

MD-GERMANTOWN #2560

SITE PLAN AMENDMENT NO. 81994029G



**Description**

Amendment to expand the existing Home Depot by 2,232 square feet for a Tool Rental Center and modify circulation and landscaping; CRT-0.75, C-0.5, R-0.25, H-65 T/TDR: 1.29 zone (Reviewed under the former RMX-3/TDR: 1.29 zone); located on Frederick Road, approximately 1,500 feet south of Ridge Road in the Milestone Shopping Center; 11.62 acres; 2009 *Germantown Employment Area Sector Plan*.

No. 81994029G

Completed: 7-15-2022

MCPB

Item No. 6

7-28-2022

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

## Planning Staff

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### LOCATION/ADDRESS

21010 Frederick Road, Germantown  
(southwest quadrant of the intersection of MD  
355 and Ridge Road)

### MASTER PLAN

2009 *Germantown Employment Area Sector  
Plan*

### ZONE

CRT-0.75 C-0.5 R-0.25 H-65 T and TDR 1.29,  
but reviewed under the former RMX-3/TDR  
zone

### PROPERTY SIZE

11.62 Acres

### APPLICANT

HD Development of MD, Inc.

### ACCEPTANCE DATE

December 29, 2021



### Summary:

- Staff recommends approval of the Limited Major Site Plan Amendment with Conditions.
- Per Section 7.7.1.B.3, this Amendment was reviewed under the provisions of the Zoning Ordinance in effect prior to October 30, 2014.
- Forest Conservation Plan Exemption 42019037E under Chapter 22A-5(t)(1) was granted for the Application.
- No community correspondence has been received as of the date of this Staff Report.

## TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS .....	3
LIMITED MAJOR SITE PLAN AMENDMENT NO. 81994029G .....	3
SECTION 2: SITE DESCRIPTION.....	5
VICINITY.....	5
PROPERTY DESCRIPTION.....	6
SECTION 3: PROJECT DESCRIPTION .....	7
PREVIOUS APPROVALS.....	7
PROPOSAL .....	8
SECTION 4: LIMITED MAJOR SITE PLAN AMENDMENT NO. 81994029G FINDINGS AND ANALYSIS .....	9
SECTION 7: COMMUNITY OUTREACH .....	16
SECTION 8: CONCLUSION .....	16
ATTACHMENTS .....	16

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### LIMITED MAJOR SITE PLAN AMENDMENT NO. 81994029G

Staff recommends approval of Limited Major Site Plan Amendment No. 81994029G, for the construction of a 2,232 square foot addition to the Germantown Home Depot, with conditions. All previously approved conditions for Project Plan No. 919930030, Preliminary Plan No. 119901710 and Site Plan Amendment No. 819940290 (as amended) remain in full force and affect, with the following new conditions:

#### **New Conditions**

##### 16. Site Plan

All site development elements shown on the latest electronic version submitted via ePlans to M-NCPPC as of the date of this Staff Report are required.

##### 17. Density

The total expansion of the Home Depot building under the Subject Site Plan application is limited to 2,232 square feet of commercial uses, as shown on the Certified Site Plan, for a maximum of 116,637 square feet of total development on the Subject Property.

##### 18. Height

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

##### 19. 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 June 13, 2022, 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.

##### 20. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 15, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### 21. Site Design

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

#### 22. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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, 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, sidewalks, private utilities (electrical vehicle charging stations) and associated improvements of development, including curb and gutter, paving, and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

#### 23. 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.

#### 24. 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 on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "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."

- iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.
- e) Provide a black and white version of Site Plan, Sheet C-2.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Subject Property is part of the Milestone Shopping Center, located in the southwest quadrant of Ridge Road and MD355, and bound by Observation Drive to the east and Shakespeare Boulevard to the south. The Milestone Shopping Center development has a gross tract area of 133.3 acres of land covered by Site Plan Application No. 819940290, as amended.





Figure 1: Vicinity

## PROPERTY DESCRIPTION

The Subject Property is Lot 27, Block C, the “Milestone Center” depicted on Record Plat 20444 (Attachment A). The Property is located at 21010 Frederick Road, approximately 500 feet west of MD355 and consists of 11.63 acres of land, currently zoned CRT-0.75 C-0.5 R-0.25 H-65 T with a TDR 1.29 overlay zone (“Property” or “Subject Property”), as depicted in Figure 2. The Subject Property is currently developed with a 114,405 square foot Home Depot, outdoor garden center and a surface parking lot and bound by three private drive aisles, the southern of which is referred to as Drive-aisle A (“Drive-aisle A”). The Property is surrounded by other similar uses, including Best Buy and Kohl’s to the northwest, and miscellaneous retail establishments directly to the east within the shopping center.





*Figure 2: Subject Property (Aerial)*

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

The Milestone Shopping Center is a regional shopping center with multiple pad sites and a lengthy regulatory approval history (Attachment B), including Project Plan, Preliminary Plans, and individual Site Plans and amendments. The most recent Site Plan amendment was approved by the Planning Board on November 4, 2021, by Resolution MCPB No.21-122 (Attachment C) for the expansion of the Walmart building.



## PROPOSAL

On December 29, 2021, HD Development of MD, Inc. ("Applicant") filed Limited Major Site Plan Amendment No.81994029G ("Application" or "Amendment") proposing construction of an addition to the southwest corner of the Home Depot store, with the following modifications:

1. Construct a 2,232 square foot building addition (tool rental center) and 562 square foot covered material storage area.
2. Reconfigure a drive aisle, curb & gutter system and storm drain elements.
3. Remove approved landscaping and add supplemental landscaping.
4. Restripe certain standard parking spots to include compact spaces and electric vehicle charging spaces (pedestals).

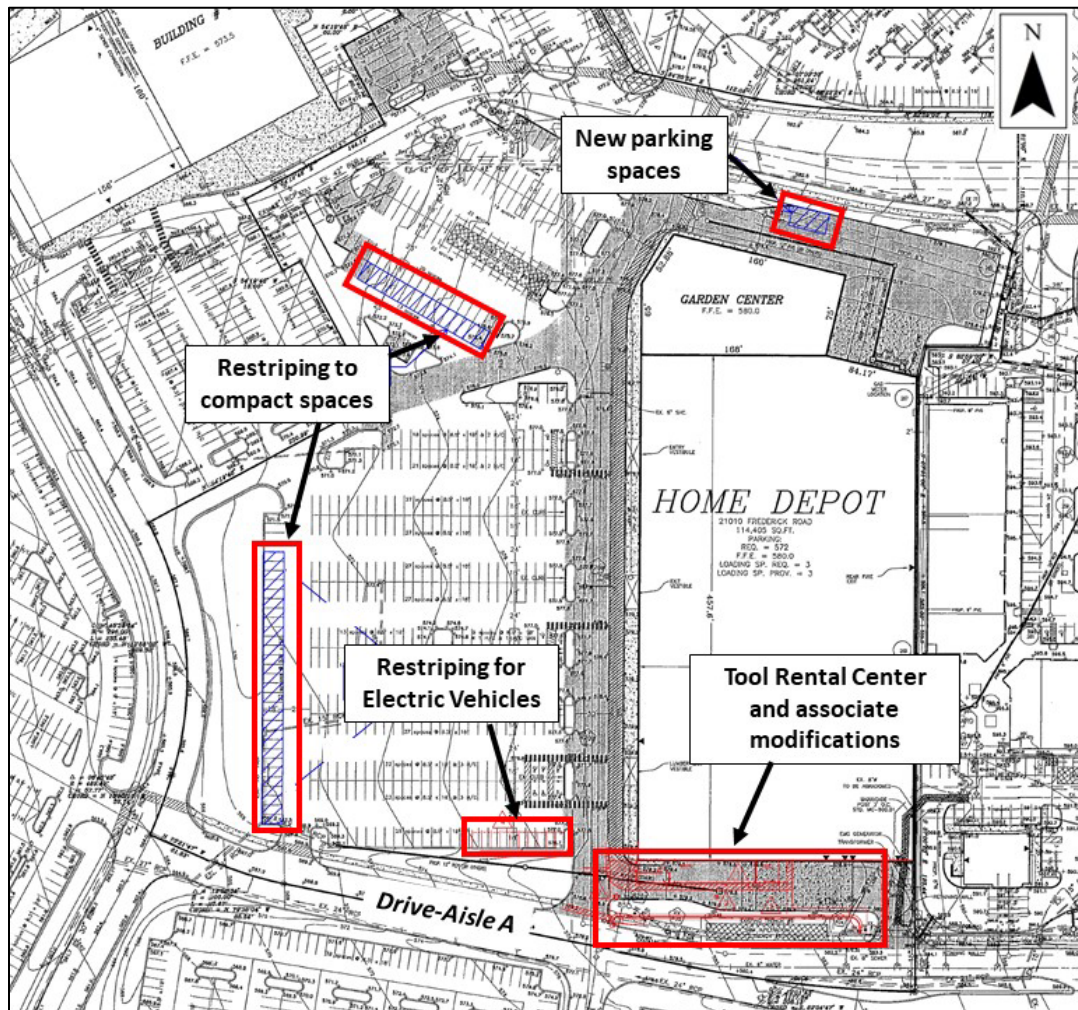
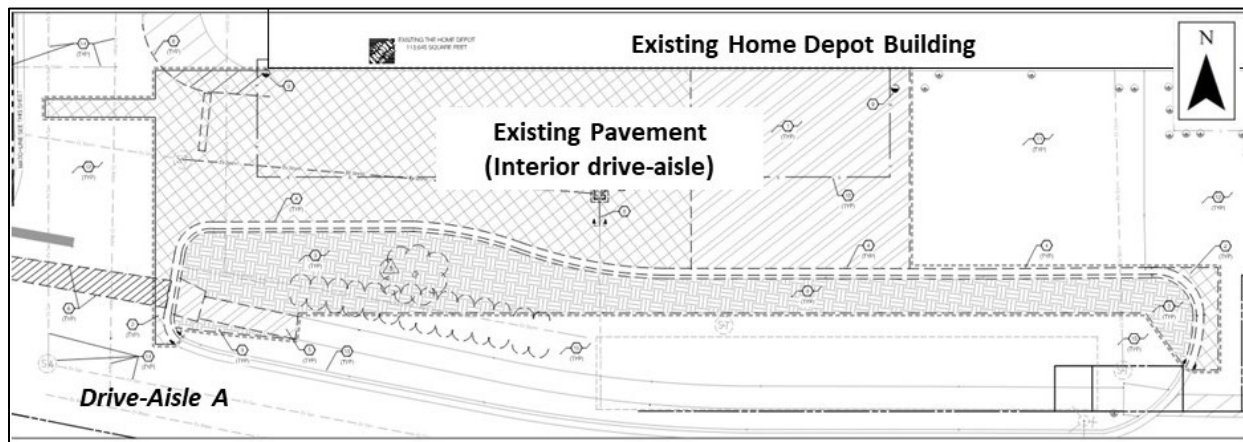


Figure 3: Proposed Modification



*Figure 4: Existing Site Layout*

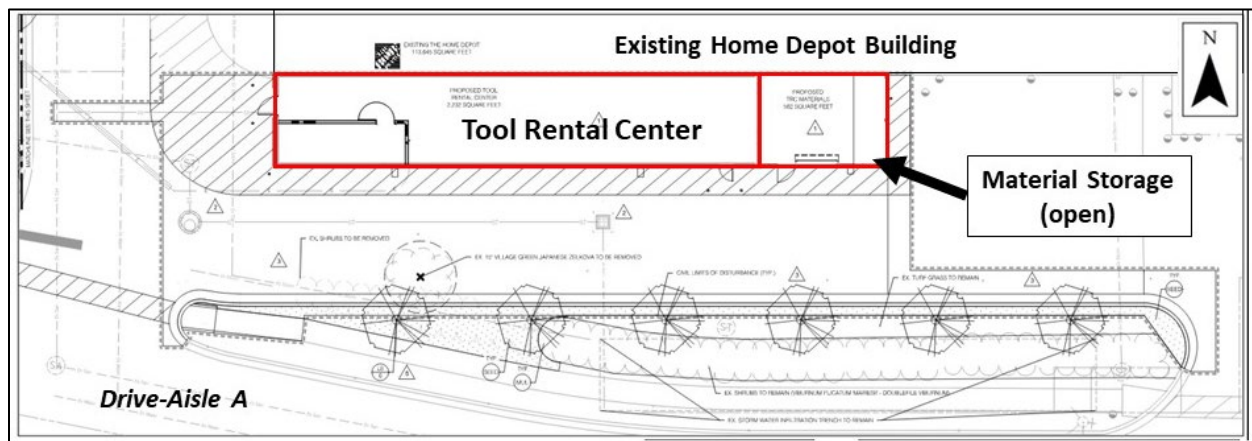


Figure 5: Proposed Addition and Layout

## SECTION 4: SITE PLAN AMENDMENT NO. 81994029G FINDINGS AND ANALYSIS

Pursuant to the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, since the original Site Plan was approved prior to October 29, 2014. The proposed Amendment does not alter the intent of the previous findings except as modified below.

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.**

The additional 2,232 square feet gross floor area proposed with this Amendment brings the total amount of development to 779,495 square feet on 133.3 acres, which is within the commercial/retail density limit approved by the amended Project, Preliminary, and Site Plans. Furthermore, the proposed modifications are minor in nature; thus, the development remains in conformance with all binding elements and is consistent with previously approved plans.

The Subject Property was originally approved as part of the larger Milestone Shopping Center development covered by Project Plan No. 919900060, as 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 uses, 115 single-family attached units, and 76 multi-family units on 133.3 acres.

***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. The development continues to meet the purpose and requirements of the zone as detailed in the Findings section of this report.

**Development Standards**

The following data table indicates the 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 Amendment removes 2,000 square feet of greenspace (turf). 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. No building setbacks have been established from the internal lot lines. As demonstrated in Table 1 below, the Amendment satisfies the applicable standards of the RMX -1, RMX-3/TDR zone, Optional Method.

*Table 1: Overall Development – Milestone Shopping Center Site Plan Data Table for CRT-0.75 C-0.5 R-0.25 H-65 T/TDR 1.29, Reviewed under the RMX-1, RMX-3/TDR zone, Optional Method Standards*

<b>Development Standard</b>	<b>Zoning Ordinance Allowed/Required</b>	<b>Approved Site Plan for Milestone Shopping Center (81994029A &amp; 919950010)</b>	<b>Previously Approved Amendment (81994029F)</b>	<b>Proposed Amendment (81994029G)</b>
<b>Total Property Area</b> <b>Retail Center</b> <b>RMX-1</b> <b>RMX-3</b>	N/A	133.3 acres 77.0 acres 5.0 acres 72.0 acres	133.3 acres 77.0 acres 5.0 acres 72.0 acres	133.3 acres 77.0 acres 5.0 acres 72.0 acres
<b>Gross Leasable Area (RMX-1 &amp; RMX-3 combined)</b> Home Depot Site	1,300,000 SF	757,878 SF 800,000 SF (allowed) <sup>1</sup>	777,173 SF 800,000 SF (Allowed)	779,495 SF (Total)  116,637 SF <sup>2</sup>
<b>Min. Green Area per Zone (Retail Center)</b> RMX-3 (20% of Zone)	14.4 ac min.	15.4 ac	15.4 ac	15.45 ac
<b>Automobile Parking Spaces (min.)</b>	4,275 spaces (based on 5.5 spaces per 1,000 SF for regional shopping center) <sup>3</sup>  572 sp. require on-site	4,376 spaces	4,343 spaces	4,353 sp. total <sup>4</sup>  584 sp. required on-site

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

The amendment provides minimal changes to the location of the building, open space, landscaping and circulation patterns, and does so in a way that maintains their adequacy, safety and efficiency. The Tool Rental Center (“TRC”) is being added to the existing structure in the most adequate location, given the existing site conditions. By slightly reducing the depth of the landscape island, safe and adequate vehicular and pedestrian connectivity is

<sup>1</sup> Site Plan Amendment No. 81994029A was approved for up to 800,000 square feet.

<sup>2</sup> The Amendment proposed a 2,232 square foot addition to the existing 114,405 square foot Home Depot

<sup>3</sup> This is a general calculation for the overall site; individual uses within the Milestone Center may have reduced parking rates.

<sup>4</sup> The Amendment proposed restriping to provide compact vehicle parking and reserved electrical vehicle charging space.



maintained along the south side of the TRC. Existing striping on the front of the Home Depot building delineates pedestrian space, and the Amendment continues the pavement striping along the front and side of the TRC center to clearly delineate the pedestrian realm from the vehicular drive-aisles.

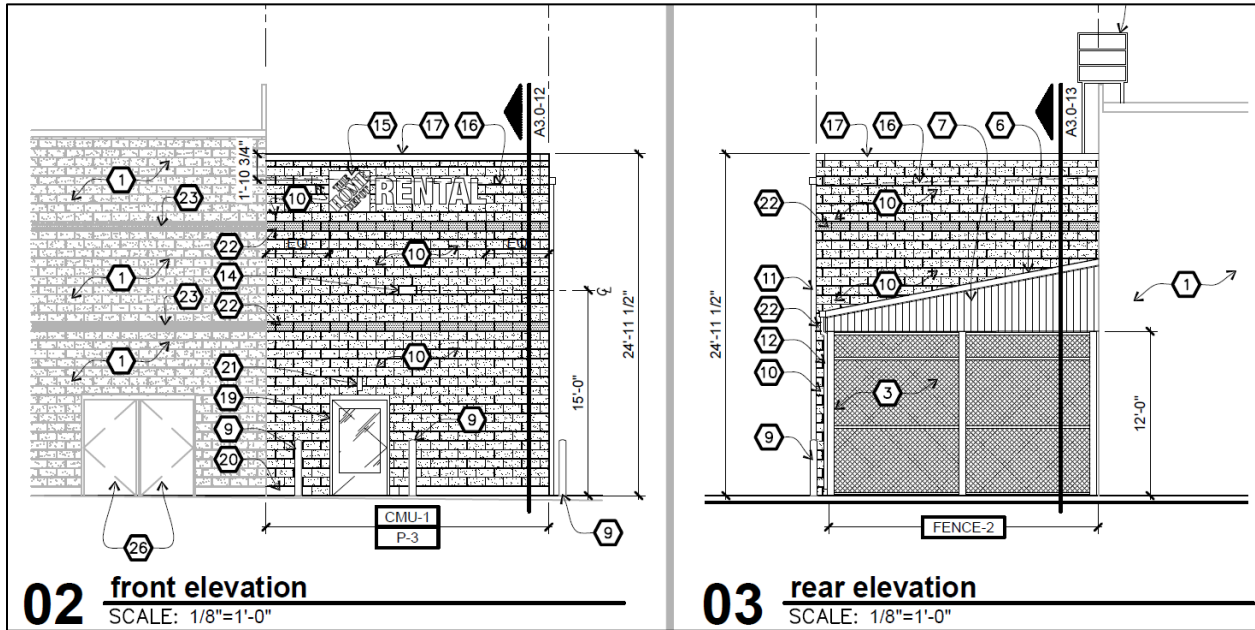


Figure 6: Front and Rear Elevation - Proposed Addition

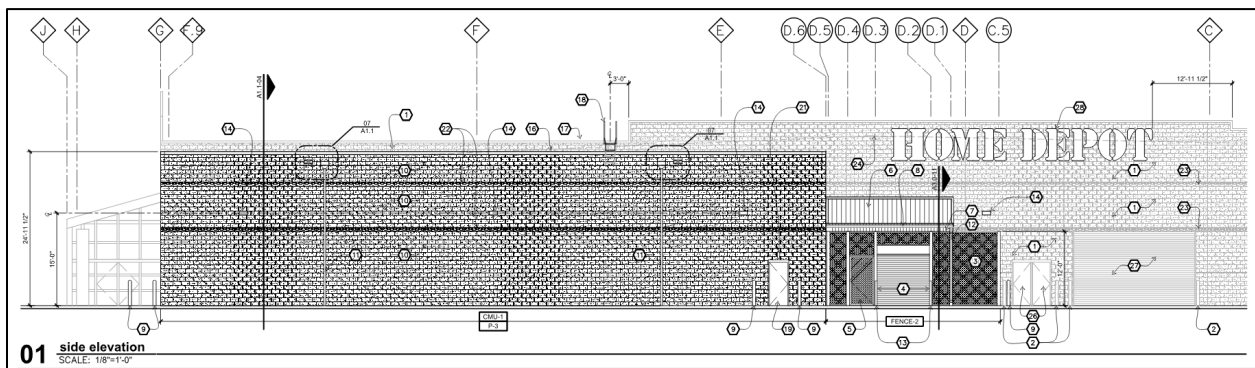


Figure 7: Site Elevation - Proposed Addition



*Figure 8: Existing View from Drive-Aisle A (Frederick Road to the East)*

The landscape modifications are limited to the green panel between the TRC drive aisle and Drive-Aisle A from Frederick Road. The Applicant is removing minimal landscaping on-site, replanting additional landscaping which will improve the site aesthetically and environmentally. The Applicant is removing one Japanese Zelkova tree (Figure 8) and a small section of the Viburnum hedge that parallels the existing sidewalk. The Applicant is retaining the majority of the viburnum hedge and replacing the Zelkova tree by planting a row of six sweetgum trees (Figure 5 – above) parallel between the viburnum and new curb line, which will screen the building addition, greatly improving the current conditions. The hedge and additional trees will also provide separation between the existing sidewalk and TRC drive-aisle.

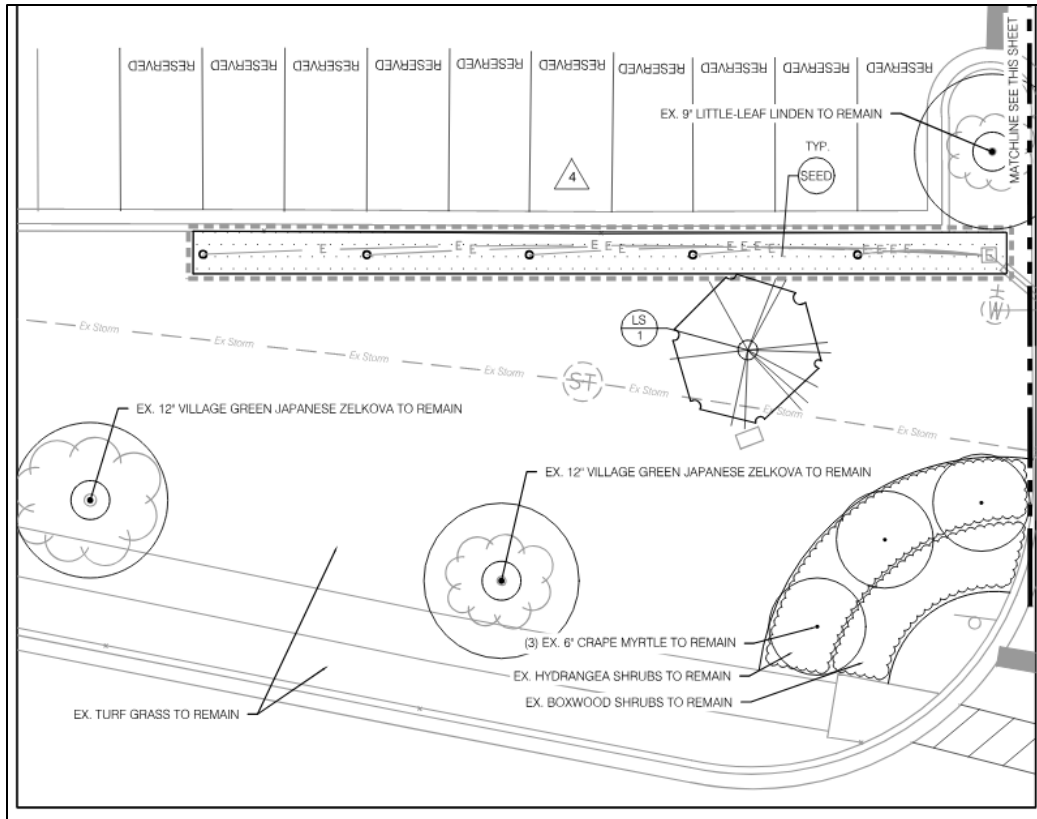


Figure 9: Plan View of Figure 10 and proposed Electric Vehicle charging spaces



Figure 10: Entrance Landscape Feature - View from the entrance to Home Depot and Drive-Aisle A

The Applicant is also amending the landscape plan to reflect the existing site conditions. The group of flowering crabapples trees that were approved as an entrance feature (westside) at the southern entrance died at some point since they were planted and subsequently replaced with a curved planting including three Crape Myrtles, Hydrangeas and Boxwoods. Overall, the

design and aesthetic of the current entrance feature is a significant improvement from the original approval. As part of this Application, an additional Sweetgum tree will be planted behind the entry feature, adjacent to the new electrical vehicle charging spaces. The placement of the new street trees is also consistent with the existing street tree pattern along the road. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

### **Transportation and Circulation**

The Application will result in a net increase of 4 am and 5 pm peak hour person trips as detailed in the application Transportation Exemption Letter. As the proposal will result in fewer than the 50 net new peak hour person trip threshold set by the 2021 LATR Guidelines, the Application is exempt from additional area-wide review.

The pedestrian and vehicular circulation pattern on-site will remain the same as it is currently. The vehicular drive-aisle will shift slightly south and additional striping is being provided along the periphery of the new addition to provide safe pedestrian movement between the interior rental space and new exterior storage area. The sidewalk apron on the east side of the Home Depot entrance is being reconstructed, consistent with current ADA standards. The Applicant is also restriping the crosswalk across the Home Depot Entrance. With the proposed improvements, the pedestrian and vehicular circulation will continue to be safe, adequate and efficient.

The Applicant is restriping four areas of the existing parking lot to accommodate the parking required based on the existing and proposed building square footage. Currently, 574 spaces are required and with the amendment 584 spaces are required. The additional parking spaces are being provided by converting 10% of the standard spaces to compact spaces and by adding four employee parking spaces adjacent to the garden center. Additionally, ten electrical vehicle parking spaces will replace existing standard parking spaces.

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

The proposed TRC addition is compatible with the adjacent and confronting uses. Given the small scope of the addition and its location on the southwest corner of the building, the addition will not adversely impact the surrounding properties. As proposed the addition will look like a part of the original building, with the same architectural finishes and a final height of 25 feet, slightly below the existing building parapet. Considering the proposed design, location and finish of the addition, the Amendment will continue to be compatible with the existing confronting and adjacent developments.



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

On November 2, 2021, a Forest Conservation Plan Exemption 42022052E under Chapter 22A-5(t)(1) was granted for the Application (Attachment D). The Application is in compliance with the Environmental Guidelines and all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

The 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 June 13, 2022. The Application will meet stormwater management goals using permeable pavement (Attachment E).

## SECTION 7: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. The proposed changes have been reviewed and approved by the Milestone Commercial Center Association (similar to a homeowner association) as stated in a letter from the Peterson Companies, who manages the Milestone Shopping Center (Attachment F).

## SECTION 8: CONCLUSION

This Site Plan Amendment meets all the requirements of the RMX-3 Zone under the Zoning Code in effect on October 29, 2014 and it is consistent with previous approvals. The building addition for the Tool Rental Center, parking lot modification, and associated improvements are minor in nature and with the findings, as amended, the use remains safe, adequate, and efficient. These changes are compatible with the existing and adjacent development and meet all applicable requirements of Chapter 22A and Chapter 19 regarding forest conservation and water resource protection, respectively. Staff recommends approval of the Site Plan Amendment subject to the conditions outlined at the beginning of this report.

## ATTACHMENTS

*Attachment A: Record Plat 20444*

*Attachment B: Prior Approvals*

*Attachment C: Resolution - Site Plan Amendment No. 81994029F*

*Attachment D: Forest Conservation Plan Exemption 42022052E*

*Attachment E: MCDPS - Stormwater Concept Approval Letter*

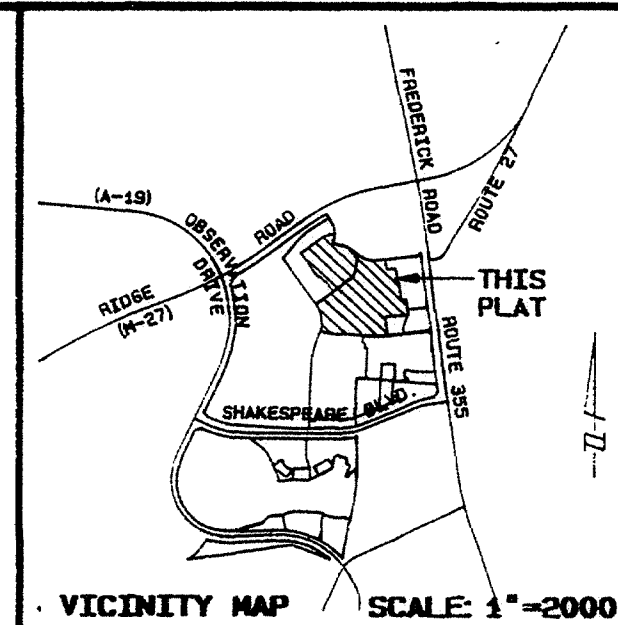
*Attachment F: Community Association Correspondence*

*Attachment G: MCDPS – ROW Approval Letter*

PLAT NO 20444

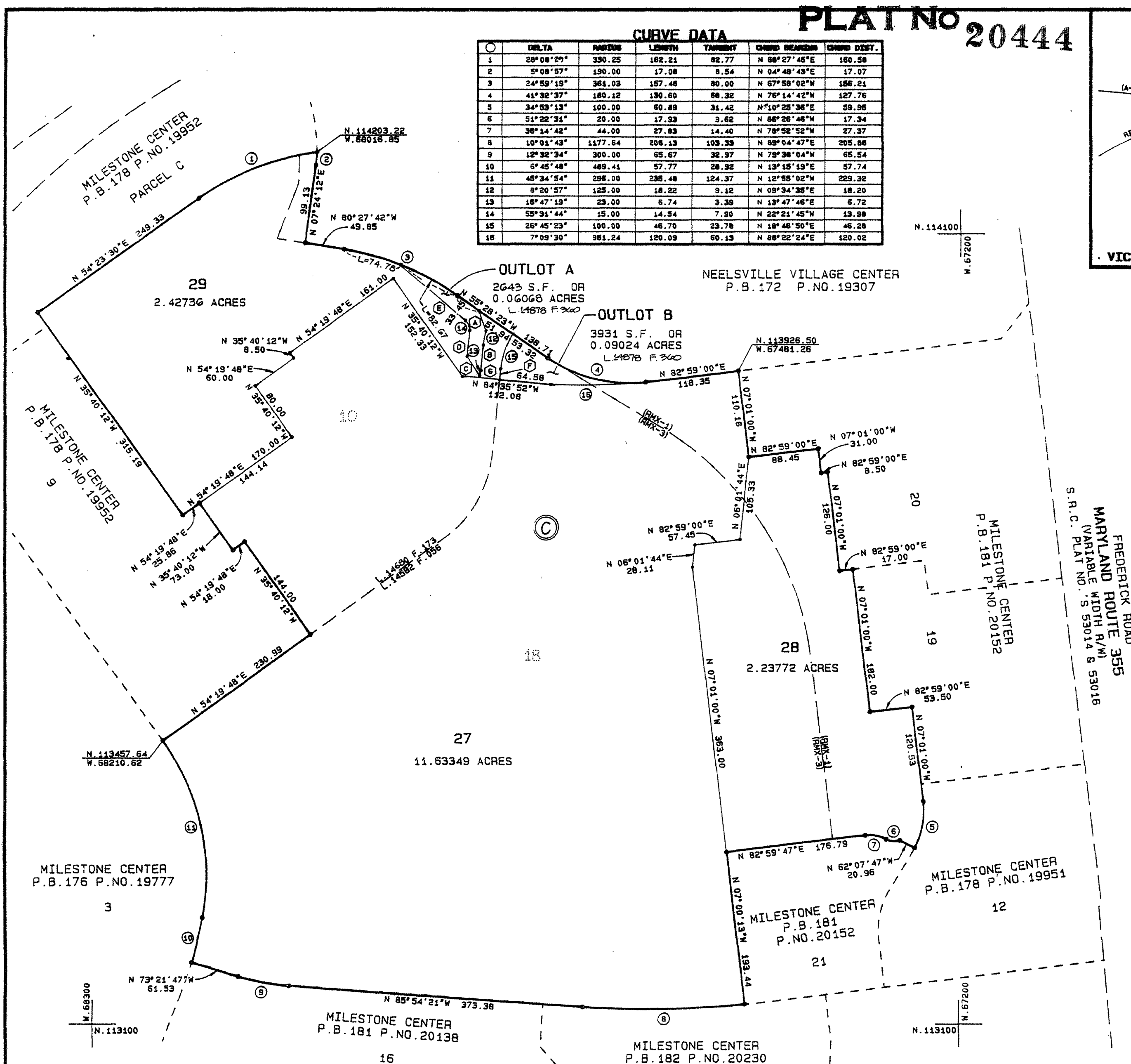
## CURVE DATA

Δ	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
1	28°08'29"	330.25	162.21	82.77	N 88°27'45"E	160.56
2	5°08'57"	190.00	17.08	8.54	N 04°48'43"E	17.07
3	24°59'19"	361.03	157.46	80.00	N 67°58'02"W	156.21
4	41°32'37"	180.12	190.60	98.32	N 76°14'42"W	127.76
5	34°53'13"	100.00	60.88	31.42	N 10°25'36"E	59.98
6	51°22'31"	20.00	17.33	9.62	N 66°26'46"W	17.34
7	36°14'42"	44.00	27.83	14.40	N 78°52'52"W	27.37
8	10°01'43"	1177.64	206.13	103.33	N 89°04'47"E	205.88
9	12°32'34"	300.00	65.67	32.97	N 79°38'04"W	65.54
10	6°45'48"	489.41	57.77	28.32	N 13°15'19"E	57.74
11	45°34'54"	296.00	236.48	124.37	N 12°58'02"W	229.32
12	8°20'57"	125.00	16.22	9.12	N 09°34'35"E	16.20
13	16°47'19"	23.00	6.74	3.39	N 13°47'46"E	6.72
14	55°31'44"	15.00	14.54	7.90	N 22°21'45"W	13.98
15	26°45'23"	100.00	46.70	23.76	N 18°46'50"E	46.28
16	7°09'30"	381.24	120.09	60.13	N 88°22'24"E	120.02



## LINE DATA

Δ	BEARINGS	DISTANCE
A	N 18°49'46"W	26.79
B	N 05°24'07"E	32.50
C	N 32°45'31"W	29.43
D	N 05°24'07"E	32.78
E	N 50°07'37"W	100.43
F	N 05°24'08"E	14.18
G	N 84°35'52"W	47.50



## NOTES:

- APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
- SUBJECT PROPERTY IS BEING DEVELOPED IN CONFORMANCE WITH SECT. 59-C-10.3 OF THE ZONING ORDINANCE.
- THIS PLAT: 3 LOTS, 2 OUTLOTS, RMX-1 & RMX-3 ZONE.
- DEVELOPMENT SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT (SITE PLAN 8-34029) AN ADEQUATE PUBLIC FACILITIES AGREEMENT AND AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD LIMITING DEVELOPMENT.
- NO CURRENT TITLE REPORT FURNISHED.
- THIS PLAT IS IN ORIGINAL WSSC DATUM FOR CONSISTENCY WITH PREVIOUSLY RECORDED PLATS.
- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- PLAT AREA FROM L. 14582 F. 056 = 11.72460 AC. PLAT AREA FROM L. 14680 F. 173 = 4.57377 AC. PLAT AREA FROM L. 14678 F. 340 = 0.15092 AC.
- THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS OF P.I.A. #95-039 AND P.I.A. #95-040.
- THIS PLAT IS SUBJECT TO W.S.S.C. RIGHT OF WAYS RECORDED IN LIBER 13711 AT FOLIO 533, LIBER 14010 AT FOLIO 349 AND LIBER 14580 AT FOLIO 036.
- THIS PLAT IS SUBJECT TO STORMWATER MANAGEMENT EASEMENTS AND RIGHT OF WAYS RECORDED IN LIBER 13615 AT FOLIO 071 AND LIBER 14349 AT FOLIO 729.
- THIS PLAT IS SUBJECT TO STORM DRAIN EASEMENTS RECORDED IN LIBER 13760 AT FOLIO 483.
- THIS PLAT IS SUBJECT TO INGRESS/EGRESS EASEMENTS RECORDED IN LIBER 13760 AT FOLIO 483 AND LIBER 13821 AT FOLIO 270.
- THIS PLAT IS SUBJECT TO TEMPORARY CONSTRUCTION EASEMENTS RECORDED IN LIBER 13821 AT FOLIO 270.

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY 2978619071890429RMX1RMX30797

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD	DEPARTMENT OF PERMITTING SERVICES MONTGOMERY COUNTY, MARYLAND	DEPARTMENT OF ENVIRONMENTAL PROTECTION MONTGOMERY COUNTY, MARYLAND	DRAWN <u>RDB</u> COMPUTED <u>RDB</u> CHECKED <u>J.P.G.</u> RECORDED _____ PLAT BOOK _____ PLAT NO. _____	 RODGERS & ASSOCIATES, INC. 3260 GAITHERS ROAD (301) 948-4700 ROCKVILLE GAITHERSBURG, MD. 20877 (301) 253-6609 FREDERICK (301) 948-6256 FAX
Approved <u>APRIL 3, 1997</u> <u>Minis Wang</u> CHAIRMAN <u>Minis Wang</u> ASST. SECRETARY-TREASURER MNCPPC Record File No. <u>604-17</u>	Approved <u>MAY 9, 1997</u> <u>John C. Hull</u> FOR DIRECTOR	Approved <u>MAY 12, 1997</u> <u>Shirley Lake</u> FOR DIRECTOR		

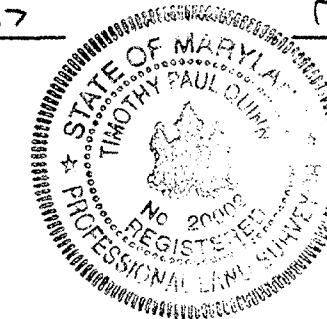
## SURVEYOR'S CERTIFICATE

I hereby certify that the data shown hereon is correct; that it is a resubdivision of the following land:

Lot 10, Block C as shown on a plat of resubdivision entitled "PLAT OF RESUBDIVISION, LOT 9, LOT 10 AND PARCEL C, BLOCK C, MILESTONE CENTER", and recorded among the Land Records of Montgomery County, Maryland in Plat Book 178 at Plat Number 19952; Lot 18, Block C, as shown on a plat of resubdivision entitled "PLAT OF RESUBDIVISION, LOTS 18 - 21, BLOCK C, MILESTONE CENTER", and recorded among the aforesaid Land Records in Plat Book 181 at Plat Number 20152; Lot 10 also being part of the land conveyed to HR Associates L.C., a Virginia limited liability company, known in Maryland as HR Associates-Virginia L.C., from Germantown-Seneca Joint Venture, a Maryland general partnership, by a deed dated January 31, 1997 and recorded among the aforesaid Land Records in Liber 14680 at Folio 173; Lot 18 also being all of the land conveyed to HR Associates L.C., from Germantown-Seneca Joint Venture, by a deed dated December 12, 1996, and recorded among the aforesaid Land Records in Liber 14582 at Folio 056; also being all of the land conveyed to Neelsville Village Center Limited Partnership, a Maryland Limited Partnership, from HR Associates L.C., by a deed recorded May 16, 1997 among the aforesaid Land Records in Liber 14678 at Folio 340.

that once engaged as described in the owner's dedication hereon, all property markers shown thus will be set as delineated hereon in accordance with the provisions of Section 50-24 (e) of the Montgomery County Code; and that the total area included on this plat is 716540 square feet or 16.44949 acres of land, none of which is dedicated to public use.

DATE: 4-8-97



TIMOTHY P. QUINN  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION NO. 20002

## OWNER'S DEDICATION AND GRANT OF EASEMENTS

We, the undersigned, owners of the property shown and described hereon, adopt this plan of resubdivision, establish the minimum building restriction lines; guarantee compliance with the provisions of section 50-24 of the subdivision regulations;

Further, we grant to the applicable utility companies a Public Utility Easement in, on, and over the land designated hereon as "PUE", if any, with the terms and provisions of said grant being those set forth in that certain instrument entitled "DECLARATION OF TERMS AND PROVISION OF PUBLIC UTILITY EASEMENTS" recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland.

As owners of this subdivision we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50-24 (e) of the Montgomery County Code prior to acceptance of public streets for maintenance.

There are no suits or actions at law, leases, liens, mortgages or trusts affecting the property shown hereon except for a certain deed of trust and the parties in interest thereto have indicated their assent below.

DATE: APRIL 7, 1997

HR ASSOCIATES L.C.

Kevin J. Smith KEVIN J. SMITH, WITNESS  
Milton V. Peterson MILTON V. PETERSON, MANAGER

NATIONS BANK

Richard P. Schoen RICHARD P. SCHOEN, WITNESS  
Patricia A. Dubois PATRICIA DUBOIS, TRUSTEE  
Gregory L. Carter GREGORY L. CARTER, TRUSTEE

DATE: 6/9/97

NEELSVILLE VILLAGE CENTER LIMITED PARTNERSHIP  
BY: GFS REALTY, INC., GENERAL PARTNER

Deborah J. Helms DEBORAH J. HELMS, WITNESS  
Stephen L. Osmeroff STEPHEN L. OSMEROFF, VICE PRESIDENT

TO CONFIRM THE MAY 16, 1997 LOT LINE ADJUSTMENT UNDER SECTION 50-24(d) OF THE SUBDIVISION REGULATIONS.

PLAT OF RESUBDIVISION  
LOTS 27 - 29 AND OUTLOTS A & B, BLOCK C  
MILESTONE CENTER  
CLARKSBURG (2ND) ELECTION DISTRICT  
MONTGOMERY COUNTY MARYLAND  
SCALE: 1"=100' MARCH, 1997

PLAT NO. 8 RESUB.  
JOB NO. 609-A4

MSD SSU 1249-722 604-17



## Regulatory Approval History

Plan	Approval Date	Brief Description
<b>Project Plan 919900060</b>	July 26, 1991	1,200,000 SF of commercial/retail (regional mall), 790 multi-family dwellings with 99 MPDUs. Phase I was designated not to exceed 900,000 SF upon the approval of the Preliminary Plan 119901710.
<b>Project Plan 919930030 (replaces Project Plan 919900060) and Preliminary Plan 119901710</b>	March 17, 1994	750,000 SF of retail (710,000 SF of regional-scale commercial uses and 40,000 SF of local commercial scale use) and 313 multi-family units on approximately 130 acres of land zoned RMX-1 & RMX-3 (Plat #19777).
<b>Site Plan 819940290</b>	August 18, 1994	713,060 SF of commercial/retail and 191 dwelling units (115 SFA, 76 MF & 18 MPDUs).
<b>Project Plan 919950010 (Amends 919930030) and Preliminary Plan 119901710</b>	Project Plan: August 7, 1995 Preliminary Plan: August 4, 1995	The total land area was increased by 6.1 acres to 133.3 acres. The retail density was increased to 800,000 SF and the total number of residential units was decreased by 122 units.
<b>Site Plan Amendment 81994029A</b>	August 7, 1995	Proposed to add 86,940 SF of retail for a total of 800,000 SF of commercial/retail, 115 townhouse units and 76 condo units (including 24 MPDUs) on 133.3 acres of land zoned RMX-1 and RMX-3. Parking was increased from 3,962 spaces to 4,376 spaces. The amended Project and Preliminary Plans were noted as approved concurrent to this amendment on July 20, 1995.
<b>Site Plan Amendment 81994029B</b>	November 28, 1995	Minor modifications to the existing sidewalks and Landscape Plans for the Target store. The re-striping of the Toys-R-Us parking facility was also completed to meet parking requirements.
<b>Site Plan Amendment 81994029C</b>	Application filed September 30, 2005 and withdrawn on January 16, 2006.	Application proposed increases to the building square footage of the Walmart from 149,429 SF to 154,028 SF (4,599 SF addition for storage).



<b>Plan</b>	<b>Approval Date</b>	<b>Brief Description</b>
<b>Site Plan Amendment 81994029D</b>	April 9, 2012	Application increased the building square footage of the Walmart store by from 149,429 SF to 165,292 SF, adjusted the associated parking and site tabulations, modified stormwater management facilities, and revised the landscape & lighting plans. Parking was reduced from 4,376 spaces to 4,339 spaces.
<b>Site Plan Amendment 81994029E</b>	October 10, 2018	Application converted a Bob Evans restaurant to a Patient First medical clinic, expanded the building by 1,428 SF, and made minor modifications to the parking lot, architecture, lighting, and landscaping. (Plan indicates parking increased by 2 spaces, but this appears to be a calculation error.)
<b>Site Plan Amendment 81994029F</b>	November 4, 2021	Application expanded the Wal-Mart building by 1,964 square feet to accommodate a pick-up service for online grocery customers and modified the on-site parking.



**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 29 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> <b>Retail Center</b> <b>RMX-1</b> <b>RMX-3</b>	N/A	133.3 acres 77.0 acres 5.0 acres 72.0 acres	133.3 acres 77.0 acres 5.0 acres 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).

\* \* \* \* \*

**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.

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

MR. RICHARD BRUSH, MANAGER  
MCDPS-WATER RES. PLAN REVIEW  
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By email [gene.vongunten@montgomerycountymd.gov](mailto:gene.vongunten@montgomerycountymd.gov)

Brad Fox  
Bohler Engineering  
16701 Melford Boulevard  
Suite 310  
Bowie, MD 20715

Thomas Chandler Kleine  
Troutman Sanders, LLP  
222 Central Park Avenue  
Suite 2000  
Virginia Beach, VA 23462





2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902

MontgomeryPlanning.org

November 2, 2021

Mr. Ian Willman  
Kimley-Horn  
11720 Amber park Drive  
Alpharetta, GA 30009

Re: Forest Conservation Exemption Request  
**#42022052E - Home Depot - Germantown #2560**  
**Plan approval expires November 1, 2026** if project has not commenced by that date.

Dear Mr. Willman,

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Plan request for the plan identified above, **is confirmed**. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t)(1) because the site is a modification to an existing non-residential developed property where:

- (A) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued;
- (B) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or forest located on property in a special protection area which must submit a water quality plan;
- (C) the modification does not require approval of a preliminary plan, administrative subdivision plan, or conditional use/special exception;
- (D) the modification does not increase the developed area by more than 50%, and any existing principal building, as defined in Chapter 59, is retained; and
- (E) the pending development application does not propose any residential uses

**Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions.**

**A pre-construction meeting is required** after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please feel free to contact me at 301-495-4603 or at [michael.sharp@montgomeryplanning.org](mailto:michael.sharp@montgomeryplanning.org).

Sincerely,

*Michael J. Sharp*

Michael J. Sharp  
Forest Conservation Inspector  
M-NCPPC, IRC



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

June 13, 2022

Mr. Derek Heckler, P.E.  
WD Partners Inc  
7007 Discovery Boulevard  
Dublin, Ohio 43017

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Home Depot  
Preliminary Plan #: 81994029G  
SM File #: 287512  
Tract Size/Zone: 11.63 Acres  
Total Concept Area: 0.24 Acres  
Lots/Block: Lot 27- Block B  
Parcel(s): NA  
Watershed: Little Seneca Creek, Class IV

Dear Mr. Heckler:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Permeable Pavement.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



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[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. Derek Heckler, P.E.*  
*June 13, 2022*  
*Page 2 of 2*

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

A handwritten signature in black ink that reads "Mark Etheridge". The signature is written in a cursive, flowing style.

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

ESD: Required/Provided 1753 cf / 1836 cf  
PE: Target/Achieved: 2.4"/2.4"  
STRUCTURAL: N/A cf  
WAIVED: N/A ac.



April 11, 2022

*via Electronic Mail*

Attn: Luke Turner  
2455 Paces Ferry Road  
Atlanta, GA  
PH: 470-649-8976  
[LUKE\\_T.TURNER@HOMEDEPOT.COM](mailto:LUKE_T.TURNER@HOMEDEPOT.COM)

Re: Approval of THD – 2560 Germantown TRC Project

Mr. Turner:

We have reviewed the redline set of plans submitted by Kimley-Horn on March 25, 2022 highlighting the following amendment items for the Home Depot Tool Rental Center:

1. 2,232 sqft building addition and 562 sqft materials area
2. Relocation of storm catch basin and piping
3. Relocation of site drive aisle and curb & gutter
4. Re-striping of compact power parking spaces and installation of compact power pedestals
5. Tree removal and replacement
6. Re-striping of parking stalls for compact parking stalls

The Milestone Commercial Center Association has no objections to this plan and we do not anticipate any negative effect on the center. Please attach this letter along with your permit application to Montgomery County. Please provide a copy of the permit to me upon receipt.

Feel free to contact me at (301) 203-4182 should you have any questions.

Sincerely,

*Heather Madison*

Heather Madison  
Property Manager  
c/o Milestone Commercial Association

Enclosures: THE HOME DEPOT STORE NO. 2560 TRC ADDITION AT MILESTONE CENTER  
REDLINE SET DRAWINGS  
15 PAGES



**DPS-ROW CONDITIONS OF APPROVAL**

**April 4, 2022**

**81994029G - MD - Germantown #2560**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

**“07-BSITE-81994029G-008.pdf”** uploaded on/ dated **“3/15/2022”**.

As there seems to be minimal impact to the County ROW (per the above site plan), we do not have any comments at this point.