



**Walnut Hill Shopping Center Expansion - Adequate Public Facilities Transportation Test**

 Ed Axler, Planner Coordinator, Area 2 Division, [Ed.Axler@montgomeryplanning.org](mailto:Ed.Axler@montgomeryplanning.org), 301-495-4536

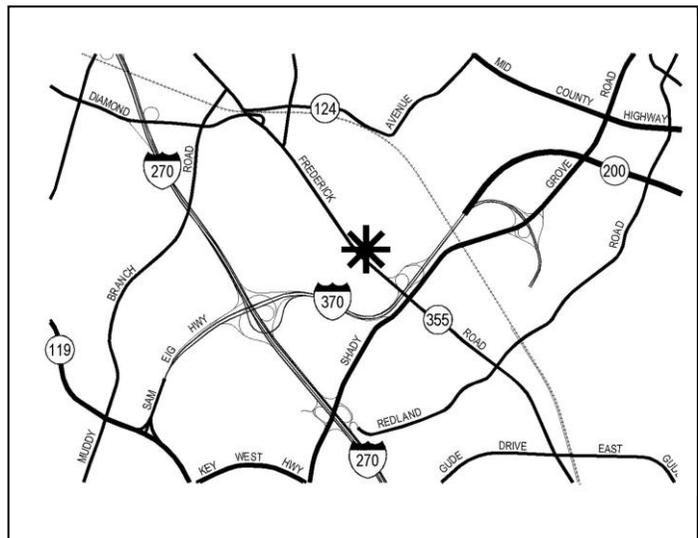
 Khalid Afzal, Supervisor, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650

 Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

**Completed: 06/25/15**

**Description**

- Transportation Adequate Public Facilities determination for the proposed 9,999-square foot expansion for 2 new pad sites on Parcel “B”, Block “A” under County Code Section 8-32, Article IV for future building permits;
- 7.87 acres of land, zoned CRT-2.25 C1.5 R0.75 H45;
- Located on a parcel recorded in 1966 at 16531 Frederick Avenue, Gaithersburg, within the 2010 Great Seneca Science Corridor Master Plan;
- Applicant: Stanford Properties, Inc.;
- Filing Date: April 9, 2015.



**Summary**

- Staff recommends approval with conditions.
- The proposed project does not require a Preliminary Plan or Site Plan review because the site is a recorded parcel and the proposed development is less than 10,000 square feet and lower than 40 feet in height.

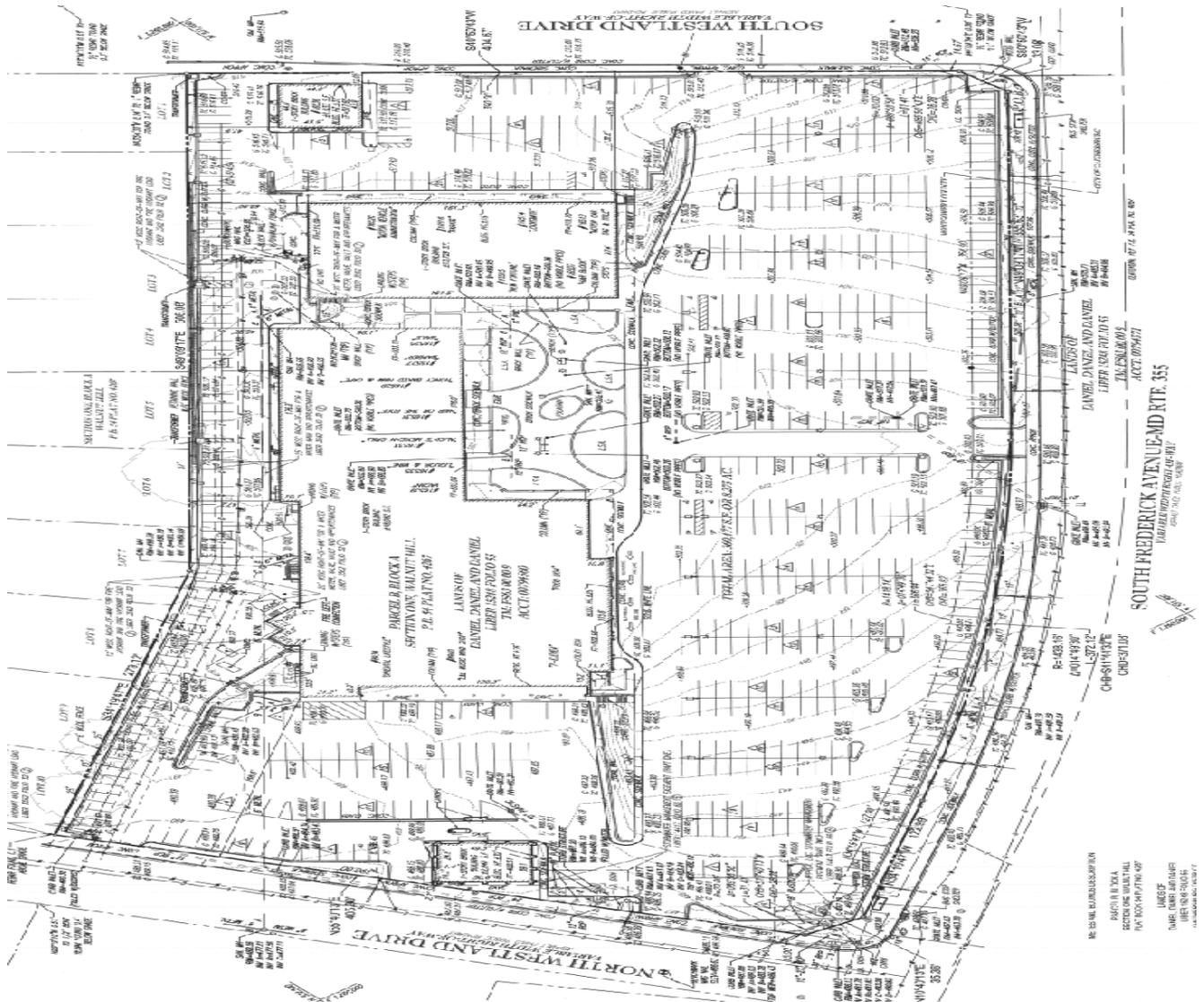
**STAFF RECOMMENDATION:** Staff recommends approval subject to the following conditions:

- 1) This transportation Adequate Public Facilities (APF) determination is limited to an expansion of 9,999 square feet of general retail use, from the existing 99,857 square feet to the proposed total of 109,856 square feet.
- 2) The Applicant must satisfy the Transportation Policy Area Review (TPAR) test by making the TPAR payment to Montgomery County Department of Permitting Services (MCDPS) equal to 25% of the development impact tax.
- 3) This APF determination will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

### **SITE AND PROJECT DESCRIPTION**

The 342,991-square-foot property, Parcel B, Block A, is zoned CRT 2.25 C1.5 R0.75 H45 (previously zoned C-2), recorded in 1966, and has been improved with a shopping center since 1967. It is located on the east side of Frederick Avenue (MD 355) between South Westland Drive (near the I-370 off-ramp) and North Westland Drive. To the east of the shopping center are ten single-family detached houses along Walnut Hill Drive in the R-200 Zone. To the north, and on the opposite side of North Westland Drive, are a service station, an office building, and a restaurant. To the south, and on the opposite side of South Westland Drive, are a service station and two single-family detached houses. The corporate limits of the City of Gaithersburg surround the shopping center site on the south, west, and partially on the north sides.

The existing vehicular access points from South Westland Drive, Frederick Avenue, and North Westland Drive are being retained as shown on the plan of the existing conditions below. Currently, the shopping center consists of 19 businesses including four businesses that disproportionately generate more traffic - the Food Lion grocery store (anchor), the Maryland Motor Vehicle express facility, a 24-hour 7-11 store, and the New Fortune Chinese Seafood Restaurant. As shown on Attachment No. 1, the Applicant proposes to add two pad sites within the existing shopping center's parking lot.



Preliminary Plan is not required because the site is on a recorded parcel (in 1966). Site plan review is not required because the proposed expansion is less than 10% of existing 99,857 square feet, less than 10,000 square feet, and lower than 40 feet in height. Therefore, it does not require a Preliminary Plan or Site Plan under County Code Chapters 50 and 59 respectively. In addition, the APF School test is not applicable as the site contains only non-residential land uses.

### PRIOR REGULATORY ACTIONS

The prior regulatory actions are as follows:

1. The existing shopping center is located on the recorded Parcel B, Block A in 1966.
2. Food Lion Addition: The APF determination for the existing Food Lion expansion was reviewed under the Emergency Bill 25-89 and Subdivision Regulation 89-1 (“Loophole Legislation”) in Section 8-31(a)(1), enacted on July 24, 1989 and expired 12 years later in 2001. “Loophole Properties” must be recorded before January 1, 1982, zoned for non-residential land uses, and registered by the property owner in 1989. The subject Food Lion expansion was for non-residential uses in the C-2 Zone and not subject to Preliminary Plan of subdivision or Site Plan.

A building permit was released in December 1995 for a net increase of 5,000 square feet for a total square footage of 107,504 of commercial land uses in the Walnut Hill Shopping Center with an APF validity of 12 years. However, only approximately 2,952 square feet was built – resulting in a “credit” of 2,048 square feet valid through 2007.

3. Taco Bell Special Exception: For the Special Exception Case S-2642 in 2006, the existing stand-alone building was to be replaced by the proposed 2,951-square-foot fast-food restaurant with a drive-through window resulting in a 951-square-foot larger building (i.e., less than 2,048 square feet “credit”). No further APF review was required for the overall Walnut Hill Shopping Center at that time.

Staff approved a Forest Conservation Exemption No. 42005250E on March 14, 2005, as part of a previously submitted 2006 Special Exception Case No. S-2642, Taco Bell of America, for a proposed fast food restaurant with a drive-through window (that was subsequently withdrawn).

## **ANALYSIS AND FINDINGS**

### Conformance to the Master Plan

The Property is within the 2010 *Great Seneca Science Corridor Master Plan* (Master Plan) and is specifically recommended in the Master Plan to be suitable for general commercial use (page 71).

### Master-Planned Roadway, Bikeway, and Transit Corridor

The Master Plan designated Frederick Avenue as a six-lane major highway, M-6, with a 120-foot right-of-way. The Master Plan and the 2005 *Countywide Bikeways Functional Master Plan* recommend a shared use path, SP-64, along Frederick Avenue. The existing Frederick Avenue right-of-way along the Property frontage is between 120 and 123 feet wide and contains a 16-foot wide raised median and a share-use path on the east side of Frederick Avenue.

South Westland Drive, North Westland Drive, and Walnut Hill Drive are not listed in either the 2010 *Great Seneca Science Corridor Master Plan* or the 1985 *Gaithersburg Vicinity Master Plan*. South Westland Drive is a secondary residential street with a 60-foot wide right-of-way. North Westland Drive operates functionally as a primary residential street with a 70-foot wide right-of-way between Frederick Avenue and the eastern property line; and reduces its right-of-way to 60 feet east of the Property to a secondary residential street. Walnut Hill Drive is parallel to Frederick Avenue along the eastern property line and is a tertiary residential street with a 50-foot wide right-of-way.

The 2013 *Countywide Transit Corridors Functional Master Plan* recommends Bus Rapid Transit (BRT) Corridor No. 3 - MD 355 North, which fronts the shopping center, and is within the City of Gaithersburg. The County facility planning of the BRT's Corridor No. 3 is funded at this time. The nearest BRT station is recommended to be located at the intersection at MD 355 and Shady Grove Road.

### Available Transit Service

Ride On bus routes 55 and 59 operate along the property's Frederick Avenue frontage as follows:

1. Route 55 operates between the Germantown Transit Center and the Shady Grove Metrorail Station with 30-minute headways on weekdays and weekends.

- Route 59 operates between the Montgomery Village Center and the Rockville Metrorail Station with 30-minute headways on weekdays and weekends.

Existing bus stops are located at the intersections of Frederick Avenue with North Westland Drive and South Westland Drive.

Pedestrian and Bicycle Facilities

The existing pedestrian and bicycle facilities along the property frontage are as follows:

- On Frederick Avenue, a ten-foot wide shared use path with no green panel.
- On North Westland Drive, a 12-foot wide sidewalk with no green panel.
- On South Westland Drive, an 8-foot wide sidewalk with no green panel.
- On the local residential streets to the east of the shopping center, no sidewalks.

The only lead-in sidewalk from the adjacent streets is into the business fronting along North Westland Drive.

The recommended frontage improvements of sidewalks, on-site bicycle parking and sight distance evaluation in Montgomery County Department of Transportation (MCDOT) and the Maryland State Highway Administration (SHA) letters (Attachments No. 2 and 3) will not be required as part of the subject Adequate Public Facilities determination because the proposed expansion does not require a Preliminary Plan or Site Plan. However, it will be reviewed by MCDPS right-of-way review.

On-site Vehicular Parking

The Applicant is providing a total of 590 parking spaces, 117 more parking spaces than the required 473 spaces.

Transportation APF - Local Area Transportation Review

The existing shopping center is proposed to be expanded by 9,999 square feet, from the existing 99,857 to the proposed 109,856 square feet. The table below shows the number of weekday peak-hour trips generated within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Shopping Center	Square Feet	Weekday Peak-Hour Trips		
		Morning		Evening
		Primary & Total	Primary	Total
Existing	99,857	185	474	741
Proposed	109,856	205	524	818
Increase	9,999	20	50	77

Primary trips do not include pass-by and diverted vehicular trips which are already on the road and drop-by the shopping center on their way to and from other origins or destinations. Pass-by trips do not deviate from the primary travel route compared with diverted trips that do deviate from the primary travel route. Total trips include primary, pass-by, and diverted trips.

A traffic study was required to satisfy the Local Area Transportation Review (LATR) test because the proposed expansion 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:

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 expansion.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
Frederick Avenue (MD 355) & Deer Park Drive	Morning	1,039	1,081	1,084
	Evening	986	1,035	1,035
Frederick Avenue & North Westland Drive	Morning	719	747	750
	Evening	945	999	1,022
Frederick Avenue & Walnut Hill Site Access	Morning	346	365	368
	Evening	812	838	859
Frederick Avenue & South Westland Drive	Morning	1,031	1,057	1,060
	Evening	788	814	824
Frederick Avenue & O'Neil Drive-I-370 Ramp	Morning	1,245	1,271	1,272
	Evening	881	903	907
North Westland Drive & West Site access	Morning	208	225	234
	Evening	242	247	268
North Westland Drive & East Site access	Morning	94	94	94
	Evening	109	109	109
South Westland Drive & West Site access	Morning	219	219	225
	Evening	323	323	340
South Westland Drive & Center Site access	Morning	114	114	114
	Evening	95	95	96
South Westland Drive & East Site access	Morning	185	185	185
	Evening	137	137	137

None of the projected CLV values exceed the CLV congestion standard of 1,450 for intersections located in the Derwood Policy Area.

MCDOT's in its letter dated May 21, 2015, and SHA's letter dated May 15, 2015, reviewed the traffic study (refer to Attachments No. 2 and 3). With no access permits required, their comments as set forth in the letters are advisory for future redevelopment. The City of Gaithersburg has not commented on the traffic study.

Transportation Policy Area Review

Per the Transportation Policy Area Review (TPAR) test, the proposed expansion will require a TPAR payment to the MCDPS at building permit of 25% of the transportation impact tax because the site is located within the Derwood Policy Area with an inadequate transit capacity. Based on the June 30, 2015 MCDPS rates, the estimated TPAR payment for retail land uses would be \$27,495.25.

### Other Public Facilities and Services

All other public facilities and services including the existing water and sewer service, electric, telecommunication, police and health services are available to serve the proposed retail expansion at building permit review. The Montgomery County Department of Fire and Rescue Service comments directly to MCDPS at the Life Safety review at building permit.

### Environmental Requirements

If required, MCDPS will review the stormwater management concept requirements for this proposed expansion. The site lies in the Upper Muddy Branch watershed of the Muddy Branch and is outside of any Special Protection Areas.

### Citizen Notification

The subject APF determination is being reviewed by the Planning Board under the relevant section of Chapter 8. Specifically, nothing in Section 8-32 requires notice and signage related to the APF review. It only requires a hearing, which directs Planning Staff to the Planning Board's Rules of Procedure with regard to hearings. The Board's APF determination under Chapter 8 is an Application as defined by the Rules. Rule 4.3 states:

"Notice of Public Hearings. Except for Project Plans, notice for which is governed by § 59-D-2.22, the Planning Staff must provide written notice to the Applicant and all Persons previously notified at least 10 days before the public hearing on an Application, and post notice on the Board web site, of the hearing date, time, and location. The notice and web posting must specify where and how Persons may examine the Application file."

Therefore, no signage is required on the property frontage. With regard to "all Persons previously notified," staff determines that it refers to the notice of Application submittal, so anyone the Applicant was required to notify would need to be directly notified in addition to the standard Planning Board agenda posting. Since there was no noticing requirement for the original application submittal, there is no noticing required for this application; Staff can rely solely on the Planning Board's agenda posting as notice.

### **CONCLUSION**

The proposed shopping center expansion meets all requirements established under County Code Section 8-32, Article IV, and substantially conforms to the recommendations in *the Great Seneca Science Corridor Master Plan*. The public transportation facilities will be adequate to serve the proposed expansion. Therefore, staff recommends approval of the APF determination with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

- Attachment 1 – Aerial Photo showing the Proposed Expansion for Two Pad Sites
- Attachment 2 – MCDOT letter dated May 21, 2015
- Attachment 3 – SHA Letter dated May 15, 2015

**Attachment No. 1: Aerial Photo showing the Proposed Expansion for Two Pad Sites**



Attachment No. 2: MCDOT letter dated May 21, 2015



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Acting Director

May 21, 2015

Mr. Ed Axler, Planner/Coordinator  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Walnut Hill Shopping Center  
Traffic Impact Study

*Ed:*  
Dear Mr. Axler:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review dated March 2, 2015, and prepared by Lenhart Traffic Consultant, Inc. Total development evaluated by the analysis includes:

- Shopping Center expansion by 9,999 square feet from 99,857 to 109,856 square feet.

We offer the following comments:

**Local Area Transportation Review (LATR)**

1. We defer to the Maryland State Highway Administration for comment regarding state-maintained roadways (MD 355).
2. We accept the consultant's conclusion that post-development Critical Lane Volumes for the studied intersections will not exceed the congestion level threshold for the Derwood policy area.
3. At or before permit stage, submit a completed, executed MCDOT Sight Distances Evaluation certification form, for all existing site entrances onto County-maintained roads, for our review and approval.

**Division of Traffic Engineering and Operations**

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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

**Pedestrian and Bicycle Impact Statement (PBIS)**

4. Bikes / Peds: With regards to the Pedestrian and Bicycle Impact Statement (PBIS):
  - a. Mention whether bike facilities (i.e., racks, lockers) are intended to be provided on-site.
  - b. Include pedestrian crossings times at signalized study intersections:
    - i. Crossing distances are to be measured from the curb to the edge of the far travel lane, not curb to curb.
    - ii. “Desired times” are to be obtained by dividing the crossing distance by 3.5 ft/s and then subtracting the total clearance time for that associated phase. Desired times to be calculated at 3.50 ft/s not 3 ft/s as documented in the report.
    - iii. Crosswalks along the mainline are generally set to “rest in walk”. This allows the walk phase to stay up for most of the mainline’s green phase. Due to the “rest in walk” setting, the times observed in the field are not necessarily what are programmed in the controller. Signal timings, including pedestrian timings, can be obtained from the Transportation Management Center at 240-777-2190.
    - iv. Pedestrian crossing times are reported to be adequate at 14 pedestrian crossings at 4 intersections.

**Transportation Policy Area Review (TPAR)**

1. The site is located within the Derwood policy area. This policy area is inadequate from the transit test and considered adequate under the roadway test. Therefore; TPAR mitigation fees of 25% of the Transportation Impact Tax is required for this development.

**SUMMARY**

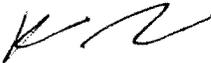
1. The findings of the LATR have been accepted. We concur with the vehicular-related findings of adequacy, but request additional information relating to pedestrian infrastructure.

Mr. Ed Axler  
Walnut Hill Shopping Center-TIS  
May 21, 2015  
Page 3

2. We concur with the applicant finding that 25% TPAR payment is required.
3. At or before permit, submit a completed, executed MCDOT Sight Distances Evaluation certification form, for all existing site entrances onto County-maintained roads, for our review and approval.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. Avinash Dewani, our Development Review Area Engineer for this project, at [avinash.dewani@montgomerycountymd.gov](mailto:avinash.dewani@montgomerycountymd.gov) or (240) 777-2132.

Sincerely,

  
Gregory M. Leck, Manager  
Development Review Team

*Rebecca Conlon*  
*Per*

cc: John Daniel; Standard Properties  
Mike Lenhart; Lenhart Traffic Consulting, Inc  
Brad Fox; Bohler Engineering  
Stuart R. Barr; Lerch, Early & Brewer, Chtd.

cc-e: Catherine Conlon M-NCPPC DARC  
Fred Lees MCDOT DTEO  
Mark Terry MCDOT DTEO  
Bruce Mangum MCDOT DTEO  
Scott Newill; MDSHA AMD

Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

May 15, 2015

RE:           Montgomery County  
              MD 355  
              **Walnut Hill Shopping Center -  
              Expansion**  
              **SHA Tracking No. 15APMO016XX**  
              Traffic Impact Study  
              Mile Point 13.09

Mr. Ed Axler  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Traffic Impact Study (TIS) prepared by Lenhart Traffic Consulting, inc., dated March 26, 2014 (received on April 14, 2014), for the expansion of the Walnut Hill Shopping Center commercial development in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- As proposed the existing 99,857 square-foot shopping center would be increased by 9,999 square feet, resulting in a 109,856 square-foot shopping center.
- Access to the shopping center is currently provided via entrances along Frederick Avenue, South Westland Drive, and North Westland Drive. The proposed expansion would not affect the current access configuration.
- The study analyzed the following intersections under existing, background and future conditions:
  - MD 355 intersection with E. Deer Park Drive
  - MD 355 intersection with N. Westland Drive
  - MD 355 intersection with Site Access
  - MD 355 intersection with S. Westland Drive
  - MD 355 intersection with I-370 ramps
  - N. Westland Drive intersection with West Site Access
  - N. Westland Drive intersection with East Site Access
  - S. Westland Drive intersection with West Site Access
  - S. Westland Drive intersection with Center Site Access
  - S. Westland Drive intersection with East Site Access

My telephone number/toll-free number is 410-545-8800 or 1-888-228-6971

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, the SHA offers the following comment:

1. The MD 355 site frontage is currently non-ADA compliant with respect to the driveway crossing of the main right-in/right-out access and the section of sidewalk between the main right-in/right-out access and N. Westland Drive. We recommend that approval of the site development plan shall be conditioned upon demonstration of ADA compliance for these pedestrian facilities.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit seven (7) hard copies and one (1) electronic copy of design plans and a point-by-point response addressing the above comment to the SHA Access Management Division addressed to Mr. Brian M. Romanowski. Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA response on this report, the comments contained herewith do not supersede previous comments made on this development. If you have questions or comments regarding the enclosed traffic review, please contact Mr. Eric Waltman at 410-545-5597 or [ewaltman@sha.state.md.us](mailto:ewaltman@sha.state.md.us).

Sincerely,



Brian M. Romanowski, Chief  
Access Management Division

BMR/elw

cc: Mr. Greg Leck, Montgomery County Department of Transportation  
Mr. Michael Lenhart, Lenhart Traffic Consulting, Inc.  
Mr. Mark McKenzie, SHA AMD  
Ms. Anyesha Mookherjee, SHA District 3  
Mr. Scott Newill, SHA AMD  
Mr. Eric Waltman, SHA AMD  
Standard Properties, Inc., 5500 MacArthur Boulevard, NW, Washington, DC 20016