Cabin Branch – Gosnell 1, Site Plan Amendment No. 82006024A including Final Water Quality Plan

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Description
Amendment 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. The site is 7.24 acres in the CRT-0.5, C-0.25, R-0.25, H-130 (reviewed under MXPD zone in effect prior to October 29, 2014); located along Clarksburg Road (MD 121), approximately 0.30 miles west of the intersection with I-270, within the Cabin Branch Community

- 1994 Clarksburg Master Plan & Hyattstown Special Study Area
- Applicants: Cabin Branch, East LLC and Cabin Branch, West LLC;
- Acceptance Date: November 2, 2017
- Review Basis: Section 59-D-3.7 of 2004 Zoning Ordinance.

Summary
- Staff recommends approval of the Site Plan Amendment with conditions.
- This Application is being reviewed under the MXPD Zone development standards in effect on October 29, 2014, as permitted under Section 59.7.1.B.3 of the Zoning Ordinance.
- The previous uses retained in this Amendment continued to be permitted in the CRT zone while the new uses are either permitted or allowed as limited uses in the CRT zone.
- A Preliminary Plan Amendment is not required because trips generated by the proposed uses do not exceed those included within the current valid Adequate Public Facilities finding for transportation.
- As of the date of this staff report, Staff has not received any correspondence regarding this Amendment.
SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment No. 82006024A, Cabin Branch Gosnell 1, for the construction of 19,220 square feet of retail uses and 76,880 square feet of employment uses. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required.

The development must also comply with the following:


- The conditions of approval for Preliminary Plan No. 12003110C as listed in MCPB Resolution No. 14-111 dated December 23, 2014.

- The conditions of approval of Infrastructure Site Plan No. 820050150 as set forth in MCPB Resolution No. 07-131, and as amended by:
  a. Site Plan No. 82005015A as set forth in MCPB Resolution No. 08-68,
  b. Site Plan No. 82005015B as set forth in MCPB Resolution No. 11-124 [Appendix A], and
  c. Administrative Site Plan Amendment No. 82005015C approved on November 27, 2012.

These conditions and intended to replace and supersede all conditions approved by Site Plan No. 820060240.

1. **Cabin Branch Design Guidelines for Site Plan Review**
   b. The Applicant must submit to the M-NCPPC Staff with building permit applications for each phase of the development program, an approval from the 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 Applicant 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:
   a. The Applicant 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. Water Quality
   The Applicant must amend the Special Protection Area water quality plan approval for Infrastructure Site Plan No. 820050150 with amendments to incorporate revisions contained in Department of Permitting Services approval letter for Site Plan Amendment No. 82006024A dated May 21, 2018.

5. 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-NCPCC Staff.

6. Stormwater Management
   The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (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 Applicant 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.

7. Green Open Space
   The Applicant must provide a minimum of 2.40 acres of green area (40% of net lot area) on-site.

8. Landscaping
   a. The Applicant must install the site elements as shown on the landscape plans submitted to M-NCPCC or approved equivalent.
   b. The Applicant must install the plantings shown on the landscape plans submitted to M-NCPCC. Any variation in plant species or quantity needs approval of M-NCPCC Staff.

9. 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-light 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.
10. 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 Applicant must:
      i. Modify the Cabin Branch intranet website with updated links and relevant transit information within the area. The Applicant 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 for employees at the Cabin Branch site if a single employment use has more than 20 employees.
   b. The Applicant must construct all sidewalks, both on and adjacent to Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant 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.

11. Pedestrian & Bicycle Circulation
    The Applicant must provide 14 short-term bicycle parking spaces.

12. Maintenance of Public Amenities
    The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to railing, bike racks, trash enclosures, lattice screening, retaining walls, and benches.

13. Site Plan Surety and Maintenance Agreement
    Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 [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 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.

14. 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 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 Preliminary Plan approval.

15. Development Program
The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan 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 (MD121) must be completed.

16. Certified Site Plan
Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to M-NCPCC 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 site (for Whelan Lane and Old & New Clarksburg Road) is 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 owner.”
   g. Relocate the motorcycle parking spaces to the vehicle parking spaces on the opposite side of the parking lot drive aisle in order to make room for a WSSC remote sensor structure as well as make appropriate adjustments to landscaping in this vicinity.
SECTION 2: SITE DESCRIPTION

Site Vicinity
The Cabin Branch Community is located in the northwest quadrant of the intersection of I-270 and West Old Baltimore Road. The entire tract of land (535.50 acres) is bounded by I-270 in the east, West Old Baltimore Road to the south, and Clarksburg Road (MD121) to the north and west. Along West Old Baltimore Road, there are a number of existing one-family detached homes, primarily on the north side, as well as the entrance to Black Hill Regional Park via Lake Ridge Drive, near the intersection with I-270.

![Figure 1 – Vicinity](image)

There are also numerous one-family detached homes fronting Clarksburg Road surrounded by working farms, such as the King property and the Linthicum property. To the east of I-270 are the Gateway 270 West Business Center, Comcast, Little Bennett Regional Park, and the Clarksburg Town Center. Clarksburg Road and West Old Baltimore Road connect with Frederick Road (MD355), which runs generally parallel to I-270 to the east. Ten Mile Creek, a Class IV stream to the west of the Subject Property, flows south into Little Seneca Lake, which is surrounded by Black Hills Regional Park. Ten Mile Stream Valley Park is also located to the west along the north side of West Old Baltimore Road.
Site Analysis

The property is 7.24 acres located approximately 0.30 miles southwest of I-270, 1.5 miles from Little Bennett Regional Park and Clarksburg Town Center; and directly north of West Old Baltimore (“Subject Property” or “Property”). The Subject Property is directly across the realigned Clarksburg Road (MD121) from the Clarksburg Premium Outlets. A portion of the Cabin Branch Community was rezoned from I-3 to MXPD in 2003. The surrounding properties immediately adjacent to the Subject Property are primarily zoned RNC, RE-1, EOF-0.75, and CRT-0.5, C-0.25, R-0.25, H-130 under current zoning ordinance. Clarksburg Road (old alignment) separates the Subject Property from existing residential properties.

The Subject Property is wedged between the old Clarksburg Road and the recently constructed and realigned “new” MD121. The Subject Property is further bifurcated into eastern and western tracts with the construction of Gosnell Farm Drive. An existing retaining wall on the rear of the Subject Property allows the lowering of the elevation between the Subject Property and “old” Clarksburg Road. All of the surrounding public roads have been constructed. The Subject Property is undeveloped but completely cleared for future development. The Subject Property is located in the Clarksburg Special Protection Area but has no significant environmental features and has already been rough graded.

Figure 2 – Aerial
SECTION 3: PROJECT DESCRIPTION

Previous Approvals
A fully history of previous approvals is available in Attachment 5. The most applicable previous approvals are provided below:

Zoning/Development Plan (G-806)
The MXPD zoning request and Development Plan application in effect prior to October 29, 2014 set forth the total non-residential square footage, the maximum number of dwelling units, the location of streets and open spaces, and the overall concept of a mixed-use community. The land use plan portion of the Development Plan application reflects a wide range of potential uses, densities, and building heights within each of the four development areas, indicating specific uses, building locations and configurations. The Development Plan included nine binding elements related to TDRs, MPDUs, trip reduction measures, total number of units and non-residential square footage. The zoning case left final design considerations, including locations and configuration, to be determined during site plan review.

Preliminary Plan (No. 120031100, 12003110A, 12003110B, and 12003110C)
The preliminary plans established the maximum densities permitted and the adequate public facilities for the entire Cabin Branch community. The required densities for the residential and non-residential development were modified with the approval of the first amendment (Phase 1). Construction phasing for the Development Program was established, based upon key transportation improvements. Phase I permitted the construction of 85% of the maximum density, Phase II added the remaining 15% as approved by the Development Plan.

Infrastructure and Road Only Site Plan (No. 820050150)
An Infrastructure Plan was established to guide future development, identify primary site features (such as stormwater management facilities) that would be integral to the plan, and set the framework for construction and phasing of the roads. An amendment was filed on August 17, 2007 in accordance with the original approval that specifically relates to the improvements along West Old Baltimore Road. This amendment was approved by the Planning Board on April 3, 2008 concurrently with an amended preliminary plan and mandatory referral for the water tower on the Subject Property. The modifications were directly related to the design standards for West Old Baltimore Road, especially as they relate to the surrounding properties directly affected by the improvement and to the remaining Cabin Branch Neighborhood.

Site Plan No. 820060240
On September 29, 2010, the Planning Board approved “Gosnell Property” by Resolution MCPB No. 10-118 for Site Plan No. 820060240 for 87,500 square feet of employment uses (hotel and two banks), 8,600 square feet of highway/auto-related retail uses (car wash, gas station, and convenience store), and parking waivers.

Proposal
This application proposes to modify the previous site plan approvals by increasing the restaurant, retail or vehicle service use from 8,600 square feet to 19,220 square feet by replacing previously shown banks, gas station/carwash, and a restaurant with a new collection of restaurant, retail, and vehicle service uses to include a gas station/convenience store, wine store, coffee shop, automobile service, ATM kiosk, and drug store. In addition, the amendment includes a decrease in employment use (hotel) from 87,500 square feet to 76,880 square feet ("Application" or "Site Plan Amendment").
The Applicant requests the following revisions to the approved Site Plan:

1. Modify the proposed uses by replacing two banks, gas station/carwash, and a restaurant in Site Plan No. 820060240 with a gas station/convenience store, wine store, coffee shop (with Drive-Thru), automobile service, ATM kiosk, and drug store (with Drive-Thru).
2. Increase the amount of retail square footage from 8,600 square feet to 19,220 square feet.
3. Decrease the amount of employment square footage from 87,500 square feet to 76,880 square feet.
4. The total commercial square footage remains unchanged.
5. Make modifications to landscaping, building orientation, parking, and architecture to account for the changes in use and square footage.

A new retaining wall is proposed along the Subject Property frontage along “new” Clarksburg Road (MD121) in order to make the grading on the Subject Property function properly. To the northwest, the retaining wall has a maximum height of approximately three feet and is heavily buffered along the street edge and accommodates the significant grading necessary for the Subject Property to be developed. To the southeast, the retaining wall has a maximum height of four feet and acts in combination with the proposed landscaping to buffer the surface parking from the street frontage.

The proposed buildings on west side are setback approximately 12 feet from the southwest retaining wall with the exception of the proposed coffee shop which is setback 39 feet. On the east side, the drug store is setback approximately 75 feet from the retaining wall while the hotel is setback approximately 16 feet. Lush plantings are proposed between the buildings and the retaining wall, especially around the traffic circle on “new” Clarksburg Road, to further emphasize the street edge and frame major views into the Subject Property.
Parking Layout and Circulation
The proposed streetscape along “new” Clarksburg Road is intended to provide a street character for the northern entrance to the Cabin Branch Community. The proposed retail and employment uses are auto dependent. However, pedestrian crosswalks are located at all major intersections. Vehicular patrons will primarily enter the Subject Property from Gosnell Farm Drive. Gosnell Farm Drive is a 4-lane roadway bisected by a median. Vehicles will use the driveways on each side of Gosnell Farm Drive to access each portion of the Subject Property. A pedestrian system provides the Subject Property with entry points specifically highlighted by openings in the retaining walls to access stairwells and open space plazas.

Figure 4 – Site Plan Rendering – West Side
Figure 5 – Site Plan Rendering – East Side

Figure 6 – Proposed Site Plan Amendment- Architectural Elevations for Hotel, northwest elevation

Figure 7 – Proposed Site Plan Amendment- Architectural Elevations for Hotel, southeast elevation
Figure 8 – Proposed Site Plan Amendment- Architectural Elevations for Drug Store, All Sides

Figure 9 – Proposed Site Plan Amendment- Architectural Elevation for Gas Station/Convenience Store, Northeast Elevation
Figure 10 – Proposed Site Plan Amendment - Architectural Elevations for Gas Station/Convenience Store, Southwest, Northwest, and Southeast Elevations

Figure 11 – Proposed Site Plan Amendment - Architectural Elevation for Proposed Coffee Shop
Transportation
The main vehicular entrance to the two halves of the site is located off of Gosnell Farm Drive, classified as a Commercial/Industrial Road in MCDOT’s Road Code Standards, with two travel lanes in each direction divided by a median. This road provides access between “new” Clarksburg Road, and therefore by extension I-270, and “old” Clarksburg Road. Internal driveways provide access within either half of the site.

A shared use path is located on the east side of “new” Clarksburg Road, providing both pedestrian and bicycle access within the area. Sidewalks along both “new” Clarksburg Road, both sides of Gosnell Farm Drive, and within the site provide ample access and circulation for pedestrians. The site is also served by RideOn route 75, while routes 73 and 79 stop within a 15-minute walk of the site. Also, two of the three alternatives for the MD 355 Bus Rapid Transit (BRT) project under study now are slated to end at the Clarksburg Outlets, across the street from the site.

Trip reduction measures are a binding element of the Development Plan and a condition of the Preliminary Plan to which this project is subject. Therefore, Staff is recommending a condition to require the developer to enter into trip reduction measures that are similar to other phases of the project, such as Winchester I (820060290).

While the proposed development mix of this Site Plan Amendment increases the number of PM peak hour vehicular trips above those set aside and approved with the original Site Plan (a reduction in employment uses and an increase in retail uses generates more evening peak hour trips), the overall Cabin Branch project as proposed and built does not exceed the number of trips approved under Preliminary Plan 12003110B (Table 1). Although there is a Preliminary Plan C (12003110C) associated with the Cabin Branch project that included the conversion of a portion of the office development to the outlet retail use and was approved based on the justification that this new proposal reduced trips below those levels approved with Preliminary Plan B, the total amount of approved development and trips was not reduced in the resolution. Therefore, the Applicant is free to build up to the uses/density and trips approved under Preliminary Plan B, and this Site Plan Amendment with proposed other uses on the remainder of Cabin Branch remain within the approved trip threshold.
Table 1 – Trip Generation

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<th>PM Peak Hours</th>
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SECTION 4: ANALYSIS AND FINDINGS

Section 7.7.1.B.3.a. of the Zoning Ordinance allows for an Applicant to amend any previously approved application under the development standards and procedures of the property’s zoning on October 29, 2014, if the amendment: (i) does not increase the approved density or building height unless allowed under Section 7.7.1.C; and (ii) either: (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or (b) satisfies the setback required by its zoning on the date the Amendment or the permit is submitted; and (iii) does not increase the tract area.

The Application complies with this section and accordingly, the Applicant seeks to amend the Site Plan approval under the standards of Section 59-C-2.42 of the Zoning Ordinance in effect on October 29, 2014. The Site Plan Amendment does not exceed the height limits and density allowed under the previously applicable MXPD Zone, nor does it exceed any setbacks required by zoning. The Amendment does not conflict with any conditions of approval and does not alter the intent, objectives, or requirements in the originally approved Site Plan.

Findings
Section 59-D-3.4 establishes the findings required for approval of a site plan application under the Zoning Ordinance that was in effect on October 29, 2014. As set forth below, the Amendment satisfies each of these requirements:

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 (See Binding Element in Attachment 4).

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 MXPD 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 MXPD 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 had 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 permitting and special exception uses allowed in the C-2 and H-M zones to be allowed in the MXPD 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 follow 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-Thru’s associated with the coffee shop and the drug store. Under Section 59.3.1.6 (zoning ordinance currently in effect) Drive-Thru’s are their own use category. Drive-Thru’s are a limited/conditional use in the CRT zone and must met 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-Thru’s, including the queuing area, 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 provide 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 are 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) with meets or exceeds 3 foot in height 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-Thru’s 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 MXPD 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.

![Figure 13 – Green Space Exhibit](image)

The Site Plan Amendment meets all the development standards of the MXPD zone in effect prior to October 29, 2014 (Table 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 2 – Development Standards

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<th>Development Standard for MXPD zone</th>
<th>Zoning Ordinance Permitted/Required</th>
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<th>Proposed under Site Plan Amendment No. 82006024A</th>
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</tr>
<tr>
<td><strong>Density (Sec. 59-C-7.5):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential (59 C-7.54):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Max. Commercial</td>
<td>0.75 FAR¹</td>
<td>0.30 FAR</td>
<td>0.37</td>
</tr>
<tr>
<td>Max. Allowable Uses Permitted²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Employment</td>
<td>2,300,000 sq. ft.</td>
<td>87,500</td>
<td>76,880 sq. ft.</td>
</tr>
<tr>
<td>Total Commercial/Retail</td>
<td>120,000 sq. ft.</td>
<td>8,600 sq. ft.</td>
<td>19,220 sq. ft.</td>
</tr>
<tr>
<td><strong>Total Development:</strong></td>
<td>2,420,000 sq. ft.³</td>
<td>96,100 sq. ft.</td>
<td>96,100 sq. ft.</td>
</tr>
<tr>
<td><strong>Green Area (59 C-7.56):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total MXPD Zone</td>
<td>283.50 acres</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Commercial Portion</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Total Site Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On-site Green Area</td>
<td>2.40 acres</td>
<td>2.49 acres⁴</td>
<td>2.40 acres</td>
</tr>
<tr>
<td><strong>Min. Building Setbacks (Sec. 59 C-7.55):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bldgs. Other than one-family</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>detached D.U. setback from prop.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developed w/one-family detached</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From adjoining properties</td>
<td>10 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Commercial or Industrial Bldgs.</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>From adjoining prop.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommended for residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>zoning &amp; land use on master and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sector plans</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial/Industrial</td>
<td>10 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

¹ In accordance to the MXPD zone density requirements (59C-7.54).
² In accordance to the Phase I Preliminary Plan 12003110A Approval.
³ In accordance density allowances in the entire MXPD zone in the Development Plan (G-806, Development Program, Section 5) and the Phase II Preliminary Plan (12003110B).
⁴ 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 MXPD zone. This Site Plan Amendment has a slightly smaller net tract area eliminating the need for off-site green space.
Table 3: Buildings and Parking

<table>
<thead>
<tr>
<th>Area</th>
<th>Approved under Site Plan No. 820060240</th>
<th>Proposed under Site Plan Amendment No. 820060240A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area A</strong>&lt;sup&gt;5&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>12 stories</td>
<td>5 stories (69 feet)</td>
</tr>
<tr>
<td>Drug Store</td>
<td>12 stories</td>
<td>1 story (28 feet)</td>
</tr>
<tr>
<td><strong>Area B</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quick Lube</td>
<td>6 stories</td>
<td>1 story (21 feet)</td>
</tr>
<tr>
<td>Coffee Shop</td>
<td>6 stories</td>
<td>1 story (20 feet)</td>
</tr>
<tr>
<td>Convenience Store/Gas Station/Wine Store</td>
<td>6 stories</td>
<td>1 story (21 feet)</td>
</tr>
<tr>
<td>ATM Kiosk</td>
<td>6 stories</td>
<td>1 story (12 feet)</td>
</tr>
</tbody>
</table>

**Percentage of Parking Facility Internal Landscaping (Sec. 59 E-2.73):**

| | 0.17 acres (5%) | 0.30 acres (15%) |

**Parking Spaces (sec. 59 E)**

**East Side**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel &amp; Restaurant</td>
<td>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.)</td>
<td>124</td>
</tr>
<tr>
<td>Bank (Office) (10,800 SF)</td>
<td>54 (5 sp/1000 SF)</td>
<td>55</td>
</tr>
<tr>
<td><strong>East Side Total</strong></td>
<td>177</td>
<td>179</td>
</tr>
</tbody>
</table>

**West Side**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Coffee Shop</td>
<td>9 (1,775 sq. ft. multiplied by 5 sp. per 1,000 sq. ft.)</td>
<td>10</td>
</tr>
<tr>
<td>Wine Store</td>
<td>7 (1,330 sq. ft. multiplied by 5 spaces per 1,000 sq. ft.)</td>
<td>12</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>13 (2,520 sq. ft. multiplied by 5 spaces per 1,000 sq. ft.)</td>
<td>15</td>
</tr>
<tr>
<td>ATM Kiosk</td>
<td>1 (40 sq. ft. multiplied by 3 spaces per 1,000 sq. ft.)</td>
<td>1</td>
</tr>
<tr>
<td>Quick Lube</td>
<td>14 (1 space per employee)</td>
<td>14</td>
</tr>
<tr>
<td><strong>West Side Total</strong></td>
<td>44</td>
<td>52</td>
</tr>
</tbody>
</table>

**Total Number of Parking Spaces**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Motorcycle spaces</strong></td>
<td>4 on east side, 2 on west side</td>
</tr>
<tr>
<td><strong>Bicycle spaces</strong></td>
<td>12</td>
</tr>
</tbody>
</table>

<sup>5</sup> Areas A and B were designated in accordance with the approved Development Plan.
3. *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. Staff finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area.

![Figure 14 – Architectural Rendering of drug store](image)

**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 provide 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.
Figure 15 – Proposed Site Plan Amendment, Coffee Shop Drive-Thru
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 integrate the Subject Property into the surrounding properties and use 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-Thru's 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 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 queueing, location, and design. Both proposed Drive-Thru’s maintain safe, adequate, and efficient circulator 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.
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-NCPCC to review imperviousness with a goal of working with the applicant 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. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS conditionally approved the elements of the final water quality plan under their 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 4). 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>
<thead>
<tr>
<th></th>
<th>Site Area</th>
<th>Impervious Area</th>
<th>Percent Impervious</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gosnell 1 East</td>
<td>143,580 sq ft</td>
<td>105,030 sq ft</td>
<td>73.15%</td>
</tr>
<tr>
<td>Gosnell 1 West</td>
<td>117,926 sq ft</td>
<td>67,405 sq ft</td>
<td>57.16%</td>
</tr>
<tr>
<td>Gosnell 1 Totals</td>
<td>261,506 sq ft</td>
<td>172,435 sq ft</td>
<td>66.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gosnell 1</th>
<th>Site Plan 820060240</th>
<th>Site Plan Amendment 82006024A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Site Area</td>
<td>315,374 sq ft (7.24 acres)</td>
<td>261,506 sq ft (6.00 acres)</td>
</tr>
<tr>
<td>Total Impervious Area</td>
<td>218,236 sq ft (5.01 acres)</td>
<td>172,435 sq ft (3.96 acres)</td>
</tr>
<tr>
<td>Percent Imperviousness</td>
<td>69.2%</td>
<td>66.0%</td>
</tr>
</tbody>
</table>

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 Applicant 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 (Attachment 8).

**Community Outreach**
The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant posted three signs on the Property regarding the subject Site Plan Amendment. Staff has not received any correspondence on the proposed Amendment.

**CONCLUSION**
The proposed modifications to the Site Plan will not alter the overall character or impact the development with respect to the original findings of approval. These modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82006024A with conditions specified at the beginning of the report.

Attachments:
Attachment 1 – Statement of Justification
Attachment 2 – Previous Site Plan Resolution
Attachment 3 – Development Plan G-806
Attachment 4 – Binding Elements
Attachment 5 – Previous Approval Tracking
Attachment 6 – Site Plan – West Side
Attachment 7 – Site Plan – East Side
Attachment 8 – MCDPS Stormwater Concept Approval Letter
Attachment 9 – DPS Fire Access Approval Letter
Attachment 10 – Cabin Branch Town Architect Design Guidelines Approval Letter
Attachment 11 – Impervious Surface Exhibit- West Side
Attachment 12 – Impervious Surface Exhibit- East Side
MEMORANDUM

TO: PHIL ISAJA
TIM HUFFMAN
KEELEY LAURETTI

CC: SCOTT WOLFORD
EDUARDO INTRIGO

FROM: JODY S. KLINE

DATE: 24 APRIL 2017

RE: STATEMENT OF JUSTIFICATION FOR GOSNELL CABIN BRANCH
AMENDED SITE PLAN APPLICATION

Dear Bill:

Here is the final revision.
Call if you need anything.

JSK:sda
Enclosure
STATEMENT OF JUSTIFICATION

The Applicant in Site Plan Application No. 820060240, SMTM Cabin Branch, LLC/SMTM Cabin Branch West, LLC, hereby requests an amendment of its site plan approved by the Montgomery County Planning Board by Resolution 10-118 published on September 29, 2010.

Site Plan 820060240 approved future development of the subject property with up to 87,500 square feet of employment uses (hotel and two banks), 8,600 square feet of highway/auto related uses (car wash, gas station and convenience store) and parking waivers for the proposed uses.

In the more than eleven years since Site Plan Application No. 820060240 was filed, and in the more than six years since the Application was approved, there have been changes in the marketplace that require adjustments in the mix of uses in the Gosnell Cabin Branch development. This request for amendment is intended to explain how the essence of the original site plan remains intact although certain specific uses have changed.

EAST PARCEL

The only change of significance in the east side of the Gosnell Cabin Branch development is the substitution of a pharmacy (CVS) with a drive-thru window function in lieu of the previously approved bank with drive-thru. The proposed CVS meets the limited use requirements for a drive-thru, as discussed in more detail herein.
Limited Use Analysis

The property is currently zoned CRT. However, Preliminary Plan No.12003110C and Site Plan No. 820060240 were approved under the prior MXPD Zone. Staff of M-NCPPC has determined that the development standards for the proposed drug store use will be grandfathered under the previous Zoning Ordinance (i.e., MXPD Zone), but the drive-thru use will be subject to the standards of the current Zoning Ordinance (i.e., CRT Zone). A drive-thru use is a limited/conditional use in the CRT Zone. As illustrated below, because the proposed use satisfies the requirements of Section 3.5.14.E.2 of the current Zoning Ordinance, the proposed drive-thru is classified as a permitted limited use:

2. Use Standards
   a. 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.

The drive-thru lane and queuing area for the drug store will be located more than 100 feet from the residentially zoned land, which confronts the Property to the north. There are no agriculturally zoned properties within 100 feet of the Property. The Property is confronted by land classified in the EOF and CRT zones on all other boundaries.

   ii. For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.
The Property is accessed off of Gosnell Farm Drive, which is classified as a business
district street. As such, the Property is not accessed from a street with a residential classification
(and, in this case, this section is inapplicable in any event).

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.*

The drive-thru service window is located internal to the site, on the northeast corner of
the proposed building. There is no drive aisle or stacking area associated with the drive-thru
located between either Clarksburg Road or Gosnell Farm Drive and the retail building.

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.*

Although the Property is a corner lot, this provision is inapplicable because the drive aisle
and/or stacking area will not be located between the building and the street.

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

The drive-thru is being proposed in connection with Site Plan Amendment 82006024A
and will comply with the required findings for site plan approval under the prior Zoning
Ordinance and in accordance with the prior Zoning Ordinance’s MXPD zone requirements.

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.*

As demonstrated above, the proposed CVS with drive-thru satisfied each of the
requirements listed in Section 3.5.14.E.2 of the current Zoning Ordinance, and as such, the
proposed drive-thru is classified as a permitted limited use.
Other Design Comments

The proposed drug store is set back a bit further from both new Clarksburg Road and Gosnell Farm Drive, but there are design advantages that flow from that revised building location.

As has been discussed with staff, it is not practicable to locate all of the parking for the CVS use behind the building because of the significant grade change on-site and the need to accommodate ADA access to the intersection. However, the Property as a whole has been designed so that the majority of parking is located in the rear (i.e., not between the building and the street). Furthermore, the proposed layout will allow the Applicant to ensure the intersection of Gosnell Farm Drive and Clarksburg Road (the “Intersection”), which serves as a gateway entrance into the Cabin Branch retail center will be inviting. A proposed retaining wall and landscaping serve as a visual buffer of the parking from the street.

Orienting the only customer entrance towards the intersection will provide a focal point and convenient access for pedestrians. If the building orientation is rotated, the location of the front door will move to an interior position thereby minimizing street activation and substantially extends the ADA accessible route. This changed building location also allows the creation of more green and open space at the intersection of new Clarksburg Road and Gosnell Farm Drive for a better entry feature into the retail center.

Summary

The changes to a single use in the East Parcel are de minimis. The hotel, the dominant improvement in this parcel, remains as originally proposed with much of its parking remaining in the same configuration. The site plan approved bank with drive-thru has been replaced by a pharmacy with drive-thru, which has not altered the basic building orientation and vehicle flow.
through the East Parcel. Because the application meets all Limited Use requirements, as discussed herein, this amendment application can be processed without the necessity of a conditional use.

WEST PARCEL

The West Parcel of the Gosnell-1 Cabin Branch property was approved with a combination of highway oriented service uses including a bank with a detached drive-thru window, an automobile filling station with an associated convenience store/quick mart, a “quick serve” restaurant and a car wash. While that mix of uses has changed, the basic configuration of buildings, and the vehicle circulation system, has remained constant.

The bank with detached drive-thru window has been eliminated. That removal allowed the gas station and convenience mart to move to the northeast to be adjacent to Gosnell Farm Drive (rather than be more internal to the retail development). The convenience store will be accompanied by an adjacent wine store (approximately 1,920 square feet) The “quick serve” store remains but has been substantially reduced in size (from 3,545 square feet to approximately 1,000 square feet but the drive-thru function has been retained to accommodate a “coffee concept” food service use. The originally proposed car wash to be located at the western end of the site has also been replaced, in this case by a “Quik Lube” facility containing approximately 2,850 square feet of building area. Development on the West Parcel is limited by the owner to be not more than 8,420 square feet of building area. The size of individual structures described above may increase or decrease in size slightly but the total square footage will not exceed 8,420 square feet.
Each of the “development bays” remain accessible from an interior service roadway extending from Gosnell Farm Drive to the western end of the site with access prohibited from new Clarksburg Road.

In summary, the western parcel of this retail center remains essentially unchanged from the approved site plan except for a reduction in the number of buildings and uses and a commensurate increase in green space, separation between uses and area for ESD measures.

CONCLUSION

For the reasons set forth above, this amended site plan application is in substantial conformance with the approved site plan and due to the features associated with the proposed pharmacy located in the East Parcel, there is no need to obtain conditional use approval in order to implement these modified plans.
MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 18, 2005, SMTM Cabin Branch, LLC. / SMTM Cabin Branch West, LLC. ("Applicant"), filed an application for approval of a site plan for 87,500 square feet of employment uses (hotel and 2 banks), 8,600 square feet of highway/ auto-related retail uses (car wash, gas station, and convenience store), and parking waivers ("Site Plan" or "Plan") on 7.24 acres of MXPD zoned land, located along Clarksburg Road, approximately 0.25 miles west of I-270;

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060240, Gosnell Property (the "Application");

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 16, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report");

WHEREAS, following review and analysis of the Application by Staff and the Staff of other governmental agencies, on April 26, 2010, the Planning Board held a public hearing on the Application (the "Hearing");

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 26, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss seconded by
Commissioner Alfandre; with a vote of 3-0, Commissioners Alfandre, Dreyfuss and Hanson voting in favor, Commissioners Wells-Harley and Presley being absent.

THE PLANNING BOARD RECOMMENDATION FOR FINAL WATER QUALITY PLAN:

Approval of the Final Water Quality Plan for Site Plan 820060240 as described in the letter dated January 29, 2010 unless amended and approved by the Montgomery County Department of Permitting Services. The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. All of the conditions not addressed from previous approvals are still applicable. This list may not be all inclusive and is subject to change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way (structure G101, G106 and G108). If access to structure G108 is to be from Clarksburg Road, a driveway apron and full depth paving over the sidewalk will be required.

2. The Preliminary Water Quality Plan required that 150% of the MDE required recharge volume be provided due to the lack of open section roadways in this sensitive watershed and the deep cut and fill that is proposed. During the detailed review a geotechnical study must be provided to determine the feasibility of the proposed infiltration and recharge structures.

3. The proposed infiltration trench (structure G101) must be open to the surface.

4. If possible locate structure G107 in the green area between the Clarksburg Road right-of-way and the onsite drive aisle for ease of maintenance.

5. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

6. Due to the size of this development a full-time, third-party, onsite, sediment control inspector is required to assure that the goals of the Water Quality Plan are being met.

THE PLANNING BOARD RECOMMENDATION FOR SITE PLAN 820060240:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board
APPROVES Site Plan No. 820060240 for 87,500 square feet of employment uses, 8,600 square feet of highway/auto related retail uses, a 12% parking reduction waiver on the east side of the property, and parking waivers granted for sections 59E-2.71 and 2.81(a) on 7.24 gross acres in the MXPD zone, subject to the following conditions:

Environment

Approval of site plan #820060240, including amendments to the forest conservation plan and the Special Protection Area water quality plan approved per Cabin Branch Infrastructure Site Plan #820050150, subject to the following conditions:

1. Compliance with the Planning Board conditions of approval for forest conservation plan #820050150 dated June 14, 2007, with amendment to reflect approval of the final forest conservation plan for Site Plan #820060240.

2. Amendment to Special Protection Area water quality plan approval for Infrastructure Site Plan #820050150 in incorporate revisions contained in DPS approval letter for Site Plan # #820060240 dated January 29, 2010.

3. All other prior approvals and conditions from #820060240 related to environmental and water quality related issues remain in full force and effect

Site Plan

4. Site Design

   a. Update and coordinate the Project Data Table(s) with previous approvals and/or pending applications for the entire Cabin Branch Neighborhood development.

   b. The remaining 0.41 acres of green area must to be fulfilled on another Cabin Branch site still within the MXPD zone. Upon the designation of this green space area; Site Plan Staff will review the final landscape plans.

   c. Locate benches in potential seating areas and provide site details for any benches and trash receptacles proposed on site.

   d. The exterior architectural character, proportion, materials, and articulation will be re-evaluated upon re-submittal by M-NCPPC Development Review and Urban Design staff.

   e. The surface parking facility (on the east side) directly adjacent to the existing public road shall be adequately buffered with an evergreen hedge and/or a masonry wall.
5. Landscaping

a. The proposed plant materials must be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.

b. An alternate plant list may be provided on the Landscape and Lighting plan; to accommodate plant substitutions.

c. The proposed plantings must be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

6. Lighting

a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.

b. All onsite down-light fixtures must be semi 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 properties.

e. The height of the light poles shall not exceed 17 feet including the mounting base.

7. Design Guidelines

a. The proposed development must comply with the Design Guidelines dated August 20, 2008 or as amended and approved by the Planning Board.

b. A letter from the Town Architect must accompany each site plan application stating that the proposed development complies with all of the aspects of the Cabin Branch Design Guidelines.

c. An approval form from the Town Architect must accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.

d. Each building permit must be reviewed by the Planning Director or "designee" for conformance to the approved Design Guidelines. Unless the Director or designee rejects the permit for non-compliance with the Design Guidelines within ten (10) days of transmittal, it must be deemed approved. If the building permit application is regarded as not in
conformance with the guidelines, then the Director and Town Architect shall meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will decide the resolution.

e. The Design Guidelines for the retail components and streetscape will be reevaluated with respect to architectural features, site design, layout and circulation.

f. The administration of the Design Guidelines shall be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or designee. If the town architect and Planning Director do not agree, then the matter will need to go the Planning Board possibly as a minor amendment to the site plan.

8. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.

b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.

c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.

d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

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 lighting 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 racks 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 on-site 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. Provide each section of the development with necessary roads.

h. 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 approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.

b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.

c. Modify data table to reflect development standards enumerated in the staff report.

d. Ensure consistency of all details and layout between site plan and landscape plan.

e. Provide a building envelope (with setbacks labeled on the site plan) that will account for any minor and/or major shifts in the final construction of the proposed buildings.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Gosnell drawings stamped by the M-NCPPC on April 16, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified
herein), and upon consideration of the entire record, the Montgomery County 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 Development Plan (G-806) for the Cabin Branch Neighborhood established nine (9) binding elements for the entire community. This site specifically conforms to the following four (4) binding elements: trip reduction measures, street networks, street character and on-street parking. The remaining five (5) elements are not applicable to this site.

   The Cabin Branch Local Area Transportation Review (dated December 19, 2005) proposes two (2) major phases of development for the complete build out of the public roadway networks. Planned road improvements shall identify potential problems and offer possible solutions in anticipation of future growth. Vehicular access is designed as an interconnected roadway system within a transit-oriented land use pattern. Four (4) roundabouts are proposed to serve as entry features, setting the character of the area and providing a means of facilitating traffic movements in an efficient manner. The existing Clarksburg Road (MD 121) will retain its rural character; while the new Clarksburg Road will transition to a four-lane major road. Two (2) out of the four (4) traffic circles are located along the new Clarksburg Road south of the Gosnell site. The business district streets are proposed as two-lanes with curbside parking. The proposed roadways will promote a pedestrian-friendly environment and are consistent with the requirements of the binding elements.

   The internal roadways are aligned with a network of sidewalks and street crossings that channelize pedestrians efficiently to and from residential, commercial, open space, and recreational areas. The business district roadways, with curbside parking, provide an additional level of comfort and safety to the pedestrian by providing a buffer between moving vehicles and sidewalks.

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 proposed uses are allowed in the MXPD Zone and the site plan specifically fulfills the purposes of the zone by providing the following: Design Guidelines that meet the overall goals of the Master Plan; a
comprehensive staging development program in accordance with the previous approvals; enhanced compatibility with the surrounding communities; and the provision of open spaces and site amenities that achieve the physical and aesthetic integration to benefit the community. In addition pedestrian circulation is encouraged and additional landscape plantings proposed are 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 this site plan.

As the project data table indicates, the site plan meets all of the development standards of the zone. With respect to building heights, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space, the proposed site has provided 2.49 acres. The remaining 0.41 acres will be fulfilled on another Cabin Branch site still within the MXPD zone.

Requirements of the MXPD zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the MXPD Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

<table>
<thead>
<tr>
<th>Development Standards Approved by the Board are Binding on the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Tract Area (ac/sf.):</strong></td>
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<tr>
<td></td>
</tr>
<tr>
<td><strong>Gross Floor Area</strong></td>
</tr>
<tr>
<td><strong>Maximum Floor Area Ratio for the subject Parcel</strong></td>
</tr>
<tr>
<td><strong>Gross Square Footage</strong></td>
</tr>
<tr>
<td>Highway/ Auto Retail Related Uses</td>
</tr>
<tr>
<td>Car Wash</td>
</tr>
<tr>
<td>Quick Mart (gas station)</td>
</tr>
<tr>
<td>Quick Serve (convenience store)</td>
</tr>
<tr>
<td>Employment Related Uses</td>
</tr>
<tr>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Banks (2)</td>
</tr>
<tr>
<td>Hotel/Restaurant</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum Parking Space</th>
<th>264 spaces²</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Side</td>
<td>159 spaces</td>
</tr>
<tr>
<td>West Side</td>
<td>105 spaces</td>
</tr>
</tbody>
</table>

| Minimum Green Space Required           | 40%           |
| Minimum Green Space                    | 34%³          |
| Minimum Internal Parking Green Space   | 2.49 acres    |
|                                        | 15,682 sq. ft. (0.36 acres) |

| Maximum Building Coverage              | 14.09%        |
|                                        | 44,518 sq. ft. (1.02 acres) |

<table>
<thead>
<tr>
<th>Maximum Building Heights</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>East Side (Area A)</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>75 feet</td>
</tr>
<tr>
<td>Bank</td>
<td>35 feet</td>
</tr>
<tr>
<td>West Side (Area B)</td>
<td></td>
</tr>
<tr>
<td>Car Wash</td>
<td>40 feet</td>
</tr>
<tr>
<td>Quick Serve</td>
<td>35 feet</td>
</tr>
<tr>
<td>Quick Mart</td>
<td>35 feet</td>
</tr>
<tr>
<td>Bank</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>From one family detached d.u.</td>
<td>100 feet</td>
</tr>
<tr>
<td>From adjoining properties</td>
<td>10 feet</td>
</tr>
<tr>
<td>From adjoining properties recommended for Residential zoning and land use</td>
<td>100 feet</td>
</tr>
<tr>
<td>From Commercial/ Industrial properties</td>
<td>10 feet</td>
</tr>
<tr>
<td>From the street right-of-way</td>
<td>4 feet</td>
</tr>
</tbody>
</table>

| Minimum Bicycle Racks (2 racks)        | 14 spaces     |

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.

¹ The required number of parking spaces is calculated in accordance to section 59-E Off-Street Parking; and is dependent on the provided use.
² Total number includes 12 handicap parking spaces.
³ The remaining green space area (0.41 acres) must be fulfilled within the MXPD zone on another Cabin Branch site.
a. Buildings and Structures

The buildings and structures of the proposed development are proposed along the new Clarksburg Road; which is appropriate for the character envisioned by the Master Plan. These locations provide easy access to the buildings from 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, and do not pose any safety concerns on the site.

b. Landscaping and Lighting

The proposed landscape materials help to buffer and frame important major views along the property boundaries, and soften hardscape edges along the streetscape and retaining walls. Lighting is adequately used within the surface parking facilities. Both the lighting and landscape materials create a safe and comfortable environment for pedestrians.

c. Recreation Facilities

There are no recreational facilities required for this site plan, but benches and bicycle facilities are provided. Active green spaces and recreational facilities are primarily located closer to the residential components. However, the proposed circulation systems adequately and efficiently tie back into adjacent sites. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area.

d. Vehicular and Pedestrian Circulation

Pedestrian patrons are welcomed with an open space plaza, kiosks, stairwells, and handicap accessible ramps and crosswalks located at every major intersection. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The overall purpose of this development is to be a convenient resource to the surrounding residential properties.

The proposed landscaping helps to buffer the surface parking and driveway areas from the roadways and soften major views inward. Proposed stormwater management plantings will be reviewed by the Department of Permitting and Services (DPS). Traditional foundation plantings are provided at the base of the proposed buildings, and showy 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 roads or properties. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment. The site design is in full compliance with the Master Plan and Cabin Branch Design Guidelines.

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

The subject property was designed to be integrated with other commercial/retail properties within the Cabin Branch Community, including Concordia Phase 2 – Retail (820060300). With respect to the height, use and building orientation, the proposed development is compatible with the adjacent and confronting uses.

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.

Channel protection measures will be provided via an extended detention dry pond (Pond#11). This structure will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, structural water quality inlets (both filtering and flow through), a bio-retention structure, an infiltration trench, the use of porous pavement and ultimately surface sand filters in series. Since open section roads are not feasible, additional water quality volume controls will be provided through large surface sand filters. This will be done by sizing these structures to treat the entire drainage area regardless of the upland area that is already providing full treatment. Recharge will be provided both on upland throughout the development and below the outlet pipe of the proposed surface sand filters where groundwater or bedrock is not encountered.

This special protection area requires the recharge volume to provide a total of 150% of the average annual predevelopment groundwater recharge volume. This exceeds the 2007 MDE regulations which require 100% of the average annual predevelopment groundwater recharge volume. The upland portion will provide 50% of the recharge volume before it drains to the SWM ponds. At the ponds the site will be treated for 100% of the required recharge volume. Infiltration trenches have been proposed throughout the site with small drainage areas to provide the upland recharge requirement. The small drainage areas spread the
recharge throughout the site which is consistent with the intent of the 2007 MDE regulations. The site also features pervious concrete parking areas to reduce the amount runoff and allow ground water recharge. Pervious concrete is one of the alternative surfaces preferred by the new MDE regulations. Additional upland recharge will be provided with future areas of development within the pond watershed.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board in this matter and 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 the date of this resolution is SEP 29 2010 (which is the date that this resolution is mailed to all parties of record); and SEP 29 2010

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 Dreyfuss, seconded by Commissioner Presley, with Vice Chair Wells-Harley, Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, and Chair Carrier abstaining, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board
APPENDIX
(Binding Elements)

BINDING ELEMENTS

1. **Transferable Development Rights and Moderately Priced Dwelling Units**

   The property that is the subject of this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPD, is zoned RMX-1/TDR and will require the purchase of Transferable Development Rights (TDR’s) for the development planned by Applicants. Based on calculations developed with M-MCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multifamily) the 535-acre project will require 635 TDR’s. The Preliminary Plan of Subdivision application(s) for the MXPD area and the remaining RMX-1/TDR area shall require the purchase of TDR’s in conformance with this calculation.

2. **Off-site Amenities and Features**

   By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicants will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of Subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

3. **Trip Reduction Measures**

   At the time of Preliminary Plan of Subdivision, the Applicants, M-MCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

4. **Street Network**

   A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.
5. **Area D Street Network**

Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

6. **Street Character**

All streets will adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses. Within the core, pedestrian friendly uses including retail, residential, or office will be located on the first floor. The entire MXPD area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.

7. **Special Roads**

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

8. **Service/Public Uses**

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care, or continuing care.

9. **On-street Parking**

Applicants will include on-street parking on streets adjacent to retail facilities. (Excluding MD Route 121, Wellspring Street and Goldeneye Avenue.)

10. **No single retail store will have a gross floor area that is greater than 50,000 square feet, which will be a condition of site plan approval and will be referenced on the Certified Site Plan.**

11. **The retail uses located in Area C will be neighborhood retail.**
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Opinion</th>
<th>Type of Plan</th>
<th>Uses Approved</th>
<th>Status</th>
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<tbody>
<tr>
<td>G-806</td>
<td>9/9/2003</td>
<td>Local Map Amendment w/ PWQP</td>
<td>Rezoned 283.5 acres to MXPD. Development Plan 535 acres to allow 1,886 dwelling units, 2,240,000 sf. of commercial and 500 senior housing units.</td>
<td>Approved</td>
</tr>
<tr>
<td>DPA 13-02</td>
<td>2/4/2014</td>
<td>Development Plan Amendment</td>
<td>Modified G-806 to split commercial uses to specifically allow up to 484,000 sq. ft. of retail and 1,936,000 sq. ft. of office.</td>
<td>Approved</td>
</tr>
</tbody>
</table>

**Preliminary Plans**

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Opinion</th>
<th>Type of Plan</th>
<th>Uses Approved</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>120031100 &amp; 12003110A</td>
<td>6/22/2004</td>
<td>Preliminary Plan w/ PWQP</td>
<td>1,600 dwelling units, 500 senior housing units, 1,538,000 sf. commercial space, transportation improvements, LATR review, road construction phasing on 535 acres of land.</td>
<td>Approved</td>
</tr>
<tr>
<td>12003110B</td>
<td>10/6/2008</td>
<td>Preliminary Plan w/ PWQP (based on previous approvals)</td>
<td>1,886 dwelling units (including MPDUs), 2,420,000 sf. commercial space, 500 senior housing units.</td>
<td>Approved</td>
</tr>
<tr>
<td>12003110C</td>
<td>12/23/2014</td>
<td>Preliminary Plan Amendment w/ PWQP</td>
<td>Modified APF to increase retail from 120,000 sq. ft. to 484,000 sq. ft., and to decrease office from 2.3 million sq. ft. to 1.96 million sq. ft.</td>
<td>Approved</td>
</tr>
</tbody>
</table>

**Associated Mandatory Referrals**

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Opinion</th>
<th>Type of Plan</th>
<th>Uses Approved</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>08001-WSSC-1</td>
<td>3/24/2008</td>
<td>Mandatory Referral – Water Storage Tank</td>
<td>750,000 gallon storage tank (24-hour operation), intended to serve approximately 15,000 people in the 760A Zone by year 2020.</td>
<td>Approved</td>
</tr>
<tr>
<td>MR2014049</td>
<td>6/2/2014</td>
<td>Mandatory Referral</td>
<td>Preliminary/Final Water Quality Plan and Forest Conservation Plan associated with the construction of MD 121 &amp; I-270.</td>
<td>Approved</td>
</tr>
<tr>
<td>Case No.</td>
<td>Opinion</td>
<td>Type of Plan</td>
<td>Uses Approved</td>
<td>Status</td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td>820050150</td>
<td>09/19/2007</td>
<td>Infrastructure Site Plan w/ FWQP</td>
<td>Roads only. Density per 12003110B, maximum 635 TDRs, 236 MPDUs, 28.32 acres green space, public water and sewer (W-3), Master Plan Unit Mix, 2,436,000 sf. retail and employment.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015A</td>
<td>6/9/2008</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Modifications to the conditions of approval and roadway cross-section of Old Baltimore Road.</td>
<td>Approved</td>
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<tr>
<td>82005015B</td>
<td>3/7/2012</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Revisions to FCP, SMW and FWQP.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015C</td>
<td>11/27/2012</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Revisions to FCP, SMW and FWQP.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015D</td>
<td>5/2/2013</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Modifications to Grading Plan, additional turn lane and additional pavement removed.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015E</td>
<td>6/2/2014</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Revisions to the FCP (category I easements and mitigation project.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015F</td>
<td>9/23/2014</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Revisions to the FCP including adjustments to the LOD.</td>
<td>Approved</td>
</tr>
<tr>
<td>82005015G</td>
<td>7/25/17</td>
<td>Infrastructure Site Plan Amendment</td>
<td>Revisions to the LOD and Category I Conservation easements for a new culvert and mitigation.</td>
<td>Approved</td>
</tr>
<tr>
<td>820060290</td>
<td>10/20/2008</td>
<td>Winchester I Site Plan w/ FWQP</td>
<td>428 dwelling units, including multi-family, attached and detached one-family homes, 64 MPDUs, 128 TDRs, 62.55 green space.</td>
<td>Approved</td>
</tr>
<tr>
<td>Case No.</td>
<td>Opinion</td>
<td>Type of Plan</td>
<td>Uses Approved</td>
<td>Status</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>--------------</td>
<td>---------------</td>
<td>--------</td>
</tr>
<tr>
<td>82006029A &amp; 820110080</td>
<td>7/11/2012</td>
<td>Winchester I &amp; II Site Plan Amendment w/ FWQP</td>
<td>400 dwelling units in the MXPD and RMX-1/TDR Zones, 341 dwelling units in the MXPD and RMX-1/TDR Zones</td>
<td>Approved</td>
</tr>
<tr>
<td>820120150</td>
<td>4/4/2013</td>
<td>Winchester III Site Plan Amendment w/ FWQP</td>
<td>RMX-1/TDR zone w/ 185 dwelling units (including 10 MPDUs), consisting of 128 one-family detached and 57 one-family attached units using 56 TDRs.</td>
<td>Approved</td>
</tr>
<tr>
<td>820060240</td>
<td>9/29/2010</td>
<td>Gosnell Property Site Plan w/ FWQP</td>
<td>Hotel, banks (employment), 87,500 sf (hotel) and 8,600 sf. (retail) auto-related uses w/ parking waiver.</td>
<td>Approved</td>
</tr>
<tr>
<td>82006024A</td>
<td></td>
<td>Gosnell Site Plan Amendment</td>
<td>Revise size and location of buildings, Modify mix of retail uses, reconfigure parking and on-site circulation</td>
<td>Under Review</td>
</tr>
<tr>
<td>820070140</td>
<td>5/2/2013</td>
<td>Toll Brothers I &amp; Site Plan w/ FWQP</td>
<td>435 dwelling units, including 239 one-family detached, 68 one-family attached and 128 multi-family units.</td>
<td>Approved</td>
</tr>
<tr>
<td>82007014A</td>
<td>11/9/2016</td>
<td>Toll Brothers I Amendment</td>
<td>Review for final design of the Dovkie Lawn and Seneca Ellipse Open Spaces, adjust lot lines and MPDU locations.</td>
<td>Approved</td>
</tr>
<tr>
<td>82007014B</td>
<td>3/29/2016</td>
<td>Toll Brothers I Amendment</td>
<td>Redesign of the community center including additional bicycle parking, new handicap parking and accessibility, and new architecture</td>
<td>Approved</td>
</tr>
<tr>
<td>820100030</td>
<td>5/2/2013</td>
<td>Toll Brothers II Site Plan w/ FWQP</td>
<td>RMX-1/TDR-3 Zone w/ 168 dwelling units (including 128 one-family detached and 40 one-family attached units)</td>
<td>Approved</td>
</tr>
<tr>
<td>Case No.</td>
<td>Opinion</td>
<td>Type of Plan</td>
<td>Uses Approved</td>
<td>Status</td>
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<tr>
<td>-------------</td>
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</tr>
<tr>
<td>820140160</td>
<td>12/23/2014</td>
<td>Premium Outlets Site Plan</td>
<td>10 MPDUs using 63 TDRs on 46.35 acres.</td>
<td>Approved</td>
</tr>
<tr>
<td>82014016A</td>
<td>4/25/16</td>
<td>Premium Outlets Admin Plan</td>
<td>MXPD development containing 450,000 square feet of retail and restaurant uses.</td>
<td>Approved</td>
</tr>
<tr>
<td>82014016B</td>
<td></td>
<td>Premium Outlets Admin Plan</td>
<td>Revised grading, SWM, circulation and other minor changes to landscaping.</td>
<td>Under Review</td>
</tr>
<tr>
<td>820180060</td>
<td></td>
<td>Multi-Family W/ FWQP</td>
<td>Removal of a median in the loop drive, improvements to hardscape and landscape materials, and adjustments to retaining walls.</td>
<td>Under Review</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>272 Multi-family dwelling units in two buildings including 25% MPDUs</td>
<td></td>
</tr>
</tbody>
</table>
Attachment 6
May 21, 2018

Mr. Timothy Hoffman
Soltesz, Inc.
2 Research Place
Rockville, Maryland 20850

Re: COMBINED FINAL WATER QUALITY PLAN/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Cabin Branch-Gosnell
Preliminary Plan #: 1-03110A
SM File #: 236470
Tract Size/Zone: 5.57 acres/MXPD
Total Concept Area: 5.57 acres
Lots/Block: N/A
Watershed: Little Seneca Creek
Clarksburg Special Protection Area

Dear Mr. Hoffman:

Based on a review by the Department of Permitting Services Review Staff, the Final Water Quality Plan for the above-mentioned site is acceptable. The Final Water Quality Plan proposes to meet required stormwater management goals via permeable pavement, micro bioretention and the use of existing downstream structures. This approval is for the elements of the Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or buffer encroachments.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

2. Micro bioretention drainage areas are to be limited to 20,000 square feet. Also, additional curb cuts may be required for larger overland flows. Inflow protection is required at all curb cuts and other inflow points to the micro bioretention structures. This may require stone and/or reinforced turf matting for wide inflow areas.

3. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan and within the micro bioretention areas are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
This list may not be all-inclusive and may change based on available information at the time. A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area in the SPA is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the Water Quality Plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: Img

cc: N. Braunstein
SM File # 236470

ESD: Required/Provided 29,642 cf / 24,848 cf
PE: Target/Achieved: 2.17/1.8"
STRUCTURAL: 14,402 cf (off site)
WAIVED: 0 ac.
DATE: 03-Apr-18
TO: Keely Lauretti
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Cabin Branch Gosnell-1
82006024A (see 820060240)

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Apr-18. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.
Good Afternoon Mr. Greene,

We have completed the review of The Gosnell Site Plan at the request of M-NCPCC. Both John Gosnell & Soltész Company have been very supportive of the review process and helped to ensure this project benefits the greater Cabin Branch Community.

The Gosnell site plan encompassing an East & West Parcel, as represented in the drawings received from Soltész Co., on May 18, 2018 and supplemental documents received on June 04, 2018 are recommended for approval, subject to the following conditions:

1. Provide color renderings of the elevations for the following buildings; Jiffy Lube, 7-11 Convenience Mart, & Starbucks.
2. Provide an exterior material schedule for the Hampton Inn Hotel.

To the best of our knowledge, the proposed East & West parcels of the Gosnell Site plan, meet the intent of the Cabin Branch Community Guidelines, and we are pleased to recommend that this site plan be approved pending the above conditions.

If we can be of any further assistance we are happy to help.

Thank you,

__________________________
Smita Anand
Principal
KTGY Group, Inc.

June 12, 2018

CC       Saul Soto, John Gosnell, Mike Kingsley, Keely Lauretti
EXISTING GOSNELL FARM DRIVE
EXISTING ROUTE 121
CLARKSBURG ROAD
MD ROUTE 121

CONVENIENCE MART
/ WITH QUICK SERVE
2,520 SF

WINE STORE
1,330 SF

QUICK LUBE
FACILITY
2,755 SF

STARBUCKS
1,775 SF

GAS STATION CANOPY
MICRO-BIO BASIN #5
MICRO-BIO BASIN #1
MICRO-BIO BASIN #2
MICRO-BIO BASIN #3
MICRO-BIO BASIN #4

SCALE: 1" = 30'

IMPERVIOUS AREA EXHIBIT
Sheet Number:
Scale:
Project Number:
Drawn By:
Date:
Drawing Name:

Checkered By:

SHEET TITLE:

REV DATE DRAWN BY DESCRIPTION

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Landscape Architects Environmental Scientists

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email: solutions@maserconsulting.com
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22375 Broderick Drive
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Sterling, VA  20166
Phone: 703.430.4330
Fax: 703.430.4339

180322 EXH-6
IMPERVIOUS-PERVIOUS

DEED BOOK 28928, FOLIO 00393
CLARKSBURG ROAD
MONTGOMERY COUNTY
MARYLAND
AS SHOWN 01/30/18 CMEEJI

FOR DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Site Plan Approval No. 82006024A, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name:
Company
Contact Person
Address:
Phone:
Signature:

SMTM Cabin Branch West, LLC Barry Gosnell
8130 Boone Blvd., Suite 100, Vienna, VA 22182
(703) 893-1221

PERCENT PERVIOUS (%): 42.84%
PERCENT IMPERVIOUS (%): 57.16%

TOTAL SITE AREA: 117,926 SF
TOTAL PERVIOUS AREA: 50,521 SF
TOTAL IMPERVIOUS AREA: 67,405 SF

SITE IMPERVIOUS CALCULATION:

PROPOSED PERVIOUS AREA

LEGEND:

PROPOSED PERVIOUS AREA

SITE IMPERVIOUS CALCULATION:

TOTAL SITE AREA: 117,926 SF
TOTAL PERVIOUS AREA: 50,521 SF
TOTAL IMPERVIOUS AREA: 67,405 SF
PERCENT PERVIOUS (%): 42.84%
PERCENT IMPERVIOUS (%): 57.16%