



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

MCPB No. 21-096  
Preliminary Plan No. 120210090  
Shops at Travilah  
Date of Hearing: September 9, 2021

**NOV 15 2021**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on February 24, 2021, Travilah-WHM, LP ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 1.96 acres of land in the NR-0.75 zone, identified as Parcel (P160), identified on Tax Map FR32, located on the south side of Travilah Road, approximately 250 feet west of its intersection with Piney Meetinghouse Road ("Subject Property"), in the North Potomac Policy Area and 2002 *Potomac Subregion Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120210090, Shops at Travilah ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 27, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 9, 2021, 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 9, 2021, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Patterson and Verma voting in favor .

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Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120210090 to create one (1) lot on the Subject Property, subject to the following conditions:<sup>1</sup>

**General Approval**

1. This Preliminary Plan is limited to one (1) lot for up to 18,443 square feet of non-residential uses, to include 5,681 square feet of retail or restaurant uses and 12,762 square feet of day care for up to 195 children<sup>2</sup>.

**Adequate Public Facilities**

2. The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for five (5) years from the date of mailing of this Planning Board Resolution.

**Plan Validity Period**

3. The Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

**Reviewing Agencies**

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 13, 2021 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.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated December 15, 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 MCDPS – Water Resources Section if the

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

<sup>2</sup> The uses may be changed through a minor amendment to this Preliminary Plan or at the time of Site Plan approval, if applicable, subject to satisfying any relevant adequate public facilities findings.

amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated June 22, 2021 and 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 amendment does not conflict with other conditions of Preliminary Plan approval.

### **Other Approvals**

#### **Environment**

8. Prior to certification of the Preliminary Plan, or acceptance of a Site Plan, whichever comes first, the Applicant must submit a Noise Analysis for the Subject Property to determine the projected interior and exterior noise levels for the proposed development. The results of the Noise Analysis may require a Barrier Analysis at Site Plan with resulting recommended mitigation measures to be included on the Site Plan.
9. Prior to the start of any clearing, grading or construction for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.31 acres of afforestation/reforestation requirement.
10. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
11. The approved Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.

#### **Future Site Plan Approval Required**

12. Before approval of a record plat or any clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.
13. If an approved 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.

## **Transportation**

### **Existing Frontage Improvements**

14. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a) All land necessary to accommodate thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage for Travilah Road.
15. Unless modified as part of a subsequent Site Plan, prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six (6)-foot wide sidewalk along the Property frontage on Travilah Road.

### **Off-Site Improvements**

16. Prior to the recordation of plat(s), the Applicant must ensure construction of the following off-site improvement(s) by satisfying MCDOT requirements to construct a 6-foot wide sidewalk on the south side of Travilah Road that extends approximately one hundred and sixty-five (165) feet, from the northeast corner of the Subject Property to Piney Meetinghouse Road. Final details including, but not limited to, dimensions, alignment, and cross-section of the offsite improvements to be determined at Site Plan approval.

## **Record Plats**

17. Except for demolition of the existing structures, there shall be no clearing or grading of the site prior to recordation of plat(s).

### **Easements**

18. The record plat must show necessary easements.

## **Certified Preliminary Plan**

19. The Applicant must include all approval letters and the Preliminary Plan Resolution on the approval or cover sheet(s).
20. The certified Preliminary Plan must 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. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

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

1. *The layout of the subdivision, including size, width, shape, orientation and density 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 Application has been reviewed for compliance with Chapter 50, the Subdivision Regulations and the dimensional requirements for the NR zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the NR zone. A summary of this review is included in Table 1 of the Staff Report.

The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Master Plan and proposed retail restaurant and daycare uses. Retail, Restaurant, and Day Care Center (Over 30 Persons) are all permitted uses in the NR zone and the proposed lot provides sufficient space to accommodate the proposed development and the infrastructure necessary to support it, such as parking, stormwater management, landscape screening and open space, while respecting the established setbacks.

The minimum parking requirement for the Retail/Restaurant building was calculated using the Retail rate, which is higher than the restaurant rate. This allows flexibility in the future use of the commercial building.

An illustrative landscaping plan has been provided with the Preliminary Plan to illustrate that the lot can adequately accommodate the use and screening required in accordance with Section 6.2.9.C. for a surface parking lot with 10 or more spaces. Prior to Record Plat, Site Plan approval is required because the Applicant is proposing permitted uses greater than 10,000 SF and abuts property zoned Residential (R-200).

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

The Preliminary Plan substantially conforms to the recommendations within the 2002 *Potomac Subregion Master Plan* ("Master Plan"). The Property is within the North Potomac Community Area and the North Potomac policy area of the Master Plan, which is the most densely developed of all of the Potomac communities. The Master Plan confirmed the commercial (now NR-0.75) zoning for the Property but does not address it with specific recommendations.

The Application substantially conforms to the Master Plan's general design recommendations with the provision of attractive streetscaping, the installation of a 6-foot-wide sidewalk along the Property frontage and the provision of shade trees within the parking areas.

It also provides stormwater management on a currently untreated site using bioretention, a structural filtering device and an overall reduction of site imperviousness. Providing stormwater management "according to current standards" to the maximum extent practicable is consistent with the Master Plan's focus on sustainable development (Pg.33). In addition, the proposed sidewalk along Travilah Road will "encourage community access" to the surrounding neighborhoods and the Property.

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

#### Roads and Other Transportation Facilities

Transportation access is adequate to serve the development proposed by this Preliminary Plan. The Application has been reviewed by the MCDOT who in their letter dated August 13, 2021, determined that the lot has adequate vehicular access and sight distance.

#### Existing Facilities

The Subject Property is accessed from Travilah Road identified by the 2018 *Master Plan of Highways and Transitways* (p.47) as a two-lane minor arterial road with a 70-foot right-of-way (ROW). The Applicant is dedicating 2,972 square feet of right-of-way to achieve 35 feet from the centerline, consistent with the Master Plan recommendation.

#### Public transportation infrastructure

The Applicant is installing a six-foot wide sidewalk along the Property frontage for pedestrians which will connect the Property to an existing bus stop, located at the western corner of the Property, which is being upgraded by the Applicant. The Applicant also plans to extend the sidewalk off-site from the proposed driveway east along the frontage of Parcel 113 to the intersection with Piney



Meetinghouse Road, subject to a third-party agreement to allow grading on the Quarry Property.

Private transportation infrastructure

Short-term and long-term bicycle parking/storage are provided onsite. An inverted U-rack in a visible location adjacent to the retail building will provide two short-term bicycle parking spaces and three long-term bicycle spaces will be located inside the retail building (or daycare building). Parking space dimensions and drive aisle widths meet the standards set by Section 6.2.5.G. of the Zoning Ordinance. Bicycle access to the Project will be via the existing paved shared use path located on the north side of Travilah Road, which connects to an existing bikeway network.

An internal pedestrian corridor leads from the sidewalk along Travilah Road directly through the center of the site to access the retail in the front and the daycare center in the back. The site vehicular access point has been reduced in size to limit crossing distance and slow incoming and outgoing vehicular speeds to improve pedestrian safety. Vehicle and pedestrian access for the subdivision will be adequate with the proposed improvements.

Local Area Transportation Review (LATR)

The transportation Adequate Public Facilities test is satisfied under the 2016-2020 Subdivision Staging Policy as the Preliminary Plan application predates the approval of the 2020-2024 County Growth and Infrastructure Policy. Transportation access is adequate to serve the development proposed by this Preliminary Plan.

The Preliminary Plan for 5,681 square feet of retail and a 12,762 square foot daycare center generates 144 person trips during the AM weekday peak period and 144 person trips during the PM weekday peak period based on the trip generation rates included in the 2017 LATR Guidelines. Because the Application generates over 50 peak hour person trips, a traffic study was required and submitted on December 8, 2020.

*Table 2: Site Person Trip Generation*

Use	Application	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Existing (Credit)</b> Retail	<i>Driveway Counts</i>	9	5	14	13	11	24
<b>Proposed:</b> Variety Store (ITE 814)	5,681 SF	10	8	18	20	19	39
<b>34%</b> <i>Pass-by</i>		-	-	-	-7	-6	-13

<i>Reduction</i>							
Day Care Center (ITE 565)	12,762 SF	74	66	140	67	75	142
<b>Net New Peak Hour Person Trips</b>		<b>75</b>	<b>69</b>	<b>144</b>	<b>67</b>	<b>77</b>	<b>144</b>

Four intersections were analyzed as shown in Table 3. As per Planning Department Covid-19 Policy, counts were based on previous recent pre-pandemic counts and adjusted to account for predicted growth.

*Table 3: Critical Intersection Capacity Analysis*

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<b><i>North Potomac Policy Area (CLV 1,450)</i></b>						
Travilah Road and Lake Winds Way / Potomac Edge Way	720	832	757	893	769	909
Travilah Road and Piney Meetinghouse Road	759	947	780	980	825	1024
Piney Meetinghouse Road, Cavanaugh Drive, and Shady Grove Road	805	847	819	930	846	942
Travilah Road and Site Driveway / School Access	771	701	808	762	953	901

All intersections analyzed will perform well under the 1,450 CLV policy limit; no vehicular mitigation is required for this application.

Transportation access is adequate for the proposed development by this Preliminary Plan. As conditioned, this Preliminary Plan is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and 2002 *Potomac Subregion Master Plan*.

#### Other Public Facilities and Services

The Subject Property is currently served by existing water lines that will be abandoned as part of the redevelopment. A new 8-inch water line will be extended from the existing 16-inch main in the right-of-way, which according to WSSC is capable of serving the proposed buildings. A new 6-inch sewer line will connect to the existing 8 inch main, also in the right-of-way.



The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, who determined that the Property has adequate access for fire and rescue vehicles. The Application has received an approved Fire Access Plan based on the letter dated June 22, 2021.

A 10-foot public utility easement is being provided parallel to the right-of-way which will be sufficient to accommodate future utility installation. All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed lot.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420200480 for the Property was approved on October 24, 2019. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property does not contain any forest. There are no streams, wetlands, 100-year floodplain, highly erodible soils, or slopes greater than 25% located on or immediately adjacent to the Property. There are two small areas of wetland buffer totaling 877 square feet on the Property; one located in the northwest corner of the Property, adjacent to Travilah Road, and the other in the southwest corner, at the rear of the Property. No trees greater than or equal to 24" DBH were identified on site; however, seven trees greater than or equal to 24" DBH were identified adjacent to the site, three of which are 30" DBH and greater.

Environmental Guidelines

The Application impacts the wetland buffer located in the northwest corner of the Property, along Travilah Road. The impacts are within the right-of-way and public utility easement along Travilah Road for the construction of a sidewalk, bus stop, and storm drain to serve the Property and surrounding area. The impacts are minimal and within the right-of-way, and no mitigation is recommended.

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan (FCP) for the Application was submitted with the Preliminary Plan. The net tract area for forest conservation is 2.04 acres, which includes the 1.96-acre site and 0.08 acres of offsite disturbance for improvements along Travilah Road and utility connections. There is no forest on the Property and the

resulting afforestation requirement of 0.31 acres will be satisfied through fee-in-lieu as noted on the FCP. Per Section 22A-12(g)(2), an Application with a planting requirement of less than 0.5 acres with no on-site priority or other appropriate areas available for planting may meet the planting requirement via fee-in-lieu.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on December 15, 2020. The Application will meet stormwater management goals through a variety of techniques including micro bioretention and a structural filtering device. As conditioned in MCDPS's letter, necessary revisions to the stormwater concept will be submitted at the time of Site Plan, including investigating additional ESD treatment options that can reduce reliance on the proposed structural device.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 NOV 18 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of

administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, October 28, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board