



Westfield Montgomery Mall, Limited Site Plan Amendment, 82005003B

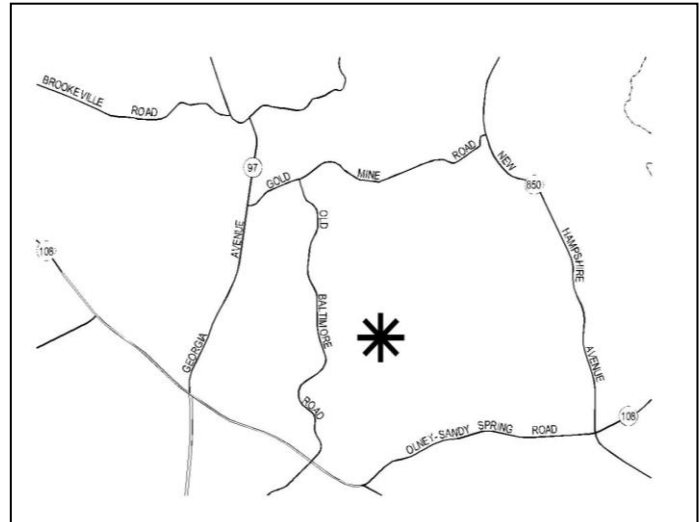
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Date of Report: 12/21/11

Description

To include:

- Located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive
- C-2 zone, Potomac Master Plan, 60.02 acres
- Limited Site Plan amendment to modify conditions of approval related to lighting, wayfinding and signage, and traffic control plans
- Submitted date: 12/5/11



Summary

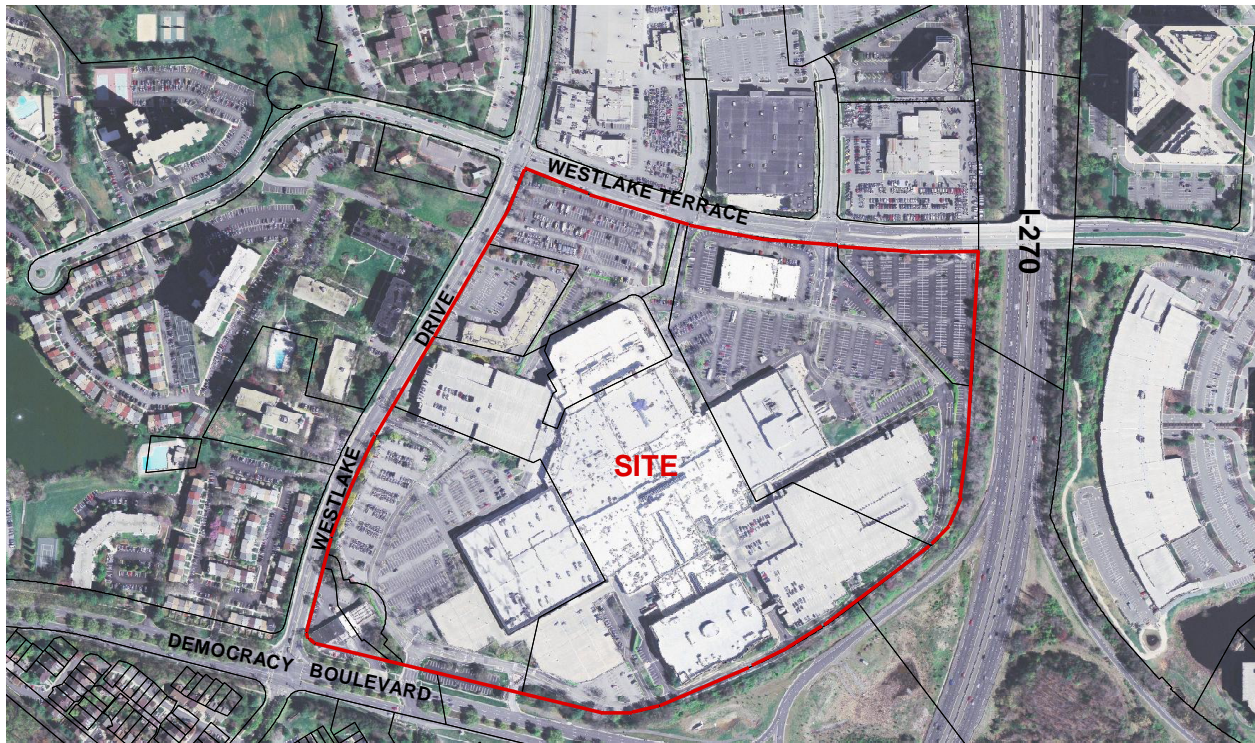
Since receiving approval in 2007 to make significant changes to the existing mall, which would have added additional structured parking in order to create more of a lifestyle center, the applicant has not been able to move forward due to the downturn in the economy. For similar reasons, the applicant never finalized their certified site plan. Now the applicant wishes to proceed with more minor modifications to the center but cannot do so unless certain conditions of the 2007 approval are amended.

- Staff recommends approval of the limited site plan amendment to modify or eliminate conditions 2 (b), 4 (c), 6 (g) and 10.
- Staff is recommending a new condition that requires the applicant to submit their certified site plan for review within 3 months of the mailing date of the resolution. No future amendments will be accepted until the certified site plan has been finalized.

PROJECT DESCRIPTION: Site Vicinity and Description

The subject property is located on the west side of I-270, between Democracy Boulevard and Westlake Terrace. It is bounded by Westlake Drive to the west and served by two freeway interchanges to the east. The property confronts multi-family housing in the R-20, R-30 and RH zones on the west side of Westlake Drive, and C-2 development on the north side of Westlake Terrace. Rock Spring Corporate Office Park is located across I-270 from the site to the east. Across Democracy Boulevard to the south are existing RT zoned townhouse communities. A small shopping center (Westlake Crossing) and an Exxon and Shell gas station are located between the Mall and Westlake Drive. This amendment would incorporate Westlake Crossing into the site plan boundaries of the Mall. The Preliminary Plan was previously amended to reflect this change.

The 60-acre site is currently developed with a 1,242,172 square foot regional shopping center and associated parking. There are two vehicular access points on the Democracy Boulevard and Westlake Terrace frontages and five on Westlake Drive. A ring road links the entrance drives with all of the parking facilities. A bus transit center is located in the northwestern portion of the site near the entrance drive off of Westlake Terrace. There are no stream buffers, floodplains or wetlands on the subject property. The subject property is entirely within the Cabin John Creek sub watershed of the Middle Potomac watershed.



Previous Approvals

Montgomery Mall opened as a regional mall in March of 1968 pursuant to approval of a subdivision of "Parcel F, Lakeview", recorded in Plat Book 81 at Plat No. 8390. The Nordstrom wing was added to the Mall in 1991, as a "loophole project", and was approved through the building permit process.

Preliminary Plan 120050180 was approved 2004 for entitlement of an additional 500,000 square feet of new retail space.

An amendment to the Preliminary Plan, 12005018A, was approved on Resolution dated December 10, 2007 to incorporate Parcel B, the Westlake Crossing lot consisting of 25,005 square feet of retail space into the overall regional mall lot. The total gross lot area for the amended preliminary plan increased to 1,767,000 square feet.

Site plan 820050030 was approved in 2004 for 308,000 square feet of new retail space subject to conditions. The certified site plan was never completed by the applicant.

An amendment to the Site Plan, 82005003A, was approved by Resolution dated December 10, 2007 to authorize the build out of 525,000 square feet of new development, including the previously approved 308,000 square feet of development. The total GLA for the amended site plan increased to 1,601,000 square feet. The certified site plan was never completed by the applicant.

Proposal

As stated earlier, the applicant now wishes to modify certain conditions of approval from Site Plan 82005003A in order to complete the certification of the site plan in order to be able to proceed with more modest updates to the existing mall. The following reflects the applicant's recommended changes to the conditions with a justification:

Deletion of Condition 2(b) and 4(c):

- Condition 2(b):
A comprehensive signage and way-finding program for the parking garages shall be provided on the certified site plan.

Justification: The signage and way-finding will be developed as part of the final architectural and engineering plans for the garages, which have not been developed and would subsequently be modified with new proposals to the garage and site.

- Condition 4(c):
Except for a limited number of lights left on for safety and security, lights will be turned off in the parking structure adjacent to Westlake Drive. The security lighting plan shall be developed and included in the certified site plan.

Justification: The planning and design for lighting and security associated with the parking and site have not been developed and will be further refined with future submittals.

Modification of Conditions 6(g) and 10:

- Condition 6(g):
The Applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point to Democracy Boulevard as required by DPS. ~~The additional traffic control must be shown on the plans prior to certification of the site plan.~~
- Condition 10:
Prior to approval of the Certified Site Plan, the following revisions shall be included and/or information provided, subject to staff review and approval.
 - a. Development program, inspection schedule, Site Plan Index, and Site Plan Resolution.
 - b. The correct number of parking spaces shall be confirmed.
 - c. Limits of disturbance.
 - d. Resolution of all traffic issues.
 - e. Note stating that the M-NCPPC staff must inspect tree save areas and protection devices prior to clearing and grading.
 - f. ~~Details of the signage and way-finding program.~~

- ~~g. Security lighting plan.~~
- h. Details of the conditions of approval for Site Design.

Development Standards

The subject site is zoned C-2. This application is not making any changes to the development standards.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on December 5, 2011 giving 15 days for comments. Staff has not received correspondence on this matter.

RECOMMENDATION AND CONDITIONS

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. Staff recommends deletion of Condition 2(b) and 4(c) since security lighting, signage and way-finding will be evaluated with any planning for the architecture and engineering of future proposals. Staff is recommending that these elements be evaluated with any future development of the site. The modification to condition 6(g) would also be reevaluated with any future development of the site. Condition 10 is specific to the requested modifications on the certified site plan. Staff is also requesting a specific timeframe be placed on the certification of the site plan to avoid future delays and amendments to the approved plans. These modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, landscaping, or lighting.

Staff recommends approval of site plan 82005003B, Westfield Montgomery Mall, for the amendments delineated above. Except for the changes to the conditions, no other modifications have been made to the plans. Staff recommends a new condition related to the timing of the re-submittal of the certified site plan, as follows:

New Condition No. 11

Certification

The Applicant must submit the certified site plan for review within 3 months of the mailing date of the resolution. No building permit can be obtained for square footage over and above that which currently exists without an amendment to the site plan. Any future amendments must not be accepted by the M-NCPPC without a certified site plan of the latest amendment.

Below is the original staff recommendation followed by the conditions of approval as modified:

STAFF RECOMMENDATION: Approval of 1,601,556 gross leasable square feet of commercial retail space, including 59,384 square feet of new space for retail and restaurant uses; and approval of a parking waiver to allow a parking ratio of 4.5 spaces for each 1,000 square feet of gross leasable area, and to allow modification of the size of angled parking spaces and of the width of drive aisles in a parking structure., on 60.02 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on August 3, 2007 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120050180, or as amended with the concurrent review.
2. Site Design
 - a. The total number of parking spaces on site shall be 7207.
 - b. ~~A comprehensive signage and way-finding program for the parking garages shall be provided on the certified site plan.~~
3. Landscaping
 - a. Remove the non-native/invasive plant material from the plant schedule.

4. Lighting

- a. Cumulative light levels from the parking structure on Westlake Drive shall be less than 0.5 footcandles at the right of way line on the east side of Westlake Drive.
- b. Pedestrian level lighting shall be provided on all walks to the mall from adjacent roads.
- c. ~~Except for a limited number of lights left on for safety and security, lights will be turned off in the parking structure adjacent to Westlake Drive. The security lighting plan shall be developed and included in the certified site plan.~~
- d. The height of the on-site light poles associated with the surface parking facilities shall be limited to 18 feet, including the mounting base.

5. Pedestrian Circulation

Pedestrian access to the mall from Westlake Drive and Westlake Terrace shall be provided during all construction phases. A pedestrian circulation plan, including signage, shall be included as part of the certified site plan indicating alternative pedestrian routes during the construction phases.

6. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated September 7, 2007 [Attachment C]:

- a. The square footage of the subject preliminary plan and site plan must be equal to the previously-approved square footage of commercial development under Preliminary Plan No. 1-05018 and Site Plan No. 8-05003 on Parcels F and P587 plus the recently-acquired adjoining Westlake Crossing, Parcel "B" Lakeview. Limit the maximum square footage of general retail use as follows.
 - 1) The preliminary revision must be limited to a maximum of 1,767,177 sf of gla of general retail uses.
 - 2) The site plan amendment must be limited to a maximum of 1,567,177 sf of gla of general retail uses.
- b. The applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
 - 1) The applicant must dedicate 10 feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
 - 2) The applicant must provide a 2-foot-wide PIE along eastern side of Westlake Drive for a 2-foot-wide offset from the proposed shared use path/off-road bike path.
 - 3) The applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to 5 feet wide at no cost to the County or the Applicant to permit a landscape panel between the curb and sidewalk prior to certification of the site plan.
- c. The applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
 - 1) A 2-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE.
 - 2) An 8-foot-wide shared use path/off-road bike path along the east side.
 - 3) A 5-foot-wide landscaped panel with street trees and utilities on east side adjacent to the curb, that may be differ on the intersection approach to Democracy Boulevard.
 - 4) An 11-foot-wide outer northbound through lane that includes a 1-foot-wide curb/gutter on the west side.
 - 5) A 10-foot-wide inner northbound through lane.
 - 6) An 8 foot-wide raised median with 1-foot curbs on each side or a 10-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
 - 7) Two 10-foot-wide southbound through lanes.

- 8) A 4-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
- 9) A 5-foot-wide sidewalk on west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to 5 feet wide. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to 5 feet wide with street trees (i.e., only if the PIE is a full 5 feet wide) and utilities between bike lane and relocated sidewalk.

The detailed final cross-section must be approved by the Planning Board staff and the Montgomery County Department of Public Works and Transportation (DPWT) and in consideration of the community's needs prior to certification of the site plan. Westlake has committed to putting in the median if approved by DPWT or provide an alternative means of providing safe passage.

- d. The applicant must continue consideration of the request of the adjacent homeowners groups for a possible pedestrian mid-block crossing of Westlake Drive between Westlake Terrace and the shopping center's proposed consolidated site access point. Such a mid-block crossing must include a raised median to function as a pedestrian refuge and satisfy DPWT's design standards for pedestrian safety. If satisfying DPWT design requirements, the mid-block must be shown on the plans prior to certification of the site plan.
 - e. The applicant must relocate the pedestrian access to the street-level retail along Westlake Drive in the northwest corner of the site to better align with the pedestrian mid-block crossing, if it satisfies DPWT design requirements. The relocated pedestrian access must be shown on the plans prior to certification of the site plan.
 - f. To accommodate the proposed Westlake Drive cross-section above, the applicant could reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane only if approved by DPWT prior to certification of the site plan.
 - ~~g.~~ The applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point at Democracy Boulevard as required by the Montgomery County Department of Permitting Services (DPS). ~~The additional traffic control must be shown on the plans prior to certification of the site plan.~~
 - h. The applicant must relocate the steps outside the right-of-way for the intersection truncation at the southeast corner of Westlake Drive and Westlake Terrace. The relocated steps must be shown on the plans prior to certification of the site plan.
 - i. The applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the site plan.
 - j. The applicant must provide 20 bike racks and have their locations be approved by Transportation Planning staff prior to certification of the site plan.
 - k. The applicant must retain all transportation-related conditions of approval in the Planning Board's opinion as described in the Transportation Planning staff memorandum dated January 20, 2005, unless modified by the recommendations above.
7. Transit Center
The Applicant shall comply with the conditions of approval in the memorandum from the Department of Public Works and Transportation in the letter dated August 30, 2007, specifically the program of requirements listed in the January 27, 2005 letter for the Montgomery Mall Transit Center [Attachment C].
8. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. Development Program shall include a phasing schedule as follows:

- a. The proposed new or relocated sidewalks and bike paths along Democracy Boulevard, Westlake Drive, and Westlake Terrace shall be completed prior to occupancy of any new retail store in the first phase of development.
- b. Street tree planting shall progress as the proposed sidewalk/bike path is completed, but no later than six months after completion of the sidewalk/bike path.
- c. The proposed new Transit Center shall be completed by the Applicant and accepted by the Montgomery County Department of Public Works and Transportation prior to removal of the existing on-site transit facility.
- d. Landscaping, lighting and pedestrian pathways associated with each parking facility/structure and building shall be completed as construction of each facility is completed.
- e. Provide each phase of the development with required parking spaces, excluding the impact during the construction period.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- g. Provide each section of the development with necessary roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plan.

10. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, site plan index, and site plan resolution.
- b. The correct number of parking spaces shall be confirmed.
- c. Limits of disturbance.
- d. Resolution of all transportation issues.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. ~~Details of the signage and wayfinding program.~~
- g. ~~Security lighting plan.~~

11. Certification

The Applicant must submit the certified site plan for review within 3 months of the mailing date of the resolution. No building permit can be obtained for square footage over and above that which currently exists without an amendment to the site plan. Any future amendments may not be received by the M-NCPPC without a certified site plan of the latest amendment.

APPENDIX

- A. Prior Site Plan Resolution

DEC 10 2007



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

MCPB No. 07-193
Site Plan No. 82005003A
Project Name: Westfield Montgomery, Parcel A
Date of Hearing: September 20, 2007

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 June 14, 2006, Montgomery Mall LLC ("Applicant"), filed an application for approval of a Site Plan for a total of 1,601,556 square feet of commercial retail space, including 59,384 square feet of new space for retail and restaurant uses; and a parking waiver to allow a reduction in the number and size of parking spaces in the parking structure. The new square footage of 1,601,556 includes 25,005 square feet from the existing strip center that has been acquired and included in the gsf ("gross square feet") of the mall operations ("Site Plan" or "Plan") on 60.02 acres of C-2-zoned land, located at the northwest quadrant of the intersection of Democracy Boulevard and Westlake Drive, including Parcel A of the Westlake Shopping Center ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan Application was designated Site Plan No. 82005003A, Westfield Montgomery, Parcel A (the "Application"); and


WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated September 7, 2007, 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 staffs of other governmental agencies, on September 20, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, on September 20, 2007, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 300, Bethesda, Maryland 20814
M-NCPPC Legal Department

 30 Dec 07
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

WHEREAS, on September 20, 2007 the Planning Board approved the Application subject to conditions on the motion of Commissioner Bryant; seconded by Commissioner Lynch; with a vote of 5-0, Commissioners Bryant, Cryor, Hanson, Lynch and Robinson voting in favor.

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. 82005003A for 1,601,556 gross leasable square feet of commercial retail space, including 59,384 square feet of new space for retail and restaurant uses; and approval of a parking waiver to allow a parking ratio of 4.42 spaces for each 1,000 square feet of gross leasable area, and to allow modification of the size of angled parking spaces and of the width of drive aisles in a parking structure, on 60.02 gross acres in the C-2 Zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 120050180, as amended with the concurrent review.

2. Site Design

- a. The total number of parking spaces on site shall include the original waiver request of 30 fewer spaces and the additional loss of 100 spaces resulting from changes to the garage structure. The waiver will allow a parking ratio equivalent to 4.42 spaces for each 1,000 square feet of gross leasable area.
- b. A comprehensive signage and way-finding program for the parking garages shall be provided on the certified site plan.
- c. Provide additional planting within the Transit Center site.
- d. The garage structure façade on Westlake Drive shall include the following elements:
 - 1) Step back the façade approximately 60 feet on the upper level along the southwest edge, requiring the loss of 100 parking spaces.
 - 2) Articulation of the garage parapet, including but not limited to awnings, handrails, and variations of the structural concrete finishes.
 - 3) Provide natural stone materials along the baseline of the parking deck.
 - 4) Add a covered walkway running parallel to Westlake Drive with lighting from the existing mid-block pedestrian crossing to the Mall, from the

garage entrance, to allow pedestrian passage from Westlake Drive into the Mall.

- 5) Provide rooftop planting, where feasible and as approved by M-NCPPC Staff.

3. Landscaping

Replace the non-native/invasive plant material from the plant schedule.

4. Lighting

- a. Cumulative light levels from the parking structure on Westlake Drive shall be less than 0.5 footcandles at the right of way line on the east side of Westlake Drive.
- b. Pedestrian level lighting shall be provided on all walkways to the mall from adjacent roads.
- c. Except for a limited number of lights left on for safety and security, lights will be turned off in the parking structure adjacent to Westlake Drive. The security lighting plan shall be developed and included in the certified Site Plan.
- d. The height of the on-site light poles associated with the surface parking facilities shall be limited to 18 feet, including the mounting base.

5. Pedestrian Circulation

Pedestrian access to the mall from Westlake Drive and Westlake Terrace shall be provided during all construction phases. A Pedestrian Circulation Plan, including signage and phasing, shall be included as part of the certified Site Plan indicating alternative pedestrian routes during the construction phases.

6. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC- Transportation Planning in the memorandum dated September 7, 2007:

- a. The square footage of the subject preliminary plan and site plan must be equal to the previously-approved square footage of commercial development under Preliminary Plan No. 1-05018 and Site Plan No. 8-05003 on Parcels F and P587 plus the recently-acquired adjoining Westlake Crossing, Parcel "B" Lakeview. Limit the maximum square footage of general retail use as follows.
 - 1) The Preliminary Plan revision must be limited to a maximum of 1,767,177 sf of gla ("gross leasable area") of general retail uses.

- 2) The Site Plan Amendment must be limited to a maximum of 1,601,556 sf of gla of general retail uses.
- b. The Applicant must dedicate and provide public improvement easements (PIE) along Westlake Drive between Westlake Terrace and Democracy Boulevard as follows:
- 1) The Applicant must dedicate ten feet minimum of right-of-way for the minimum recommended 45 feet from the centerline of Westlake Drive.
 - 2) The Applicant must provide a two-foot-wide Public Improvement Easements ("PIE") along the eastern side of Westlake Drive for a two-foot-wide offset from the proposed shared use path/off-road bike path. If approved by the Montgomery County Department of Public Works and Transportation ("DPWT") and the Montgomery County Department of Permitting Services ("DPS"), Applicant will provide a wider PIE (approximately five feet in width) to accommodate a three-foot-wide bike lane with a one-foot-wide shoulder on the road along the eastern (mall) side of Westlake Drive. Doing so will require the Applicant to relocate utility poles along the mall property. The landscape design elements along Westlake Drive bordering the Westlake Garage (including evergreen plantings) will remain as per the submitted plans, except in respect to that area within the additional three feet to be included in the PIE. Any modification to the proposed onsite landscaping in this area must be reviewed and approved by Planning Board staff at the time of Certified Site Plan.
 - 3) The Applicant must approach the property owners along the western side of Westlake Drive to grant a PIE up to five feet wide at no cost to the County or the Applicant to permit a landscape panel between the curb and sidewalk prior to certification of the Site Plan.
- c. The Applicant must reconstruct Westlake Drive between Westlake Terrace and Democracy Boulevard with the following cross-section from east to west:
- 1) A two-foot-wide offset from the shared use path/off-road bike path outside the public right-of-way within a PIE. Per condition 6(b)(2) above, Applicant will increase the PIE as necessary (up to five feet wide) to accommodate an additional on-street bike lane on the eastern side of Westlake Drive, if acceptable to all governmental agencies.
 - 2) An eight-foot-wide shared use path/off-road bike path along the east side.

- 3) A five-foot-wide landscaped panel with street trees and utilities on east side adjacent to the curb that may differ on the intersection approach to Democracy Boulevard.
- 4) A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the east side, if approved by DPWT and DPS.
- 5) If DPWT approves the Montgomery Mall Citizens Advisory Panel's (MMCAP) request for a mid-block pedestrian crossing by time of Certified Site Plan, the Applicant will provide such a crossing and will move the exterior stair along the north side of the Westlake Drive garage deck to align with such crossing. The Applicant will provide queue studies as requested by DPWT to review the MMCAP request for median/pedestrian refuge
- 6) A ten-foot-wide outer northbound through lane on the west side.
- 7) A ten-foot-wide inner northbound through lane.
- 8) An eight foot-wide raised median with one-foot curbs on each side or a ten-foot-wide center left-turn lane with a non-standard pavement treatment to delineate it from the through travel lanes, except on the intersection approach to Democracy Boulevard. This center median along Westlake Drive would restrict access from many of the side streets/drives on the west side to right-turns-in and right-turns-out.
- 9) Two ten-foot-wide southbound through lanes.
- 10) A four-foot-wide on-road bike lane that includes the one-foot-wide curb/gutter on the west side.
- 11) A five-foot-wide sidewalk on west side, unless the property owners along the western side of Westlake Drive agree to provide a PIE of up to five feet wide. With the five-foot-wide PIE, the sidewalk can be relocated such that the cross-section should include a landscaped panel up to five feet wide with street trees (i.e., only if the PIE is a full five feet wide) and utilities between bike lane and relocated sidewalk.
- 12) The detailed final cross-section must be approved by the Planning Board staff and DPWT and in consideration of the community's needs prior to certification of the Site Plan. Westlake has committed to putting in the median if approved by DPWT or provide an alternative means of providing safe passage.

- d. The Applicant must continue consideration of the request of the adjacent homeowners groups for a possible pedestrian mid-block crossing of Westlake Drive between Westlake Terrace and the shopping center's proposed consolidated site access point. Such a mid-block crossing must include a raised median to function as a pedestrian refuge and satisfy DPWT's design standards for pedestrian safety. If satisfying DPWT design requirements, the mid-block must be shown on the plans prior to certification of the Site Plan.
- e. The Applicant must relocate the pedestrian access to the street-level retail along Westlake Drive in the northwest corner of the site to better align with the pedestrian mid-block crossing, if it satisfies DPWT design requirements. The relocated pedestrian access must be shown on the plans prior to certification of the Site Plan.
- f. To accommodate the proposed Westlake Drive cross-section above, the Applicant could reconfigure the right-most lane on the northbound Westlake Drive approach at the intersection with Westlake Terrace from a combined right-turn/through lane to right-turn lane only if approved by DPWT prior to certification of the Site Plan.
- g. The Applicant must provide adequate traffic control for the eastbound ring road approach of the shopping center's access point at Democracy Boulevard as required by DPS. The additional traffic control must be shown on the plans prior to certification of the Site Plan.
- h. The Applicant must relocate the steps outside the right-of-way for the intersection truncation at the southeast corner of Westlake Drive and Westlake Terrace. The relocated steps must be shown on the plans prior to certification of the Site Plan.
- i. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and DPWT to participate in the North Bethesda Transportation Management Organization (TMO). The TMAg must be signed and executed by all parties prior to certification of the Site Plan.
- j. The Applicant must provide 20 inverted U bike racks and have their locations approved by Transportation Planning staff prior to certification of the Site Plan.
- k. Revise previous condition 11(c) in the Planning Board Opinion dated April 28, 2005 to read:

Provide a payment to the DPWT "CIP Intersection Improvement Fund" in an amount equal to the cost of reconfiguring the two-lane

southbound Westlake Drive approach at Democracy Boulevard to an exclusive right-turn lane and a combination right, through, and left lane (i.e., instead of the current combination right, through, and left lane and exclusive left-turn lane), for their use if future County monitoring confirms that this improvement is necessary.

1. The Applicant must retain all transportation-related conditions of approval in the Planning Board's opinion as described in the Transportation Planning staff memorandum dated January 20, 2005, unless modified by the recommendations above.

7. Transit Center

The Applicant shall comply with the conditions of approval in the memorandum from the Department of Public Works and Transportation in the letter dated August 30, 2007, specifically the program of requirements listed in the January 27, 2005 letter for the Montgomery Mall Transit Center [Attachment C].

8. Development Program

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

- a. The proposed new or relocated sidewalks and bike paths along Democracy Boulevard, Westlake Drive, and Westlake Terrace shall be completed prior to occupancy of any new retail store in the third phase of development.
- b. Street tree planting shall progress as the proposed sidewalk/bike path is completed, but no later than six months after completion of the sidewalk/bike path.
- c. The proposed new Transit Center shall be completed by the Applicant and accepted by the Montgomery County Department of Public Works and Transportation prior to removal of the existing on-site transit facility.
- d. Landscaping, lighting and pedestrian pathways associated with each parking facility/structure and building shall be completed as construction of each facility is completed.
- e. Provide each phase of the development with required parking spaces, excluding the impact during the construction period.
- f. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

- g. Provide each section of the development with necessary roads.
- h. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the Certified Site Plan.

10. Certified Site Plan

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

- a. Development program, inspection schedule, Site Plan Index, and Site Plan Resolution.
- b. The correct number of parking spaces shall be confirmed.
- c. Limits of disturbance.
- d. Resolution of all transportation issues.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- f. Details of the signage and wayfinding program.
- g. Security lighting plan.
- h. Details of the conditions of approval for Site Design.

BE IT FURTHER RESOLVED that all site development elements as shown on Westfield Montgomery, Parcel A drawings stamped by the M-NCPPC on August 3, 2007, 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, 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.

An approved Development Plan or a Project Plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the C-2 zone and where applicable conforms to an Urban Renewal Plan approved under Chapter 56.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the C-2 zone as demonstrated in the Data Table below. The requested parking waiver to allow a parking ratio of 4.42 spaces for each 1,000 square feet of gross leasable area and to allow modification of the size of angled parking spaces and of the width of drive aisles in the parking structure satisfies the zoning ordinance requirements. The following Data Table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by
 the Board and Binding on the
 Applicant

Min. Tract Area (ac.):	60.02
Max. Floor Area Ratio (FAR)	0.746
Gross Leasable Area (gla):	1,601,556
Min. Building Setbacks (ft.)	
Front (public street)	10
rear yard	0
side yard	0
Min. Residential Setback (ft.)	35
Min. Green Area (%)	15.6 (9.36 acres/ 408,083 sf)
Min. Internal Lot Landscaping (%):	5.3
Max. Building Height (ft.):	42
Parking Spaces (Based on total center GLA of 1,601,556@4.5 stalls/1,000 GLA)	
Existing Spaces to Remain	3,065

(Existing spaces = 6,405 minus 3,350 to be removed)	
New Spaces	
Garage 1 (Westlake Drive)	2,768
Garage 2 (Transit Center/I-270)	603
Surface Parking	697
Surface Parking at Sears TBA Lot	<u>44</u>
Total	7,177*

**Waiver submitted pursuant to Division 59-E-2.22 requires a minimum 'standard' parking space of 8'-6" by 18'-0". Up to 20% of the stalls may be 8'-0" by 17'-6" for employee use, and up to 10% of the stalls to be small car spaces of 7'-6" by 16'-6". When perpendicular (90 degree) parking is used, the required drive aisle for all of the above stall sizes is 20 feet, with a resulting total size of 56 feet for the module. The applicant requests an adjustment of the module for angled parking in the parking structure as follows:*

- 1. An 8'8" stall at 75 degrees on a module of 56 feet; and*
- 2. An 8'8" stall at 65 degrees on a module of 54 feet.*

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 location of the buildings and structures are adequate, safe and efficient.

The proposed mall expansion will add new retail space to the existing mall and increase the footprint of the existing building at the north, east and western ends of the mall. A freestanding building will be constructed near the northeastern corner of the site to accommodate the relocated Sears Automotive store. Two five-story parking structures are proposed: one adjacent to the Sears Automotive store and proposed Transit Center; and an additional structure along Westlake Terrace to provide spaces for the additional retail use.

A retaining wall is proposed along the Westlake Drive frontage in the area where the existing retail is presently located. The wall will vary in height from 6 feet to approximately 14 feet, which will separate the surface

parking facility associated with the street oriented retail at the entrance to the mall and the vehicular and pedestrian circulation along Westlake Drive. The wall serves two purposes: 1) provide for the change in grade from street level to proposed retail; and 2) direct pedestrians to only two points of access to the retail, negating the desire for mid-block pedestrian crossings.

b. Open Spaces

The location of the open spaces are adequate, safe and efficient.

The existing shopping mall and parking encompass the majority of the site, with open space and green areas along the perimeter of the site and within planting islands. The proposed mall expansion will utilize some of the surface parking areas for additional retail space and accommodate the parking need through structured parking. The plan proposes 9.36 acres of open space, or 15.6 percent of the property, which includes sidewalks, landscaped islands in the parking areas, and landscaped space between the buildings and along the street frontages. This represents a 5 percent increase in the requirement of the zone.

c. Landscaping and Lighting

The landscaping and lighting associated with the proposed development are adequate, safe and efficient.

The proposed landscaping on the site consists of landscaped islands within the parking areas, between the buildings and along the street frontages. The Applicant is also providing a green screen along the façade of the parking structure on Westlake Terrace. The parking structure is set back from the right-of-way to allow for terraced planting of evergreens and deciduous shrubs and trees. Street trees will be planted along the street frontages, between the relocated sidewalks and curbs.

The lighting plan provides five separate zones for the parking areas to account for the various surface parking facilities, the parking structures and pedestrian zones. The heights of the light poles, including the mounting base, are 18 feet in height to minimize the impact of glare and light spill-over on adjacent residential communities. All light fixtures will be full cut-off fixtures and deflectors or shields will be placed on fixtures causing a negative impact on adjacent properties.

d. Recreation Facilities

Recreation facilities are not required for the proposed commercial development.

e. Vehicular and Pedestrian Circulation

Vehicular and Pedestrian conditions are adequate, safe and efficient.

Access points to the site are to be provided from Democracy Boulevard, Westlake Drive and Westlake Terrace. The primary change to the access points along Westlake Drive includes the elimination of four existing vehicular access points into the existing shopping center. The internal ring road continues to link the entrance drives with the proposed and existing parking facilities.

A bus transit center is currently located in the northwest portion of the site with direct access from Westlake Terrace. The Applicant is committed to constructing a new Transit Center in the northeastern corner of the site, with direct access from Westlake Terrace. The Transit Center will include six bus bays to accommodate current and future transit needs. The Applicant is also providing safe and convenient pedestrian access from the transit center to the mall and neighboring sidewalk system.

This site is located within the boundary of the North Bethesda TMD but outside the North Bethesda/Garrett Park Planning Area. The TMAg will be signed and executed by all parties prior to certification of the site plan.

The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-31 (shared use path and bike lanes) along Westlake Drive between Westlake Terrace and Democracy Boulevard. However, the County needs an additional ten feet of right-of-way from the west side in order to accommodate the on-road bike lanes. The proposed cross section will implement the southbound bike lane. The northbound bike lane will be implemented in the future if and when the additional right-of-way from west side is dedicated or purchased by the County. The *Master Plan* recommends a shared use path on the west side of Westlake Drive along the applicant's property frontage. The sidewalk along the west side of Westlake Drive can be upgraded with a landscape panel between the curb and sidewalk if the property owners grant a five-foot-wide PIE to the County.

The internal pedestrian circulation reflects a parking garage along Westlake Drive in the northwest corner of the site while providing a

pedestrian connection to street-level retail uses for the local residents who previously patronized the Westlake Crossing shopping center.

A pedestrian mid-block crossing on Westlake Drive is being considered by DPWT with this proposal. The residents of the communities on the west side of Westlake Drive currently walk across Westlake Drive to Lakeview Crossing Shopping Center that served as their local shopping center. The existing retail center is being removed and being replaced with street-level retail on the front of the proposed mall in the northwest corner. A raised median is needed to accommodate pedestrians for a mid-block crossing of Westlake Drive between Westlake Terrace and the street-level retail. Improvements to the street section within the right-of-way will need to incorporate DPWT's design standards for pedestrian safety. If approved by DPWT, a mid-block crossing would be located between Westlake Terrace and the vehicular access point along Westlake Drive.

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

The elements of the proposed plan are compatible with other uses and other site plans in the surrounding neighborhood and community.

The proposed expansion will add new retail space and structured parking to the existing facility. The use remains the same as the current development on the site. The existing and proposed use is compatible with the surrounding development. The parking garage along Westlake Drive has been sensitively designed to minimize visual and spatial impacts on the adjacent residential communities through architectural treatments, buffer planting along the street, screen planting on the façade of the structure, and on the rooftop plantings on the structure.

The pedestrian safety concerns address specific compatibility concerns for resolved conflicts between vehicles and pedestrians and increased attention given to the massing along Westlake Drive.

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 site does not contain any forest, wetlands or other environmental features; however, the Applicant is still subject to Forest Conservation Law and subject to an 8.59-acre planting requirement. The Applicant is proposing to

satisfy the requirements of the forest conservation law through a combination of on-site landscape planting and an off-site forest mitigation bank.

The proposed stormwater management concept consists of (1) on-site channel protection measures via an off-site retention pond; and (2) on-site water quality control via stormfilters or MCDPS approved equivalent structures.

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 the date of this Resolution is DEC 10 2007 (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

At its regular meeting, held on Thursday, December 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chairman Robinson, with Commissioner

MCPB No. 07-193
Site Plan No. 82005003A
Westfield Montgomery, Parcel A
Page 15

Bryant, Vice Chairman Robinson, Chairman Hanson, and Commissioners Cryor and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82005003A, Westfield Montgomery, Parcel A.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board