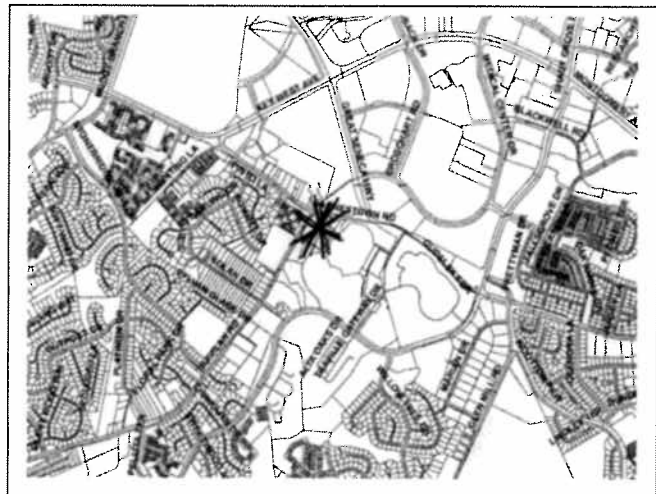


Preliminary Plan No. 120110340 Travilah Square Shopping Center

- PB Patrick Butler, Area 2 Division, Senior Planner, patrick.butler@montgomeryplanning.org, 301-495-4561
 SF Steve Findley, Acting Planner Supervisor, Area 2, steve.findley@montgomeryplanning.org, 301-495-4727
 GK Glenn Kreger, Acting Division Chief, Area 2, glenn.kreger@montgomeryplanning.org, 301-495-4653

description

- Southeast corner of the intersection of Travilah Road and Darnestown Road (Route 28);
- CR Zone – CR 0.75: C 0.5, R 0.75, H 80; Great Seneca Science Corridor (GSSC) Master Plan; 5.56 acres;
- 61,496 sq. ft. of existing commercial development;
- Consolidation of two existing parcels and one lot into a single lot;
- Applicant –Rockville Travilah Square, LLC c/o Walgreens Co – Lawrence H. Brozek;
- Filing date: 06/28/2011;



summary

- Staff recommends approval with conditions.
- A Preliminary Forest Conservation Plan is not required as part of this Preliminary Plan.
- There are no concerns at the time of this report.

The Applicant requests approval for the consolidation of two parcels (P169, P222) and one recorded lot (N224 or Parcel 1) into a single subdivided lot of record. The property includes a strip shopping center, office building and freestanding fast-food restaurant with associated parking. No additional development is proposed.

Although this Preliminary Plan does not propose any redevelopment of the property, the plan was reviewed for conformance with the CR Zone and the recommendations of the GSSC Master Plan. The proposal would provide additional dedication for Darnestown Road, as well as Travilah Road and pedestrian improvements.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Approval of Preliminary Plan 120110340 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations subject to the following conditions:

1. Total development under the subject Preliminary Plan is limited to the existing 61,496 square feet of office and retail uses.
2. Any new development onsite will require a Preliminary Plan Amendment and a new APF test will need to be satisfied.
3. Prior to record plat, the Applicant must enter into a Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board to participate in the greater Shady Grove Transportation Management District (TMD).
4. The Applicant must dedicate additional right-of-way along the following roadways as shown on the plan:
 - a. Ten feet and twenty feet for a total of 50 feet from the centerline of Darnestown Road.
 - b. Nineteen to thirty feet for a total of 70 feet from the opposite right-of-way line on Travilah Road.
 - c. Seventeen to nineteen feet for the required truncation at the Darnestown Road/Travilah Road intersection.
5. The Applicant must provide six-foot-wide sidewalks with handicapped ramps along the property frontage of Darnestown Road and Travilah Road as shown on the plan.
6. The Applicant must provide an ingress/egress easement for the existing bituminous path connecting the site with the adjoining property to the east.
7. The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (MCDOT) letter dated November 25, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
8. Any future preliminary plan amendment must provide the following:
 - a. Lead-in sidewalks from Darnestown Road and Travilah Road.
 - b. The necessary handicapped ramps within the site.
 - c. Inverted-U bike racks and bike lockers for at least one bicycle parking space for every 20 parking spaces provided.
9. All necessary easements must be shown on the Record Plat.

SITE DESCRIPTION

Site Vicinity

The CR zoned Property (outlined in red) is located in the LSC South, one of the five Districts that make up the Life Sciences Center (LSC) in the Great Seneca Science Corridor (GSSC) Master Plan area. Darnestown Road borders the Subject Property to the north, and Travilah Road borders the Subject Property to the west. Uses in the 245-acre district, south of Darnestown Road, include the Traville community's retail and residential uses, Human Genome Sciences (HGS), and the Universities at Shady Grove.



Vicinity Map

Site Analysis

The Subject Property is approximately 5.56 acres in size, and is bound by Darnestown Road and Travilah Road in the LSC. The site is already developed with approximately 61,496 square feet which is comprised of a strip shopping center, office building, and freestanding fast-food restaurant with associated parking. The property lies within the Piney Branch Special Protection Area. Piney Branch is a Use Class I stream. There are no forest areas on the property.

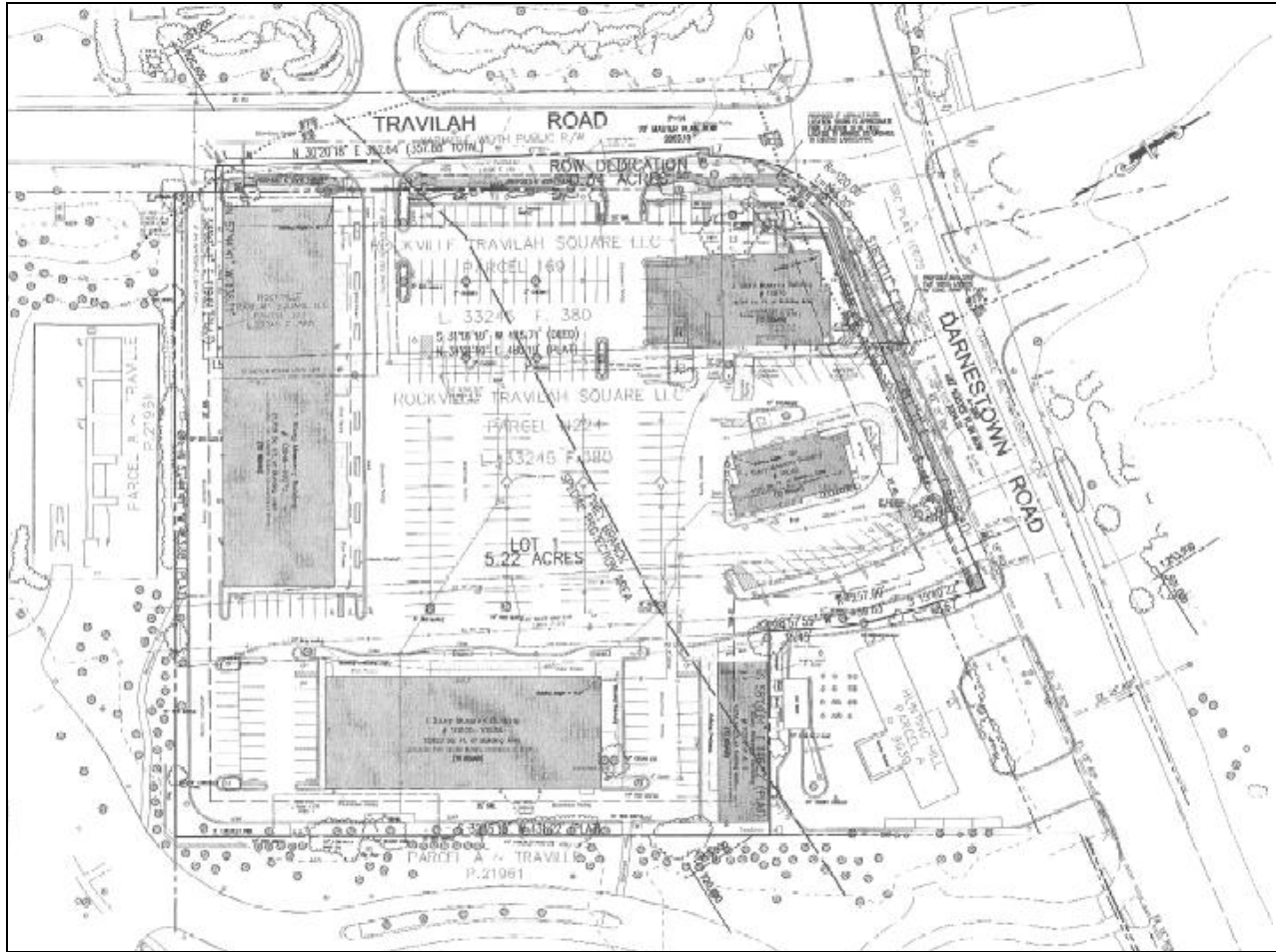


Site Aerial View

PROJECT DESCRIPTION

Proposal

The purpose of the Preliminary Plan is to consolidate two unrecorded parcels and one recorded lot (Parcel 1, Plat No. 14524) into one recorded lot. No redevelopment is proposed as part of the Preliminary Plan.



Preliminary Plan

COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report.

PRELIMINARY PLAN REVIEW

Master Plan

The project is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The subject property is located within the South District. The Master Plan makes numerous recommendations for the LSC South District, and the Plan recommended this Property be rezoned from C-4 to CR 0.75: C 0.5, R 0.75, H 80 to allow the possibility of mixed-use or residential development at this corner. No new development is proposed as part of this Preliminary Plan application. Any future development of the Subject Property must substantially conform to the recommendations of the LSC South District in the GSSC Master Plan.

Transportation

Site Location and Vehicular Site Access

The site is located in the southeastern corner of Darnestown Road/Travilah Road intersection. The three existing vehicular access points are from Darnestown Road and Travilah Road.

Master-Planned Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove TMD. The applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

The transit service is provided by Ride-On route 56 that operates on Darnestown Road and provides service to the Rockville and Shady Grove Metrorail Stations, the Lakeforest Transit Center, and the Montgomery Village Center. The nearest bus stop is located 135 feet east of the Darnestown Road/Travilah Road intersection.

Master/Sector-Planned Roadway and Bikeway

In accordance with the 2010 Approved and Adopted *Great Seneca Science Corridor Master Plan* and the 2005 approved and adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Darnestown Road is designated as a four-lane arterial, A-280, with a recommended 100-foot right-of-way and a share use path, SP-59, located on the north/opposite side. The existing right-of-way along the property frontage is 53 feet to 69 feet wide, which is less than the Master Plan recommended 100 feet.
2. Travilah Road is designated as a two-lane Primary Residential Street, P-14, with a recommended 70-foot right-of-way and a shared use path, SP-57, on the west/opposite side. The existing right-of-way along the property frontage is 46 feet to 57 feet wide, which is less than the Master Plan recommended 70 feet.

Additional right-of-way dedication for both Darnestown Road and Travilah Road is required and shown on the Preliminary Plan.

Pedestrian and Bicycle Facilities

Sidewalks do not exist along the property frontage of Darnestown Road and Travilah Road. An 8-foot-wide shared use path exists along the west/opposite side of Travilah Road. The Applicant must provide sidewalks with handicapped ramps along the entire property frontage of Darnestown Road and Travilah Road as shown on the Preliminary Plan. Lead in sidewalks, additional pedestrian improvements, and possibly bike racks or lockers will be required as part of any subsequent Preliminary Plan Amendment.

Adequate Public Facilities (APF) Review

Parcel No. N224 (Parcel 1, Plan No. 14524) was recorded and approved under the Preliminary Plan No. 11980960, Travilah Plaza, on December 11, 1980, for 36,000 square feet of retail uses. The other two parcels, P169 and P222, are unrecorded parcels on which the remaining square footage of commercial uses exists.

The square footage of existing commercial and retail uses is not proposed to be increased as part of this Preliminary Plan. As a result, no new peak-hour trips are generated during the weekday morning peak period (6:30 to 9:30 a.m.) or the evening peak period (4:00 to 7:00 p.m.). Since no new development is proposed at this time and there is no increase in the number of peak-hour trips, Local Area Transportation Review and Policy Area Mobility Review do not apply.

Any new development onsite will be subject to a Preliminary Plan Amendment and an APF test will need to be satisfied.

Environment

M-NCPPC Review for Conformance to the Special Protection Area (SPA) Requirements

Area 2 environmental planning staff has reviewed and recommends Planning Board approval with conditions of the elements of the SPA water quality plan under the Planning Board's purview:

Forest Conservation

An exemption from preparing a Forest Conservation Plan (#42011154E) was confirmed for the site on April 11, 2011 under Section 22A-5(m) of the Forest Conservation Law (Attachment A). This section permits an exemption for

“a real estate transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel, if:

(1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and

(2) Both the grantor and grantee file a Declaration of Intent.”

This exemption has been granted in this case for the purpose of lot consolidation. Based on this review, staff finds the plan in compliance with Chapter 22A of the County code.

If an application is submitted for development activity on the site within five years of the signing of the Declaration of Intent, the exemption is void and the proposed activity will require that a Natural Resources Inventory/Forest Stand Delineation and Preliminary Forest Conservation Plan be filed with the development application. The Declaration of Intent was signed in the presence of a Notary Public on April 4, 2011.

Montgomery County DPS (Department of Permitting Services) SPA Review Elements

DPS has reviewed the Preliminary Plan and a Water Quality Plan is not required as part of this application since there is no redevelopment proposed and the disturbance of the Property for the purposes of installing the required sidewalks is less than 5,000 square feet.

Stormwater Management

A stormwater management (SWM) concept is not required since the disturbance of the Property for the purposes of installing the required sidewalks is less than 5,000 square feet.

Sediment and Erosion Control

Sediment control requirements are not required since the disturbance of the Property for the purposes of installing the required sidewalks is less than 5,000 square feet.

Therefore, with the analysis above and as conditioned by this staff report, staff finds the Preliminary Plan satisfies the requirements and meets the intents of the Environmental Guidelines and Forest Conservation Law.

COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS

Staff reviewed this application for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The application meets the requirement and standards of all applicable sections. Staff reviewed the proposed consolidation for compliance with the Great Seneca Science Corridor Master Plan. The application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan (See Attachment B).

RECOMMENDATION

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms with the recommendations of the Great Seneca Science Corridor Master Plan. Therefore, Staff recommends approval of the Preliminary Plan subject to the conditions contained at the beginning of this report.

ATTACHMENTS:

- A. FCP Exemption Letter
- B. Agency Approvals

Attachment A



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mr. Larry Brozek AIA
Walgreen Co. Real Estate
106 Wilmot Rd. MS#1640
Deerfield, IL 60015-5105

April 11, 2011

RE: Forest Conservation Plan Exemption Plan #42011154E
Travilah Square Shopping Center

Dear Mr. Brozek:

This letter is to inform you that your request for an exemption from submitting a Forest Conservation Plan #42011154E, Travilah Square Shopping Center, is confirmed for the purpose of lot consolidation. This approval is granted under Section 22A-5(m) of the Montgomery County Forest Conservation Law, which states that an exemption may be granted for

“a real estate transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel, if:

- (1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and
- (2) Both the grantor and grantee file a Declaration of Intent.”

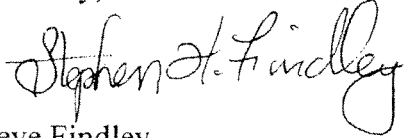
These conditions have been met by your application.

As we previously informed you, if an application is submitted for development activity on the site within 5 years, the exemption is void, and the proposed activity will require that an approved NRI and preliminary Forest Conservation Plan be filed with the development application.

Any other changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4727 or steve.findley@montgomeryplanning.org.

Sincerely,

A handwritten signature in black ink that reads "Stephen H. Findley". The signature is written in a cursive style with a large, prominent "S" and "F".

Steve Findley
Environmental Planner Coordinator, Area 2

CC: NRI/FSD #42011154E

Nathaniel Ballard, Patton, Harris, Rust & Associates

Amy Zou, Patton, Harris, Rust & Associates



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

November 25, 2011

Arthur Holmes, Jr.
Director

Mr. Patrick Butler, Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120110340
Travilah Square

Patrick:
Dear Mr. Butler:

We have completed our review of the amended preliminary plan dated October 25, 2011. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on August 15, 2011. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for future widening of Darnestown Road and Travilah Road in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. The consultant's storm drain capacity and impact analysis is acceptable. No improvements to the existing public storm drain system are needed for the pending plan.
5. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the existing public streets unless the applicant is able to obtain a waiver from the appropriate government agency.

Since the site is expected to redevelop in the future, the applicant has requested the County allow them to construct sidewalks along the Darnestown and Travilah Road site frontages in bituminous concrete. We accept that proposal, subject to the applicant executing and recording a Declaration of Covenants (for Road Improvements) – see comment no. 7. However, the handicap ramps for these sidewalks need to be constructed in portland cement concrete. When the property redevelops, these sidewalks are to be reconstructed in their ultimate location in portland cement concrete.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

6. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct an off-site sidewalk along Darnestown Road [gas station site frontage] to connect with the existing nearby adjacent sidewalk located to the Traville subdivision.
7. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Darnestown Road and Travilah Road, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
8. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department to participate in the Greater Shady Grove Transportation Management District. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.
9. At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the existing bus stop on Darnestown Road. Ms. Coletta may be contacted at 240 777-5836.
10. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Across the Darnestown Road and Travilah Road site frontages, construct five (5) foot wide bituminous concrete sidewalks with concrete handicap ramps.
 - B. On Darnestown Road, construct five (5) foot wide bituminous concrete sidewalk with concrete handicap ramps across the gas station site frontage to meet the existing sidewalk adjacent to the Traville subdivision, if required as an off-site amenity by the Montgomery County Planning Board.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Mr. Patrick Butler
Preliminary Plan No. 120110340
November 25, 2011
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/subd/gml/docs/PP/1-20110340, Travilah Square.doc

Enclosures (2)

cc: Lawrence H. Brozek; Rockville Travilah Square, LLC
Erin E. Girard; Linowes and Blocher, LLP
Nat Ballard; Patton Harris Rust and Associates
Edward Axler; M-NCPPC Area 3 Planning Division
Catherine Conlon; M-NCPPC DARC
Preliminary Plan Folder
Preliminary Plan Letters Notebook

cc-e: Sam Farhadi; MCDPS RWPR
Sandra Brecher; MCDOT DTS/CSS
Stacy Coletta; MCDOT DTS/COSS



FIRE MARSHAL COMMENTS

DATE: Monday, August 15, 2011
TO: Nat Ballard
Patton Harris Rust & Associates
FROM: Marie LaBaw
RE: Travilah Square
120110340

NO COMMENT

To The Applicant:

When Fire Department Access plans are ready for approval from the Fire Marshals Office, please provide the reviewer listed above with four folded copies. The copies will be stamped and an Approval letter will be provided.

*** Lot line adjustment only ***

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: August 10, 2011

MEMO TO: Catherine Conlon, Supervisor for
Development Review Committee, MNCPPC

FROM: David Kuykendall, Senior Permitting Services Specialist
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review
Preliminary Plan 120110340 ; Travilah Square
Subdivision Review Meeting August 15, 2011 SWM File # N/A
DPS Reviewer N/A

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both ESD
 CPv < 2cfs, not required
 Waiver: CPv WQv Both ESD
 On-site/Joint Use Central (Regional): waived to
 Existing Concept: Approved Date,
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Underground Detention Non Structural Practices Other

FLOODPLAIN STATUS: 100-Year Floodplain On-Site Yes No Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
 Dam Breach Analysis Approved Under Review
 100 yr. floodplain study Approved Under Review

SUBMISSION ADEQUACY COMMENTS:

- Downstream notification is required.
 The following additional information is required for review: _____

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter).
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for outcome of the SWM Concept review.
 Comments/Recommendations: Stormwater management is not required since there is no redevelopment of the property, per letter dated May 9, 2011.