

JUL 16 2010



## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-87  
Site Plan No. 820100020  
Project Name: Star Pointe Plaza  
Date of Hearing: June 17, 2010

### MONTGOMERY COUNTY PLANNING BOARD

#### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on September 23, 2009, Sandy Spring Road, LLC ("Applicant"), filed an application for approval of a Site Plan for a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant ("Site Plan" or "Plan") on 1.54 acres of I-1-zoned land and within the Burtonsville Employment Area Overlay Zone, located on Sandy Spring Road, approximately 100 feet west of Star Pointe Lane ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100020, Star Pointe Plaza (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 4, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on June 17, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 17, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Presley, and Wells-Harley voting in favor and one position being vacant.

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Approved as to  
Legal Sufficiency:

A handwritten signature in blue ink, appearing to read "Tracy G. Harlow".

8787 Georgia Avenue, N.M.C.P.P.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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n No. 820100020  
inte Plaza

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820100020 for a 25,239 square foot, three-story commercial building consisting of general office space, retail and restaurant, on 1.54 gross acres in the I-1 Zone and within the Burtonsville Employment Area Overlay Zone, subject to the following conditions:

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120090130.

2. Forest Conservation

The Applicant must conform to the conditions of approval as stated in the Environmental Planning memorandum dated May 17, 2010, unless otherwise amended by the M-NCPPC Environmental Planning Division provided that it does not conflict with any other conditions of approval.

3. Pedestrian Circulation

- a. Provide lead-in sidewalks, internal sidewalks, and a crosswalk on the northern portion of the site, as shown on the preliminary plan.
- b. Provide a lead-in sidewalk from Dino Drive into the subject site in coordination with the construction of Dino Drive extended.
- c. Extend the sidewalk along the northern property boundary in order to connect with the sidewalk system on the adjacent property to the west, Site Plan No. 820100050, EZ Storage Burtonsville Industrial Park.

4. Landscaping

- a. Revise the landscape plan to show additional native trees along the perimeter of the surface parking lot consistent with the Preliminary Forest Conservation Plan received by MNCPPC on February 22, 2010.
- b. The Applicant must provide at least four (4) shade trees along the western perimeter of the surface parking lot in addition to the 17 trees being provided in the parking lot to meet the afforestation requirement.

5. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
  - e. The height of the light poles shall not exceed 20 feet including the mounting base.
6. Performance Bond and Agreement  
The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:
- a. The amount of the surety shall include plant material, on-site lighting, special paving, and site furniture within the development. Surety to be posted prior to issuance of first building permit and shall be tied to the development program.
  - b. Provide a cost estimate of the above materials and facilities which, upon staff approval, will establish the initial bond amount.
  - c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
  - d. Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.
7. Site Design
- a. Enlarge outdoor plaza area along the northern façade of the building to a minimum of 400 square feet.
  - b. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A1.1 and A2.1 of the submitted architectural drawings dated May 27, 2010, as determined by M-NCPPC Development Review and Urban Design staff.
  - c. Provide five (5) inverted-U bike racks at the main entrance of the building with 2.5 feet minimum distance between the racks.
8. LEED Certification  
The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC Staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate, the Applicant must provide to Staff a written report from the Applicant's LEED consultant that analyzes the feasibility of achieving a LEED-Silver rating, and that includes an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements and associated costs required to achieve the

LEED Silver rating. Submission of this report, which is for public-record purposes only, constitutes compliance with this condition.

9. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated May 24, 2010, unless otherwise amended and approved by the Montgomery County Department of Permitting Services.

10. Development Program

The Applicant must construct the development in accordance with the Development Program that will be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. On-site landscaping and lighting must be installed within six months after the issuance of the use and occupancy permit.
- b. On-site amenities including, but not limited to, sidewalks, seating areas, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect all development standards enumerated in the Staff report.
- d. Ensure consistency off all details and layout between site plan, landscape plan, and lighting plan.
- e. Show light fixtures on landscape plan for reference only.
- f. Show location of monumental sign on the Dino Drive side of the development on the site plan.
- g. Provide details of the proposed benches, trash receptacles, tables and chairs, and list quantities.

- h. Include exterior building elevations in the certified site plan.
- i. Label materials in the building elevations.
- j. Shade trees must be 2 ½ - 3 ½ -inch minimum caliper.

BE IT FURTHER RESOLVED, that all site development elements as shown on Star Pointe Plaza drawings stamped by the M-NCPPC on December 16, 2009, and February 15, 2010, shall be required, except as modified by the above conditions of approval; and

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

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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The Site Plan meets all of the requirements of the I-1 Zone and Burtonsville Employment Area Overlay Zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the I-1 Zone and Burtonsville Employment Area Overlay Zone. With respect to building height, setbacks, and density the Site Plan is under all the maximum standards allowed. With respect to green space the Site Plan provides approximately 47 percent allowing for a greater amount of permeable surface and landscaped open space. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

<b>Development Standard</b>	<b>Approved by the Planning Board &amp; Binding on the Applicant</b>
<b>Gross Tract Area (GTA)</b> (square feet/acres)	67,058 SF (1.54 acres)
<b>Net Lot Area</b> (square feet/acres)	67,058 SF (1.54 acres)
<b>Gross Floor Area (GFA) &amp; FAR</b> - Retail/restaurant - General office Total	8,431 SF <sup>(a)</sup> (0.126 FAR) + 16,808 SF (0.251 FAR) 25,239 SF
<b>Max. Cumulative retail/commercial uses in Overlay Zone (SF)</b>	24,031 <sup>(b)</sup>
<b>Max. Building Height (feet) 59-C-5.3</b>	
- In stories	3
- In feet	42
<b>Min. Building Setbacks (feet)</b>	
- Major highway	100 <sup>(c)</sup>
- Other property lines (59-C-18.142(b)(1))	
- West	13
- South	287
- East	104
<b>Min. Parking Setbacks (feet)</b>	
- Major highway	100
- Other property lines (59-C-18.142(b)(1))	
- West	12
- East	10
<b>Parking Lot Internal Landscape</b> (% of surface pkg facility)	6.8 (2,357 SF)
<b>Min. Green Area (% of GTA)</b> 59-C-5.32	46.9 (31,477 SF)
<b>Total Parking Spaces</b> - Office (16,808 SF) - Retail (3,100 SF) - Restaurant, patron internal (1,927 SF) - Restaurant, patron external (210 SF) - Restaurant, non-patron area (1,333 SF)	<b>84</b> <sup>(d)</sup>
<b>Handicap Spaces</b>	4
<b>Bicycle spaces (59-E-2.3(a))</b> (@ 1 bike space/20 vehicle spaces)	5
<b>Motorcycle spaces (59-E-2.3(d))</b>	2

(@2% x total vehicle spaces)

- (a) Includes 2,071 SF of non-leasable area (lobby, elevator, common area).
- (b) The maximum cumulative square footage of retail commercial uses permitted in the overlay zone per Sec 59-C-18.142(b)(3)(B) is 50,000 square feet. The total of 24,031 SF of cumulative retail/commercial uses in the Overlay Zone consists of the approved 8,431 SF and the existing 15,600 SF of retail in one property (i.e. Zimmerman’s hardware).
- (c) As measured from the edge of the original right-of-way of MD 198, not including the service road, which is intended to be temporary and did not exist at the time that the Fairland Master Plan was adopted. The Fairland Master Plan recommends that buildings in the Burtonsville Industrial Area be set back from Sandy Spring Road (MD 198) by an unspecified distance. In practice, the distance applied to other approved buildings in the area has been 100 feet.
- (d) Per Section 59-E-3.1, this application qualifies for a mixed-use parking credit schedule as calculated in the table below:

Land use (min. pkg. Required)	Weekday				Weekend				Nighttime	
	Daytime (6am-6pm)		Evening (6pm-midnight)		Daytime (6am-6pm)		Evening (6pm-midnight)		(midnight-6am)	
Office (48.7)	(100%)	48.7	10%	4.9	10%	4.9	5%	2.4	5%	2.4
General Retail (15.5)	(60%)	9.3	90%	14.0	100%	15.5	70%	10.9	5%	0.8
Restaurant (51.4)	(50%)	25.7	100%	51.4	100%	51.4	100%	51.4	10%	5.1
All other uses (0)										
<b>Total (116)</b>		<b>*84</b>		<b>70</b>		<b>72</b>		<b>65</b>		<b>9</b>

\* The parking requirement for this mixed use building is 84 spaces.

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

a. Buildings and Structures

The 3-story building consists of retail and restaurant uses at street level and general office space above. The building is oriented north-south on the site and designed in such a way that it will accommodate access from either the existing service road in the Sandy Spring Road (MD 198) right-of-way or from the future Dino Drive extended as recommended by the Fairland Master Plan. The building is set back 100 feet from Sandy Spring Road, which is consistent with other approved building locations along this major highway. The Site Plan includes a monumental sign with a height of 7 feet and width of 9 feet which will be located on the northern side of the site along the service road. The location of the building and structures is safe, adequate and efficient.

b. Open Spaces

The main open space is located between the building and the access road. This landscaped area will serve as a foreground to the building, as viewed from MD 198, and will provide outdoor seating that complements the uses inside the building. The open spaces provided are safe, adequate, and efficient.

c. Landscaping and Lighting

The landscaping creates a traditional foundation planting area for the building, meets the internal landscaping requirement for the parking facility, and adds scale to the building as viewed from MD 198. The plant material consists of groundcover, a mix of evergreen shrubs, and shade trees. The lighting plan consists of wall-mounted light fixtures on all four sides of the building, and pole-mounted light fixtures with a pole height of approximately 20 feet located on the perimeter of the parking areas. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The landscape and lighting is safe, adequate and efficient.

d. Recreation Facilities

No recreation facilities are required for this site plan because this is not a residential development.

e. Vehicular and Pedestrian Circulation

Access will be provided via a driveway from an existing service road in the Sandy Spring Road (MD 198) right-of-way. An alternative driveway is shown that will access the site from the future Dino Drive extended when it is constructed, as recommended by the Fairland Master Plan. When Dino Drive is constructed, the current access from the service road may be eliminated and the southern access may be the primary or only entry. The parking area with a total of 84 parking spaces allows for safe circulation and efficiently accommodates planting islands to offset the expanse of impervious areas. Pedestrian access to the site is improved via a sidewalk connection to the sidewalk system along MD 198 and a future sidewalk connecting to Dino Drive. The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

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

The mixed-use building is compatible with surrounding uses, including the approved self-storage building (Site Plan No. 820100050) located immediately west of the site and the industrial and commercial buildings east of the site. The building height at 42 feet is very similar to the approved height of 45 feet for the self-storage building. Both buildings will be 3-stories in height, but the footprint of the new building is about one third the size of the approved building. The Site Plan maximizes the height allowed in the I-1 zone; however, the surrounding properties could have heights up to 100 feet which is the maximum allowed in the I-3 zone. The building itself is located such that it will not adversely impact existing or proposed adjacent uses. The building will have limited visibility because of its orientation and setback. The monumental sign is compatible with other signs and structures. The dimensions and character of the sign are



comparable to the approved sign at ezStorage and the existing sign at Extra Space.

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 Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 420080640) was approved on November 28, 2007. The subject site has no existing forest, streams, wetlands, floodplains, or environmental buffers. This project has an overall afforestation requirement of 0.25 acres. The Applicant will meet the afforestation requirement with the planting of 17 native landscape trees in the parking lot.

This plan does not remove any trees or vegetation that would necessitate a variance request. Therefore no waiver of any of the provisions of Chapter 22A, Forest Conservation Law, is required.

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept on May 24, 2010. The stormwater management concept consists of the use of environmental site design (ESD) credits to the extent practicable. The ESD elements include green roof, dry wells, and pervious paving. Because the ESD credits do not provide for the entire target treatment volume, a structural sand filter will provide treatment for the remainder of the required amount.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter and 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 the date of this Resolution is JUL 16 2010 (which is the date that this Resolution is mailed to all parties of record); and

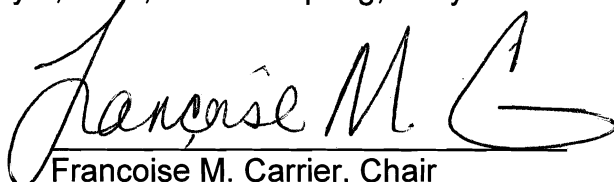
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Presley, seconded by Commissioner Wells-Harley, with Commissioners Wells-Harley, Alfandre, and Presley voting in favor of the motion, and with Chair Carrier abstaining and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, July 1, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board