



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

DEC 29 2014

MCPB No. 14-124  
Site Plan No. 820140150  
CVS Ashton  
Date of Hearing: December 18, 2014

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-7.1.2 of the Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

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

WHEREAS, on August 11, 2014, JC Bar Properties ("Applicant"), filed an application for approval of a site plan to construct a 12,800 square foot Drug Store on 1.91 acres of C-2 zoned-land, within the Sandy Spring/Ashton Rural Village Overlay Zone, located in the northeast quadrant of the intersection of New Hampshire Avenue (MD 650) and Ashton Road (MD 108) ("Subject Property"), in the Rural East Policy Area, 1998 Sandy Spring/Ashton master plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140150, CVS Ashton ("Site Plan" 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 December 8, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 18, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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 as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140150 to construct a 12,800 square foot Drug Store on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Preliminary Plan Conformance  
The Applicant must comply with conditions of approval for Preliminary Plan No. 120140220 and any subsequent amendments.
2. Forest Conservation & Tree Save  
The Applicant must comply with the conditions of the final forest conservation plan, which must be satisfied prior to the recording of a plat or the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.
3. Stormwater Management  
The Applicant must comply with the conditions of the Stormwater Management Concept dated April 23, 2014, unless an amendment is approved by the Montgomery County Department of Permitting Services.
4. Maintenance of Public Amenities  
The Applicant is responsible for maintaining all publicly accessible amenity areas and associated features, including, but not limited to, the pavers, seating, and Ashton community sign.
5. Transportation / Vehicular Circulation / Pedestrian Circulation  
Prior to plat recordation, the Applicant must satisfy MCDPS requirements to construct the following pedestrian improvements:
  - a. A 10-foot shared use path with appropriate ADA ramps along the Subject Property's frontage on MD 108 (Ashton Road).
  - b. A 5-foot sidewalk along northbound MD 650 (New Hampshire Avenue) with appropriate ADA ramps and crosswalk from the 10-foot shared use path on MD 108 to the existing sidewalk that currently terminates at the northern end of the Subject Property.
  - c. A 5-foot wide lead-in sidewalk to connect the sidewalk on MD 650 to the sidewalk that runs parallel to the approved building and a 5-foot wide lead-in sidewalk from MD 650 just north of the intersection of MD 108 and MD 650 connecting to the main entrance of the approved building, as shown on the Site Plan.

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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.



6. Site Design

The exterior character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the submitted architectural plans.

7. On-Site Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All on-site, down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential or agricultural properties.
- e. The height of the light poles shall not exceed 21 feet including the mounting base.

8. Surety

Prior to issuance of first building permit within each relevant phase of development, the Applicant must provide a performance bond 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. The Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

9. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of landscaping and lighting.
- e. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

10. Certified Site Plan

Prior to 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 final forest conservation plan approval, stormwater concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the staff report.
- c. Ensure consistency of all details and layout between site plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version of the Site Plan received by M-NCPPC as of the date of the Staff Report, December 8, 2014, 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 as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:



1. *The 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 Site Plan 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.*

A drug store is a permitted use in the C-2 zone and the Sandy Spring/Ashton Rural Village Overlay zone. As described below, the Application meets all requirements of the C-2 and Overlay zone and fulfills the purpose of both the C-2 zone and the Sandy Spring/Ashton Rural Village Overlay zone.

#### Compatibility with the Purposes of the C-2 and Overlay Zones

The purpose of the C-2 zone is to "provide locations for general commercial uses representing various types of retail traders, businesses and services for a regional or local area." The purposes of the Sandy Spring/Ashton Rural Village Overlay zone are to:

- a) Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishment, open spaces and their relationship to roadways.
- b) Encourage a compatible relationship between new or expanded houses or businesses and traditional neighborhood structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

The Subject Property is located at a major intersection of two state roads that are frequently used by local residents and commuters from Howard County. Given the Subject Property's location on a prominent corner, the approved use will provide an easily accessible and valuable service to the local and regional area. Additionally, as described below, the Site Plan incorporates design elements, including scale, siting, features, and site orientation that are compatible with the local village character and ensure an attractive development pattern.



### Substantial Conformity with Master Plan Guidelines

For site plans within the Sandy Spring/Ashton Rural Village Overlay zone, the zone requires that the Planning Board "make a finding as to whether or not the proposed development substantially conforms to the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan." The Master Plan includes the following guidelines:

- Encourage use of traditional village design, such as height limits compatible with the Sandy Spring Historic District and buildings facing the main road.
- Encourage "active fronts" on buildings, such as porches and street entrances.
- Encourage a land-use mix of stores and homes by maintaining the existing mix of commercial and residential zoning within the village centers.
- Create pedestrian "traffic" with uses and designs that invite frequent visits by all members of the community.
- Encourage stores and other uses that provide services to local residents and are at a compatible scale.
- Encourage use of the Sandy Spring Historic District as a source for design.
- Create small parking areas that are well-landscaped, preserve trees, [and are] compatible with nearby uses both day and night.
- Place most off-street parking out of view of common space and active fronts, rather than between buildings and the street.
- Provide lighting that is consistent with the area's character in terms of style, scale and intensity.

The Application substantially conforms to the Master Plan guidelines. As described in the Staff Report, the approved building was designed using some of the design elements and characteristics present in Sandy Spring, including elements within the historic district. The building has a mansard style roof, grey 3-dimensional shingles, hardieplank siding which mimics wood clapboard, dormers, paneled columns and windows, a cupola, and a porch covering the entryway, all of which are indicative of the surrounding rural area.

Landscaping, pedestrian amenities, and reduced parking along the Subject Property's Ashton Road frontage and the corner of Ashton Road and New Hampshire Avenue help activate the building frontage and invite pedestrian traffic to the building from both Ashton Road and New Hampshire Avenue. The approved building is directly accessible from a sidewalk, and the Site Plan includes a pedestrian seating area. The pedestrian seating area incorporates an Ashton community sign that accents the entryway into the Ashton Village Core.

Although parking will exist between the building frontages and Ashton Road and New Hampshire Avenue, its location is intended to minimize impacts to the



adjoining residential community. As described in more detail below, the location of the parking is also the result of exceptional circumstances unique to the Subject Property and the approved Site Plan. All parking will be screened by landscaping, and the parking along the frontage of Ashton Road is additionally buffered by a 4 foot tall brick/masonry wall. Finally, on-site lighting, as conditioned, will be consistent with the character of the area.

#### Off-street Parking and Loading

In addition to meeting the requirements of Zoning Code Division 59-E for parking, the Sandy Spring/Ashton Rural Village Overlay zone encourages the parking of vehicles in the side or rear yards of a development, although it allows limited parking in the front yard "[i]n exceptional circumstances." The Site Plan includes parking within the Subject Property's front yards on both New Hampshire Avenue and Ashton Road, but such parking is justified based on the following exceptional circumstances unique to this Application:

- Shape of the Property - The southwest corner of the Subject Property has an acute angle as it meets the intersection. As a result, the rectangular building could not be oriented parallel to both streets.
- Width of the Property - The narrow width of the lot limits the design options for locating the building and providing setbacks for compatibility.
- Site Access Points - In order to limit conflicts with the Ashton Road and New Hampshire Avenue intersection, site access for automobiles could only be safely located at the southeastern and northern corners of the Subject Property. The predetermined access points contribute significantly to the parking lot layout and drive-thru location.
- Corner Lot - The Subject Property fronts on two roads, and therefore has two front yards and only one side yard, which makes it particularly challenging to locate parking entirely in the side or rear yard in this case.
- Stormwater Management - Current stormwater management practices require stormwater treatment be distributed throughout the Subject Property. In this case, given the narrowness of the Subject Property, little space was available to distribute the facilities east and west of the building. The locations of the ESD facilities were located in the available space in the northeast corner and in the acute angled portion of the Subject Property.
- Adjacent Development - The other three quadrants of the Ashton Road and New Hampshire Avenue intersection include parking between the buildings and MD 108 and MD 650 (below). However, two of the quadrants also have a substantial landscape buffer as is shown on the Site Plan.

Development Standards

As shown in Project Data Table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, the Application meets all of the standards and requirements of the C-2 zone and Sandy Spring/ Ashton Rural Village Overlay zone.

**Project Data Table for the C-2 Zone and Sandy Spring/ Ashton Rural Village Overlay zone**

**Standard Method of Development**

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved</b>
<b>Building Height -Sec.59-C-18.182 (b)(2)</b>	24' to 30' with PB approval	27'-10''*
<b>Building Setbacks - Sec.59-C-4.353</b>		
Front	10 ft. min.	67 ft. min.
Rear	N/A- Adj. to Ag zone	27.13 ft. min.
Side	N/A- Adj. to Ag zone	27.13 ft. min.
<b>Parking Setbacks -</b>		
Right-of-Way	10 ft.	16 ft. min.
Rear	NA- Adj. RNC Zone	4 ft. min.
Side	NA- Adj. RNC Zone	4 ft. min.
<b>Green Area (% of lot) - Sec.59-C-4.354</b>	10 % min.	31.7%
<b>Floor Area Ratio (FAR) - Sec.59-C-4.352</b>	0.75	0.19
<b>Building Area</b>	62,417 SF	12,800
<b>Parking Facility Internal Landscaping</b>	5 % min.	6.7 %
<b>Parking Spaces (5 Sp/1,000 SF GFA)</b>	64 spaces min.	67 spaces

\* Pursuant to Section 59-C-18.182(b)(2)(A), the Planning Board finds that a height of 27'10" is compatible with adjoining uses and consistent with the intent of the Master Plan. The additional height over the 24 feet otherwise allowed by the Sandy Spring/Ashton Rural Village Overlay zone is necessary to achieve the exterior design of



the building. As recommended by the Master Plan, the Applicant incorporated elements of existing buildings in Sandy Spring and Ashton into the Site Plan's building design. The exterior design of the building was tailored to blend in with the rural character of Ashton, and it was necessary to increase the building height to achieve a building that will be compatible with the area.

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

- a. Buildings and Structures

The 12,800 square foot building is located central to the lot and slightly east. The pharmacy drive-through aisle is one-way and runs south to north and is situated on the east side of the Subject Property between the property line and building face. The main entry to the building is located on the southwest corner and is clearly identified by the columns and architectural details.

The location of the building in relation to the entrances provides safe and efficient circulation on-site. Vehicular access from MD 108 is right-in/right-out which eliminates potential conflicts turning left onto MD 108. Access from New Hampshire is a full movement with a partial deceleration lane on northbound New Hampshire Ave that allows vehicles to decrease their speed prior to turning right into the Subject Property, thereby decreasing the possibility for a vehicular or pedestrian accident. The drive-through is one-way, which creates a counter clockwise circulation pattern that limits congestion in the parking lot and allows for efficient service for patrons.

The drive-through aisle terminates at the pick-up window on the northeastern corner of the building which is chamfered to accommodate turning movements. The pick-up aisle has ample room for vehicle stacking on the east side of the building. The total width of the drive aisle, including the pick-up aisle, is 21 feet which allows for other vehicles to bypass those queuing at the pick-up window. Two rows of parking with a central drive aisle line the west side of the Subject Property and provide the required amount of parking on-site. The location of the building will be adequate and efficient and does not pose any safety concerns on the site.

- b. Open Spaces

The C-2 zone establishes a minimum 10 percent green space requirement on the site and also requires that 5 percent of the parking facility be landscaped. The total green space provided in the Site Plan is 31.7 percent. The parking facility



landscaping is 6.7 percent of the total parking area. A community gathering area (optional public use space) is shown at the southwest corner of the Subject Property between the sidewalk and parking area. The triangular area is defined by pavers, three benches and a community sign. The public space serves as a gathering space and a point of definition for the Ashton Village Center. The seating area backs up to a micro-biofiltration that treats the stormwater and serves to improve the aesthetics of a busy intersection.

c. Landscaping and Lighting

Stormwater management and landscaped green space is located along the frontage of MD 108 in order to establish compatibility with the surrounding commercial development by mirroring the existing green panels that are apparent with other commercial developments along MD 108 and New Hampshire Avenue, including the Ashton Village Center to the west, the Sandy Spring Bank to the south and the service station located in the southwest quadrant of the intersection. Additionally, the Site Plan includes shade trees and evergreen shrubs along the Subject Property's New Hampshire Avenue frontage.

Landscaping and a six foot tall screening fence also line the edge of the Subject Property that adjoins the Ashton Knolls Rural Open Space. The screening fence, along with strategically placed shade trees and evergreens, will effectively shield the adjoining residences and Rural Open Space from car lights, noise and traffic movement associated with the parking facility and drive-through. Locating the drive-through, rather than surface parking, along the common property line also establishes compatibility because it limits the amount of vehicular movement and glare noticeable from the Rural Open. The large majority of the stormwater management is also located in the northeast portion of the Subject Property to provide additional buffer around the parking lot. The landscaping adequately and efficiently addresses the needs of the use and the recommendations of the Master Plan, while providing a safe environment.

Lighting on-site consists of freestanding pole lights with full cutoffs ranging in height from 12 feet 21 feet and wall mounted sconces along the building perimeter. As recommended by the Master Plan, the lighting is consistent with the area's character in terms of style, scale, and intensity. The lighting will create enough visibility to adequately illuminate the site to create a safe environment, but will not create excessive glare on adjacent properties and rights-of-way. Both the CVS monument sign and flat wall mounted sign attached to the façade are backlit, which provides adequate illumination and eliminates unnecessary light pollution at night. All site lighting provides adequate, safe and efficient illumination.



d. Recreation Facilities

The C-2 and Overlay zone do not require recreation facilities to be provided, and the Application does not include recreation facilities.

e. Vehicular and Pedestrian Circulation

Pedestrian safety and access is enhanced by several improvements including sidewalks along the frontages of the roadways. From those sidewalks there are two lead-in sidewalks, one south of the New Hampshire Avenue entrance and another from the community gathering area. Both pedestrian crossings are clearly marked with striped pavement leading to the building. An 8-foot wide sidewalk frames the west and south building faces, which acts as a buffer from the parking lot. Additionally, vehicle curb stops installed on the abutting parking spaces and bollards located at the building entrance ensure a safe pedestrian environment. A bike rack is provided at the southeast corner of the building where bicycles can safely be stored without blocking pedestrian traffic on the sidewalk. The design provides easy access to the building from the adjoining sidewalks, shared-use path and parking lot.

The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The site will be accessible to vehicles from New Hampshire Avenue and MD 108. Access from MD 108 is limited to right-in/right-out, which provides access to vehicles traveling west and limits the number of vehicles entering the site and intersecting drive-through users. The limited access ingress from MD 108 funnels the majority of vehicles through the New Hampshire Avenue entrance and diminishes the possibility of vehicular impacts with vehicles attempting to enter the site from eastbound MD 108. Both access points feature stop controls, creating a safer vehicular and pedestrian environment.

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

The structure and use are compatible with the existing adjacent and confronting uses as well as developments on adjacent land. The structure will house a drugstore and drive-through pharmacy and is set back to allow for safe and adequate access and site circulation. The building location is compatible with the other three commercial developments at the intersection of New Hampshire Avenue and Ashton Road. The drive-through portion of the pharmacy features a single lane and is compatible with the adjacent Rural Open Space with the approved fencing and vegetated screening. The architectural details (roof line, siding, molding, and



columns) further the intent of the Master Plan, which promotes enhancing the rural village character and use of traditional design established by existing buildings.

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.*

#### Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420141270, which identifies the environmental constraints and forest resources on the Subject Property, was approved on April 16, 2014. The Subject Property contains no forest, no trees greater than 24" diameter and no streams, wetlands, or environmental buffers on the Subject Property. The Subject Property is within the Patuxent River watershed; a Use IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this section of the watershed as in good overall condition.

#### Forest Conservation

The final forest conservation plan (FFCP) proposes no forest clearing and no forest retention. The FFCP generates a 0.33 acre afforestation planting requirement. The afforestation planting requirement is generated because the amount of onsite forest is below the afforestation threshold. Under the commercial industrial land use category (CIA) the property has a 15% afforestation threshold for the net tract area. The Applicant is proposing to meet the entire planting 0.33 acre requirement through an off-site mitigation bank. The Application meets all applicable requirements of the county Forest Conservation Law.

#### Stormwater

In accordance with Chapter 19, a stormwater management concept plan was submitted to the MCDPS Stormwater Management Section, which approved the concept on April 23, 2014. The approved concept meets the stormwater management goals using on-site micro bio filtration.

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 DEC 29 2014 (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 Dreyfuss, seconded by Commissioner Fani-Gonzalez, with Vice Commissioner Wells-Harley, voting in favor, and Chair Anderson and Commissioner Presley absent, at its regular meeting held on Thursday, December 18, 2014, in Silver Spring, Maryland.

  
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Casey Anderson, Chairman  
Montgomery County Planning Board