

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

April 17, 2024

MCPB No. 24-042
Site Plan Amendment No. 82004016E
Wildwood Manor Shopping Center
Date of Hearing: April 4, 2024

**This Resolution has been Superseded
by a Corrected Resolution**

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 January 9, 2004, the Planning Board issued an Opinion approving Site Plan No. 820040160 for a 609-square-foot addition to the existing shopping center, for a total of 84,710 square feet of retail, on 11.6 acres of C-1 and R-90 split zoned-land, located at 10233 Old Georgetown Road (MD 187) in the northeast quadrant of its intersection with Cheshire Drive and is known as Parcel 753 (“Subject Property”), in the North Bethesda Policy Area and *North Bethesda/Garret Park Master Plan* (“Master Plan”) area; and

WHEREAS, on March 15, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82004016A (MCPB No. 07-23), to install a bank ATM and construction of associated sidewalks and steps for pedestrian access to the pad site. The bank’s total area was increased by 28-square feet from the approved 1,224 square feet to the built 1,252 square feet. Other minor revisions included relocation and reconfiguration of an accessible parking space in front of the bank, deletion of one standard parking space, installation of a different style bike rack and relocation of planting areas displaced by the ATM addition and its appurtenances on the Subject Property; and

WHEREAS, on September 14, 2017, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82004016B (MCPB No. 17-082), for an additional 3,720 square feet of retail space to allow for a 4,971-square-foot addition,

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

for a total of 88,430 square feet of retail, and associated landscape, stormwater management, and access improvements in parking lots; and

WHEREAS, on June 18, 2019, the Planning Director administratively approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82004016C, for minor changes to the parking design and landscaping; and

WHEREAS, on August 16, 2023, the Planning Director administratively approved an amendment to the previously approved site plan, designated Site Plan Amendment No. 82004016D, to allow 2,948 square feet of existing retail space to be converted to a veterinary office use without boarding or an outdoor relief area; and

WHEREAS, on December 11, 2023, Federal Realty Investment Trust (“Applicant”) filed an application for approval of an amendment to the previously approved site plan for the construction of an 832-square-foot building addition for a freezer to replace an existing freezer trailer, the addition of a generator trailer and a fire hydrant, and minor changes to the hardscape on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan Amendment No. 82004016E, Wildwood Manor Shopping Center (“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 March 8, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 4, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82004016E for the construction of an 832-square-foot building addition for a freezer to replace an existing freezer trailer, the addition of a generator trailer and a fire hydrant, and minor changes to the hardscape with the following conditions. The following conditions supersede and replace all previous site plan conditions:¹

1. Site Plan Conformance

The development must comply with the conditions of approval for Site Plans 820040160 and 82004016A.

¹ 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.

2. Special Exception Conformance

The development must comply with the conditions of approval of Special Exception CBA-357 dated January 30, 1956.

3. Transportation

The overall development on the site is limited to a total of 89,262 square feet of general retail space with a grocery store. Any change of use must be reevaluated for compliance with the APF regulations.

4. The Adequate Public Facility (APF) review for the addition of 3,720 square feet of general retail space with a grocery store will remain valid for sixty-one (61) months from the date of the mailing of this Planning Board's Resolution.

5. Prior to issuance of the final Use and Occupancy Certificate, the Applicant must upgrade the meandering pedestrian connection from the Cheshire Drive/Grosvenor Lane intersection, as shown on the Certified Site Plan.

6. Prior to issuance of the final Use and Occupancy certificate, the Applicant must provide two inverted-U bike racks, or equivalent, as approved by staff located near the entrance of the proposed addition and shown on the Certified Site Plan.

7. Environment

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated May 18, 2017, and hereby 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 stormwater management easements and facilities.

8. Landscape Plan

Prior to the end of the first planting season after issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.

9. The existing overgrown landscaping along the Site's frontage of Cheshire Drive must be trimmed and maintained. The Applicant must create an enhanced landscaping screen, where several gaps in this landscape area exist, through native species plants approved by the Staff and as shown on the Certified Site Plan and extend the existing wood fence in relation to Cheshire Drive to the southwest edge of the realigned driveway aisle to block headlight glare.

10. Lighting Plan

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance -MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting installation must be in accordance with these recommendations.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from onsite lighting must not exceed 0.5 footcandles at any property line abutting residentially developed properties.
- e) Pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f) On the rooftop of the building, any light pole height must not exceed the height illustrated on the Certified Site Plan.

11. Site Plan Surety and Maintenance Agreement

Prior to the issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-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, bike racks, plant material, on-site lighting, sidewalks, site furniture, trash enclosures, retaining walls, fences, railings, paths and associated improvements of development, including storm drainage facilities, street trees and lighting.
- 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 the inspector recommendation and that the remaining surety is sufficient to cover completion of the remaining work.
- d) 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 limits of development.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

13. Certified Site Plan

The Certified Site Plan must include the following revisions subject to Staff review and approval:

- a) Stormwater management concept approval letter, development program, and Site Plan Resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) A note stating that “M-NCPPC Staff must inspect protection devices before clearing and grading.”
- c) A note stating that “minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modified data table to reflect development standards approved by the Planning Board.
- e) Consistency of all details and layout between the approved limits of Site and Landscape plans.
- f) Signage details and its location in relation to the ADA-compliant path.
- g) Address review comments from the DPS Right-of-Way Section as in their conditions of approval memo dated May 23, 2017 as follows:
 1. For the existing driveway to remain:
 - a. Provide actual sight distance analysis;
 - b. Label the curb radii for and provide truck turning for all movements.
 2. Along the County frontage on Cheshire Drive:
 - a. Ensure the sidewalks are a minimum 5 feet wide and ADA-compliant;
 - b. Close the unused curb cut to the north of the existing driveway;
 - c. Plant minor species trees where needed (30’ apart);
 - d. Provide and label the Public Utility Easement (PUE) along the Site’s frontage.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Wildwood Manor Shopping Center, Site Plan No. 82004016E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

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 effect.

- 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 Amendment includes the construction of an 832-square-foot building addition for a freezer to replace an existing freezer trailer, the addition of a generator trailer and a fire hydrant, and minor changes to the hardscape.

The Subject Property includes approximately 11.61 acres zoned CRT-1.25 C-0.75, R-0.75, H-50' The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required	Approved
Mapped Density CRT-1.25 C-0.75, R-0.75, H-50'		
Residential (GFA/ FAR)	379,298 sq ft/0.75	0
Commercial (GFA/FAR)	379,298 sq ft/0.75	89,262 sq ft/ 0.17 FAR
Total Mapped Density (GFA/FAR)	632,163 sq ft/a.25	89,262 sq ft/ 0.17 FAR

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

April 17, 2024

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5 -0, Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor at its regular meeting held on Thursday, April 11, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board