







Montgomery Village Whetstone Center: Preliminary Plan No. 120200020 and Lidl - Montgomery Village Whetstone Center: Site Plan No. 820200030

	Tamika Graham, Senior Planner, Area 2 Division, Tamika.Graham@montgomeryplanning.org, (301) 495- 4551
	Emily Tettelbaum, Planner Coordinator, Area 2 Division, Emily.Tettelbaum@montgomeryplanning.org, (301) 495-4569
	Patrick Butler, Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org, (301) 495-4561
	Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

Staff Report Date: 1/17/20

Description

Preliminary Plan: Request to subdivide the 6.52-acre property into two lots for a maximum of 55,000 square feet of retail/service establishment use, with a maximum of 30,000 square feet of retail/service establishment use on proposed Lot 36 and a maximum of 25,000 square feet of retail/service establishment use on proposed Lot 37, under Standard Method Development.

Site Plan: Request to construct a 30,000 square foot grocery store and associated parking, pedestrian and open space facilities on proposed Lot 36, under Standard Method Development.

Location: 19251 Centerway Road.

Master Plan: 2016 *Montgomery Village Master Plan*.

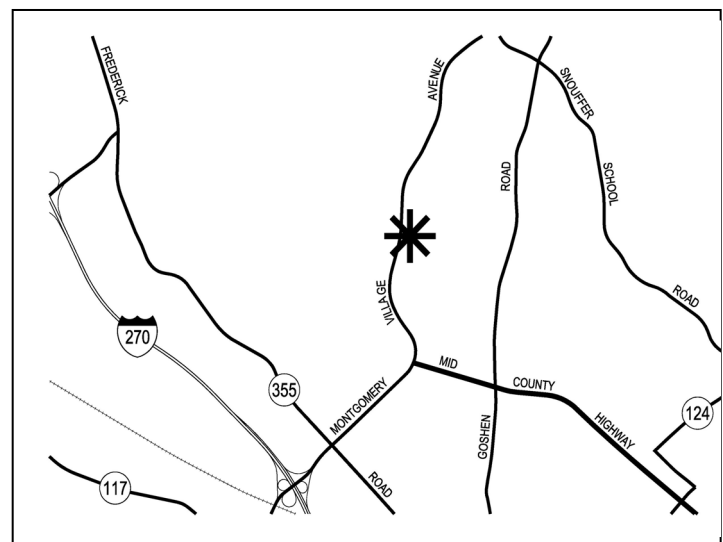
Zone: CRT-1.25, C-1.0, R-1.0, H-75 and Montgomery Village Overlay Zones.

Property Size: 6.52 acres.

Application Accepted: September 6, 2019.

Applicant: Lidl US Operations LLC.

Review Basis: Chapter 50, Subdivision Regulations, Chapter 59, Zoning Code.



Summary

- Staff recommends approval of Preliminary Plan No. 120200020 and Site Plan No. 820200030 with conditions.
- The proposed development replaces an existing vacant office park surrounded by surface parking.
- The Applications were reviewed under the Standard Method Development in the CRT and Montgomery Village Overlay Zones. Site plan approval is required for development in the Montgomery Village Overlay Zone.
- The Build-to Area along Montgomery Village Avenue is modified due to a platted public utility easement.
- Staff recommends approval for modification of certain building orientation and transparency requirements based on the design constraints associated with the proposed use.
- The Preliminary Plan includes approval of the Preliminary Forest Conservation Plan, while the Site Plan approval includes approval of the Final Forest Conservation Plan.
- The Montgomery Village Foundation submitted a letter supporting the project.
- Staff received one letter from a nearby resident in relation to traffic concerns.

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ATTACHMENTS

1. Preliminary Plan
2. Site Plan
3. Preliminary Forest Conservation Plan
4. Correspondence
5. MCDPS Water Resources Section Letter
6. MCDPS Fire Department Access and Water Supply Section letter
7. MCDOT Letter
8. Final Forest Conservation Plan
9. Forest Conservation Variance
10. Transportation Appendices
11. MCDPS Right-of-Way Plan Review (ROW) Letter
12. MCDOT Traffic Impact Study Review

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Preliminary Plan No. 120200020

Staff recommends approval of Preliminary Plan No. 120200020, including the Preliminary Forest Conservation Plan. 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 except as modified by the following conditions:

General Approval

1. This Preliminary Plan is limited to two lots and associated open space parcels for a maximum of 55,000 square feet of commercial development, with a maximum of 30,000 square feet of commercial development on proposed Lot 36 and a maximum of 25,000 square feet of commercial development on proposed Lot 37.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.

Outside Agencies

3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 16, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated December 24, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated October 24, 2019 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS Fire Department and Water Supply Section may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Concurrent Site Plan Approval

7. Except clearing and grading associated with building demolition, the Applicant must receive Staff certification of Site Plan No. 820200030 before submitting a record plat application or any clearing or grading on the Subject Property. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks and shared pathway is determined through Site Plan review and approval.
8. If a subsequent Site Plan or Site Plan Amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan Amendment before certification of the Site Plan or Site Plan Amendment.

Environment

Forest Conservation

9. The Applicant must comply with the following conditions of approval of Preliminary Forest Conservation Plan, approved as part of this Preliminary Plan.
 - a) Except for clearing and grading associated with building demolition, the Applicant must record a Certificate of Compliance to use an off-site forest mitigation bank easement in the Montgomery County Land Records before clearing or grading on the Subject Property. The Certificate of Compliance must be in a form approved by the M-NCPPC Office of the General Counsel.
 - b) A Final Forest Conservation Plan (FFCP) that substantially conforms to the PFCP must be approved as part of the Site Plan approval process.
 - c) The Applicant must plant 14 three-inch caliper shade trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements as mitigation plantings for the loss of trees requiring a variance prior to issuance of use and occupancy. Mitigation Trees must be shown on the Certified Final Forest Conservation Plan.

Transportation

10. The Applicant must construct a 9-foot-wide tree panel and a 10-foot-wide sidepath along the Property frontage of Montgomery Village Avenue, between Centerway Road and Whetstone Drive. A portion of the sidepath may be constructed on the Property, and the Applicant must provide a Public Improvement Easement (PIE) for any portion of the sidepath on the Property. If the Applicant is unable to obtain permission from the adjoining Homeowner's Association (HOA) to construct a portion of the sidepath on the adjoining HOA property (Parcel 4) and record a Public Improvement Easement (PIE) as necessary, the portion of the sidepath along Parcel 4 may be reduced to eight feet and the tree panel may be reduced to approximately 4.8 feet so it can be constructed within the right-of-way. Both of these options should be reflected on the Certified Plans.
11. The Applicant must install a traffic signal and related infrastructure at the intersection of Centerway Road and Club House Road.
12. The Applicant must relocate the existing bus shelter into the Property and provide a Public Improvement Easement (PIE) covering the extent of the relocated bus stop, subject to MCDOT review and approval, with final details to be determined at Site Plan.

13. Prior to Site Plan submission for Lot 37, the Applicant must improve vehicular circulation into the Property near the driveway entry at Montgomery Village Avenue.

Record Plats

14. Except for clearing and grading associated with building demolition, there shall be no clearing or grading of the site prior to recordation of plat(s).
15. The record plat must show necessary easements.
16. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
17. Public Open Space must be recorded within a separate lot or parcel with a protective easement or covenant in the land records, in a form approved by the Planning Board, unless the parcel is exempted from recordation under Chapter 50.
18. The plat must include a statement granting public access to the Public Open Space.

Certified Preliminary Plan

19. The Applicant must include the agency approval letters and the Preliminary Plan Resolution on the approval sheet(s).
20. The Certified Preliminary Plan must:
 - a) Contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan approval.
 - b) Show the Public Open Space areas within separate parcels, unless the parcels are exempt from recordation under Chapter 50.
 - c) Label PIE as Public Improvement Easement on road cross sections.
 - d) Show the dimension of the sidepath that is located within the right-of-way as well as the dimension located in the PIE.
 - e) Provide cross sections to show where the PIE varies along Montgomery Village Avenue and identify the locations on the plan.
 - f) Show an updated development standards table based on the addition of the public open space parcels.

Site Plan No. 820200030

Staff recommends approval of Site Plan No. 820200030. The development must comply with the conditions of approval for Preliminary Plan No. 120200020. 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 except as modified by the following conditions.

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of 30,000 square feet of commercial uses.

2. Height

The development is limited to a maximum height of 25 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Open Space, Facilities and Amenities

3. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 38,400 square feet of Public Open Space (20% of lot area) on-site, as illustrated on the Certified Site Plan.
- b) Prior to issuance of the final Use and Occupancy Certificate, the Applicant must:
 - i. Construct all streetscape improvements along the Property's frontage on Montgomery Village Avenue and Centerway Road, as shown on the Certified Site Plan;
 - ii. Construct all Public Open Space areas as shown on the Certified Plan; and
 - iii. Remove existing asphalt on Lot 37, except where shown, and permanently stabilize disturbed areas with seed or sod with grass as shown on the Certified Site Plan.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to tables, seating, and specialty paving. Furniture may be replaced or reconfigured, with like equivalents, without requiring a site plan amendment.

Site Plan

5. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings, as determined by M-NCPPC Staff.

6. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or Backlight, Uplight, and Glare (BUG)-equivalent 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.

Environment

7. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the approved Final Forest Conservation Plan No. 820200030.

- a) Prior to certification of the Final Forest Conservation Plan, the Applicant must include the list of all trees 24" DBH and greater that were identified on the approved Natural Resource Inventory/Forest Stand Delineation and Preliminary Forest Conservation Plan, with size, species, condition, and impact status noted. The trees in the list should be numbered and correspond to the number identifying the tree on the sheet where they are located.
- b) Except for clearing and grading associated with building demolition, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement consistent with the Certified Final Forest Conservation Plan prior to any clearing, grading or construction on the Property.
- c) The Final Sediment Control Plan must be consistent with the final Limits of Disturbance shown on the certified Final Forest Conservation Plan.
- d) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspector at the pre-construction meeting.

Transportation & Circulation

8. Transportation

Prior to issuance of the final Use and Occupancy Certificate, the Applicant must:

- a) Install a traffic signal and related infrastructure at the intersection of Centerway Road and Club House Road to the satisfaction of the Montgomery County Department of Transportation ("MCDOT"); and
- b) Relocate the existing bus shelter pad into the Property as determined by the MCDOT, and provide a Public Infrastructure Easement (PIE) covering the extent of the relocation.

9. Pedestrian & Bicycle Circulation

- a) The Applicant must provide one long-term and four short-term bicycle parking spaces. The short-term bicycle parking spaces must be inverted-U racks or an approved equal rack. All bicycle parking must be installed in a location convenient to the main entrance with weather protected bicycle parking preferred. The specific location(s) of the short-term bicycle rack(s) and long-term bicycle locker must be identified on the Certified Site Plan.
- b) Prior to issuance of the final Use and Occupancy Certificate, the Applicant must provide a 10-foot-wide sidepath and a 9-foot wide tree panel along the Property frontage on Montgomery Village Avenue between Centerway Road and Whetstone Drive. A portion of the sidepath may be constructed on the Property, and the Applicant must provide a Public Improvement Easement (PIE) for any portion of the sidepath on the Property. If the Applicant is unable to obtain permission from the adjoining Homeowner's Association (HOA) to construct a portion of the sidepath on the adjoining HOA property (Parcel 4) and record a Public Improvement Easement (PIE) as necessary, the portion of the sidepath along Parcel 4 may be reduced to eight feet and the tree panel may be reduced to approximately 4.8 feet so it can be constructed within the right-of-way. Both of these options should be reflected on the Certified Plans.

10. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 24, 2019, 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.

11. 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 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, trash enclosures, retaining walls, fences, railings, private sidewalks, private utilities, paths and associated improvements of development, including sidewalks and bikeways. 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 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.

12. 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.

13. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) Add cross sections for Montgomery Village Avenue and Centerway Road.
- f) Provide additional mountable paving or inset concrete at the location of proposed striping near the Centerway Road driveway to reduce the turning radii in order to create a better pedestrian and parking environment by further slowing traffic.
- g) Add the conceptual layout of the traffic signal to the intersection of Centerway Road and Club House Road.

- h) Show the full extent of the sidepath on Montgomery Village Avenue between Centerway Road and Whetstone Drive. Modify the Forest Conservation Plan as necessary to reflect the expanded LOD.
- i) Show an updated development standards table based on the public open space parcels.
- j) Add visual interest to the building façade facing the parking lot.

SECTION 2: VICINITY AND SITE DESCRIPTION

Vicinity

The Property (Subject Property or Property – outlined in red in Figure 1 below), is approximately 6.52 acres and is located at the southeast corner of the Montgomery Village Avenue and Centerway Road intersection in Montgomery Village. To the south and east, the Property is bordered by the Whetstone community, a neighborhood of detached homes in the R-90 Zone. Confronting the Property to the north, across Centerway Road, is a religious institution in the R-200 Zone. The Montgomery Village Shopping Center is located to the west of the Property, across Montgomery Village Avenue, and zoned CRT.



Figure 1: Vicinity Map with Property (6.52 acres) outlined in red

Site Description

The 6.52-acre Property is comprised of multiple recorded lots and a single open space parcel known as Lots 27, 29-35 in the “Montgomery Village Whetstone Professional Center” subdivision and recorded on Plat Nos. 96521 and 9993. The Property is within the 2016 *Montgomery Village Master Plan* (Master Plan) area and the CRT-1.25, C-1.0, R-1.0, H-75 and Montgomery Village Overlay Zones.

The Property consists of a vacant office park surrounded by surface parking. The office park has been vacant for several years; the buildings are boarded up and have fallen into disrepair. Two curbcuts, one on Montgomery Village Avenue and one on Centerway Road, provide vehicular access to the Property, and sidewalks are provided along both Property frontages.

The Property lies within the Great Seneca Creek watershed and contains no forest, streams, wetlands, floodplains, or any associated environmental buffers. There are no known rare, threatened, or endangered species on-site.



Figure 2: Aerial view with Property (6.52 acres) outlined in red

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The existing office park was developed under the Property's former Town Sector (TS) Zone.

Proposal

The Applicant proposes to subdivide the existing 6.52-acre Property into two lots for a maximum of 55,000 square feet of retail/service establishment uses (Figure 3). The Montgomery Village Overlay Zone generally requires site plan approval for all development. Proposed Lot 36, which is the subject of the 4.24-acre Site Plan application (Site), will be redeveloped with a 30,000-square foot Lidl grocery store (Figure 4). Proposed Lot 37 will be the subject of a future site plan that will include up to 25,000 square feet of retail/service establishment uses.

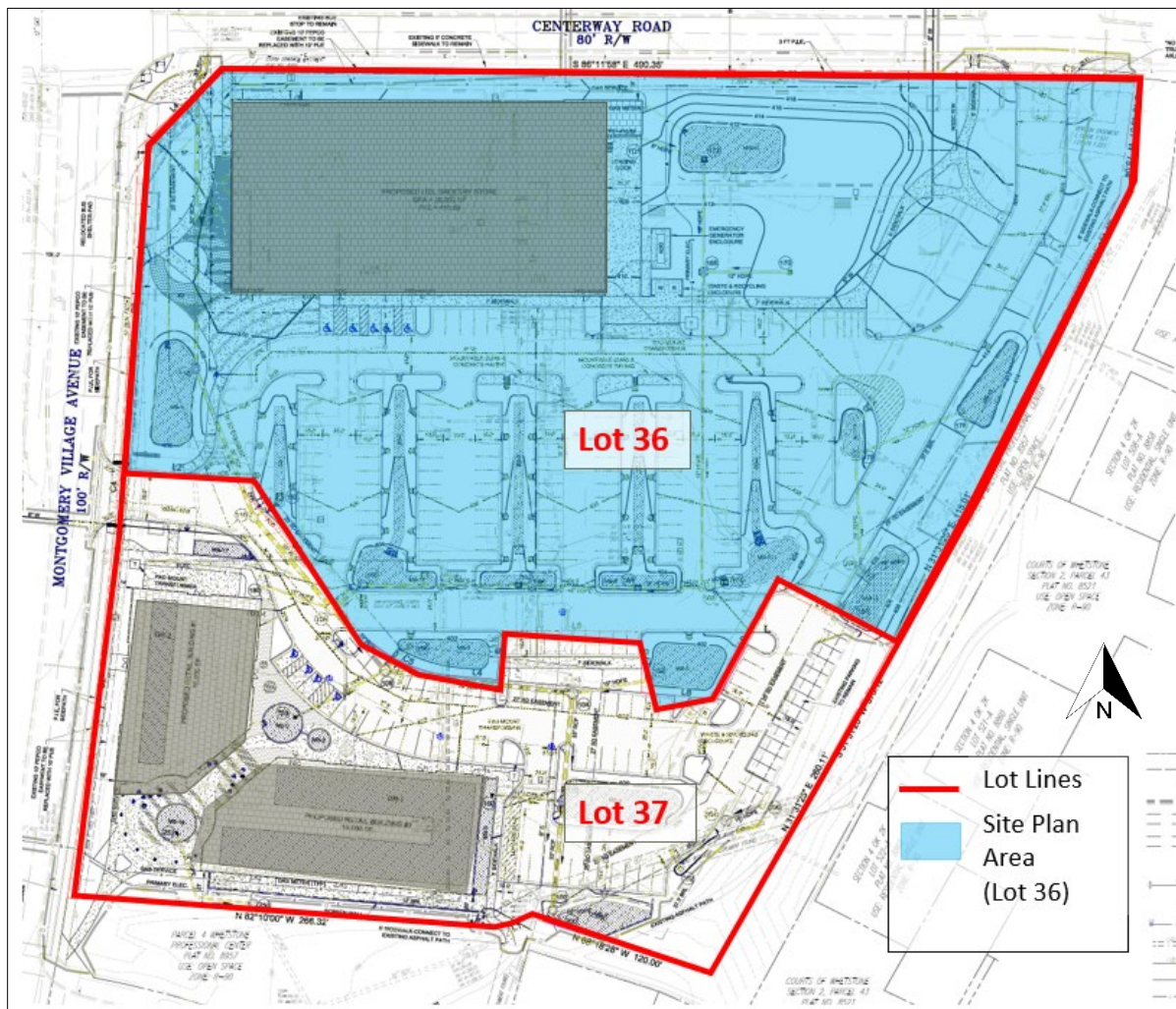


Figure 3: Preliminary Plan (Lots 36 and 37, 6.52 acres)

All the existing buildings on the Property will be demolished and the majority of the existing asphalt will be removed on Lot 37 and replaced with grass prior to the issuance of the Use and Occupancy Certificate for the current Site Plan Application. The Lidl grocery store will be located at the corner of Montgomery Village Avenue and Centerway Road with its main entrance on the southwest corner of the building and a plaza located along Montgomery Village Avenue.

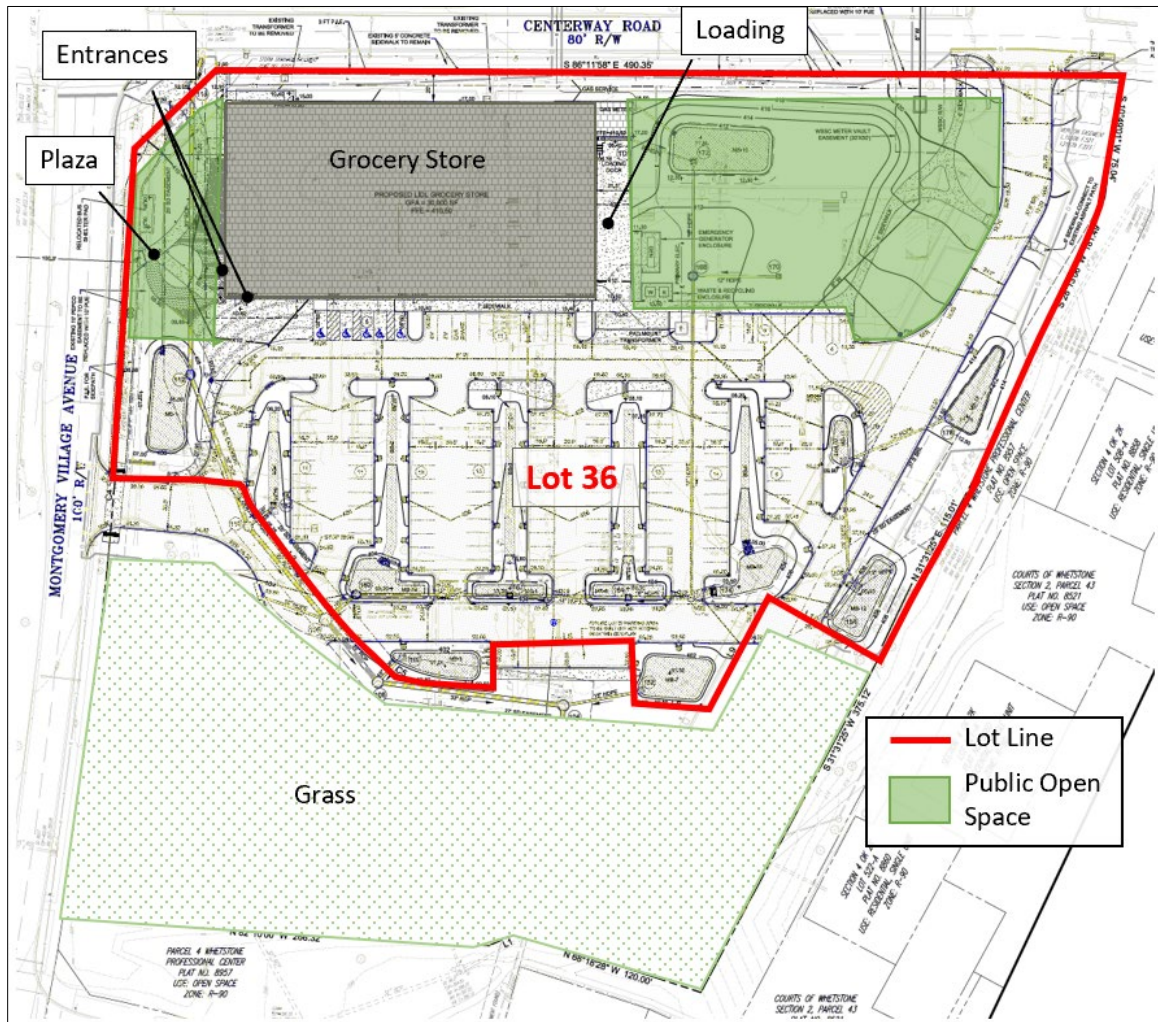


Figure 4: Site Plan (Lot 36, 4.24 acres)

Site Design and Architecture

The Project has been designed to facilitate direct pedestrian access to the building from the surrounding sidewalk network with the surface parking lot behind the front and side street building lines. The Applicant has used the existing grade to bury a portion of the northern building facade to minimize the perceived height of the building and impacts from the loading dock.

The proposed building has two storefront entrances, one facing the pedestrian realm on Montgomery Village Avenue and one facing the parking lot. A canopy has been incorporated into the design to highlight the entrances and to add interest to the Montgomery Village Avenue building façade. The proposed building includes pilasters, reveals and colors to organize and articulate the façade. Brick veneer is used to visually anchor the building and help connects the proposed building with the architecture of the surrounding community. Finally, uplighting is proposed to illuminate the pilasters and create ambient light along pedestrian pathways.



Figure 5: Proposed building as viewed from Montgomery Village Avenue



Figure 6: Proposed building as viewed from Centerway Road

Open Space

The Preliminary Plan shows over 15% of the Property as Public Open Space. The Site Plan for the proposed grocery store on Lot 36 provides approximately 38,400 square feet (or 20%) of the lot area as open space. The Public Open Space on Lot 36 consists of a plaza along Montgomery Village Avenue and a large green area along Centerway Road. The final design and configuration of open space on Lot 37 will be determined in connection with a future site plan approval.

Streetscape Improvements

The Applicant must construct streetscape improvements along Montgomery Village Avenue and Centerway Road. The existing sidewalk along Montgomery Village Avenue will be replaced with a 10-foot-wide sidepath and new street trees will replace the existing street trees that are in poor health. New street trees will also be planted along Centerway Road.

Transportation and Circulation

Parking

The existing curb cuts on Montgomery Village Avenue and Centerway Road will be retained and Lot 36 will have a surface parking lot with 141 vehicle parking spaces. The Montgomery Village Avenue driveway will be widened slightly to facilitate truck movements. The loading space for the proposed grocery store is provided through an enclosed loading bay on the east side of the building.

Vehicular Site Access

The Applicant proposes to maintain the site's two separate access points, located on Montgomery Village Avenue and Centerway Road. Per Section 59.6.1.4.E. of the Zoning Ordinance, only one site access point is allowed on a corner lot and that access point must be located on the lowest volume road. Because the Applicant proposes to subdivide the Property into two separate lots, it is permitted to retain both access points, one for each lot. The access point on Montgomery Village Avenue will be located on proposed Lot 37, the future retail site, and the access point on Centerway Road will provide access to proposed Lot 36, the proposed grocery store. The Applicant's ability to maintain both curb cuts indirectly impacts the warrant analysis discussed under the "Pedestrian Facilities" section below. Considering the existing site layout, the surrounding suburban context, the proposal for the redevelopment, and the distance and arrangement of the curb cuts, the two curb cuts are appropriate in this development application.

Despite separate access locations, the Applicant intends to allow shared parking upon the future development of Lot 37. Thus, both access points will support the grocery use proposed via Site Plan 820200030. Both curb cuts are proposed to be 30-feet wide and comply with the requirements of Section 59.6.1.4.A of the Zoning Ordinance. The access points' curb radii are shown at 25-feet, which are necessary to accommodate truck access into and out of the Property.

On-Site Vehicular Circulation

The Applicant proposes to phase the development of the full, shared parking lot. The northern portion of the lot will be constructed to support the proposed grocery store use. For this phase, internal circulation is provided by two 24-foot wide circulation aisles, which encircle nine rows of perpendicular parking. The Applicant agreed to reduce all internal parking aisles to be 20-feet wide to support reduced speeds and larger landscape islands. Should proposed Lot 37 be developed, the Applicant anticipates additional parking rows at the southern portion of the Property to support future retail uses. The Preliminary Plan, shown in Figure 3, depicts the proposed circulation and parking.

The proposed circulation under the first phase of development is acceptable, as shown in Site Plan 820200030. Preliminary Plan 120200020 depicts a parking lot layout where the proposed grocery use and potential retail uses share parking. This layout includes an area where four parking aisles converge at awkward angles, as shown in Figure 7. While the stop bars proposed will improve safety, staff will work with the applicant to improve circulation when a site plan is filed for Lot 37.

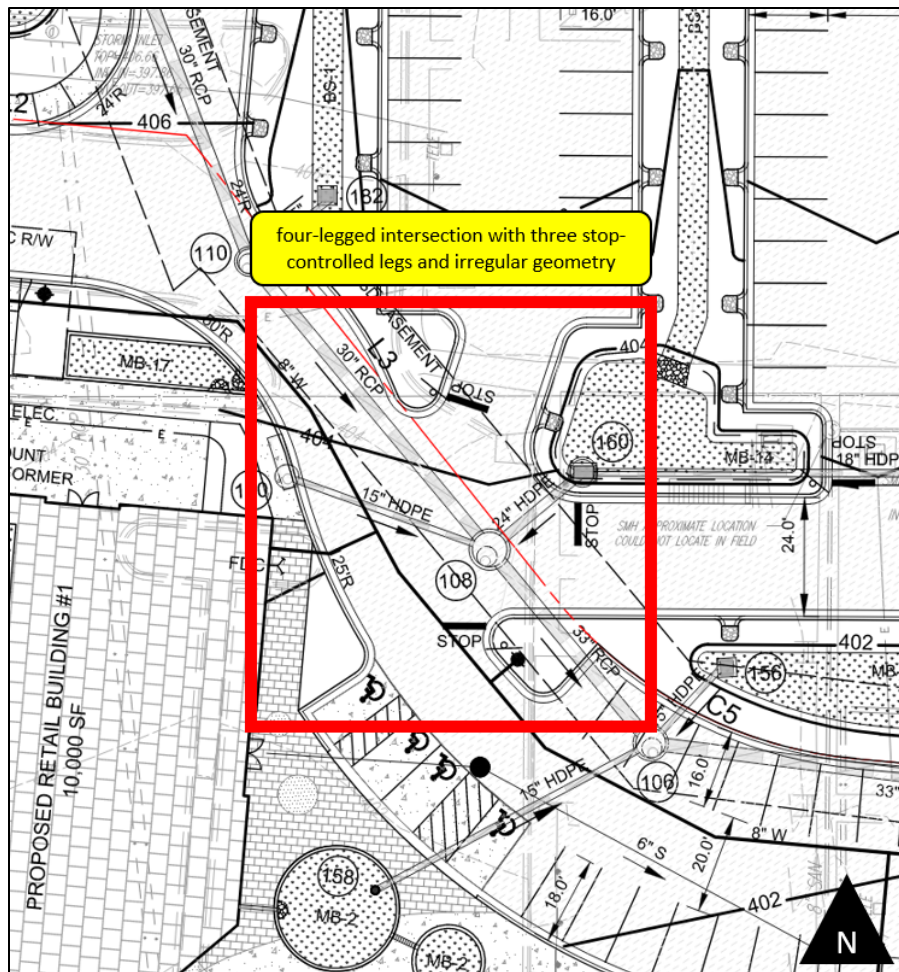


Figure 7 – Location on Lot 37 with Potentially Challenging Internal Circulation

On-Site Loading Operations

The Applicant chose a WB-62 semitrailer truck as the site's design vehicle for loading operations based on the proposed grocery use. This vehicle has a wide turning sweep and is commonly used by grocery retail operations. Truck movements into and out of the site can be made head-in, head-out; however, trucks must turn into the site from the inner lanes and out of the site onto the inner lanes of both Montgomery Village Avenue and Centerway Road. This is common for large vehicles and the Applicant has indicated that deliveries will be made before and after peak hours.

The Applicant agreed to provide mountable loading surfaces on the landscape islands near the grocery loading bay in order to maintain a 24-foot-wide drive aisle despite turning needs. The current plan shows striping in the center-east portion of the site, and the Applicant is required to explore additional mountable paving or inset concrete to create the sense of a tighter parking environment, further slowing traffic.

Bicycle Facilities

The 2018 *Bicycle Master Plan* recommends sidepaths on both sides of Montgomery Village Avenue and a sidepath on the north side of Centerway Road (across the street). The Applicant proposes to provide a ten (10) foot-wide sidepath along its site frontage, including a continuous flush facility over the driveway entrance on Montgomery Village Avenue. A Public Improvement Easement (PIE) of 4.5 feet will be

provided for portions of the sidepath that encroach into the Property. The sidepath will be buffered from the roadway by a nine (9) foot-wide landscape panel which will support new trees. Staff initially explored the retention of the existing trees fronting the site on Montgomery Village; however, as these were in moderate to poor health, Staff, the Applicant's civil engineer, and the Montgomery Village Foundation's leadership coordinated and determined that the best outcome for the project would include a high-quality bicycle facility against a wide landscape panel that could support larger shade trees.

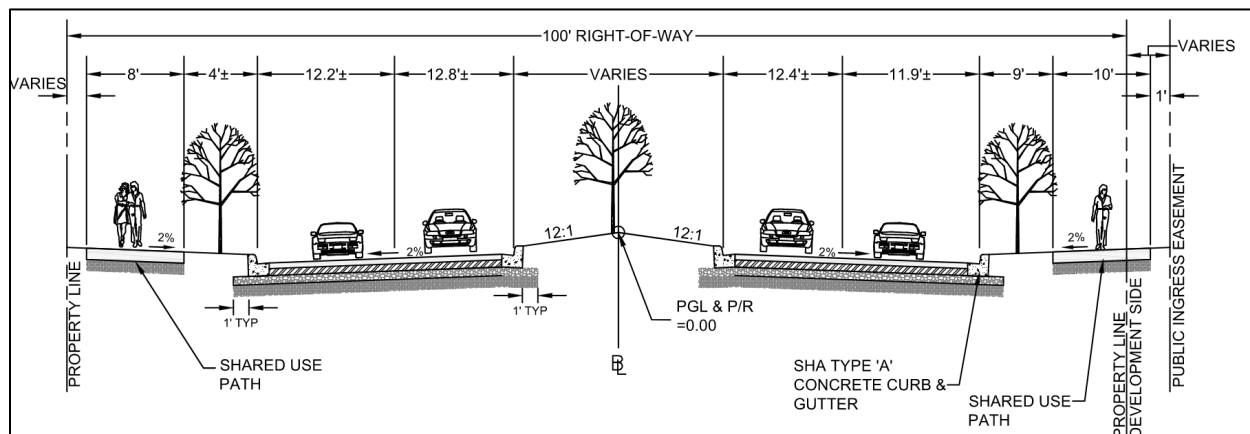


Figure 8 – Montgomery Village Avenue Section

While the Applicant's Site Plan only covers Lot 36, Staff recommends that the Planning Board require the Applicant to provide the sidepath along the frontage of Montgomery Village Avenue between Centerway Road and Whetstone Drive prior to issuance of the Use and Occupancy Certificate. The Applicant must coordinate with the adjoining HOA owner of open space Parcel 4 to get approval to construct the sidepath partially within Parcel 4. If the Applicant is not able to obtain permission to construct this short segment of the sidepath partially on Parcel 4, the portion of the sidepath along Parcel 4 may be reduced to eight feet and the tree panel may be reduced to approximately 4.8 feet so it can be constructed within the right-of-way.

Bicycle Parking

The Applicant is required to provide one long-term and two short-term bicycle parking spaces per Chapter 59 6.2.6. The Applicant will exceed this requirement by providing a bicycle locker proximate to the facility's entry that includes one long-term space, and two code-compliant bicycle racks in the grocery store plaza.

Public Transit Service and Bus Facilities

Four bus stops are located along the frontage of the site, with corresponding stops across the street. The Ride On 58 bus stops located on Montgomery Village Avenue support access to points north at Watkins Mill and Frederick Road and points south at the Washington Metropolitan Area Transit Authority's (WMATA) Shady Grove Metrorail Station. The Applicant proposes to relocate a bus shelter supporting the northern stop further into the site to support the proposed master-planned sidepath facility, and staff supports this assuming the extent of the shelter is covered by a PIE. The Ride On 60 bus stops located on Centerway Road provide transit access between Montgomery Village Center and the Shady Grove Metrorail Station. The 58 and 60 line buses have respective 25 and 30 minute peak-hour headways.

SECTION 4: COMMUNITY CORRESPONDENCE

The Montgomery Village Foundation (MVF) submitted a letter generally supportive of the Project. The letter does express concern about the southern lot (proposed Lot 37), which will remain vacant for the time being. MVF requests that the Applicant remove all existing pavement from proposed Lot 37 and covert it to a grassy open space. The Applicant has agreed to this request, and the plans show the replacement of the majority of existing pavement on Lot 37 with grass.

Additionally, a letter was submitted from a resident of the Thomas Choice Gardens Condominiums located on Club House Road, north of the Subject Property. The letter detailed concerns about the lack of proposed roadway and pedestrian improvements, including a new traffic light, at Centerway Road, Club House Road, and the proposed Lidl's Centerway Road entrance access. The resident requests that MDCOT evaluate current traffic flow in the vicinity of the project to develop a plan to improve safety and address existing speeding and future traffic backups from turning vehicles. This resident's concern is addressed by the condition of approval requiring the Applicant to construct a traffic signal at the intersection of Centerway Road and Club House Road.

SECTION 5: PRELIMINARY PLAN ANALYSIS AND FINDINGS

In making the findings under Section 50-4.2.D of the County Code, the Planning Board must consider the following aspects of the application to approve the Preliminary Plan:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The size, width, shape, and orientation of the proposed lots will be appropriate for the location considering the recommendations of the Master Plan. The Preliminary Plan will accommodate the two phases of development on the Subject Property at an appropriate and efficient location. The proposed lots were reviewed for compliance with the dimensional requirements for the CRT Zone as specified in the Zoning Ordinance. As illustrated in Table 1, the proposed lots will accommodate the anticipated use and meet all the dimensional requirements for open space, lot, density, height, placement, form, and building type in the zone, with an exception related to the Build-to-Area (BTA). Staff recommends that the modified BTA, as result of a platted utility easement, should be approved by the Planning Board under the Site Plan application.

Section 50.4.3.C.1.c states: "Side lines of interior lots must to the extent possible be aligned perpendicular to the road line or radial to a curved road line." Due to the proposed side lot line circumventing the proposed parking arrangement, the proposed plan for Lot 37 does not provide a perpendicular line. Further, MCDPS has requested that all stormwater management facilities that are built in the first phase be constructed on the same lot. Therefore, to accommodate stormwater management facilities, proposed Lots 36 and 37 are delineated with jogs. Considering the need for more flexible commercial lot alignments and a comparison of commercial lot patterns in the vicinity of the Subject Property, the proposed lot lines meet the intent of Section 50.4.2.D.

Table 1 – Development Standards in the CRT Zone¹

	Required/ Allowed	Proposed Lot 36	Proposed Lot 37
1. Site			
Public Open space (min)	10% (19,198 SF)	20% (38,400 SF)	17.1%
2. Lot and Density			
Lot area (min)	n/a	4.41 AC (191,984 SF)	2.11 AC (92,283 SF)
Commercial Density (max)	1.0 FAR/ 191,984 SF	0.16 FAR/ 30,000 SF	0.27 FAR/ 25,000 SF
3. Placement			
<u>Principal Building Setback (min)</u>			
Front- Montgomery Village Ave.	0 FT	57 FT	14 FT
Side street-Centerway Rd	0 FT	19 FT	N/A
Side- abutting nonresidential CRT zone	0 FT	115 FT	20 FT
Rear- abutting residential R-90 Zone	37.5 FT	260 FT	155 FT

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a. Land Use

The Preliminary Plan substantially conforms to the recommendations of the 2016 *Montgomery Village Master Plan* (“Master Plan”) and the project is within the Middle Village area. The Master Plan identifies four specific areas as potential redevelopment sites, including the subject Property (referred to as “Professional Center” - see Figure 14 on page 55; Property #3). The Master Plan provides both general and site-specific guidance for the Property.

The Property confronts the Montgomery Village Center, which is located directly across Montgomery Village Avenue. The zoning recommendations and design guidance in the master plan anticipated complementary redevelopment of both properties, to promote the community’s vision for this area as a mixed-use activity center to become a “great place for all residents to live, work, shop, eat and play.” (p.48) The Master Plan recommended a mixed-use zone with appropriate density levels to achieve a mix of uses as a framework for a lively pedestrian environment.

While the proposal leaves a fair amount of development capacity unused, the development proposed on this Property provides a valuable neighborhood amenity and aligns with the community’s vision in the Master Plan to redevelop this highly visible property.

The Master Plan’s vision is organized by four themes:

- Preserve the Village’s Character
- Maintain the Village’s Public Recreation and Open Spaces

¹ Some development standards may change once the Public Open Space is shown in separate parcels.

- Encourage Reinvestment in the Village
- Enhance the Village's Connectivity

Preserve the Village's Character

The Master Plan recommends, "Ensuring development is compatible in scale and density to adjacent existing residential communities." (p. 51) and to "Consider placing lower density residential uses, if any are proposed in the future, adjacent to existing residences." (p.62).

The proposed building is located at the corner of Centerway Road and Montgomery Village Avenue; therefore, density is located closer to Montgomery Village Avenue and furthest away possible from the adjacent residential community to the east. In addition, the Applicant proposes a relatively large open space to the east of the proposed building, and the Applicant will utilize the Property's sloped terrain to partially set the proposed building into the ground which mitigates the scale of the grocery footprint and makes it more compatible with existing residential development along Centerway Road.

Maintain the Village's Public Recreation and Open Spaces

The Master Plan recommends, "Creating places for community use that are framed and activated by surrounding development and uses, where the public feels welcome to gather and linger." (p.51).

The proposal includes two open spaces; one paved plaza near the building's entrance at Montgomery Village Avenue, and a second greener open space adjacent to the property's entrance on Centerway Road. One of these areas is activated by the retail use; activation alternatives should be considered as part of the future site plan for the second open space area, which connects to existing trails.

Encourage Reinvestment in the Village

The Master Plan recommends, "Providing compact, mixed-use development patterns that have short blocks and building frontages close to the street." (p.50) and "Creating a recognizable center for the community, with identifiable edges to reinforce the form and identity of the center." (p. 51).

The proposed development is compact, the building has been situated to help anchor the corner of Montgomery Village Avenue and Centerway Road, and the Applicant is currently required to install a traffic signal at the intersection of Centerway Road and Club House Road, thus reducing the block length and improving pedestrian safety. The proposed development, in conjunction with the Montgomery Village Center project to the west of Montgomery Village Avenue, help to create a stronger, recognizable center within the Montgomery Village community.

The Master Plan states the following recommendations for Encouraging Reinvestment in Village Center: 1) Contribute to the establishment of a sustainable and competitive village center (page 50); 2) Provide low-density, compatible development adjacent to existing residential communities (page 50); 3) Create places for community use that are framed and activated by surrounding development and uses, where the public feels welcome to gather and linger (page 51); 4) Utilize both hardscape and landscape areas within the public open space (page 51).

The proposed development contributes to the establishment of the Montgomery Village Center and has been designed so the building is situated to anchor the intersection of Montgomery Village Avenue and Centerway Road with an open space closest to the residential development to the east. The open spaces have been designed and appropriately placed with both hardscape and pervious surfaces, which are open to the public to gather and linger.

Enhance the Village's Connectivity

The Master Plan recommends creating “complete streets, that include building frontages close to the street, landscaping, bike facilities, and pedestrian areas that provide safe pedestrian crossings and include sustainable elements.” (p. 51).

The proposal improves pedestrian and bicycle areas along Centerway Road and Montgomery Village Avenue. This includes connections to the public open spaces provided by the application; improved bike facilities and active fronts along Montgomery Village Avenue; and improved landscape that includes retaining mature trees along Montgomery Village Avenue, and additional new trees along both frontages. The proposal also includes connections to existing trails leading east from the property from one of the proposed open spaces, and the Applicant is required to install a traffic signal at the intersection of Centerway Road and Club House Road, which will provide a safe pedestrian crossing of Centerway Road.

b. Environment

The Master Plan encourages reforestation and restoration to protect and enhance environmentally sensitive areas, which the proposal seeks to achieve. The Master Plan states the following recommendations for the Natural Environment: 1) Provide enhanced tree canopy in proposed commercial redevelopment and parking areas (page 39); 2) Incorporate native plants to the maximum extent practicable (page 39); 3) Minimize imperviousness and reduce impervious area, as compared to existing conditions (page 41); and 4) Reduce large impervious areas by incorporating landscape panels in the design of sites (page 41).

The existing Property conditions include a significant amount of imperviousness area with no stormwater management and minimal tree cover. The proposed development will significantly improve the Property by decreasing imperviousness, providing stormwater management facilities for the development, and providing tree canopy coverage of the parking lot as required by the Zoning Ordinance. Therefore, the proposed Project meets the environmental recommendations of the Master Plan.

c. Transportation

The two (2) proposed lots front Montgomery Village Avenue and Centerway Road. The 2018 *Master Plan of Highways and Transitways* classifies each road as an arterial with Montgomery Village Avenue as a 100-foot right-of-way and Centerway Road as an 80-foot right-of-way. Both roads are currently constructed to their recommended widths. Width accommodation of recommended and code-compliant bicycle and pedestrian facilities are discussed under the “Pedestrian Facilities” and “Bicycle Facilities” sections. As previously stated, the 2018 *Bicycle Master Plan* recommends sidepaths on both sides on Montgomery Village Avenue and a sidepath on the north side of Centerway Road (across the street). The Applicant proposes to provide a ten (10)-foot-wide sidepath along the Property frontage, including a continuous flush

facility over the driveway entrance on Montgomery Village Avenue. The Applicant is required to extend this facility slightly off-site to the intersection of Whetstone Drive.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. *Existing Facilities*

The Subject Property is served by access from adjacent major roadways, Montgomery Village Avenue and Centerway Road, which are adequate to accommodate traffic anticipated by the proposed redevelopment.

ii. *Proposed public transportation infrastructure*

Improvements to the driveway on Montgomery Village Avenue, sidewalks, bikeways and the existing bus stop will be constructed as a result of this application. The access point along Montgomery Village Avenue will be restricted to right-in and right-out, while the access point along Centerway Road will continue to allow for full movements. The existing sidewalk along Montgomery Village Avenue will be replaced with a ten-foot wide shared-use path that is wide enough for use by bicyclists and pedestrians.

iii. *Proposed private transportation infrastructure*

Section 59.6.2.4 of the Zoning Ordinance requires a minimum of 105 parking spaces and a maximum of 180 parking spaces for the grocery store use, and a minimum of 88 parking spaces and a maximum of 150 parking spaces for the future retail use. Adequate parking will be provided to support the proposed retail uses, and each proposed lot will independently meet its parking requirements.

b. Local Area Transportation Review (LATR)

The Applicant was required to provide a Local Area Transportation Review (LATR) study based on the projected number of person trips generated by the site. The site currently hosts a vacant office complex. Because the complex was not demolished and has not been vacant for more than twelve (12) years, the Applicant is permitted to credit the office's square footage to determine how many new trips will be added to the network. Table 2 shows the net number of trips added and removed from the network. As shown in Table 2, the Applicant was not required to perform pedestrian, bicycle, or transit adequacy assessments. Appendix 1 (Attachment 10) provides detailed trip generation calculations, including the credit applied.

Table 2 – Final Trip Generation

Multimodal Trip Generation (LATR Guidelines, Montgomery Village/Airpark Policy Area; all values +/- one trip due to rounding)	AM	PM
Net Vehicle Driver Trips	26	154
Net Vehicle Passenger Trips	27	73
Net Transit Trips	-1	3
Net Non-Motorized Trips	5	15
Net New Person Trips	57	245
Local Area Transportation Review Adequacy Tests	AM	PM
Local Area Transportation Review Required? (Are person trips > 50?)	Yes	Yes
Pedestrian Adequacy Test Required? (Are non-motorized + transit trips > 50?)	No	No
Bicycle Adequacy Test Required? (Are non-motorized trips > 50?)	No	No
Transit Adequacy Test Required? (Are transit trips > 50?)	No	No

The Montgomery Village/Airpark is designated as a “yellow” policy area; as such, Critical Lane Volume (CLV) is the measure of effectiveness for intersection operations. This methodology assesses the volume of the most constrained lane-group movement through an intersection against a standard for the policy area, which is 1,425 per the most recent Subdivision Staging Policy (SSP). Table 3 shows that the project will not push studied intersections beyond the 1,425 threshold.

Table 3 – Critical Lane Volume Analysis

Intersection	Existing Conditions		Background Conditions		Total Future Conditions	
	Morning	Evening	Morning	Evening	Morning	Evening
Montgomery Village Avenue & Stewarttown Road	580	608	631	698	631	699
Montgomery Village Avenue & Club House Road	819	816	902	914	901	915
Montgomery Village Avenue & Centerway Road	701	943	773	1,053	785	1,071
Montgomery Village Avenue & Site Driveway	632	693	703	782	720	880
Montgomery Village Avenue & Stedwick Road	992	998	1,072	1,073	1,089	1,100
Montgomery Village Avenue & Midcounty Highway	733	1,072	782	1,152	791	1,191
Centerway Road & Site Driveway/Club House Road	395	509	461	584	493	647
Centerway Road & Goshen Road	1,068	1,132	684	783	684	785
Centerway Road & Snouffer School Road	1,080	944	733	750	733	753

Pedestrian Facilities

As a component of the LATR Review, the Montgomery County Department of Transportation (MCDOT) required the Applicant to provide a signal warrant analysis and Pedestrian Hybrid Beacon (PHB, also known as a “HAWK” signal) warrant analysis for the intersection of Centerway Drive and Site Driveway/Club House Road. The rationale for this request stemmed from the anticipation of the proposed grocery use generating a high degree of pedestrian demand from the housing complexes located due north along Club House Road. Planning staff concurs with MCDOT regarding this assessment. Further, the consultant’s work and further evaluation suggest that a traffic signal is the appropriate signal application at this intersection. As such, Staff has conditioned the Applicant to furnish and install a traffic signal at Centerway Road and Site Driveway/Club House Road. Detailed information about the signal warrant analysis can be found in Appendix 2 (Attachment 10).

c. **School Capacity**

Due to the proposed non-residential use, this Preliminary Plan is not subject to the FY19 Annual School Test.

d. Other Public Facilities and Services

The Property is proposed to be served by public water and sewer. This Application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Comments, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by Staff on April 30, 2019 (NRI/FSD No. 420191630). The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of Rare, Threatened and Endangered species. The Property drains to the Great Seneca Creek, which is a Maryland State Use Class I-P stream. This watershed is not in Special Protection Area. The submitted Preliminary Plan is in conformance with the Montgomery County Planning Department's *Environmental Guidelines*.

b. Preliminary Forest Conservation Plan

The Property is subject to the Montgomery County Forest Conservation Law and the Applicant has submitted a Preliminary Forest Conservation Plan shown in Attachment 3 in conjunction with the Preliminary Plan and a Site Plan. There is no forest existing on this property. Based on the net tract area of 6.82 acres and the CRT zoning designation, development of the Property will result in an afforestation requirement of 1.02 acres. The Applicant proposes to fulfill the afforestation requirement by obtaining credit equal to planting 1.02 acres of forest, or preserving 2.04 acres of forest, in an approved forest bank.

c. Forest Conservation Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The Law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a variance request in a letter dated November 13, 2019. The Applicant proposes to impact one tree and remove five trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Code.

Table 4 – Variance Trees to be Impacted

Tree Number	Species	DBH Inches	Percent CRZ Disturbance	Status	Condition
1	Pin oak (<i>Quercus palustris</i>)	30"	100%	To be removed.	Poor
13	Red maple (<i>Acer rubrum</i>)	38"	100%	To be removed.	Fair
26	Eastern white pine (<i>Pinus strobus</i>)	30"	100%	To be removed.	Fair/Good
29	Pin oak (<i>Quercus palustris</i>)	37"	100%	To be removed.	Good
31	Pin oak (<i>Quercus palustris</i>)	30"	100%	To be removed.	Fair
5	Eastern white pine (<i>Pinus strobus</i>)	31"	30%	To be saved.	Fair

Unwarranted Hardship

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and the conditions of the subject trees. The Property is currently developed with a complex of professional offices, surrounded by surface parking, sidewalks, and roadways. The 6 trees requested to be impacted are all located within narrow green strips around the perimeter of the Property between the pavement and the sidewalks. Development of the Property will require demolition of the existing development, grading, construction of the new building and parking area, frontage improvements, and utility connections. Planning Staff met on-site with the Applicant, the Applicant's engineering firm, and representatives of the Montgomery Village Foundation to carefully evaluate the potential for saving some of the trees. Ultimately, it was determined that the trees, which already show signs of stress and decline due to their limited soil volume, compacted soils, and urban situation, would likely not withstand the additional shock of disturbance due to development. Staff determined that the inability to remove these trees would potentially render the Property undevelopable for this project. Therefore, the Applicant has a sufficient unwarranted hardship to justify a variance request.

Variance Findings

Section 22A-21 of the County Code sets forth the findings that must be made by the Planning Board, in order for a variance to be granted. Staff has made the following determinations in the

review of the variance request and the proposed forest conservation plan:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance of one tree and removal of the five trees is due to the location of the trees and site design requirements. The Applicant proposes mitigation for the five trees being removed. Therefore, granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, the locations of the trees, and necessary design requirements of this project.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not located within a stream buffer, wetland or special protection area. The Applicant proposes mitigation for the removal of these five trees by planting larger caliper trees on-site. The form and function of the existing trees will be replaced as the mitigation trees are planted to compensate for the loss of five specimen trees. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are five trees proposed for removal in this variance request resulting in a total of 165.0 inches of DBH being removed. The Applicant has proposed to provide mitigation for the specimen tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 41.25 inches of replanted trees. In this case, the Applicant proposes to plant 14 three-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. No mitigation is required for trees being impacted but retained.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. As of the date of this Staff Report,

the County Arborist has not provided a letter in response to the variance request.

Variance Recommendation

Staff recommends that the variance be granted.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

There are no known stormwater management facilities located on the Property. In accordance with 2010 MDE Stormwater Management Regulations, the Project will implement micro-scale Environmental Site Design (ESD) practices to the maximum extent practicable. The Project proposes to incorporate 16 at-grade micro-bio-retention facilities, five bio-swale facilities and a green roof, collectively meeting 100% of the ESD volumetric requirement.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

Not applicable.

5. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

Not applicable.

SECTION 6: SITE PLAN ANALYSIS AND FINDINGS

Under Section 59-7.3.4.E.2², the Planning Board must find that the proposed development:

- a. *satisfies any previous approval that applies to the site;*

While the Applicant must comply with the Preliminary Plan under review concurrently with this Site Plan, approval of the Preliminary Plan and Site Plan will supersede the prior approvals for the existing development.

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

Not applicable. The development plan associated with the existing development is no longer applicable under Section 7.7.1.B.5.a.i., because the Property was rezoned by a Sectional Map Amendment and this Application is for approval under the SMA-approved zoning.

² The findings in Section 7.3.4.E.2.j thru Section 7.3.4.E.4 are not applicable to this Application and are not included in this report.

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

Not applicable. Although the zoning classification on October 29, 2014 was the result of a Local Map Amendment, the TS (Town Sector) Zone did not have a green area requirement.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Use and Development Standards

A 30,000 square foot retail/service establishment is a permitted use with no applicable use standards in the CRT Zone. Table 5 demonstrates that the Project satisfies the applicable development standards for the CRT-1.25, C-1.0, R-1.0, H-75 Zone. The Montgomery Village (MV) Overlay Zone requires site plan approval for this Project pursuant to Section 59-4.9.10.D. The MV Overlay Zone also requires Public Open Space to be recorded within a separate lot or parcel with a protective easement or covenant in the land records; this requirement is a condition of approval.

Table 5: CRT Zone Standard Method Development Standards*

Section 4.5.3.C (General Building)

	Required/ Allowed	Proposed
1. Site		
Public Open space (min)	10% (19,198 SF)	20% (38,400 SF)
2. Lot and Density		
Lot area (min)	n/a	4.41 AC (191,984 SF)
Commercial Density (max)	1.0 FAR/ 191,984 SF	0.11 FAR/ 30,000 SF
3. Placement		
<u>Principal Building Setback (min)</u>		
Front- Montgomery Village Ave	0 FT	57 FT
Side street-Centerway Rd	0 FT	19 FT
Side- abutting nonresidential CRT zone	0 FT	115 FT
Rear- abutting residential R-90 Zone	37.5 FT	260 FT
<u>Parking Setback for Surface Parking Lots</u>		
Front/Side street	Behind front/side street building line in the BTA	Behind front/side street building line in the BTA
Side	10 FT to accommodate landscaping under 59-6.2.9	n/a ¹
Rear	10 FT to accommodate landscaping under 59-6.2.9	89 FT
<u>Build-to Area (BTA)</u>		
Front setback (max)	20 FT	62 FT ² (modified BTA)
% of building façade in front street BTA (min)	70%	100% ³
Side street setback (max)	20 FT	20 FT
% of building façade in side street BTA (min)	35%	100%
<p><i>*Some development standards may change based on the Public Open Space parcels.</i></p> <p>¹ Per Section 59-6.2.9.C.3.B.iv, a perimeter planting is not required because the parking lot will abut the parking lot on Lot 37.</p> <p>² Section 4.5.3.C.3.a allows the build-to area setback to be increased by the minimum setback necessary to avoid a platted utility easement, in this case a public storm drain easement shown on Plat No. 8205.</p> <p>³ Within modified BTA.</p>		

	Required/ Allowed	Proposed
4. Height (max)	75'	25'
5. Form		
<u>Building Orientation</u>		
Entrance facing street or open space	required	Provided on Montgomery Village Ave
Entrance spacing (max)	100 FT	Satisfied along Montgomery Village Avenue, not provided on Centerway Rd or east facing façade ⁴
<u>Transparency, for walls facing a street or open space</u>		
Ground story, front- Montgomery Village Ave (min)	40%	40%
Ground story, side/rear- Centerway Rd/ facing east towards open space (min)	25%	25% / 0% ⁴
Blank wall, front- Montgomery Village Ave (max)	35 FT	35 FT
Blank wall, side/rear- Centerway Rd/ facing east towards open space (max)	35 FT	35 FT
⁴ See "Modification of Form Standards" below.		

Modification of Form Standards

Staff recommends that the Planning Board modify certain Building Orientation and Transparency requirements along Centerway Road and the eastern building façade (along the open space) pursuant to Section 59.4.5.3.C.5.a:

Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

An entrance to the proposed grocery store on Centerway Road would present safety concerns and impact operational characteristics such as the location of refrigeration units. In lieu of an entrance, the Centerway Road façade includes enhanced architectural features, lighting, and landscaping to improve the pedestrian experience along Centerway Road.

Relief from the transparency and entrance requirements for the eastern building façade that faces the open space is warranted due to the location of the loading and back of house operations for the grocery store along the eastern side of the building. The Applicant has provided additional architectural articulation and landscaping to soften this building façade and to provide enclosure for the adjacent open space.

General Requirements

Division 6.1 Site Access

The Applicant proposes to maintain the site's two separate vehicular access points, located on Montgomery Village Avenue and Centerway Road. Typically, only one site access point is allowed on a corner lot per Section 59.6.1.4.E, and that access point must be located on the lowest volume road. Because the Applicant has subdivided the existing property into two separate lots, it is permitted to retain both access points. The access point on Montgomery Village Avenue will be located on proposed Lot 37, future retail site, and the access point on Centerway Road will provide access to proposed Lot 36, the proposed grocery use.

Despite separate access locations, the Applicant intends to allow shared parking upon the future development of proposed Lot 37, and as such both access points will support the grocery use proposed via Site Plan No. 82020030. Both curb cuts are proposed to be 30-feet-wide and comply with the requirements of Chapter 59.6.1.4.A. The access points' curb radii are shown at 25-feet, which are necessary to accommodate truck access into and out of the Property.

In addition, pedestrian and bicycle access will be enhanced by a new shared use path along Montgomery Village Avenue and an improved streetscape along the Property frontage.

Division 6.2 Parking and Loading

As demonstrated by Table 6, the proposed development satisfies the parking and loading requirements of Division 6.2.

Table 6: Parking and Loading Requirements

	Required/Allowed	Proposed
Vehicle Parking Spaces (Reduced Parking Area)	105 min/150 max (3.5 per 1,000 SF min/ 6 per 1,000 SF max)	138
Accessible	5	5
Motorcycle/scooter	3	4
Car-share	1	1
Electric charging ready	2	2
Bicycle Parking Spaces (1 per 10,000 of GFA, 15% long term)	3 (1 long term)	5 (1 long term)
Loading Spaces	1	1
Parking Lot Internal Landscaped Area	5%	26%
Parking Lot Tree Canopy	25%	45%
Parking Lot Perimeter Planting width, abutting residential	10 FT	24 FT

Division 6.3 Open Space

Two areas of Public Open Space are provided on the Site. One area is a plaza located in front of the proposed grocery store along Montgomery Village Avenue. This space includes landscaping, seating, and colored concrete. The other area is located along Centerway Road and includes a grassy area, landscaping and seating. The Site Plan provides 46,796 square feet of Public Open Space, well in excess of the amount required by the zoning code. The open space satisfies the following Public Open Space design requirements for a standard method project under Section 6.3.6.B.1:

- a. about a public sidewalk or other public pedestrian route;
- b. be a minimum of 15 feet wide;
- c. include seating and shade; and
- d. be in a contiguous space (the eastern area alone satisfies the 10% open space requirement).

Division 6.4 General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that the Project will be safe, adequate, and efficient for year-round use. The Project provides street trees, other plantings, and appropriate outdoor lighting to illuminate streets and sidewalks.

e. satisfies the applicable requirements of:

- i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*
- ii. Chapter 22A, Forest Conservation.*

Stormwater Management

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section issued a letter dated December 24, 2019 to approve the Site Development Stormwater Management Plan. The plan proposes the use of microbio-retention, bioswales, planter boxes and a green roof to meet required stormwater management goals.

Final Forest Conservation Plan

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Environmental Guidelines and the Forest Conservation Law.

The Final Forest Conservation Plan (FFCP No. 820200030) for the Application is being reviewed as part of the Site Plan. The FFCP substantially conforms to the PFCP. In addition to the requirements of the PFCP, the FFCP is also showing the species and planting locations of the Variance Mitigation Trees required as a part of the Variance approval sought under the PFCP. The FFCP also reaffirms that the Applicant seeks to fulfill their required 1.02 acres of afforestation by obtaining credits in an approved off-site forest conservation bank.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

Parking, circulation, building massing, open spaces, and site amenities will be safe and well-integrated into the proposed development.

Parking and Circulation

The proposed parking is behind the front building line allowing for a safe and attractive pedestrian streetscape. Internal circulation is provided by two 24-foot wide circulation aisles, which encircle nine rows of perpendicular parking. The Applicant agreed to reduce all internal parking aisles to be 20-foot wide to support reduced speeds and larger landscape islands.

Building Massing

The proposed building has been pulled up to Montgomery Village Avenue and Centerway Road to help enliven the streetscape and enhance the pedestrian environment. The one-story building is consistent with other commercial buildings in the area.

Open Spaces and Site Amenities

Two areas of Public Open Space are provided on the Site. One area is a plaza located in front of the proposed grocery store along Montgomery Village Avenue. This space includes landscaping, seating, and colored concrete. The other area is located along Centerway Road and includes a grassy area, landscaping and seating. The Public Open Space areas will significantly improve the streetscape and pedestrian experience along the Property frontage.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the Preliminary Plan section of the report, the proposed Project substantially conforms with the recommendations of the 2016 *Montgomery Village Master Plan*.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As described in the Preliminary Plan section of this report, the Project will be served by adequate public services and facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable; the Property is not in a Rural Residential or Residential Zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing adjacent development. The scale of the proposed building is consistent with other commercial uses in the area and the grocery store will provide a convenient service within walking distance of many existing neighborhoods. Further, the grocery store will be an asset to the new residential development proposed just to the west of the Property across Montgomery Village Avenue.

SECTION 7: CONCLUSION

The Applications meet all applicable requirements of County Code Chapters 50, the Subdivision of Land and 59, the Zoning Ordinance. The PFCP and FFCP meets all applicable requirements of Chapter 22A, the County Code. Access and public facilities will be adequate to serve the proposed lot and the proposed development conforms with the 2016 *Montgomery Village Master Plan*. The Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the applications. Therefore, Staff recommends approval of Preliminary Plan No. 120200020 and Site Plan No. 820200030, with the conditions listed at the beginning of the Staff Report.