New light poles, building-mounted fixtures and several relocated light poles are included in the parking lot expansion area.

d. Recreation Facilities

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

e. Pedestrian and Vehicular Circulation Systems

When the Subject Property was originally developed, pedestrian, bicycle and motorcycle facilities were not required. A Pedestrian and Vehicular Circulation Plan shows new pedestrian connections with sidewalks, painted crosswalks, and ADA-compliant features in both parking lots. The Applicant has requested a parking waiver per Sec. 59-E-4.5, to provide no bike spaces or lockers and motorcycle stalls.

Although the Board does not fully support the Applicant's request, it finds that bicycle and motorcycle parking should be calculated based on the number of new parking spaces. This results in a requirement of three bicycle spaces or lockers and one motorcycle stall. These additional facilities will be sufficient to serve the relatively few patrons and employees of Home Depot, the retail uses, and the USPS property that ride a bike or a motorcycle to these traditionally auto-centric uses. Given the auto-centric nature of these uses, full compliance with the parking standards are not necessary to accomplish the objectives in Section 59-E-4.2.

With the proposed parking lot improvements, recommended conditions of approval, and the parking waiver, the Board finds that the Application's circulation systems will 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.*

Removal of 15,870 square feet of the north part of the shopping center and regrading for reconfiguration of the parking lot to improve vehicular and pedestrian circulation and safety is compatible with similar existing commercial uses with off-street parking lots surrounding the Subject Property.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resources protection, and any other applicable law.*

On September 1, 2015, Staff issued an exemption of Chapter 22A, Forest Conservation, for the proposed application (No. 42016023E for modifications to existing non-residential developed property). Therefore, the Applicant is not required to submit a Forest Conservation Plan.

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 Amendment 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 MAY 21 2018 (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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, May 17, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board