



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

MCPB No. 21-122  
Site Plan No. 81994029F  
Milestone Center Walmart  
Date of Hearing: November 4, 2021

**NOV 9 2021**

**RESOLUTION**

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

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

WHEREAS, on August 18, 1994, the Planning Board approved Site Plan No. 819940290 for 713,060 square feet of commercial/retail space and 191 dwelling units (which included 115 single-family attached, 76 multi-family, and 18 MPDUs) on 127.2 acres of RMX-1/RMX-3 zoned land, located in the southwest quadrant of the intersections of MD-355 (Frederick Road) and MD-27 (Ridge Road);

WHEREAS, on July 20, 1995 (mailed August 7, 1995), the Planning Board approved the Site Plan Amendment No. 81994029A; which increased the overall density to 800,000 square feet and the total acreage to 133.3 acres; this amendment also clarified that 24 MPDUs should be provided instead of 18 and increased the amount of parking provided for the entire shopping center;

WHEREAS, on November 16, 1995 (mailed November 28, 1995), the Planning Board approved the Site Plan Amendment No. 81994029B; which allowed 6 of the 24 MPDUs to be provided elsewhere within the Milestone development;

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

WHEREAS, on January 19, 2012 (MCPB No. 12-11) the Planning Board approved the Site Plan Amendment No. 81994029D; for modifications to the Walmart

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Approved as to  
Legal Sufficiency: Matthew T. Mills  
M-NCPPC Legal Department

site for the expansion of the existing building by 15,863 square feet, adjustments to the parking facilities, modifications to the stormwater management facilities and revisions to the Landscape and Lighting plans; and

WHEREAS, on September 13, 2018 (MCPB No. 18-092) the Planning Board approved Site Plan Amendment No. 81994029E; to convert an existing building in the Milestone Shopping Center from a restaurant to a medical clinic facility, to expand that building by 1,468 square feet, to relocate the handicap parking stalls, to modify the architectural façade, and to revise the Landscape and Lighting plans associated with that site; and

WHEREAS, on April 7, 2021, Walmart Stores, Inc. ("Applicant"), filed an application for approval of an amendment to the previously approved site plans for approval of the following modifications:

1. Expand the existing Walmart building by 1,964 square feet (for a total of 167,262 square feet) to accommodate a pick-up service for online grocery orders, including ten (10) new short-term parking spaces;
2. Reconfigure the side parking lot to accommodate the building addition, resulting in the removal of six (6) parking spaces;
3. Remove six (6) shopping car corrals to allow for vehicular parking in those spaces;
4. Relocate the pallet and bale storage area to the southwest corner of the site;
5. Provide 17 bicycle parking spaces (14 short-term and 3 long-term);
6. Conduct minor repairs to the concrete and bollards near the front entrances of the building; and
7. Modify the landscaping near the new building addition; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81994029F, Milestone Center Walmart ("Site Plan," "Amendment," 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 October 22, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 4, 2021, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81994029F, subject to the following conditions:

Modified Condition:

Remove Condition 5.b. from Site Plan No. 81994029D: ~~Total proposed expansion of the Walmart site under the subject Site Plan application is limited to 15,863 square feet shown on the Site Plan and analyzed in the traffic study.~~

New Conditions (numbering based on conditions of approval of Site Plan No. 81994029D):

11. Site Plan  
All site development elements shown on the latest electronic version submitted via ePlans to the M-NCPPC as of the date of this Staff Report are required.
12. Density  
Total proposed expansion of the Walmart building under the subject Site Plan application is limited to 1,964 square feet as shown on the Site Plan, for a total of 167,262 square feet on the Walmart site and still within the 800,000 square feet approved in Site Plan No. 81994029A for the entire Milestone Shopping Center.
13. Stormwater Management  
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated April 14, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
14. Fire and Rescue  
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated August 20, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth

in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit related to the development proposed by this Application, 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-D-3.5(d) of the Montgomery County Zoning Ordinance in effect on October 29, 2014, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, bike racks, walls, fences, sidewalks, and associated improvements. The surety must be posted before issuance of any building permit associated with the development under this Application 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. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the development.

BE IT FURTHER RESOLVED that all other site plan conditions and terms of approval, including but not limited to all those contained in all previously-approved Resolutions recited herein, for this project remain valid, unchanged and in full force and effect, except as may be specifically modified herein.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

The Subject Property was originally approved as part of the larger Milestone Shopping Center development. The original Project Plan No. 919900060 and ~~Preliminary Plan No. 119901710~~ were amended concurrently with new Project Plan No. 919930030, revised Preliminary Plan No. 11901710, was amended by Project Plan No. 919930030 concurrently with the approval of Preliminary Plan No. 119901710 to allow 750,000 square feet of retail development and 313 multi-family residential units. Original Site Plan No. 819940290 was then approved for 713,060 square feet of retail and 191 dwelling units (115 single-family attached and 76 multi-family units). The Project Plan was then amended as Project Plan No. 919950010 concurrently with revised Preliminary Plan No. 119901710 and Site Plan Amendment No. 81994029A in 1995 for 800,000 square feet of retail use, 115 single-family attached units, and 76 multi-family units on 136.4 133.3 acres. The additional 1,964 square feet of gross floor area proposed with this Amendment brings the total amount of development to 777,173 square feet on 136.4 133.3 acres, which is within the commercial/retail density limit approved by the amended Project, Preliminary, and Site Plans.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Subject Property is currently zoned CRT-0.75 C-0.5 R-0.25 H-65 T/TDR 1.29, but is being reviewed under the RMX-3/TDR zone, which was the zoning in effect prior to October 30, 2014, consistent with the grandfathering provisions of Section 7.7.1.B.3 of the Montgomery County Zoning Ordinance. The Amendment does not propose a change in use.

Table 1 indicates the proposed development's compliance with the Zoning Ordinance. Only the standards that are affected by the proposed amendment are listed; a comprehensive modified data table is included on the Certified Site Plan. The building setbacks along the roadway will remain the same; however, 396 square feet of greenspace will be removed with the Amendment. The total required greenspace for the retail portion of the Milestone development is 20%, or 14.4 acres of the 72-acre shopping center, whereas 15.4 acres, or 21%, of greenspace was provided per amendment 81994029A. This greenspace was divided across the entire shopping center, but the 2.45 acres of greenspace provided on the Walmart site under the "A" amendment still rounds to 2.45 acres with this Amendment and still exceeds the total required amount. No building setbacks have been established from the internal lot lines. As demonstrated in Table 2 below, the Amendment satisfies the applicable standards of the RMX-3 Zone.

**Table 1. Project Data Table for overall development<sup>1</sup>**

| <b>Development Standard</b>  | <b>Zoning Ordinance Allowed/Required</b>   | <b>Previously Approved Site Plan for Milestone Shopping Center (81994029E &amp; 919950010)</b> | <b>Proposed for Amendment (81994029F)</b>            |
|--|--|--|--|
| <b>Total Property Area</b><br><b>Retail Center</b><br><b>RMX-1</b><br><b>RMX-3</b> | N/A  | 133.3 acres<br>77.0 acres<br>5.0 acres<br>72.0 acres   | 133.3 acres<br>77.0 acres<br>5.0 acres<br>72.0 acres |
| <b>Gross Leasable Area (RMX-1 &amp; RMX-3 combined)</b>                            | 1,300,000 SF   | 800,000 SF   | 777,173 SF   |
| <b>Automobile Parking Spaces</b>   | 4,275 spaces (based on 5.5 spaces per 1,000 square feet for regional shopping center) <sup>2</sup> | 4,339 spaces   | 4,343 spaces   |

**Table 2. Project Data Table for the RMX-3 Zone, Optional Method of Development (Walmart site only)**

| <b>Development Standard</b>     | <b>Zoning Ordinance Allowed/Required</b> | <b>Previously Approved Site Plan for Walmart (81994029D)</b> | <b>Proposed for Amendment (81994029F)</b> |
|---------------------------------|--|--|---|
| <b>Property Area</b>            | N/A                                      | 15.32 acres  | 15.32 acres                               |
| <b>Building Coverage</b>        | N/A                                      | 165,298 SF   | 167,262 SF                                |
| <b>Max Commercial Density</b>   | 0.5 FAR                                  | 0.25 FAR   | 0.25 FAR                                  |
| <b>Minimum Green Space Area</b> | 20% (14.4 acres)                         | 16% (2.45 acres)   | 16% (2.45 acres) <sup>3</sup>             |

<sup>1</sup> The overall development area of the Milestone Shopping Center consists of both RMX-1 and RMX-3 zoning and also includes housing units.

<sup>2</sup> This is a general calculation for the overall site; individual uses within the Milestone Center may have reduced parking rates.

<sup>3</sup> There will only be a negligible change to the amount of green space on the Walmart property. Per the original approval, the total amount of green space was divided up over the entire Milestone Shopping Center.



|                                  |  |            |   |
|----------------------------------|--|------------|---|
| <b>Automobile Parking Spaces</b> | 920 (based on 5.5 spaces per 1,000 square feet for regional shopping center) | 827 spaces | 831 spaces <sup>4</sup>                   |
| <b>Bicycle Parking Spaces</b>    | 17 (based on 1 per 10,000 square feet of GFA; 15% long-term) <sup>5</sup>    | N/A        | 17 (14 short-term and 3 long-term spaces) |

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

#### Buildings and Structures

The location of the building remains safe, adequate, and efficient on the Subject Property. The 1,964-square-foot addition is a very modest change given the total size of the building. The expansion does not cause any negative impacts to building massing or setbacks on the Property given the small scope of the Amendment.

#### Landscaping and Lighting

The landscaping and lighting will remain safe, adequate, and efficient. Due to the reconfiguration of the parking lot near the building expansion, the Amendment proposes to remove five existing young shade trees, but these will be replaced with five shade trees in the rebuilt parking lot close to where the trees are being removed.

The proposed building addition will have new wall-mounted lighting units that provide illumination for the ten (10) new short-term parking spaces for order pick-up.

#### Pedestrian and Vehicular Circulation

Pedestrian and vehicular access to the site remains unchanged and remains safe, adequate, and efficient. Pick-up directional pavement markings throughout the parking lot and entries have been added to guide customers to the proposed pick-up service area.

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<sup>4</sup> Parking spaces are shared throughout the Milestone Shopping Center. The overall total number of parking spaces provided still exceeds the minimum required number for the shopping center.

<sup>5</sup> Bicycle parking requirement based on 2014 Zoning Ordinance

The relocated pallet and bale storage area is proposed near the southwest corner of the Property. It will be constructed over existing pavement in the parking lot in an area typically used to store cargo containers. Although this area is located in the path of general circulation for vehicles, it is not heavily trafficked and is located in the rear of the building. The Department of Permitting Services, Fire Department Access and Water Supply Section determined that this Application has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access plan dated August 20, 2020.

Pedestrian access will be updated to include proposed ADA complaint crosswalks and a 5-foot sidewalk to the entry of building.

The 2018 *Bicycle Master Plan* recommends a sidepath along the frontage of the Subject Property along Observation Drive and separated bike lanes along Shakespeare Boulevard. Due to the limited scope of this Site Plan application, no dedication or bicycle facilities are required as part of this application.

#### Parking

Six (6) of the shopping cart corrals in the main parking lot will be removed and replaced by regular vehicular parking spaces. The conversion of shopping cart corrals to parking spaces is to replace the six (6) parking spaces being removed due to the new building addition. Therefore, the number of parking spaces for regular customers will remain the same.

Ten (10) short-term parking spaces for order pick-up will be added and will be directly accessed from a drive aisle that sees minimal traffic given its location close to the rear of the store. These ten spaces will access the proposed building entrance via a well-marked crosswalk running behind the parking spaces as can be seen in **Error! Reference source not found.** and **Error! Reference source not found.** above. As a result of this Application, the Property will have 831 parking spaces, an increase of four (4) spaces. As proposed, parking is adequate for this Amendment application.

Although prior site plans for the Milestone Shopping Center have not included bicycle parking, the Applicant has agreed to provide the number of spaces required by the new Zoning Ordinance, even though the Application is being reviewed under the old Zoning Ordinance. The current standard in the C/R zones is 1 space per 10,000 square feet of gross floor area (GFA). Given the proposed 167,262 square feet under this Amendment, the Applicant has agreed to provide 17 bicycle parking spaces. In addition, 15% of the total bicycle parking spaces are required to be long-term spaces. Therefore, the Applicant proposes 7 bike racks to provide 14 short-term spaces, and 2 bike lockers to provide 3 long-term spaces



located near the front entrance. As proposed, bicycle parking is adequate for this Amendment Application.

Local Area Transportation Review (LATR)

The proposed Amendment for the addition of approximately 2,000 square feet of storage area in support of the already existing pick-up delivery service does increase the amount of retail square footage of the building. However, because this Amendment is to support the existing customers of the store, the additional storage area will not increase the number of peak hour person trips, and thus this Application is exempt from additional Local Area Transportation Review (LATR).

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

The proposed changes are compatible with and should have no discernible impact on the adjacent and confronting uses. The building addition is quite small compared to the overall size of the Walmart store and should create a more attractive façade on the side of the building compared to the existing pallet and bale storage area it will replace. The relocated storage area will be well screened by a wide area of existing landscaping between the storage area and the surrounding streets.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Amendment meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. The Milestone Shopping Center development is exempt from the requirements of Chapter 22A (Forest Conservation Law) because the original Preliminary Plan (Plan No. 119901710) was approved prior to the adoption of the Forest Conservation Law in 1992. The Applicant has filed for and received confirmation of a Forest Conservation Exemption request, plan number 42020007E, since the proposed modifications will not remove more than 5,000 square feet of forest, do not affect any forest in a stream buffer or located on property in a special protection area, the modifications do not require approval of a new subdivision plan, the developed area has not increased by more than 50% and the existing development is maintained, and the development does not include residential uses. The Amendment is exempt from stormwater management requirements under Chapter 19, Section 19-31(c) because the overall disturbance is less than 5,000 square feet.

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

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


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 29 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 Rubin, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion at its regular meeting held on Thursday, November 18, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board