



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

MCPB No. 18-086
Site Plan No. 82006024A
Cabin Branch – Gosnell 1
Date of Hearing: September 6, 2018

SEP 25 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 under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 29, 2010, the Planning Board, by Resolution MCPB No. 10-118, approved Site Plan No. 820060240 for 87,500 square feet of employment uses, 8,600 square feet of highway/auto-related retail uses, and parking waivers on 7.24 acres of MXPD zoned land, located along Clarksburg Road, approximately 0.25 miles west of I-270 (“Subject Property”), in the Clarksburg Policy Area and *1994 Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, on November 2, 2017, Cabin Branch, East LLC and Cabin Branch, West LLC (“Applicants”) filed an application for approval of an amendment to the previously approved site plan to allow up to 76,880 square feet of employment and up to 19,220 square feet of permitted restaurant, retail or vehicle service uses including modifications to site circulation and building design and layout on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82006024A, Cabin Branch – Gosnell 1 (“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 August 24, 2018, 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 September 6, 2018, 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 6, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor. Commissioner Dreyfuss was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82006024A for up to 76,880 square feet of employment and up to 19,220 square feet of permitted restaurant, retail or vehicle service uses including modifications to site circulation and building design and layout by superseding all conditions in Planning Board Resolution 10-118 for Site Plan No. 820060240 and replacing them with the following conditions:¹

1. Cabin Branch Design Guidelines for Site Plan Review
 - a. The development must comply with the Cabin Branch Design Guidelines for Site Plan Review (“Design Guidelines”) dated March 2, 2018.
 - b. The Applicants must submit to the M-NCPPC Staff, with building permit applications for each phase of the development program, an approval from the Cabin Branch Town Architect stating that the approved buildings within that phase are in conformance with specifications of the Design Guidelines.
 - c. The Planning Board accepts the recommendations of the Cabin Branch Town Architect in its letter dated June 12, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicants must comply with each of the recommendations as set forth in the letter, which the Town Architect may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

2. Density

This development is limited to up to 96,100 square feet of commercial uses, including up to 76,880 square feet of employment uses and up to 19,220 square feet of permitted restaurant, retail or vehicle service uses.

3. Forest Conservation

Revisions to Sheets 1, 6 and 10 of the Final Forest Conservation Plan (FFCP) subject to the following conditions:

¹ For the purpose of these conditions, the term “Applicants” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. The Applicants must comply with the Planning Board conditions of approval for Forest Conservation Plan #820050150 dated June 14, 2007, with amendments, to reflect approval of the Final Forest Conservation Plan for Site Plan Amendment No. 82006024A.
 - b. All other prior approvals and conditions from Site Plan No. 820060240 related to environmental and water quality issues remain in full force and effect.
4. Site Design
- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on all submitted architectural drawings, as determined by M-NCPPC Staff.
5. Stormwater Management
- The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) - Water Resources Section in its combined final water quality plan/site development stormwater management plan letter dated May 21, 2018, and hereby incorporates them as conditions of approval for this Site Plan. The Applicants must comply with each of the recommendations as set forth in the letter, which MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Site Plan approval. MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
6. Green Open Space
- The Applicants must provide a minimum of 2.40 acres of green area (40% of net lot area) on-site.
7. Landscaping
- a. The Applicants must install the site elements as shown on the landscape plans submitted to M-NCPPC or approved equivalent.
 - b. The Applicants must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of M-NCPPC Staff.
8. Lighting
- a. Prior to Certified Site Plan, the Applicants 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 must be in accordance with the latest IESNA outdoor lighting

recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

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

9. Transportation

- a. To address the requirements in the Development Plan and Preliminary Plan to determine trip reduction measures, before the release of any building permit, the Applicants must:
 - i. Modify the Cabin Branch intranet website with updated links and relevant transit information within the area. The Applicants must provide a plan to M-NCPPC and Montgomery County Department of Transportation (MCDOT) to advertise this website and information to employees at Cabin Branch.
 - ii. Provide M-NCPPC and MCDOT with a plan to show how the employers will facilitate carpool and vanpool matching and/or an Alternative Work Hours program for employees at the Cabin Branch site if a single employment use on the largest shift has 25 or more employees.
- b. The Applicants must construct all sidewalks, both on and adjacent to Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicants must provide DPS Zone and Site Plan Enforcement Staff with certification from a licensed civil engineer that all sidewalks have been built to the above standards.

10. Pedestrian & Bicycle Circulation

The Applicants must provide 14 short-term bicycle parking spaces.

11. Maintenance of Public Amenities

The Applicants are responsible for maintaining all publicly accessible amenities including, but not limited to railings, bike racks, trash enclosures, lattice screening, retaining walls, and benches.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicants 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 Applicants. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [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 plant material, on-site lighting, site furniture, bike racks, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, and storm drainage facilities. The surety must be posted before issuance of any building permit.
- 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 inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

13. Fire and Rescue

The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated April 3, 2018, and hereby incorporates them as conditions of approval. The Applicants must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

14. Development Program

The Applicants 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 including:

- a. Before the issuance of Use and Occupancy Certificates for the Coffee Shop (identified on the Site Plan Amendment as “Starbucks”), the plaza and associated amenities between the proposed building and Clarksburg Road (MD121) on the Subject Property must be completed.
- b. Before the issuance of Use and Occupancy Certificates for the Hotel (identified on the Site Plan Amendment as “5 STORY HOTEL”), the plaza and associated amenities between the proposed hotel and drug store must be completed.

15. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b. Correctly label the line type for curbs outside the Property (for Whelan Lane and Old & New Clarksburg Road) in the legend and in the site vicinity information.
- c. Dimension the width (8.5-foot min. wide) of non-ADA handicap spaces near hotel entrance.
- d. Add FAR calculation to the data table.
- e. Remove footnote #8 from the data table.
- f. An architectural sheet for each structure must include an Elevation Finish Schedule to include the finish material, manufacturer, and color. This Elevation Finish Schedule must include a footnote stating “All materials are subject to “Or staff approved equivalent” products as proposed by Applicant.”
- g. Relocate the motorcycle parking spaces from their current location to the opposite side of the parking lot drive aisle in order to allow for a WSSC remote sensor structure as well as make appropriate adjustments to landscaping in this vicinity.
- h. The Applicant must revise the Photometric Plan on Sheet 08-BLL-82006024A-L1.4 and Sheet 08-BLL-82006024A-L1.8 to demonstrate compliance with Section 59.6.4.4.D to limit illumination to 0.5 footcandles or less at the lot line.
- i. The Applicant must provide a crosswalk on Clarksburg Road on the north side of the roundabout, subject to final approval by Maryland State Highway Administration.

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 Cabin Branch – Gosnell 1, No. 82006024A, 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:

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.

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 Development Plan (G-806) for the Cabin Branch Neighborhood (adopted September 9, 2003) established nine (9) binding elements for the entire community. As discussed below, this site specifically conforms to the following three (3) binding elements: trip reduction measures, street networks, and street character. The remaining six (6) elements are not applicable to the Subject Property because they are focused on other sections of the overall Cabin Branch project.

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 approved under Chapter 56.*

The Site Plan Amendment meets all the requirements of the MXPB zone, which was the zone in place at the time of the original approval. Consistent with the grandfathering provisions of Section 7.7.1.B.3.a, this Amendment is being reviewed under the MXPB Zone for site design. Any newly purposed uses are not covered under the grandfathering provisions in Section 7.7.1.A.2.a. While the filling station use requires a conditional use permit in the CRT zone, the original site plan also had a filling station which was permitted under Section 59-C-7.52.b (zoning ordinance in effect on October 29, 2014), which allowed for all permitted and special exception uses allowed in the C-2 and H-M zones to be allowed in the MXPB zone. Because the filling station is not a new use on this Application, the filling station use continues to be allowed as a permitted use.

Two types of other uses proposed in the Application are new. First, the quick lube which is classified as Vehicle Service – Repair (Minor) under Section 59.3.1.6. In the CRT zone, Vehicle Service – Repair (Minor) is a limited use which must meet the standards set in Section 59.3.5.13.F:

Where Vehicle Service – Repair (Minor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- i. *All buildings must be set back a minimum of 50 feet from the abutting residential lot line.*

The Site Plan Amendment implements a 100-foot building restriction line for the residential lots to the north.

- ii. *All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential lot line.*

The parking and storage parking is approximately 42 feet or more from residential lot lines.

- iii. *The minimum site is 20,000 square feet.*

The lot proposed for this use exceeds 20,000 square feet.

- iv. *Access to the site from a street with a residential classification is prohibited.*

Access to the Property is provided from Gosnell Farm Road, which is not classified as a residential street.

- v. *In the CRT zone, site plan approval is required under Section 7.3.4.*

The current Site Plan Amendment #82006024A satisfies this requirement.

The second new use, or uses, are the Drive-Thrus associated with the coffee shop and the drug store. Under Section 59.3.1.6 (zoning ordinance currently in effect) Drive-Thrus are their own use category. Drive-Thrus are a limited/conditional use in the CRT zone and must meet the standards set forth in Section 59.3.5.14.E. The Applicant's proposal meets the use standards to be considered a limited use under Section 59.3.5.14.E:

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.*

Both Drive-Thrus, including the queuing areas, associated with this Application meet or exceed the 100-foot setback from any property

that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zone

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

Access to the site is provided from Gosnell Farm Road, which is not classified as a residential street.

- 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.*

Neither Drive-Thru, including the service window, drive aisle, or queuing area associated with this Application is located between the street and the front main wall of the building associated with the Drive-Thru.

- 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.*

The Drive-Thru for the coffee shop is not located on the side wall of the main building and is not applicable. The Drive-Thru for the drug store does contain a small amount of stacking (i.e. queuing) area on the side wall of the main building. The site design includes a retaining wall along MD121 ("new" Clarksburg Road) which meets or exceeds 3 feet in height in order to provide the proper screening.

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

The current Site Plan Amendment #82006024A satisfies this requirement.

- vi. *A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.*

The proposed Drive-Thrus meet the standards for a limited use. As such, the filing of a conditional use application is unnecessary.

The remaining uses proposed by this Site Plan Amendment are allowed in the MXPB zone and the Site Plan Amendment specifically fulfills the purposes of the zone by providing the following: Design Guidelines that meet the overall goals of the Master Plan in accordance with the previous approvals; enhanced compatibility with the surrounding communities; and the provisions of open spaces and site amenities that achieve the physical and aesthetic integration to benefit the community. In addition, additional landscape plantings are proposed directly adjacent to the surface parking areas.

The Cabin Branch Design Guidelines set the overall tone for the entire development, establishing feasible design principles for the proposed streetscapes, circulation systems, and compatible uses. The Infrastructure and Preliminary Plans approved the construction phasing for the major roadway improvements, stormwater management facilities, and underground utilities prior to the submission of the Site Plan Amendment.

The Site Plan Amendment meets all the development standards of the MXPB zone in effect prior to October 29, 2014 (Table 1 & 2). With respect to building heights, setbacks, and density, the proposed Site Plan Amendment is under all maximum standards allowed. With respect to green space, the proposed Site Plan Amendment provides 2.40 acres onsite, which meets the zoning ordinance requirements. The Subject Property is not subject to an urban renewal plan.

Table 1 - Development Standards

Development Standard for MXPB zone	Zoning Ordinance Permitted/ Required	Approved under Site Plan No. 820060240	Proposed under Site Plan Amendment No. 82006024A
Gross Site Area (acres);			
MXPB (59-C-7.5)	N/A	7.24 acres	6.00 acres
Area of Dedication (acres):			
Public Streets			
Clarksburg Road	N/A	0.44 acres	0.80 acres
Gosnell Farm Drive	N/A	0.46 acres	0.44 acres
Net Site Area (acres):	N/A	6.34 acres	6 acres
Density (Sec. 59-C-7.5):			
Non-Residential (59 C-7.54):			
Max. Commercial	0.75 FAR ²	0.30 FAR	0.37
Max. Allowable Uses Permitted ³			

² In accordance to the MXPB zone density requirements (59C-7.54).
³ In accordance to the Phase I Preliminary Plan 12003110A Approval.

Development Standard for MXPB zone	Zoning Ordinance Permitted/ Required	Approved under Site Plan No. 820060240	Proposed under Site Plan Amendment No. 82006024A
Total Employment	2,300,000 sq. ft.	87,500	76,880 sq. ft.
Total Commercial/Retail	120,000 sq. ft.	8,600 sq. ft.	19,220 sq. ft.
Total Development:	2,420,000 sq. ft. ⁴	96,100 sq. ft.	96,100 sq. ft.
Green Area (59 C-7.56):			
Total MXPB Zone	283.50 acres	N/A	N/A
Commercial Portion	40%	40%	40%
Total Site Area			
On-site Green Area	2.40 acres	2.49 acres ⁵	2.40 acres
Min. Building Setbacks (Sec. 59 C-7.55):			
Bldgs. Other than one-family detached D.U. setback from prop. Developed w/one-family detached homes	100 feet	100 feet	100 feet
From adjoining properties	10 feet	10 feet	10 feet
Commercial or Industrial Bldgs. From adjoining prop. Recommended for residential zoning & land use on master and sector plans	100 feet	100 feet	100 feet
Commercial/Industrial	10 feet	10 feet	10 feet

Table 2: Buildings and Parking

	Approved under Site Plan No. 820060240	Proposed under Site Plan Amendment No. 82006024A

⁴ In accordance density allowances in the entire MXPB zone in the Development Plan (G-806, Development Program, Section 5) and the Phase II Preliminary Plan (12003110B).

⁵ The original site plan had a slightly larger net tract area resulting in a 2.90-acre green space requirement. This resulted 0.41 acres being fulfilled on another Cabin Branch site within the MXPB zone. This Site Plan Amendment has a slightly smaller net tract area eliminating the need for off-site green space.

	Approved under Site Plan No. 820060240	Proposed under Site Plan Amendment No. 82006024A
Area A⁶		
Hotel	12 stories	5 stories (69 feet)
Drug Store	12 stories	1 story (28 feet)
Area B		
Quick Lube	6 stories	1 story (21 feet)
Coffee Shop	6 stories	1 story (20 feet)
Convenience Store/Gas Station/Wine Store	6 stories	1 story (21 feet)
ATM Kiosk	6 stories	1 story (12 feet)
Percentage of Parking Facility Landscaping (Sec. 59 E-2.73):	0.17 acres (5%)	0.30 acres (15%)
Parking Spaces (sec. 59 E)		
East Side		
Hotel & Restaurant	123 (129 rooms multiplied by 0.7 sp. per room. Plus 2,000 sq. ft. for ballroom and meeting rooms multiplied by 10 sp. per 1,000 sq. ft.)	124
Bank (Office) (10,800 SF)	54 (5 sp/1000 SF)	55
East Side Total	177	179
West Side		
Coffee Shop	9 (1,775 sq. ft. multiplied by 5 sp. per 1,000 sq. ft.)	10
Wine Store	7 (1,330 sq. ft. multiplied by 5 spaces per 1,000 sq. ft.)	12
Convenience Store	13 (2,520 sq. ft. multiplied by 5 spaces per 1,000 sq. ft.)	15
ATM Kiosk	1 (40 sq. ft. multiplied	1

⁶ Areas A and B were designated in accordance with the approved Development Plan.

	Approved under Site Plan No. 820060240	Proposed under Site Plan Amendment No. 82006024A
	by 3 spaces per 1,000 sq. ft.)	
Quick Lube	14 (1 space per employee)	14
West Side Total	44	52
Total Number of Parking Spaces	221	231
Motorcycle spaces	4 on east side, 2 on west side	4 on east side, 2 on west side
Bicycle spaces	12	14

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Site Plan Amendment is adequate, safe, and efficient in terms of the locations of the buildings and structures, open spaces, landscaping, and vehicular circulation systems.

Building and Structures

The building and structures of the Site Plan Amendment are proposed along the recently constructed and realigned MD121, which is appropriate for the character envisioned by the Master Plan. The building locations provide easy access to the building from the adjoining sidewalks and parking spaces. The Planning Board finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area.

Open Spaces

Each portion of this Site Plan Amendment provides a centralized open space which is connected via the pedestrian circulation system. These open spaces consist of benches and other amenities providing each side of the Site Plan Amendment an adequate, safe, efficient gathering space.

Landscaping & Lighting

The proposed landscaping helps buffer the surface parking and driveways from the roadways and soften major views into the Subject Property. Traditional foundation plantings are provided at the base of the proposed buildings and ornamental plantings have been added for aesthetic appeal. Interior lighting will create enough visibility to provide safety, however, not enough to cause glare on

the adjacent road or properties. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed uses and the recommendations of the Master Plan while providing a safe and comfortable environment. The site design is in compliance with the Master Plan.

Recreation Facilities

There are no recreation facilities required for the Site Plan Amendment.

Pedestrian and Vehicle Circulation Systems

Circulation within the Subject Property consists of open space plazas, stairwells, and handicap accessible ramps and crosswalks located at major intersections and pedestrian access points. The vehicular circulation design efficiently directs traffic into and through the Subject Property with minimal impacts to pedestrian circulation. Pedestrian access from adjacent sidewalks along MD121 adequately and efficiently integrates the Subject Property into the surrounding properties and uses in the Cabin Branch neighborhood. Vehicular and pedestrian circulation systems are efficiently overlapped and strategically used as traffic calming tools in order to promote an active streetscape and convenient commercial center.

The Site Plan Amendment proposes new Drive-Thrus to support in-vehicle sales for the new drug store and the coffee shop. While the Application's structure and site design is being reviewed under the Zoning Ordinance in effect on October 29, 2014, new uses must be reviewed under the Subject Property's existing zone. The Drive-Thru uses are new and meet the requirements of the current Zoning Ordinance in terms of queuing, location, and design. Both proposed Drive-Thrus maintain safe, adequate, and efficient circulation for vehicles and pedestrians.

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

The Planning Board previously found each structure and use was compatible with other uses and site plans, and with existing and proposed adjacent development in Site Plan No. 820060240. The uses proposed are substantially similar to those previously approved, and therefore, the uses are compatible with other uses and site plans.

The Subject Property was designated in the Development Plan (G-806) to be one of the commercial/retail properties within the Cabin Branch Community. The proposed uses and structures proposed in this Site Plan Amendment are consistent with the Development Plan.

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.*

The Site Plan Amendment continues to satisfy the forest conservation requirements of Chapter 22A and applicable water resources protection requirements of Chapter 19 and is consistent with all previous Final Forest Conservation Plan and Final Water Quality Plan approvals.

Impervious Surfaces

There are no impervious limitations within the Clarksburg SPA. However, the SPA regulations strive to minimize the overall imperviousness of a site and allow M-NCPPC to review imperviousness with a goal of working with the Applicants to reduce the overall levels of imperviousness. As per the conditions of approval for the Winchester 1 Site Plan Amendment, plan number 82006029A dated July 12, 2012, the Planning Board had set a target goal of approximately 45% impervious surface for the entire Cabin Branch development site with the understanding that individual site plans may be in excess of this target amount. The current overall impervious surface amount for the Cabin Branch development is approximately 37.15%.

Water Quality Plan

The Subject Property is located at the northern portion of the Cabin Branch development on the high point of the Cabin Branch community. The Site Plan Amendment boundaries lie within the Clarksburg SPA; more specifically categorized within the Stage 3 area of the Ten-Mile Creek Watershed. A ridge bisects the site with part of the site draining into the Upper Ten-Mile Creek (to the north) and the remaining portion draining into the Cabin Branch tributary of the Little Seneca Creek (to the south). The Upper Ten-Mile Creek and the Cabin Branch tributary are classified as Use-IP streams. The Subject Property will drain to a single stormwater management pond, (Pond #11). This pond will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. The pond discharge will outfall into the adjacent stream.

Water quality plans are required as part of the Special Protection Area regulations. The Montgomery County Department of Permitting Services (DPS) conditionally approved the elements of the final water quality plan under its purview on May 21, 2018. Pursuant to Chapter 19, Article V, Section 19-65 of the Montgomery County Code, the Planning Board's responsibility is to determine if the forest conservation requirements, environmental guidelines for SPAs, and site imperviousness requirements have been satisfied.

- 1) **Priority Forest Conservation Areas:**
 The Application meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. The FFCP submitted with this Application will amend sheets 1, 6 and 10 of the overall FFCP for the Cabin Branch development. This Application has no forest, stream buffers or environmentally sensitive areas within the proposed property boundaries.

- 2) **Environmental Guidelines for SPAs:**
 The Application contains no stream buffers, environmentally-sensitive areas, forests or reforestation areas.

- 3) **Site Imperviousness:**
 This Site Plan Amendment indicates an impervious level of approximately 66% for this application (Table 3). Although this is above the Planning Board recommended level of 45%, the overall impervious level for the Cabin Branch development continues to be on track to meet the targeted goal of 45% imperviousness. The current Cabin-Branch-wide level of imperviousness is approximately 37.15%.

Table 3: Impervious Surface calculations

	Site Area	Impervious Area	Percent Impervious
Gosnell 1 East	143,580 sq ft	105,030 sq ft	73.15%
Gosnell 1 West	117,926 sq ft	67,405 sq ft	57.16%
Gosnell 1 Totals	261,506 sq ft	172,435 sq ft	66.00%

Gosnell 1	Site Plan 820060240	Site Plan Amendment 82006024A
Total Site Area	315,374 sq ft (7.24 acres)	261,506 sq ft (6.00 acres)
Total Impervious Area	218,236 sq ft (5.01 acres)	172,435 sq ft (3.96 acres)
Percent Imperviousness	69.2%	66.0%

Forest Conservation

The original FFCP for the Gosnell development was approved by the Planning Board on April 26, 2010. This current amendment does not alter any of the previous forest conservation requirements that are being met under the Cabin Branch Roads and Infrastructure Final Forest Conservation Plan, Plan Number 820050150 and associated amendments. The Final Forest Conservation Plan for the Gosnell development is being amended to show the most recent changes within the limit of disturbance (LOD) for the development as required under Section 22A.00.01.09B of the Forest Conservation Regulations.

The Gosnell project is 6.00 acres in size and zoned CRT, (previously MXPD) and is classified as a Mixed-Use Development. The project site contains no forest, no

wetlands, no floodplain, and no stream buffer. There are no steep slopes (> 25%) on the Property, no highly erodible soils or sensitive environmental features. As such, the Gosnell property has an afforestation/reforestation requirement of 0.92 acres. This requirement has been satisfied by being incorporated into the overall Roads and Infrastructure FFCP.

The approval of the Application and landscape plans will amend the Final Forest Conservation Plan, which is tied to the approved Infrastructure Plan (820050150). The Site Plan Amendment provides greater detail for parcel and lot configurations, stormwater management locations, grades, and the limits of disturbance on the Subject Property. This Site Plan Amendment will supplement the existing information in the Infrastructure Forest Conservation Plan and provide sufficient detail to allow the Applicants to meet the requirements necessary for the construction of this portion of the Cabin Branch development.

Stormwater Management

The Montgomery County Department of Permitting Services - Water Resources Section approved the stormwater management concept on May 21, 2018. The stormwater management concept meets the stormwater management requirements via permeable pavement, micro bioretention and the use of existing downstream structures.

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 SEP 25 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 Cichy, seconded by Commissioner Patterson, with Commissioners Fani-González, Cichy, and Patterson voting in favor, and Chair Anderson and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, September 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board