

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 15, 2025

MCPB No. 24-119

Site Plan No. 820240020

Red Mill Remote ATM Install

Date of Hearing: December 5, 2024

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, on December 5, 2024, RED MILL SHOP CTR ASSOC LP (“Applicant”) filed an application for approval of a site plan for a new standalone ATM with a new accessory drive-thru on 0.67 acres of CRT-0.75 zoned-land, located on “Parcel F” north of the Muncaster Mill Road and Redland Road (“Subject Property”), in the Orange Policy Area and *2004 Upper Rock Creek Master Plan* area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820240020, Red Mill Remote ATM Install 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 November 22, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 5, 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, and Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240020, subject to the following conditions:¹

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.

1. Density

The Site Plan is limited to 3,550 sq. ft of retail/service establishment uses, including a new drive-thru facility as accessory to a new standalone ATM structure and an existing 1,758 square foot building on the Property; or up to 13,380 sq. ft. of office.

2. Height

The Drive-thru facility is limited to a maximum height of twelve (12) feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Transportation

- a) 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 April 15, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

4. Pedestrian Circulation

- a) The Applicant must provide new pedestrian crosswalk striping and an access ramp which connect the shared use path on Muncaster Mill Road to the existing shopping center sidewalk, as shown on the Certified Site Plan.

5. 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 October 7, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. Lighting

- a) Before 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 proposed onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All proposed onsite down-lights must have full cut-off or BUG-equivalent fixtures.

- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

7. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, or sediment control permit (excluding core and shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to added striping, crosswalk improvements, and planted trees. 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.
- d) Before release of the surety or bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

8. Development Program

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

9. 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 DPS-ROW 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 before any site development work commencement and before 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) Include approved Fire Department Access Plan.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Red Mill Remote ATM Install 820240020, 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 as set forth in the Staff Report, which the Board hereby adopts

and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Pursuant to Section 7.7.1.B.1 (Exemptions), the Applicant has elected to submit the Site Plan under the development standards and procedures of the Property's zoning on October 29, 2014, which was C-1.

New uses are subject to current zoning and the 2014 Zoning Ordinance. Pursuant to Section 59.3.1.6 (Use Table) a retail/service establishment use, which includes banks and standalone ATM facilities, is permitted by right in the CRT zone. However, pursuant to 59.3.5.14.E (Accessory Commercial Uses), a drive-thru facility is allowed as a Limited Use in the CRT zone if it meets certain use standards with site plan approval. As shown in Table 1 and discussed below, the site plan complies with the CRT zone use standards for an accessory Drive-Thru and the C-1 zone for development standards.

- 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 Subject Property is not subject to a development plan, diagrammatic plan, or project plan.

- 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;***

Pursuant to Sec. 59.7.7.1.B.1 (Exemptions), the Applicant has elected to submit the Site Plan using the C-1 development standards, which were effective on October 29, 2014. The proposed development satisfies all applicable development standards for the C-1 zone as shown in Table 1. Table 1 lists only development standards applicable to the application. RT zone setbacks are applied per Section 59-C-4.343 (b)(1) of the 2004 Zoning Ordinance stating that setbacks of adjoining residential lots must be applied when certain criteria are met. The Property is not located within an urban renewal area.

The Application includes a standalone ATM facility, which is a retail/service establishment use with a drive-thru facility, which is a Limited Use. A retail/service establishment is a

permitted use in the CRT zone. Drive-thru facilities may be permitted as a Limited Use in the CRT zone. As discussed below, in this section, the drive thru-facility meets all the limited use standards under Section 59-3.5.14. E.2.a (Use Standards).

The Application has been reviewed by other applicable county and state agencies, all of which have recommended approval.

Table 1 – Development Standards Data Table for standalone ATM facility in the C-1 Zone and adjoining RT-12.5 Zone, Section 59-C-4.34. of the 2004 Zoning Ordinance²

Development Standards	Permitted/ Required	Approved
Gross Tract Area	15 acres	29,089 sq. ft.
Density (Maximum)		
- Retail/Services (existing)	N/A	No change
- ATM		1
Setback from Street	25 ft.	47 ft.
Side setback (One Side)	8 ft.	11 ft
Side setback (Sum of Both Sides)	25 ft.	91 ft.
Rear setback	20 ft.	83 ft.
Max Height	30 ft.	12
Green Area	10%	31.6%
Shopping Center Parking	221	257

Drive-thru facilities may be permitted as a Limited Use in the CRT zone. The Drive thru-facility meets all the limited use standards under Section 59-3.5.14.E.2.a (Use Standards) as follows:

1. Limited Use Drive-Thru Use Standards. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:

- a. A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.**

The Subject Property is not located within 100 feet of property in Agricultural, Rural Residential, or Residential Detached zones.

² Setbacks are RT-12.5 setbacks are used per Section 59-C-4.34. of the 2004 Zoning Ordinance stating that C-1 zones use setbacks of adjoining residential zones.

- b. For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.***

The Drive-Thru facility is a not a restaurant drive-thru.

- c. A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.***

The accessory drive-thru drive aisle and queuing area are positioned behind the front main wall of the standalone ATM.

- d. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3-foot-high wall or fence.***

The Property is not a corner lot, so this section is not applicable.

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

The location of buildings and structures are adequate, safe, and efficient. As shown in Table 2, the location of the building and structures adequately satisfy all applicable development standards of the C-1 zone (RT where applicable). There will be no change to the existing building on the Subject Property. The Drive-thru will begin behind the ATM and includes adequate queuing space.

The C-1 zone requires 10% green area. The Site Plan does not include any changes to the green area which will remain above 10% at 8,721 square feet.

Three (3) Willow Oak trees will be planted with the ATM's installation. New Jersey Tea and Dwarf Japanese Holly shrubs will also be planted, and a seeded lawn will be added at the entrance of the new asphalt queuing path. Two (2) new light fixtures (slice medium outdoor LED area light) will be added to the site and the existing fixtures will remain. Lights will be attached to the front of the ATM facility.

Vehicular access to the Site Plan area is directly from the existing Shopping Center site access points on Muncaster Mill Road and from Redland Road. Roadway characteristics are determined by the *Master Plan of Highways and Transitways*, 2018 *Bicycle Master Plan*, the 2004 *Upper Rock Creek Master Plan*, and the 2021 *Shady Grove Minor Master Plan Amendment*.

At the Property, Muncaster Mill Road is currently improved as a 4-lane Town Center Boulevard with a 100-foot-wide public right-of-way. Muncaster Mill Road has a sidewalk on the east side and a separated shared use path on the west side (adjacent to the Property). Muncaster Mill Road connects to the regional transportation network via Shady Grove Road which provides links to the ICC and I-270.

Vehicles bound for the new ATM and Drive-thru facility will access the site via the existing driveway into the Shopping Center from Muncaster Mill Road and will circulate within the existing parking lot drive aisles in a counter-clockwise direction. The drive aisle provides one lane for queuing.

Pedestrian access to the Property will be improved as a result of this Application. The Applicant is providing two (2) new sidewalk connections to the shared use path on the west side of Muncaster Mill Road and a new striped crosswalk in the existing parking lot that brings pedestrians into the Shopping Center from the shared use path in a safe and efficient manner. The Project reduces the total number of parking spaces on the Subject Property by 11 (from 268 to 257) which exceeds the minimum of 221 spaces. The Project provides queuing space for four vehicles which satisfies the requirement of Section 59.6.2.7 for non-restaurant queuing. Though removing existing parking spaces, the drive aisle queuing will have new parking spaces with the drive- thru installation, and pedestrian improvements to the existing parking lot will provide safe pedestrian and vehicle circulation.

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

The Application substantially conforms with the 2004 *Upper Rock Creek Master Plan* recommendations to retain commercial zoning and the neighborhood commercial character of the area. The Subject Property contains an existing retail and service establishment building to remain. The ATM with the accessory drive-thru is compatible with the existing retail/service use on the Property and in the neighboring Shopping Center as well as the commercial uses across Muncaster Mill Road. The adjacent development to the west is a townhouse community accessed from Millcrest Drive and the ATM facility and Drive-thru are compatible because of the existing approvals and the existing retail/service establishment uses on the Subject Property and shopping center. With the existing retail/establishment use remaining and with pedestrian improvements to the Subject Property, the neighborhood commercial character of the area is maintained.

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

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Project will result in less than 5,000 sq. ft. of disturbance so a sediment control permit is not required, and the Application is exempt from stormwater management review and approval.

ii. *Chapter 22A, Forest Conservation*

On November 21, 2023, the Montgomery County Planning Department approved Forest Conservation Exemption No. 42024028E for the Project.

The proposed development is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law) according to Section 22A-5(t)(1) because the modification is taking place to an existing non-residential developed property. Additionally, the following criteria are met: (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued; (2) 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; (3) the development does not occur within an environmental buffer, with the exception of the allowable uses stated in the environmental guidelines; (4) the modification does not require approval of a preliminary plan, administrative subdivision plan, or conditional use/special exception; (5) 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 (6) the pending development application does not propose any residential uses.

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

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 § 59-7.3.4.H; 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

January 15, 2025

(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 **4-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley being necessarily absent, at its regular meeting held on Thursday, January 9, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board