



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

MCPB No. 18-092  
Site Plan No. 81994029E  
Patient First at Milestone Center  
Date of Hearing: September 13, 2018

OCT 10 2018

**RESOLUTION**

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

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on August 18, 1994, the Planning Board approved Site Plan No. 819940290 for 713,060 square feet of commercial/ retail space and 191 dwelling units (which included 115 single-family, 76 multi-family, and 18 MPDUs);

WHEREAS, on July 20, 1995 (mailed August 7, 1995), the Planning Board approved Site Plan Amendment No. 81994029A; which increased the overall density to 800,000 square feet and the total acreage to 133.3 acres. This amendment also decreased the total number of residential units and increased the amount of parking provided for the entire shopping center;

WHEREAS, on November 16, 1995 (mailed November 28, 1995), the Planning Board approved Site Plan Amendment No. 81994029B; for minor modifications to the existing sidewalks and Landscape Plans for the Target store;

WHEREAS, on January 16, 2006, the Applicant withdrew Site Plan Amendment No. 81994029C; and

WHEREAS, on January 19, 2012 (mailed April 9, 2012) the Planning Board approved Site Plan Amendment No. 81994029D; for modifications to the Wal-Mart site for the expansion of the existing building by 15,863 square feet, adjustments to the parking facilities, modifications to the stormwater management facilities and revisions to the Landscape and Lighting plans.

Approved as to  
Legal Sufficiency:

WHEREAS, on May 30, 2018, Patient First (“Applicant”), filed a Site Plan amendment application designated Site Plan No. 81994029E, Patient First at Milestone Center (the “Amendment” or “Site Plan”) for approval of the following modifications<sup>1</sup>:

1. Conversion of the existing building from a restaurant to a medical clinic facility;
2. Expansion of the existing building by 1,468 square feet;
3. Restriping of the main parking lot and relocation of the handicap parking stalls;
4. Modifications to the architectural facade of the building; and
5. Revisions to the Landscape and Lighting plans.

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 30, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 13, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 13, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Patterson voting in favor with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 81994029E to convert the existing building from a restaurant to a medical clinic facility, to expand the existing building by 1,468 square feet, relocating the handicap parking stalls, architectural facade modifications and revisions to the landscape and lighting subject to the following conditions:

1. Lighting
  - a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
  - b) All onsite light fixtures must be full cut-off fixtures.
  - c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

---

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

- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e) The height of the proposed light poles shall not exceed 30 feet as measured from finished grade.

2. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [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, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, alleys, sidewalks, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase 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. The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement, including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each block/phase.

3. 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) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.

- b) The development program must provide phasing for installation of on-site landscaping and lighting associated with each parking facility or building, subject to seasonal requirements.
- c) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed, subject to seasonal requirements.
- d) Pedestrian pathways and seating areas associated with each parking facility or building must be completed as construction of each parking facility or building is completed.

4. Certified Site Plan

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

- a) Move all 4 handicap parking stalls to close proximity to the main entry door.
- b) Provide all necessary site lighting details on the Landscape and Lighting Plans.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Patient First at Milestone Center No. 81994029E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in full force and effect.*

The Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in full force and effect. The Subject Property was originally approved as a small portion of the larger Milestone Shopping Center development. Project Plan No. 919950010 and Preliminary Plan No. 11990171A were approved concurrently with Site Plan Amendment 81994029A, in 1995, to increase the total retail density of the Shopping Center to 800,000 square feet. The additional 1,468 SF

of gross floor area included with this Amendment is within the commercial/retail density limit approved by the amended Project, Preliminary and Site Plans.

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 continues to meet all the requirements of the Residential-Mixed Use Development, Community Center (RMX-1) Zone, Optional Method of Development and satisfies the purposes of the Zone as established by the Zoning Ordinance in effect prior to October 30, 2014, when this Application was accepted. Under this method, general commercial uses and higher-density residential uses are allowed in the RMX Zones, provided that they are in accordance with the provisions of section 59-C-10.3, as well as the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. Under section 59-C-10.3 the optional method of development accommodates mixed use development comprised of planned retail centers and residential uses, at appropriate locations in the County.

The Site Plan satisfies the purpose of the RMX-1 Zone. As demonstrated in the Data Table below, the Application meets all the applicable requirements and development standards of the Zone.

Data Table for the RMX-1 Zone, Optional Method

<b>Development Standard</b>	<b>Zoning Ordinance Allowed/Required</b>	<b>Approved by the Planning Board and Binding on Applicant</b>
<b>Property Area</b>	N/A	1.39 acres
<b>Building Coverage</b>	N/A	7,584 SF
<b>Max Commercial Density</b>	0.35 FAR	0.13 FAR
<b>Minimum Green Area</b>	15% (9,082 SF)	21% (13,101 SF)
<b>Development Standard</b>	<b>Zoning Ordinance Allowed/Required</b>	<b>Proposed for Patient First Approval (81994029E)</b>
<b>Min Building Setbacks (59-C-10.3.8)</b>		
From one-family residential	100 ft	185 ft

<b>zoning</b>		
From residential zoning other than one-family	50 ft	N/A
From any street	25 ft	35 ft
From abutting commercial or industrial zoning	25 ft	135 ft
<b>Parking Required</b>		
Restaurant	83 spaces (25 / 1,000 SF Patron Area)	N/A
Medical Clinic	35 spaces (5 / 1,000 SF GFA)	85 Spaces
Motorcycle Parking	2 spaces (2% of automobile parking spaces for parking facilities over 50 parking spaces)	2 spaces
Bicycle Parking	5 spaces (1 bicycle parking space/20 automobile parking spaces)	6 spaces

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

This Site Plan Amendment does not significantly alter the location of the building and structure, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems. All elements remain adequate, safe, and efficient.

**Building Location and Structure**

The Amendment does not alter the building location. However, some minor modifications have been approved to the building structure. The architectural modifications are limited to removing the southern-façade and existing outdoor patio for the proposed expansion of the building, which will include a new entrance and façade treatments. One existing entrance on the west side of the building will be eliminated and the access sidewalk will be removed.

**Landscaping**

The Amendment proposes to remove the existing foundation landscaping for the building and replace it with new plantings. The new plantings are similar in nature to the existing landscaping.

Pedestrian and Vehicular Circulation

Site adjustments are limited to relocating handicap parking within the existing parking lot, sidewalk relocations to meet ADA requirements and revised utility connections. Handicap ramps will be installed to provide an accessible route for pedestrians from Frederick Road to the retail portion of the Milestone Development.

All remaining elements of this amendment do not alter the approved requirements under site plan amendment 81994029A.

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

The proposed structure and use continues to be compatible with other uses and existing and proposed adjacent developments.

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 meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection. The Applicant had filed for and received confirmation of a Forest Conservation Exemption request, plan no. 42018188E. The Applicant is also exempt from Chapter 19 since the amount of overall site disturbance does not require a stormwater management concept or a sediment control permit.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 10 2018 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Fani-González, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, October 4, 2018, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board