



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

MCPB No. 18-038
Site Plan No. 820180020
Montgomery Village Center
Date of Hearing: April 26, 2018

JUN 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, on September 28, 2017, W-ARC MV Owner VII, LLC ("Applicant") filed an application for approval of a site plan for a 32-unit multifamily condo building (including two MPDUs) for a total of 35,100 square feet of residential uses, and up to 165,000 square feet of retail/service uses, on 18.78 acres of land zoned CRT-1.5, C-0.75, R-1.0, H-75, located west of the intersection of Montgomery Village Avenue and Centerway Road in Gaithersburg, MD ("Subject Property"), within the 2016 *Montgomery Village Master Plan* ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180020, Montgomery Village Center ("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 April 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 26, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on April 26, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Dreyfuss, 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 approves Site Plan No. 820180020 for a 32-unit multifamily condo building (including two MPDUs) for a total of 35,100 square feet of residential uses, and up to 165,000 square feet of

Approved as to
Legal Sufficiency:

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MNCPPC Legal Department
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retail/service uses under Optional Method Development on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals & Agreements

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan Amendment No. 32017002A.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120180010.

Environment

3. This Site Plan includes the Final Forest Conservation Plan, which is subject to the following conditions:

- a. The Applicant must record a certificate of compliance for the purchase of off-site mitigation credit from an approved forest mitigation bank in the land records prior to any clearing and grading occurring on site.
- b. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree-save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated April 16, 2018 and 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 Storm Water Management easements and facilities.

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

Open Space, Facilities and Amenities

5. Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 10% Public Open Space for Phase 1A, and the Applicant is providing a total of 35,519 square feet of public open space, which equates to approximately 14.7% of the site area for this phase.
- b. Before the issuance of the final use and occupancy certificate for the development, all public open space areas on the Subject Property must be completed.

6. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CRT Zone Incentive Density Implementation Guidelines for each one.

a. Connectivity between Uses, Activities, and Mobility Options

i. Neighborhood Services

Two large stores, an array of mid-size retail bays, and over a dozen small bays under 5,000 square feet that will provide a wide range of retail goods and services onsite to serve the community.

ii. Through-Block Connection

Must be open air, at least 15-feet-wide, safe and attractive, and open to the public between 8a.m. and 9p.m.

iii. Wayfinding

The Applicant must coordinate with Planning Staff to finalize the proposed Way-Finding Plan prior to Certified Site Plan. The Way-Finding Plan at a minimum must include seven monument signs that efficiently direct patrons through the Property, and provide directions to the public transit stop, one bikeshare stations, open space area, and shared use path(s). In addition, the Way-Finding Plan may include internal and external signage, banners, lighting and design elements. The locations of the proposed signage shall be free of all obstructions and clearly visible from the directed routes. Final design, locations, and installation details must be approved by Planning Staff prior to Certified Site Plan.

b. Diversity of Uses and Activities

i. Care Centers

There is currently a children's day care onsite and the tenant plans to remain. The daycare must be available to the public and provide care for more than 15 children. The Site Plan includes a new playground, approximately 2,500 square feet in size, to serve the children enrolled in the day care.

c. Protection and Enhancement of the Natural Environment

i. Vegetation Roof

The Applicant must install a vegetated roof with a soil depth of a minimum of 8 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the public open space, landscape, hardscape, and associated elements, and streetscaping.

Transportation & Circulation

8. Pedestrian & Bicycle

- a. The Applicant must provide one bike sharing station as required by the Montgomery County Department of Transportation (MCDOT).
- b. The Applicant must provide:
 - i. Eight Short-term bicycle parking spaces using inverted-U bike racks (or equivalent as approved by the Planning Board Staff) located in visible and accessible locations; and
 - ii. One Long-term bicycle parking spaces using bike lockers or bike rooms.
- c. Prior to issuance of any Use-and-Occupancy Certificate, the Applicant must replace the existing 4-foot-wide sidewalk and 7-foot wide green panel with an 8-foot wide sidepath and a 4-foot wide green panel along the property frontage of Montgomery Village Avenue, as illustrated on the Site Plan.

9. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Permitting Section in its letter dated February 16, 2018, and hereby incorporates them as conditions of approval. The Applicant 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 Site Plan approval.

Dwelling Units

10. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated March 22, 2018, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The development must provide two condo MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit(s), the MPDU agreement between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

Site Plan

11. Lighting

- 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 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 must be installed on uplighting fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the buildings, the light pole height must not exceed the height illustrated on the Certified Site Plan.

12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy 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 59.7.3.4.K.4 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, public art, site furniture, paths and associated improvements of development, including sidewalks, bikeways, stormwater facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- 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.

- 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.

13. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, approval letters from applicable agencies, the Forest Conservation Exemption, development program, and Sketch Plan, Preliminary Plan, and Site Plan resolutions on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modified Site Plan data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. The Applicant must provide the final Wayfinding Plan with final design, locations and installation details approved by Planning Staff prior to Certified Site Plan.
- f. The architectural articulation of the three pad sites along Montgomery Village Avenue shall show activation to the street using fenestration and signage.
- g. The final location of the bikeshare station must be shown on the Certified Preliminary Plan and Certified Site Plan, and easements for public access must be provided if located on private property.
- h. The location for long-term bike parking for the condo building must be shown and is subject to review and approval by M-NCPPC Staff.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan 820180020, 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 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 development satisfies any previous approval that applies to the site.*

The Site Plan is consistent with Sketch Plan 320170020A and Preliminary Plan No. 120180010, which were approved concurrently with this Site Plan, and superseded all previous approvals. The existing shopping center is the subject of previous site plan approval(s) under its previous T-S (Town Sector) zoning. Any previous site plans are superseded by Site Plan 820180020.

2. *The development satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable.

3. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Application satisfies the applicable development standards as shown in the following data table:

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GROSS TRACT AREA	18.784 AC. OR 818,252 SF											
AREA DEDICATED TO PUBLIC USE	0 AC.											
AREA PREVIOUSLY DEDICATED TO PUBLIC USE	0 AC.											
TOTAL NET AREA OF PRELIMINARY PLAN	13.00 AC. OR 566,394 SF											
NET SITE AREA (PHASE 1A)	5.53 AC. OR 240,980 SF											
NET SITE AREA (PHASE 1B)	3.21 AC. OR 140,053 SF											
NET SITE AREA (PHASE 2)	4.25 AC. OR 185,361 SF											
CITY 1.5, C-0.75, R-1.0, H-75	ZONING ORDINANCE DEVELOPMENT STANDARDS (REQUIRED)					OVERALL APPROVED PRELIMINARY PLAN						
DEVELOPMENT STANDARDS:	DUPLX-OVER	TOWNHOUSE	APARTMENT	MULTI-USE	GENERAL	COVER2	TOWNHOUSE	CONDOS	MULTI-USE	GENERAL	TOTAL	
CITY 1.5, C-0.75, R-1.0, H-75 (OPTIONAL METHOD)												
DENSITY, FAR (MAX)	1.0					0.75						
UNITS												
MPDU'S (MIN)	12.5% OR 15											
UNITS, TOTAL												
LOT AREA (MIN)												
LOT AREA (MIN)	1,000 SF	800 SF	N/A	N/A	N/A	56,647 SF	100,381 SF	63,366 SF	63,366 SF	324,346 SF	115	
LOT WIDTH AT FRONT BUILDING LINE (MIN)	25'	12'	N/A	N/A	N/A	174'	16'	N/A	N/A	N/A		
LOT WIDTH AT FRONT LOT LINE (MIN)	10'	N/A	N/A	N/A	N/A	174'	N/A	N/A	N/A	N/A		
LOT COVERAGE (MAX)	90%	N/A	N/A	N/A	N/A	39.15%	N/A	N/A	N/A	N/A		
BUILDING HEIGHT:												
CITY 1.5, C-0.75, R-1.0, H-75 (OPTIONAL METHOD)												
PRINCIPAL BUILDING (MAX)	75'					50'						
ACCESSORY STRUCTURE (MAX)	25'	25'	N/A	N/A	N/A	40'						
MASSING:												
UNITS PERMITTED IN ONE ROW	N/A	12	N/A	N/A	N/A	N/A	12	N/A	N/A	N/A		
BUILDING SETBACKS (FT):												
FRONT SETBACK (MIN)	5'	5'	0'	0'	0'	7'	5'	5'	5'	7'		
SIDE STREET SETBACK (MIN)	5'	5'	0'	0'	0'	5'	5'	15'	15'	5'		
SIDE SETBACK, ABUTTING RESIDENTIAL ZONES (MIN)	6'	4'	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
SIDE SETBACK, ABUTTING ALL OTHER ZONES (MIN)	4'	N/A	0'	0'	0'	4'	16'	N/A	N/A	N/A		
SIDE SETBACK, END UNIT (MIN)	N/A	2'	N/A	N/A	N/A	N/A	5'	N/A	N/A	N/A		
SIDE SETBACK BETWEEN LOT AND SITE BOUNDARY	N/A	4'	N/A	N/A	N/A	N/A	11'	N/A	N/A	N/A		
REAR SETBACK, ABUTTING ALL ZONES (MIN)	15'	10'	0'	0'	0'	47'	137'	N/A	N/A	N/A		
REAR SETBACK, ALLEY (MIN)	4'	4'	4'	4'	4'	26'	20'	13'	13'	143'		
REAR SETBACK BETWEEN LOT AND SITE BOUNDARY	N/A	5'	N/A	N/A	N/A	47'	137'	N/A	N/A	N/A		
BUILD-TO-AREA (MAX SETBACK & MIN % OF BLD FAÇADE):												
FRONT SETBACK (MAX)	N/A	15'	30'	15'	20'	15'	10'	15'	15'	47'		
BUILDING IN FRONT STREET BTA (MIN)	N/A	70%					100%					
SIDE STREET SETBACK (MAX)	N/A	N/A	30'	15'	20'	5'	5'	18'	15'	18'		
BUILDING IN SIDE STREET BTA (MIN)	N/A	N/A	35%			67%	100%	50%	50%	67%		
OPEN SPACE (TRACT AREA ± 0.01 AC. MIN):												
PHASE 1A (MIN)	10%*					14.74%						
PHASE 1B (MIN)	10%*					15.80%						
PHASE 2 (MIN)	10%*					12.47%						
PUBLIC BENEFIT POINTS:												
PUBLIC BENEFIT POINTS (MIN)	50					55						
NUMBER OF BENEFIT CATEGORIES (MIN)	3					5						
PARKING SETBACKS FOR SURFACE PARKING LOTS:												
FRONT SETBACK (MIN)	N/A	BEHIND FRONT BUILDING LINE				N/A	BEHIND FRONT BUILDING LINE					
SIDE STREET SETBACK (MIN)	N/A	BEHIND SIDE STREET BUILDING LINE				N/A	BEHIND SIDE STREET BUILDING LINE					
SIDE SETBACK (MIN)	N/A	ACCOMMODATE SECTION 6.2.9				N/A	REQUIREMENT MET					
REAR SETBACK (MIN)	N/A	ACCOMMODATE SECTION 6.2.9				N/A	REQUIREMENT MET					
REAR SETBACK, ALLEY (MIN)	N/A	0'	0'	0'	0'	N/A	0'	0'	0'	0'		
BUILDING ORIENTATION:												
ENTRANCE FACING STREET OR OPEN SPACE	REQUIRED					REQUIREMENT						
ENTRANCE SPACING (MAX)	N/A	100'	75'	100'		N/A	52'	52'	100'			
TRANSPARENCY, WALLS FACING STREET OR OPEN SPACE:												
GROUND STORY, FRONT (MIN)	N/A	N/A	20%	60%	40%	N/A	N/A	20% MIN	60% MIN	40% MIN		
GROUND STORY, SIDE/REAR (MIN)	N/A	N/A	20%	30%	25%	N/A	N/A	20% MIN	30% MIN	25% MIN		
UPPER STORY (MIN)	N/A	N/A	20%	20%	20%	N/A	N/A	20% MIN	20% MIN	20% MIN		
BLANK WALL, FRONT (MAX)	N/A	35'	35'	25'	35'	N/A	35' MAX	35' MAX	25' MAX	35' MAX		
BLANK WALL, SIDE/REAR (MAX)	N/A	35'	35'	35'	35'	N/A	35' MAX	35' MAX	35' MAX	35' MAX		
ALLOWED BUILDING ELEMENTS:												
GALLERY/AWNING	N/A	N/A	YES	YES	YES	N/A	N/A	YES	YES	YES		
PORCH/STOOP	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		
BALCONY	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO		
PARKING:												
RESIDENTIAL SPACES (1/DWELLING UNIT)	34	49	32	N/A		68	104	41	N/A			709
RETAIL SPACES (EX. & PROP. SURFACE PARKING**)	N/A					537	N/A					496 (-41 PARKING DEFICIT)
BICYCLE PARKING SPACES (0.5/DWELLING UNIT)	N/A					19	16					35
CAR SHARE SPACES (1 FOR 1ST 149 SPACES + 1/100 th THEREAFTER; 5 SPACES MAX)	1 + (680-149)/100 = 4.31					5***						
LOADING SPACES (1 SP FOR 50 D.U.+)	N/A					1	N/A					
LOADING SPACES (2 SP FOR 50 TO 200,000 GFA)	N/A					2		10				
HANDICAP SPACES (20+1/100 SP OR FRACTION OVER 1000)	20 + (680/1000)					21						
CARPOOL SPACES	3					3						

Section 59-4.9.10.C Development Standards (Montgomery Village Overlay Zone)

The development complies with the standards of the Montgomery Village Overlay Zone by providing the Common and Public Open Space within a

separate parcel with a protective easement or covenant in the land records.

b. Division 4.7 Optional Method Public Benefits

For an optional method development in the CRT Zone, the zoning code requires 50 points in at least three categories. At the time of the Sketch Plan review only the categories need be approved. The following table shows both the categories and points for public benefits to demonstrate the project's ability to meet the required benefit points. Per Section 59-4.7.1.B, granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited.

Public Benefits Valuations			
Section #	Benefit Categories	Points Allowed	Points Recommended
59-4.7.3C: Connectivity and Mobility			
C.3	Neighborhood Services	15	12.5
C.5	Through-Block Connection	20	10
C.5	Wayfinding	10	5
59-4.7.3D: Diversity of Uses and Activities			
D.2	Care Centers	20	15
59-4.7.3F: Protection and Enhancement of the Natural Environment			
F.10	Vegetated Roof	15	12.5
Total		80	55

Connectivity and Mobility

Neighborhood Services: The Subject Property already contains more than the required minimum number of services and small businesses. In addition, it is currently surrounded by other goods and services. Within a ¼-mile radius, there are three gas stations, two banks, a drug store, a McDonalds, an assisted living facility and two small offices. The redevelopment will provide an array of options both large and small. The redeveloped site will have two large stores, an array of mid-size retail bays, and over a dozen small bays under 5,000 square feet that will provide a wide range of retail goods and services on site to serve the community. The Planning Board approves 12.5 points within the Neighborhood Services category.

Thru-Block Connection: The Subject Property provides an open air, at least 15 feet wide, safe and attractive thru-block pedestrian connection that will be open to the public at all times. It provides a prominent connection through the Subject Property from Montgomery Village Avenue to the central open space and continues to Watkins Mill Road. The central portion of the thru-block connection, between the retail and the central open space, provides for wide-sidewalks, plaza, retail, and café seating experiences for pedestrians and patrons to interact with. The Planning Board approves 10 points for the Thru-Block Connection category.

Wayfinding: The Way-Finding Plan at a minimum must include seven monument signs that efficiently direct patrons through the Subject Property, and provide directions to the public transit stop, one bikeshare stations, open space area, and shared use path(s). In addition, the Way-Finding Plan may include internal and external signage, banners, lighting and design elements. The locations of the signage shall be free of all obstructions and clearly visible from the directed routes. Final design, locations, and installation details must be approved by Planning Staff prior to Certified Site Plan. The Planning Board approves 5 points for Wayfinding. 3.5 points (five signs) will be provided during Phase 1A, and 1.5 points (two signs) will be provided during Phase 1B.

Diversity of Uses and Activities

Care Center: There is currently a children's day care on-site and the tenant plans to remain. The day care is available to the public and provides care for more than 15 children. The Site Plan includes a new playground, approximately 2,500 square feet, to serve the children enrolled in the day care. The Planning Board approves 15 points for the Care Center category.

Protection and Enhancement of the Natural Environment

Vegetated Roof: A green roof will be approximately 3,300 square feet and will be installed above the retail building at the main entrance to the new through-block connection. It will directly below the multi condo unit building. The green roof will include necessary HVAC and addition mechanical equipment. Final size, location, layout, and other design details will be determined at certified site plan. The Planning Board approves 12.5 points for the Vegetated Roof category.

c. General Requirements

i. *Site Access*

As conditioned, the Amendment provides safe, adequate, and efficient circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists and integrates the project into the surrounding area.

ii. *Parking, Queuing, and Loading*

The Application's surface parking spaces will be separated by internal private roads. Access to parking is provided from multiple points internally, and the primary loading space (existing) is provided on the north side of the existing retail building. Parking, queuing, and loading will be provided in an adequate, safe, and efficient manner.

iii. *Open Space and Recreation*

The Application will provide the required Public and Common Open space in each phase. Phase 1A includes 14.74% percent, or 35,519 square feet, of Public Open Space for the area of Phase 1A, which meets the minimum 10% requirement. The development will provide adequate, safe, and efficient open space for Phase 1A.

The Applicant has demonstrated that by providing the sidepath, Public and Common Open Spaces, sidewalks, plaza, picnic and seating areas, playground, and landscaping/lawn areas, the development satisfies the Recreational Guidelines.

iv. *General Landscaping and Outdoor Lighting*

The project provides adequate landscaping and lighting, as well as other site amenities, to ensure that these facilities will be safe, adequate, and efficient for residents and visitors. The Project will include streetscaping along many new and existing streets, with widened sidewalks, street trees, shared-use paths, and lighting.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Montgomery County Department of Permitting Services approved a Stormwater Concept Plan on April 16, 2018. The plan will meet stormwater management requirements using micro bioretention, drywells, green roof and structural practices.

b. Chapter 22A, Forest Conservation Law

i. *Environmental Guidelines*

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on Sept 1, 2018 (NRI/FSD No. 420170040). The Subject Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, known occurrences of Rare, Threatened or Endangered species, or forest. The Subject Property is within the Great Seneca Creek watershed, which is a Maryland State Use Class I-P stream. This plan is in compliance with the Environmental Guidelines.

ii. *Final Forest Conservation Plan*

The Net Tract Area used in the Forest Conservation calculations is 18.37 acres. Consistent with the Preliminary Forest Conservation Plan (No. 120180010), the afforestation requirement is 2.76 acres. The applicant will fulfill the planting requirement by retaining 0.52 acres of on-site tree canopy, planting additional landscape trees totaling 1.47 acres of tree canopy (projected at 20 years' growth), and obtaining off-site banking credit equal to 0.77 acres of forest planted (or 1.54 acres of existing forest protected).

Three specimen trees being removed will be replaced by planting one inch (caliper) of new trees for each four inches diameter removed, using planting stock of no less than 3 inches caliper. In a few years, the replacement trees should attain sufficient size to replace the lost water quality treatment benefits of the trees removed. In this case, the applicant must plant at least 23.5 caliper inches of new trees to replace the specimen trees being removed. The Final Forest Conservation Plan shows that eight willow oak (*Quercus phellos*) trees, each at least three inches caliper, are being planted in mitigation for the specimen trees removed, for a minimum of 24 caliper inches of replacement.

Therefore, the Planning Board finds that the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Application provides well-integrated onsite surface parking with multiple access points. The Site Plan provides adequate open space and site amenities, circulation patterns, streetscape improvements, safe pedestrian environments, and adequate building massing consistent with the zone. The Application includes sidewalk and streetscape upgrades to the Subject Property's frontage along Montgomery Village Avenue's frontages. These enhancements will facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, side paths, and retail uses.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Subject Property is within the boundaries of the 2016 Montgomery Village Master Plan. The master plan identifies four specific areas as potential redevelopment sites, including the Village Center. With the exception of the former golf course, all properties included on this list were envisioned as mixed-use, pedestrian-friendly environments. General design recommendations for these in the master plan are divided in to three areas of discussion – Buildings, Connectivity, and Open Space. Highlights from this section are:

- “Provide compact development patterns with short blocks and building frontages close to the street...”
- “Create complete streets that include building frontages close to the street, landscaping, bike facilities, and pedestrian areas that provide safe pedestrian crossings and include sustainable elements.”
- New public open space should “provide alternatives for recreation and leisure in a mixed-use setting” by “creating places for community use that are framed and activated by surrounding development and uses, where the public feels welcome to gather and linger.”

Revisions to the previous approval resulted in lower residential densities that those envisioned by the master plan but created a better set of internal streets connected to all existing access points into the property, and additional public open spaces along these new connections. As an example, the amended plan improves the internal connection to the access from Stedwick Road along the

existing US Postal facility; this delivers a significantly improved connection through the new residential area linking directly to the new central open space. This revision substantially improves connectivity through the block, which is an important master plan goal.

The Application delivers a mix of uses (commercial and residential), connections, and open spaces that appropriately capture the spirit of the recommendations in the master plan. Below are comments on specific master plan recommendations (italics refer to a selected quotation from the master plan):

- *Transform the north south drive into a pedestrian-friendly local street.*

The Application will improve existing storefronts along the north-south drive, but streetscape along existing pedestrian areas will remain mostly as it exists today. However, the work included in this application does not preclude achieving an improved streetscape for this connection as part of future phases of development. In addition, the associated Preliminary Plan created a separate private road parcel for this connection, where such future improvements will be implemented.

- *Establish an east-west local street connecting existing vehicular entrances at Montgomery Village Avenue and Watkins Mill Road.*

The Site Plan creates this connection by opening east-west vehicular access through the existing retail block, connecting the entrance from Centerway Road with the entrance from Watkins Mill Road. Both the new street segment and the central open space achieve the substantial and centralized, pedestrian-friendly area envisioned by the master plan.

- *Along both local streets, create a main street environment with street-oriented buildings, streetscapes, and comfortable pedestrian walking areas connecting to adjacent streets and existing and future transit options.*

The main street environment is achieved along the portion the new street connected to existing retail uses. Beyond that area, new residential uses and open spaces for public use are located along new connections, introducing variety of uses along the new pedestrian areas that transition appropriately to existing uses beyond the redeveloping property.

- *Enhance existing open spaces and provide linkages to the proposed local streets.*

The Application relies on a combination of existing and approved connections and open spaces to achieve this goal. The Application delivers several public open spaces along most new connections. Some existing pedestrian areas will remain unchanged, but consideration should be given to improving these areas in future improvement phases, to provide a network of truly enhanced linkages.

- *Consider strategies to integrate existing uses that are likely to remain with emerging pedestrian environments, such as streetscape enhancements or public use spaces to link new and existing development.*

The Applicant will utilize a combination of new construction and refurbished existing storefronts to achieve this master plan goal. In addition, the new street segment and central open space, and pedestrian improvements to the front parking area will link the property to existing access points, and bus stops.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As determined by the concurrent Preliminary Plan approval, the Subject Property will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

As discussed in the Staff Report, the development is compatible with existing and approved or pending adjacent development.

10. *There is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

The Applicant has conducted an analysis that considers such factors as a) surrounding population density, b) accessibility from heavily traveled roads, c) area income, d) market area dining and spending habits, e) the "competitive environment" and f) differentiation in product services. The Applicant notes that a 2016 consumer survey found that most people are willing to travel by car

approximately 8 minutes for fast food purchases. Within 8 minutes driving time of the Montgomery Village Center there is a relatively large population that are potential customers for drive-in restaurants within the Shopping Center, but there are only two existing restaurants with drive-thrus within that primary market area. One is a McDonalds located adjacent to the Subject Property on Montgomery Village Avenue, and another is a McDonalds restaurant located in North Village on Goshen Road.

The Applicant has demonstrated a need at the Subject Property for a drive-thru restaurant as follows:

1. There is a substantial population density located within acceptable driving times who will patronize the restaurants.
2. The restaurants will be adjacent to Montgomery Village, a major north-south transportation corridor.
3. Redevelopment of Montgomery Village Center will make drive-thru restaurants now readily accessible to traffic on Watkins Mill Road, a heavy commuter route, particularly with the imminent opening of the interchange at I-270.
4. A drive-in restaurant operated within the context of a community convenience center will attract customers who find it advantageous to shop and dine at the same destination.
5. The opportunity will be available for a restaurant operator to provide another fast food line (chicken, seafood) than what already exists within the market area.

For the reasons set forth above, the Planning Board finds there is a demonstrable "need" for a drive-in restaurant or restaurants within the Montgomery Village Center.

11. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 § 59-7.3.4.H; 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 ~~JUN 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 Fani-González, 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, June 21, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board