



MCPB

Item No.:


Date: 3/6/14

The Home Depot—Aspen Hill, Site Plan, 820140030

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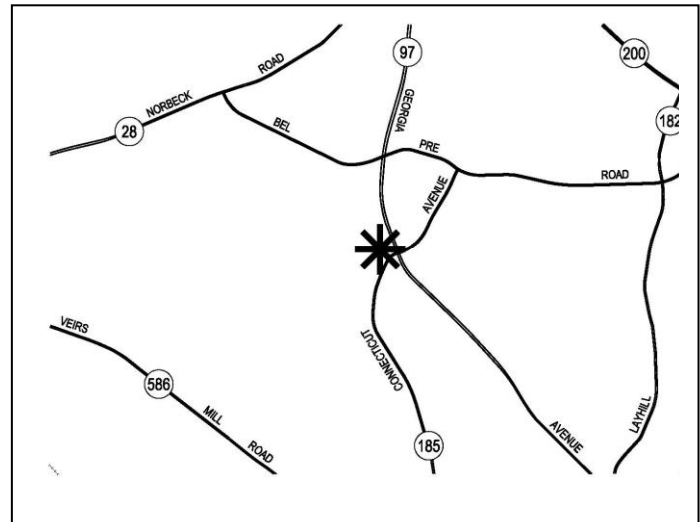
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Completed: 2/20/14

Description

- Request to construct a 29,998-square foot building addition and relocate and reconfigure the parking area of the existing store;
- Located at 14000 Georgia Avenue, on the northwest corner of Georgia Avenue and Connecticut Avenue;
- Approximately 32.76 acres in the RMX-2C and R-90 Zones in the *Aspen Hill Master Plan* area;
- Applicant: The Home Depot;
- Filing Date: September 23, 2013.



Summary

- Staff recommends approval with conditions.
- Staff has received no correspondence from noticed parties as of the date of this report.
- The Applicant must request a modification to its special exception in order to maintain consistency between approved plans.
- This development has an approved Forest Conservation Exemption under Chapter 22A.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820140030, for 29,998 square feet of additional retail floor area on the Subject Property. All site development elements as shown on the site, landscape and lighting plans received electronically by the M-NCPPC on January 17, 2014, are required, except as modified by the following conditions.

Conformance with previous approvals

1. Special Exception

Prior to the submission of the Certified Site Plan, the proposed development must seek an amendment from the Montgomery County Board of Appeals to modify the existing special exception to be consistent with the Planning Board Site Plan approval.

2. 1994 Design Plan Agreement

The proposed development must comply with the 1994 Design Plan Conformance and Enforcement Agreement (Design Agreement), except as modified by this Site Plan, and limit the development on the Subject Property to one building, no greater than 163,000 square feet with a maximum of 140,000 square feet of enclosed space.

Environment

3. Forest Conservation & Tree Save

Prior to the submission of the Certified Site Plan, the Applicant must submit a revised Forest Conservation Plan exemption request that includes the frontage improvements along Connecticut Avenue and Georgia Avenue required by this Site Plan.

4. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval dated October 16, 2013, unless amended by the Montgomery County Department of Permitting Services.

Transportation and Circulation

5. Transportation

- a. Within six months after the mailing of the Resolution of approval for this application, the Applicant must submit a traffic signal warrant study for the existing access driveways at Georgia Avenue (MD 97) and Connecticut Avenue (MD 187), as required by the Maryland State Highway Administration (SHA). If it is determined that a traffic signal is warranted at either or both locations, the Applicant must fund and install the traffic signal(s) and construct the associated intersection improvements, prior to the issuance of Use and Occupancy Certificate.

- b. The Applicant must construct the master-planned 10-foot wide shared-use path with associated landscaping and street trees along the Property's Georgia Avenue (MD 97) and Connecticut Avenue (MD 187) frontages, replacing the existing four-foot wide sidewalk, subject to SHA approval and permit. The shared-use path must be completed within three years of the date of mailing of this Resolution. DPS may release required building permits to allow the construction of the proposed addition as shown on the approved Certified Site Plan. The Applicant must receive all necessary permits from SHA and other agencies needed to install the shared-use path and post a bond as part of their access permit from SHA for these improvements.
- c. The Applicant must provide a minimum of 20 bike parking spaces consisting of four inverted-U bike racks (or equivalent, approved by Staff) (i.e., two bike parking spaces per rack), that conform to American Pedestrian and Bicycle Professionals Guidelines and a secured bike room to store at least 12 employees' bicycles. The Applicant shall install the bike racks near the main customer entrance in a weather-protected area.
- d. Prior to the release of the Use and Occupancy Certificate, the Applicant must restrict all left turns between 4:00 p.m. – 7:00 p.m. at the Property at Georgia Avenue.
- e. Prior to the release of the Use and Occupancy Certificate, the Applicant must install new "Yield to Pedestrian" signs at both entrances to the Property (Georgia Avenue and Connecticut Avenue).
- f. The Applicant must provide proper signage for safe traffic and pedestrian circulations during all phases of construction.
- g. Prior to the release of grading and construction permits, the Applicant must trim tree canopies to provide clear sight distance between the entrance and 100 feet to the north of the entrance at Georgia Avenue.
- h. Prior to release of the Use and Occupancy Certificate, the Applicant must relocate the crosswalk at the Property entrance at Georgia Avenue.

Site Plan

6. Site Plan/Architecture

- a. The maximum height of the proposed addition must not exceed 40 feet.
- b. The final exterior architectural character, proportion, materials and articulation must be substantially similar to the schematic elevations shown on the architectural drawings and plans submitted on January 17, 2014, unless modified by Staff approval.

7. On-Site Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All light fixtures around the store, parking areas, and driveways must be full cut-off fixtures.

- c. Illumination levels shall not exceed 0.1 footcandles (fc) at any property line abutting residential properties.
- d. The height of the light poles shall not exceed 18 feet including the mounting base.

8. Surety

Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety and Maintenance agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include plant material, on-site lighting, and associated improvements.
- c. The bond or surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

9. Development Program

As part of the approval of the Certified Site Plan, the Applicant must provide a development program that includes the following:

- a. Frontage improvements, including the construction of the 10-wide shared-use path, street lamps and landscaping, must be installed within three years of the date of mailing of the Planning Board Resolution approving this Site Plan. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, landscaping and bicycle facilities must be installed prior to release of any Use and Occupancy Certificate.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. Phasing for installation of on-site landscaping and lighting.
- e. Phasing of stormwater management, sediment and erosion control, afforestation, and other features.

10. Certified Site Plan

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

- a. Include the forest conservation exemption 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. Ensure consistency of all details and layout between site plan and landscape plan.
- d. Revise the development data table on the cover sheet and all subsequent site plan and landscape/lighting plan sheets to be consistent with the Project Data Table in this Resolution.
- e. Submit a copy of the special exception modification request to staff. Provide confirmation from the Board of Appeals if no modification is necessary and the record is closed.

11. Post Certified Site Plan

Prior to the issuance of the building permit, the Applicant must submit a copy of the Certified Site Plan to the Board of Appeals for inclusion into the special exception record.

SITE DESCRIPTION

The Subject Property (Property) consists of approximately 32.76 acres, and is known as Parcel A, “Vitro Corporation.” It is located at the northwest corner of the intersection of Georgia Avenue and Connecticut Avenue. The English Manor subdivision is to the north of the Property; Wheaton Woods subdivision is to the west; and the vacant Vitro office building is to the south.

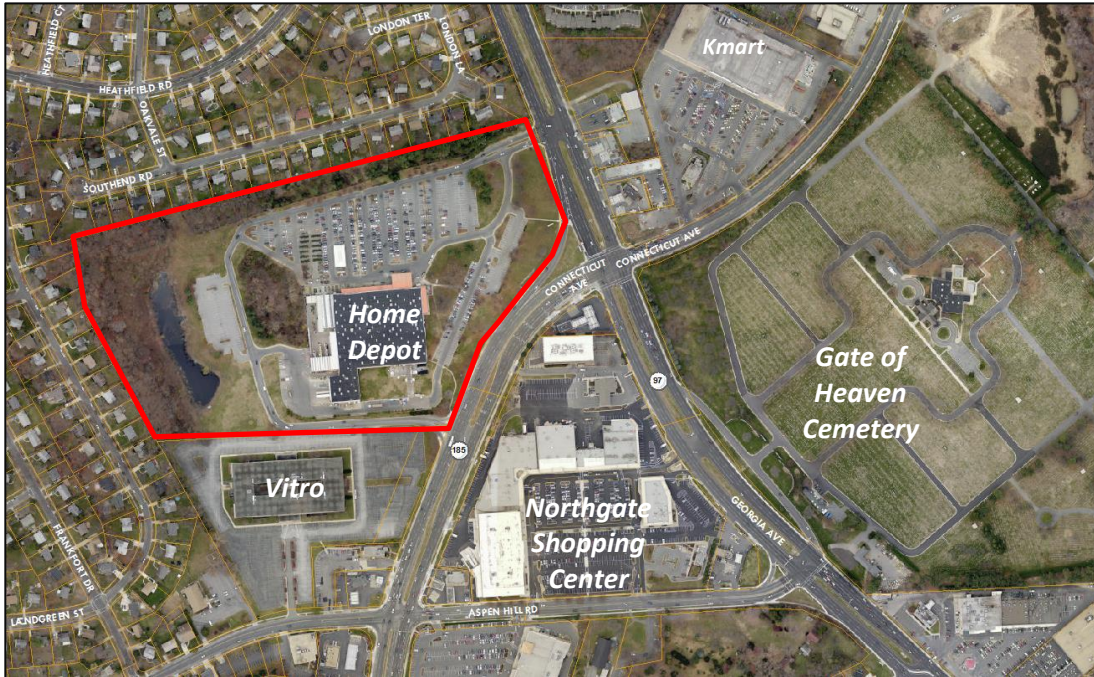


Figure 1: Vicinity Map

The Property currently contains a 133,002-square foot Home Depot (104,500 square feet enclosed, and 28,500-square foot garden center). In addition to the main building, the Property also contains a seasonal outdoor display and staging areas, 844 parking spaces, and associated cart returns stalls, landscaping islands, site lighting and stormwater management facilities. There are significant wooded buffers, berms and fencing between the parking and the residential communities to the north and west.

The Property is split-zoned between the R-90 and RMX-2C Zones. The parking on the R-90 zoned portion of the Property is permitted by special exception. The Property is currently served by public water and sewer.



Figure 2: Aerial Photo

The Property is located in the Rock Creek Watershed. There are no known rare, threatened or endangered species on site. There is no forest on-site, and a 1.21-acre stormwater management pond is depicted on the approved Forest Conservation Exemption and Tree Save Plan (#42013190E).

PREVIOUS APPROVALS

Preliminary Plan for the Property and Plat number 4689 were approved in 1956. The Plat was recorded in the Land Records of Montgomery County on September 25, 1956.

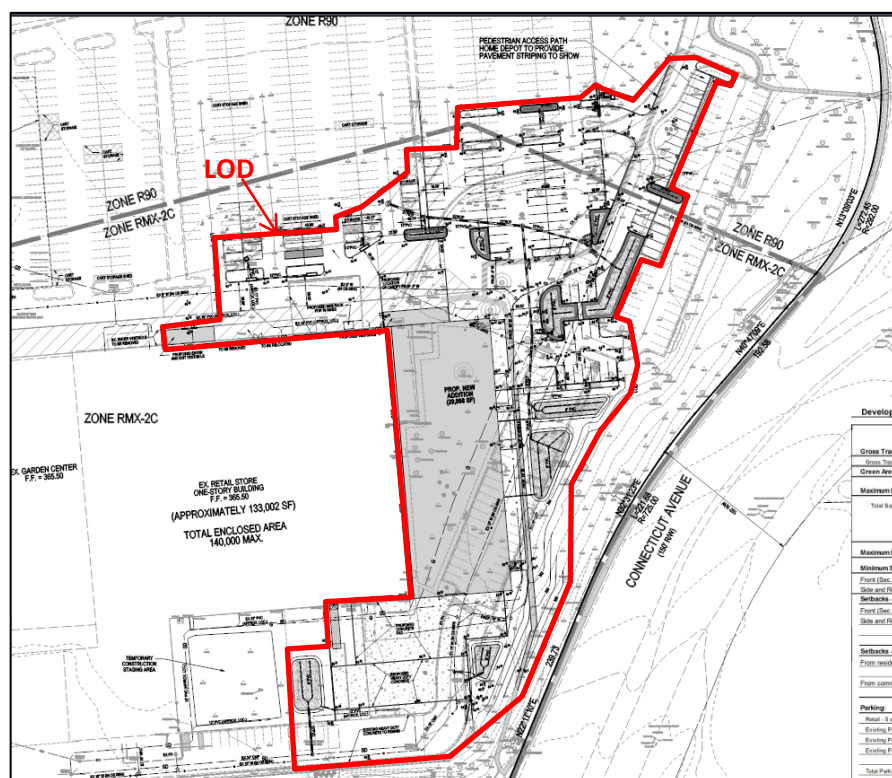
Special Exception Case Nos. 381 (1955, subsequently amended 1967, 1968, 1979 and 1994), 1270 (1962, amended in 1994), 2235 (1967, amended in 1994), 2339 (1968, amended in 1994) and CBA-1270-A (1994) were approved in connection with the portion of surface parking in the R-90 Zone. The last modification approved in 1994 transferred the special exception from the Vitro Corporation to the Home Depot; reduced the number of parking spaces in the R-90 zoned portion of the Property to 625; increased landscaping, trees, and buffering; installed a security fence; and replaced the existing lights.

When the Home Depot was proposed in 1993/94, the 1994 *Aspen Hill Master Plan* amendment was underway, and the Plan recommended rezoning the Property from the C-2 Zone to the RMX-2C Zone. In order to expedite the development of the store, the Home Depot agreed to be bound by a *Design Compliance and Enforcement Agreement* (Design Agreement) and not wait for the RMX-2C Zone, which requires full Site Plan review under §59-D-3. The Planning Board reviewed the 1994 Home Depot proposal as if it were a Site Plan, and approved up to 163,000 square feet of retail with a maximum of 140,000 square feet enclosed.

The purpose of the Design Agreement was to ensure Home Depot's compliance with the provisions and conditions of the Master Plan, a Design Plan, APFO review and the approved special exceptions. This agreement, which was similar to a site plan enforcement agreement, set forth the "conditions of approval" for development of the site. If the Home Depot were to amend or revise some or all of the development limitations, the Planning Board staff would determine whether a major or minor amendment to the approved site plan was warranted. Amendments to the development limitations, which also require modifications to the special exception, were to be considered by the Board of Appeals after being reviewed by Staff and the Planning Board.

PROJECT DESCRIPTION

The Applicant proposes to construct an addition of 29,998 square feet, which was part of the square footage covered by the previous Design Agreement but was never built. The original approval allowed this square footage to be located on the south side of the building; however, this proposal intends to move the 29,998 square feet to the east side of the building, closest to Connecticut Avenue. This configuration does not violate the initial Design Agreement by keeping the total maximum development within 163,000 square feet, keeping the commercial components far from the adjoining residential community, and maintaining the required landscaping berms and buffers.



A portion of the surface parking area and associated drive aisles will be relocated and reconfigured to accommodate the proposed addition. This addition will add twenty parking spaces for a total of 864. The proposed project will continue to be accessed by a full-turn entrance along Georgia Avenue and secondary access (right-in/right-out only) from Connecticut Avenue. Trucks over 5,000 lbs are limited to the access point from Connecticut Avenue.

The proposed landscaping on the site plan consists of a mix of shade, evergreen and ornamental trees along the Property's frontage and in parking islands.

TRANSPORTATION

Master-Planned Roadways and Bikeways

The *Aspen Hill Master Plan* recommended a Class I Bikeway along Georgia Avenue from Norbeck Road to Mathew Henson State Park, and along Connecticut Avenue from Aspen Hill Road to Bel Pre Road. The purpose of this recommendation was to enhance recreation and commuting within Aspen Hill and: “...1) to meet the needs of the bikers within the area and those passing through and to encourage new ridership; and 2) to meet the needs of hikers and other people traveling on foot.”

The 1994 *Aspen Hill Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan* (Bikeways Plan) designated the following roadways, bikeways and transitways:

1. **Georgia Avenue (M-8)** is designated as a six-lane divided major highway, with a recommended 150-foot right-of-way and a Class I (off-road) bikeway. The Bikeways Plan further recommends a shared-use path (SP-29) on the west side of Georgia Avenue.
2. **Connecticut Avenue (M-7)** is designated as a six-lane divided major highway, M-7, with a recommended 150-foot right-of-way and transitway and Class I (off-road) bikeway. The Bikeways Plan recommends a shared-use path, SP-27, on the west side of Connecticut Avenue.

The 2013 *Countywide Transit Corridors Functional Master Plan* recommended Bus Rapid Transit along Corridor No. 4, Georgia Avenue North. For the segment fronting the Property, it recommended a 150-foot wide right-of-way with four lanes and a reversible one-lane median for buses (see Figure 4).

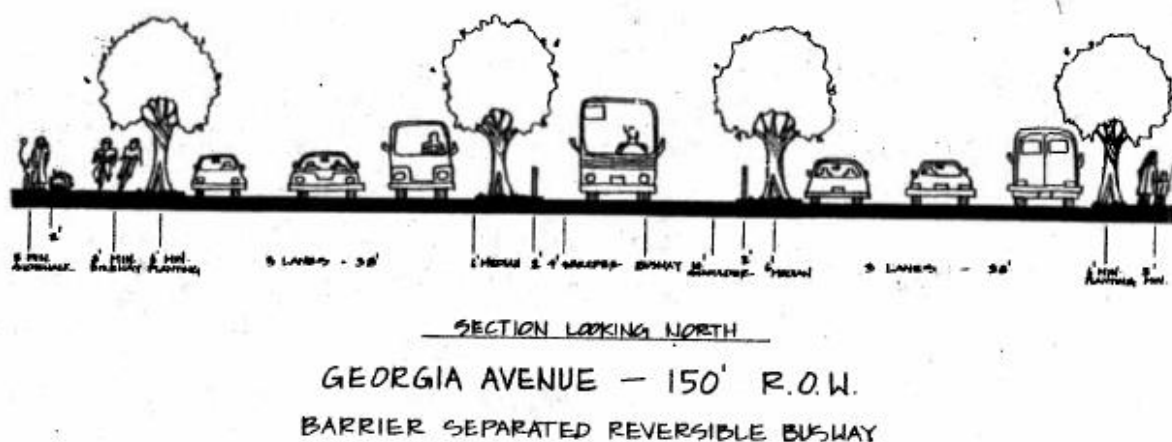


Figure 4: Georgia Avenue Cross Section

Source: 1994 *Aspen Hill Master Plan*

Pedestrian and Bicycle Facilities

A 2011 *Pedestrian Road Safety Audit Report, Connecticut Avenue (MD 185) from Independence Street to MD 97* (Audit Report) by the State Highway Administration (SHA) analyzed the area including Connecticut Avenue, Aspen Hill Road, and Georgia Avenue in the vicinity of the Home Depot Property because this area was identified as one of Montgomery County's High Incidents Areas for pedestrian-related collisions as part of the Montgomery County Executive's Pedestrian Safety initiative. Several unsafe conditions were found and the audit team (which included pedestrian safety experts, traffic engineers, transportation planners, and transportation design professionals) recommended numerous

improvements in and around the Property. It documented 262 vehicular, 21 pedestrian and 2 bicycle crashes from 2005 to 2009. The number of injuries and fatalities in the study area was approximately three times higher than other similar roadway segments. Updated crash reports from 2010 to 2012 indicated that, on average, 12 accidents occur at the Home Depot driveway at its intersection with Georgia Avenue (MD 97) per year.

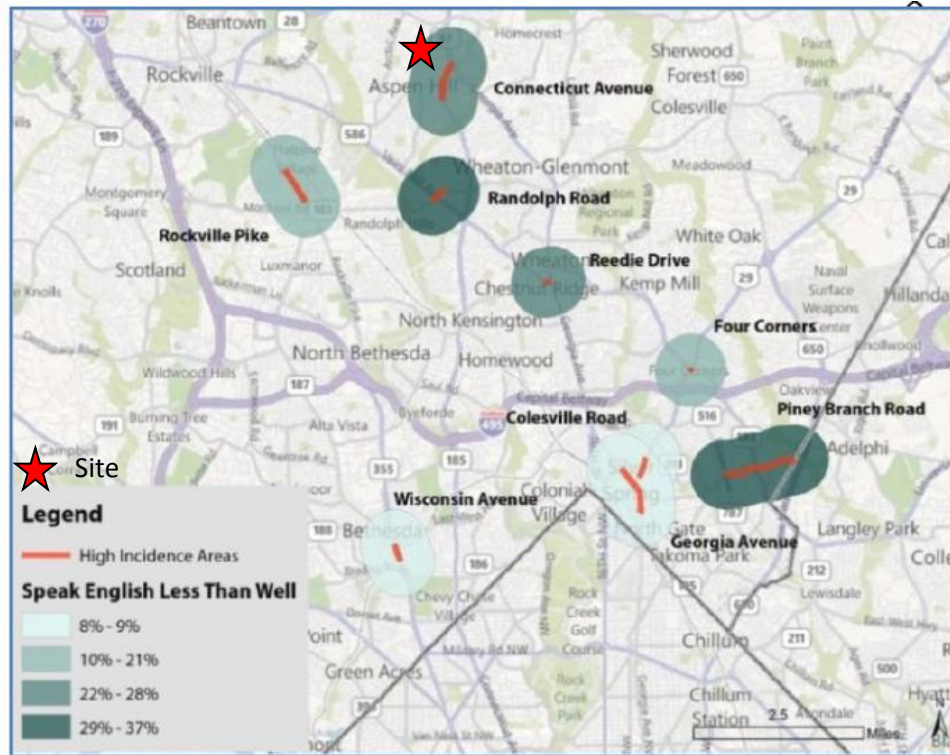


Figure 5: Pedestrian Safety Initiative, High Incident Areas

Figure's Source: Montgomery County, Maryland's Pedestrian Safety Initiative: A Data-Driven Approach to Coordinating Engineering, Education, and Enforcement, November 13, 2013

Staff agrees with the State Highway Administration Audit Report assessment that several frontage improvements are necessary to provide pedestrians with safe and adequate travel opportunities through and around the Home Depot Property including the master-planned shared-use path and green corridors enhancements. The Audit Report recommended the following improvements for the Property's frontage and two entrances (Figure 6, below):

1. Evaluate the need for a traffic signal at the intersection of Georgia Avenue and the Home Depot main driveway.
2. Reduce pedestrian crossing distance at the Home Depot entrance at Georgia Avenue.
3. Consider new left-turn restrictions for exiting traffic from 4:00 p.m. to 7:00 p.m. at the Home Depot entrance at Georgia Avenue.
4. Consider trimming tree canopies along Georgia Avenue just north of the main Home Depot driveway at the intersection with Georgia Avenue.
5. Consider construction of a barrier at the back of the sidewalk to protect pedestrians from the drainage structure.
6. Consider installing pedestrian warning signs on Connecticut Avenue south of the site's secondary access driveway.
7. Consider signage changes in the vicinity of the site access from Connecticut Avenue and evaluation of a traffic signal installation including pedestrian signals at the site's Connecticut Avenue entrance.
8. Consider relocating the crosswalk at Georgia Avenue entrance to be closer to its intersection with Georgia Avenue.

9. Consider relocating the 50-mph speed limit sign on the northbound Georgia Avenue side of the roadway to be north of the 7-Eleven driveway (i.e., opposite the Home Depot main driveway).

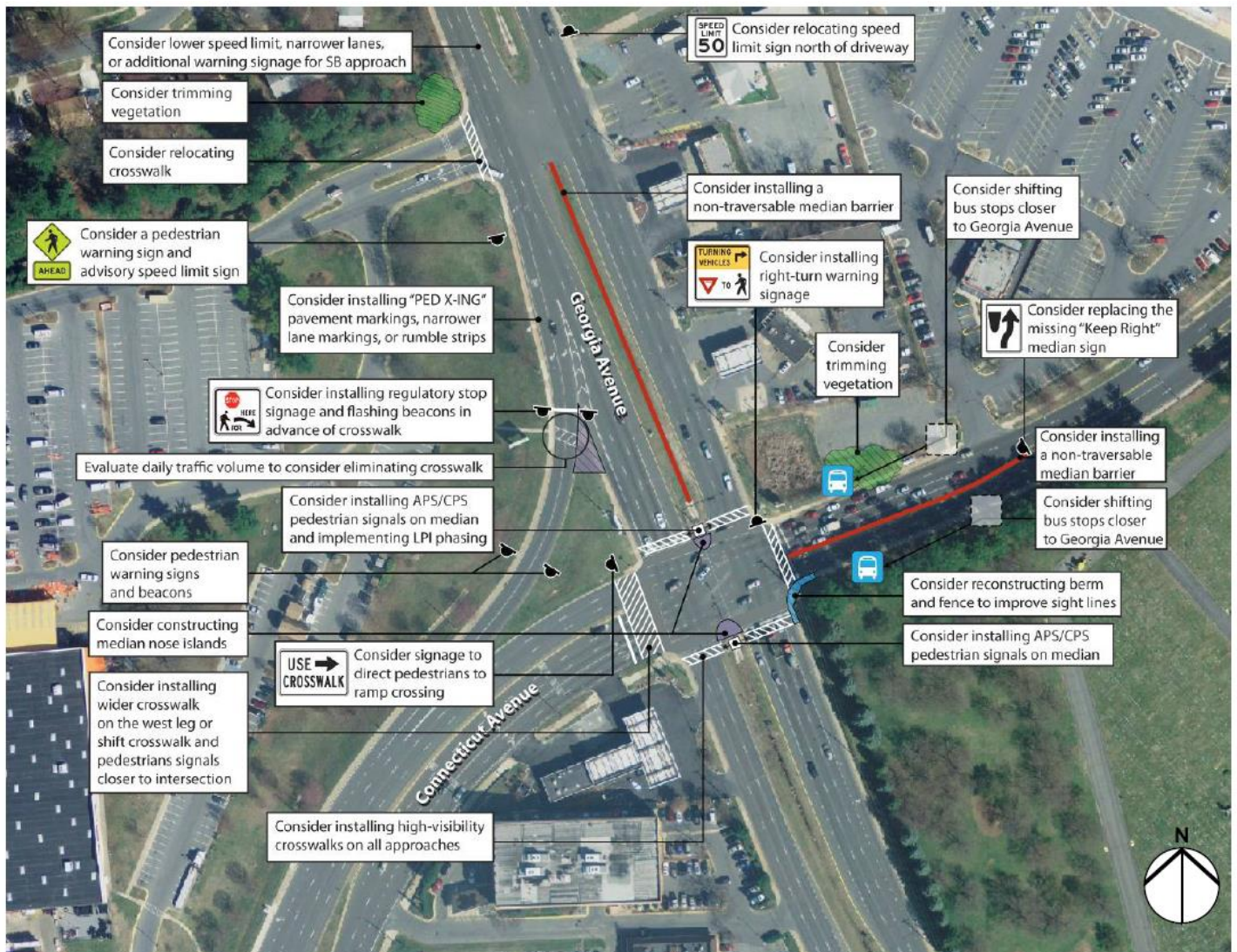


Figure 6: 2011 Pedestrian Safety Audit, Connecticut Avenue @ Georgia Avenue Short-term and Intermediate Conceptual Improvements

Staff is recommending that some of the above improvements be made a part of this application's approval (Condition #5); however, recommendation #2 above should be modified to install a "Yield to Pedestrian" sign to alert drivers of pedestrians crossing the Property's entrance at Georgia Avenue, rather than reduce the entrance width, which may impede overall circulation and cause unnecessary congestion.

Prior APF Approval

The 1994 APF approval of the Home Depot Property was based on it being a "registered Loophole Closure Property." Emergency Bill No. 25-89 and Subdivision Regulation 89-1, both approved in 1989, permitted a less restrictive APF test for "registered" non-residentially zoned parcels or lots recorded before July 25, 1989 (the Loophole properties).

The less-restrictive APF test considered only the additional peak-hour trips generated by any new proposed development for Local Area Transportation Review (LATR) and Policy Area Transportation Review (which preceded the Policy Area Mobility Review and Transportation Policy Area Review (TPAR tests). Developers were given the opportunity to obtain Planning Board approval of this less-restrictive APF test between July 25, 1989, and October 19, 1999, with a 12-year validity period. Although this Property was one of the loophole properties, the APF validity period has expired and therefore the Applicant provided a new LATR submission.

Local Area Transportation Review

Table 1 below shows the number of peak-hour trips generated during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and the evening peak period (4:00 p.m. to 7:00 p.m.) for the proposed addition. The number of site-generated trips below was calculated from trip generation rates derived from actual driveway counts collected at the existing Home Depot store in February 2013.

Table 1: Existing and Future Trip Generation

Home Improvement Superstore	Square Feet	Peak-Hour Trips	
		Morning	Evening
Proposed Total	163,000	662	521
Existing	133,002	539	424
Proposed Addition	29,998	123	97

A traffic study was required to satisfy the LATR test because the proposed addition generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

Table 2: Critical Lane Volume

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing¹</i>	<i>Background²</i>	<i>Total³</i>
Georgia Avenue & Bel Pre Road	Morning	1,361	1,363	1,377
	Evening	1,127	1,131	1,139
Georgia Avenue & Heathfield Road	Morning	1,377	1,377	1,390
	Evening	1,036	1,036	1,046
Georgia Avenue & Home Depot Main Driveway	Morning	1,174	1,174	1,213
	Evening	967	967	978

¹ Existing: The traffic condition as it exists now.

² Background: The existing condition plus the trips generated from approved but un-built nearby developments.

³ Total: The background condition plus the trips generated by the proposed addition.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing¹</i>	<i>Background²</i>	<i>Total³</i>
Georgia Avenue & Connecticut Avenue	Morning	1,012	1,016	1,021
	Evening	1,123	1,126	1,130
Connecticut Avenue & Home Depot Secondary Driveway	Morning	869	871	901
	Evening	744	747	759
Connecticut Avenue & Aspen Hill Road	Morning	1,335	1,339	1,349
	Evening	1,037	1,041	1,048
Georgia Avenue & Aspen Hill Road	Morning	1,123	1,125	1,130
	Evening	1,320	1,321	1,325

The calculated CLV values at all analyzed intersections do not exceed the applicable CLV congestion standard of 1,475 in the Aspen Hill Policy Area.

Transportation Policy Area Review

Under the *2012-2016 Subdivision Staging Policy*, the transportation impact tax is not required to satisfy the Transportation Policy Area Review (TPAR) test since the Property is located in the Aspen Hill Policy Area and has adequate roadway network and transit capacity.

ENVIRONMENT

Environmental Guidelines

The 32.75-acre Property is located within the Rock Creek watershed, which is designated a Use Class I Waters⁴ by the State of Maryland and is not located within a Special Protection Area. The proposed Site Plan does not include any activities within any streams, wetlands, or environmental buffers and is therefore in compliance with the Environmental Guidelines.

Forest Conservation

Per the approved Forest Conservation Exemption, #42013190E, dated June 20, 2013, and Chapter 22A, Section 22A-5(t), the proposed project is exempt from the requirements of submitting a Forest Conservation Plan because the proposed addition is a modification of an existing developed property and it will not remove more than 5,000 square feet of forest, nor affect any forest in a stream buffer or located on a property in a Special Protection Area which must submit a Water Quality Plan, and the modification does not require approval of a new subdivision plan.

⁴ Use I - Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, and industrial water supply.

Staff is recommending a condition of approval (Condition #5b) that the Applicant provide road frontage improvements along Connecticut Avenue, which will increase the limits of disturbance on-site. If the Planning Board includes this condition in its approval, the Applicant must revise the original exemption request and Tree Save Plan with the new limits of disturbance, at the time of construction of the shared-use path and related improvements.

MASTER PLAN

The Property is located within the 1994 *Aspen Hill Master Plan*, and identified as “Significant Parcel no. 2.” Specifically, the Master Plan stated that this Property’s conversion to retail use should “not be considered a signal to intensify the use of this site nor the surrounding retail area into a regional shopping area.” (pg. 41) The Master Plan further recommended that 13.24 acres of the site be zoned RMX-2C, which is where the current Home Depot is located. The proposed addition of 29,998 square feet will not intensify the approved use on the Property since this square footage was part of the 163,000 square feet approved in 1994 during the Master Plan Update.

The Master Plan supports the use of a special exception for parking areas within the R-90 Zone.

The Master Plan specifically requested the following guidelines to be incorporated into the redesign of the site (pg. 45):

- The potential retail development on this site should be limited to one building of not greater than 163,000 net square feet of retail space. Of the 163,000 square feet, the fully enclosed area should not be greater than 140,000 square feet.
- Existing buffer along the northern and western property lines should be enhanced. Paving should generally be no closer than 100 feet from the northern property line. Free-standing advertising signage should be located away from the residential community and should be limited to one such sign.
- Stormwater management should be handled on-site to provide both quantity and quality controls.
- The number of parking spaces on the entire site should not exceed 880 spaces.
- Parking lighting should be directed away from the single-family residences and should not cast excessive light towards them. The parking lot should have pedestrian protected walkway and extensive shade trees.
- The on-site pedestrian paths should connect to the existing bus stops.
- Screening trees should be provided on the south side of the retail building and street trees should be provided along the Georgia Avenue and Connecticut Avenue frontage.
- All trucks weighing 5,000 pounds or more should be directed only to the Connecticut Avenue entrance.
- Automobile access from Aspen Hill Road via the Lee Development Group⁵ property should be discouraged.

⁵ Now the subject of the Aspen Hill Minor Master Plan Amendment.

- A traffic light is recommended at the Georgia Avenue entrance if Maryland Department of Transportation standards can be met. In any event, new traffic patterns should be evaluated and any improvements necessary should avoid negative impacts on the residential community.

The Plan recommended a future transitway on Georgia Avenue to provide transit service between Norbeck Road and the Glenmont Metro Station, and that major corridors such as Georgia Avenue and Connecticut Avenue develop as green corridors (i.e., landscaped, scenic roadways that provide for pedestrians and bicyclists as well as vehicles). The Plan supported the improvement of Connecticut and Georgia Avenues... “with sidewalks where they are lacking, bikeways and street and median trees where possible.” (pg. 112) The Plan recommended a Class I Bikeway along Georgia Avenue from Norbeck Road to Mathew Henson State Park, and along Connecticut Avenue from Aspen Hill Road to Bel Pre Road. The concept cross-section of Georgia Avenue included six lanes with a reversible busway and a separated bikeway.

Subsequently, the 2005 *Countywide Bikeways Functional Master Plan* renamed “Shared Use Paths” for previously classified Class I Bikeways. Shared-use paths are generally 8 to 12 feet wide, are located with right-of-way of a road or transitway, and separated from travel lanes by a landscape panel. The Bikeways Plan recommends a shared-use path, SP-29 (Georgia Avenue Corridor) and SP-27 (Connecticut Avenue, on the west side of the roadways. Figure 4 above graphically depicts a cross section of Georgia Avenue and the separation of the shared-use path and its relationship to the street.

ANALYSIS AND FINDINGS – Sec 59 D 3.4 (c)

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.*

This Site Plan is not subject to a development plan, diagrammatic plan schematic development plan or project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Property is split-zoned between R-90 (approximately 19.56 acres) and RMX-2C (approximately 13.2 acres). The purpose of the R-90 Zone includes: encourage social and community interaction and activity; provide a broad range of housing types; preserve and take the greatest possible aesthetic advantage of trees; provide for open space for the general benefit of the community; encourage pedestrian circulation networks; and assure compatibility and coordination of each development with existing and proposed surrounding land uses. The

R-90 Zone allows off-street parking facilities in connection with a commercial use as a special exception, subject to approval by the Board of Appeals. Unlike the R-90 Zone, there is no specific purpose clause for the RMX-2C Zone.

The proposed development meets the purpose and requirements of the zones; however, the Applicant will need to file an amendment to the existing special exception on the property, as approval of the special exception for the Home Depot use was conditioned upon Staff approval of a landscape and lighting plan. The Applicant must submit the amended landscape and lighting plan for this application to the Board of Appeals to be included in the record.

The following data table indicates that the proposed development meets all of the development standards of the Zoning Ordinance, including any additional setback requirements of the special exception.

Table 3: Project Data Table for the R-90 & RMX-2C Zones, Standard Method of Development

Development Standard⁶	Permitted/Required	Proposed
Maximum Building Height (feet) §59-C-4.351	3 stories or 42 ft.	40 ft.
Minimum Building Setbacks (feet) §59-C-4.353		
Front Yard	30 ft. (east side)	65 ft.
Side Yard	25 ft. (north side) 25 ft. (west side)	415 ft. 645 ft.
Rear Yard	0 ft. (south side)	90 ft.
Minimum Green Area (% of lot) §59-C-4.354	10	30
Maximum Floor Area Ratio (FAR) §59-C-10.2.1.1.3	0.3	0.11
Minimum Parking Setbacks (feet) §59-E-2.81⁷		
Front §59-E-2.81(a)(1)	10 ft. landscape buffer, consistent with §59-E-2.71, applies to the property line abutting the right-of-way in lieu of the residential setback (east side)	65 ft.
Side	25 ft. (north side) 25 ft. (west side)	415 ft. 645 ft.
Rear	0 ft. (south side)	90 ft.

⁶ Section 59-C-10.2.1(3) requires that Standard Method developments in the RMX-2C Zone comply with the development standards of the C-2 Zone. Floor Area Ratio (FAR); however, must comply with the development standards set forth in Section 59-C-10.2.1(3) of the RMX-2C Zone.

⁷ Parking within the R-90 Zone is subject to special exceptions Case Nos. 381, 381-A, 1270, 1270-A, 2235, 2235-A, 2239, 2239-A and CBA-1270-A.

Development Standard ⁶	Permitted/Required	Proposed
Minimum Parking Spaces ⁸ §59-E-3.7	5 spaces/1,000 GSF ((5/1,000) X163,000 = 815)	864 (844 are existing) R-90 Zone: 515 RMX-2C Zone: 349

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

a. Location of buildings and structures

The current site conditions are consistent with the originally approved plans. The proposed 29,998-square foot building addition will be located on the east side of the property, within the RMX-2C Zone boundaries, maintaining the existing distance from the adjacent single-family homes to the north and west of the Property. Locating the proposed addition to the east side of the Property provides compatibility with the existing neighborhood and character of the existing homes. By placing the addition at this location, the proposed modification continues to maintain the existing buffer along the northern and western property lines.

b. Green Space

The plan continues existing buffers and landscaping recommended in the Master Plan and included in the approved Special Exception. No development activity is proposed within these areas, and they will remain undisturbed. The plan continues to exceed the green area requirement as described above.

c. Landscaping and Lighting

The landscaping shown on the site plan facilitates a harmonious interaction between the street, pedestrians and customers, and softens the appearance of an approximately 230-foot long brick/masonry wall. All site lighting will provide adequate, safe and efficient site illumination.

d. Recreation Facilities

No recreation facilities are required.

e. Pedestrian and vehicular circulation system

A 2011 Pedestrian Road Safety Audit Report, Connecticut Avenue (MD 185) from Independence Street to MD 97 ("Audit Report") by State Highway Administration (SHA) analyzed the area including Connecticut Avenue, Aspen Hill Road, and Georgia Avenue in the vicinity of the Home Depot Property because this area was identified as one of Montgomery County's High Incidents Areas for pedestrian-related

⁸ The special exception limited the total number of parking spaces on the R-90 zoned portion to 625 parking spaces. The Master Plan limited the total number of parking spaces on-site to 880. After the addition, an increase of 20 parking spaces will be on-site, but will still be less than 880 spaces.

collisions as part of the Montgomery County Executive's Pedestrian Safety initiative. The audit team (which included pedestrian safety experts, traffic engineers, transportation planners, and transportation design professionals) recommended numerous improvements in and around the Property. It documented 262 vehicular, 21 pedestrian and 2 bicycle crashes from 2005 to 2009. The number of injuries and fatalities in the study area was approximately three times higher than other similar roadway segments. The Audit Report found several unsafe conditions in its review and analysis of the Georgia Avenue and Connecticut Avenue corridors, and considered this area a "high incident area" for pedestrian-vehicle collisions.

Staff agrees with the Audit Report assessment that several frontage improvements (Condition 5b) are necessary to provide pedestrians through and around the Home Depot Property with safe and adequate travel opportunities including the master-planned shared-use path and green corridors enhancements. The addition, which will generate 95 additional peak hour trips will exacerbate the existing unsafe conditions for pedestrians, and vehicular circulation and without these improvements, staff cannot make the required finding of a safe, adequate and efficient pedestrian and circulation system.

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

The proposed building addition will be compatible with the existing use and development. The location of the proposed addition is the farthest from the adjacent residential uses and is closer to Connecticut Avenue. In addition, the proposal neither changes the existing buffer nor moves pavement closer than 100 feet to the abutting residential property lines. The height of the proposed addition complies with the standards set forth in the zones and has limited visibility from the residential properties.

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

- a. Forest Conservation

The Property is exempt from the requirements of submitting a Forest Conservation Plan per the approved Forest Conservation Exemption, #42013190E, dated June 20, 2013, as described on page 13 of this report.

- b. Stormwater Management

The Department of Permitting Services (DPS) has accepted the stormwater management concept with conditions on October 16, 2013 (see Attachment 2).

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

CONCLUSION

Based on the conditions and analysis contained in this report, Staff recommends approval of the proposed Site Plan.

APPENDICES

1. Relevant Resolution(s)
2. Agency Letters
3. Site and Landscape Plans
4. FCP Exemption Letter