



Item # 4  
MCPB  
11.06.03

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

**REVISED MEMORANDUM**

*OCTOBER 22, 2003*

**DATE:** ~~October 3,~~ **October 22, 2003**  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief *JRD*  
Michael Ma, Supervisor  
Development Review Division  
**FROM:** Mary Beth O'Quinn *mboq*  
Planning Department Staff  
(301) 495-1322  
**REVIEW TYPE:** Site Plan Review *7,600 SF*  
**APPLYING FOR:** Approval of ~~7,800 sf~~ **7,600 sf** Commercial Retail Space on 0.81 acres  
**PROJECT NAME:** Cloverly Commercial  
**CASE #:** 8-03010  
**REVIEW BASIS:** Site Plan required in the C-1 Zone [§59-C-4.341.2]  
**ZONE:** C-1 Zone  
**LOCATION:** New Hampshire Avenue, 500 feet south of Bryant's Nursery Road  
**MASTER PLAN:** Cloverly  
**APPLICANT:** Darius Vedadi  
**FILING DATE:** October 30, 2002 *NOVEMBER 6, 2003*  
**HEARING DATE:** ~~October 9-~~ **November 6, 2003**



**STAFF RECOMMENDATION:** Approval of ~~7,800 sf~~ **7,600 sf** Commercial Retail Space, subject to the following conditions:

1. Stormwater Management  
Conditions of MCDPS (Department of Permitting Services) stormwater management concept approval dated May 16, 2002, **with sediment control measures and final concept plan subject to review and approval by DPS prior to signature set approval.**
2. Transportation
  - a. **Provide a 24-foot wide internal drive aisle (vehicular connection to the church property) and stripe the centerline;**
  - b. **Limit parking to one side of the drive aisle;**
  - c. **Provide two speed humps: one at the "entrance throat" and one near the point of connection to the church property;**
  - d. **Stripe all parking spaces.**
3. Signature Set  
Prior to signature approval of the site/landscape plans the following revisions must be made and/or information provided on the site plan, subject to staff review and approval:
  - a. Provide the development program inspection schedule;

- b. Access Easement: Verify the boundaries for the common ingress/egress easement and show correctly on the site plan signature set prior to record plat; extend the pavement within the easement area to the west property boundary; record such easement in the land records of Montgomery County prior to building permit;
  - c. Landscape Plan: provide Shamrock Holly (or equivalent) for screening parking at 36 inches in height; provide an additional shade tree along the parking edge street frontage; provide all deciduous trees at 2.5 inch caliper at the time of planting;
  - d. Provide a striped crosswalk for pedestrian movement across the drive aisles; **extend the pavement of the drive aisle within the front parking bay to the south property line to allow for future interconnection of the retail parcels;**
  - e. **Provide additional landscape screening at the rear property line and at the rolling clumpster;**
  - f. Provide details for retaining walls; retaining walls must be constructed of masonry materials;
  - g. Locate proposed street trees within a minimum six-foot grass panel at the curb
4. Site Plan Enforcement Agreement  
 Submit a Site Plan Enforcement Agreement, Development Review Program for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
    - i. Landscaping and street trees associated with each parking lot and building shall be completed as construction of each facility is completed.
    - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - iii. Coordination of each section of the development and roads;
    - iv. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
  - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.



*Photograph showing view of the Cloverly Commercial Area. The site is marked in red, illustrating the property frontage on New Hampshire Avenue; the Safeway Grocery is marked in bright green, illustrating its location at Briggs Chaney Road and New Hampshire Avenue.*

**ISSUES ADDRESSED IN THE COURSE OF SITE PLAN REVIEW**

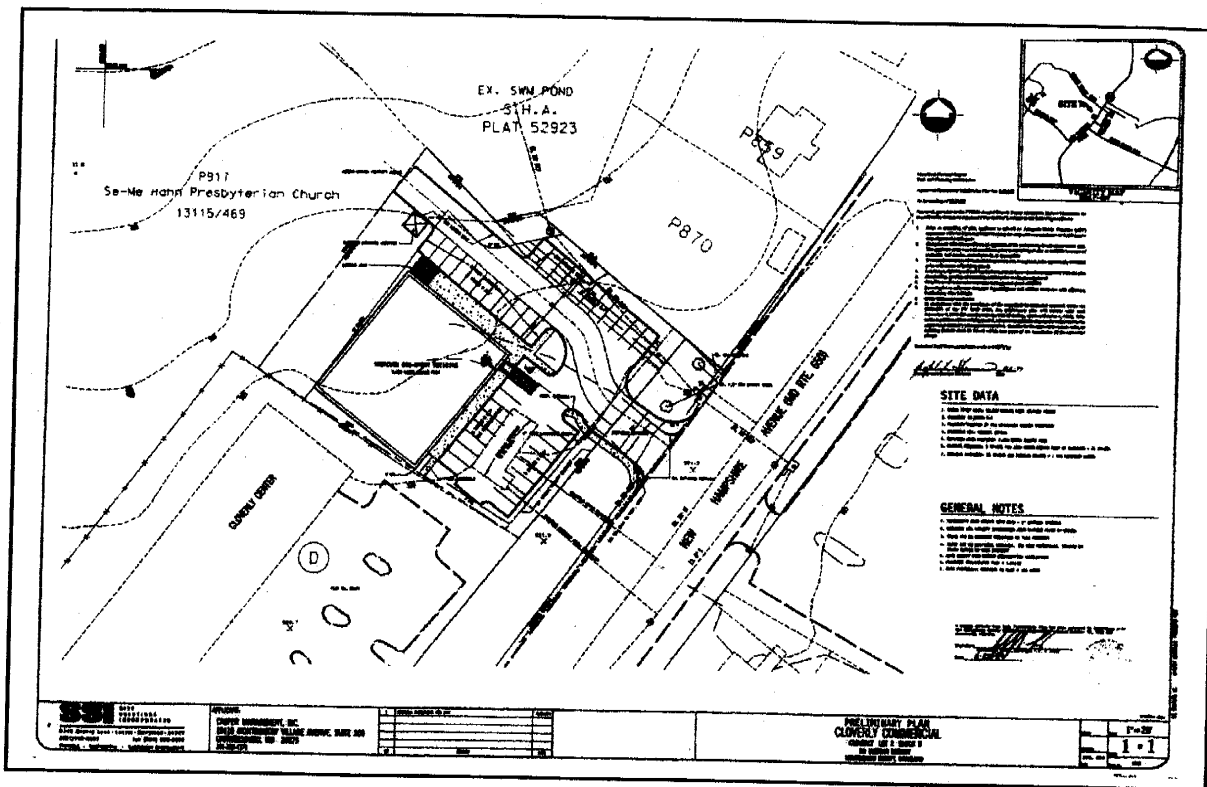
*THE INITIAL*

In the course of **the initial** site plan review, staff and applicant reviewed parking access, lighting, and landscape planting. Particular issues of review included streetscape treatment on New Hampshire Avenue and the bike path. The applicant requested an extension of the site plan review on December 11, 2002 to allow more time to obtain the required agreement(s) with the adjoining property owner for his access across the subject parcel to the Church Property.

Since the publication of the revised staff report dated October 3, 2003, the Cloverly/Fairland/White Oak Citizens Advisory Committee (CAC) has communicated these concerns about the impact of the proposed commercial development: 1. Traffic congestion on New Hampshire Avenue with northbound left turns; 2. The safety and adequacy of the proposed internal drive aisle that provides access to the landlocked church property; and 3. The development's ability to suit the needs of the community. In order to address these effectively, the hearing was postponed from October 23, 2003 to November 6, 2003 to allow further review in response to the community's request and to accommodate the community's schedule.

**Background:**

The Preliminary Plan for the subject commercial site, Plan 1-99100, incorporating Adequate Public Facilities review under "Pay-and-Go" development with a Traffic Impact Study, was originally approved for 7,800 square feet of general retail use by the Planning Board on June 25, 1999. The preliminary plan approval under "Pay-and-Go" was extended three times: October 1, 2001, May 9, 1992, and most recently, December 5, 2002. Traffic congestion was addressed through the preliminary plan, and the proposal was found to adequately address this issue. The extensions were granted in order to allow the applicant to reach agreement with Se-Me Hahn Presbyterian Church for an easement granting vehicular access to the church property from New Hampshire Avenue street frontage through the subject commercial site. [See below photographic scan of the approved Preliminary Plan.]



*Preliminary Plan 1-99100 approved by the Planning Board on September 23, 1999. The approval was extended most recently on December 5, 2002.*

1. Vehicular Safety and Design of the Site

The Cloverly Commercial site of .81 acres (referenced in the Master Plan as Parcel 915 and on the site plan as Lot 2 Block D) and the Church parcel, a land-locked 8-acre tract to the rear, owned by the Se Me Hahn Presbyterian Church (referenced in the Master Plan as Parcel P845 and on the site plan as Lot 3, Block D) form a uniquely configured land area that presents considerable challenges to development. In essence, the shape and dimensions of the small rectangular parcel, zoned C-1 with approximately 165 feet of frontage on New Hampshire Avenue, directs the development of both sites, particularly with respect to vehicular access; that is, the Cloverly Commercial parcel must provide vehicular access for the church's use via a passageway covered by an easement. The additional constraints imposed by the adjoining Maryland State Highway (SHA) regional stormwater facility, SHA alignment requirements for the placement of the curb cuts on New Hampshire Avenue, the topography of the Church property, as well as the large on-site storm water management facilities required, serve, ultimately, to prescribe exactly the proposed location and alignment of the vehicular access on this site.

The Community has indicated particular concern about the safety and design adequacy of the proposed internal drive aisle that provides access to the church property at the rear.

**Applicant Position:** In response to the community's concerns, the applicant has modified design elements for the vehicular drive, as recommended by MNCPPC staff and the Department of Permitting Services. The applicant has also voluntarily reduced the square footage of the building to accommodate the driveway design changes. The driveway design modifications meet applicable safety standards.

**Community Position:** The CAC has indicated that a dedicated, curbed roadway is necessary to provide adequate vehicular access across the commercial property for the anticipated level of use on the church property for religious institutional use or for any use allowed in the RE-2 Zone. Other citizens from the Cloverly Civic Association have called to inquire about the project, and stated that they had no particular comments about the proposal.

**County Position:** The Department of Permitting Services, while considering the original proposal safe and adequate, further recommends three additional design elements to enhance the safety of the drive aisle: a.) widening the drive width to 24 feet; b.) limiting parking to one side or the other along the sides of the drive; and c.) installing one or two speed humps to slow traffic at strategic points. DPS considers the drive aisle, as per the modified design, to be safe and adequate. [See Memorandum from Sarah R. Navid, Department of Permitting Services, dated October 16, 2003, attached.]

**Staff Position:** General Discussion

The unique characteristics of this site and its location in relation to its considerable site constraints merit additional review by staff. The unusual configuration of these two symbiotic land entities, and the limitations imposed by highway design criteria, easement access requirements and stormwater facility locations conspire to determine a site design that is indeed irregular and imposes a high level of coordination and agreement upon the two property owners.

Drive Aisle Design

The smaller Cloverly Commercial site, with public street frontage, bears the burden of providing access to both sites, as determined by Preliminary Plan approvals 1-99100 and 1-97083. The drive aisle as initially proposed for site



## Vehicular Safety and Design of the Site, continuation of Staff Discussion

### Parking Layout

The Master Plan includes a recommendation to "locate parking along the sides of the commercial buildings to minimize views of the parking lots." The subject plan proposes to split the parking supply between the front and side of the building; the placement of the drive aisle in its proposed location, with the safety enhancements as recommended, allows the plan to provide partial side parking as recommended in the Master Plan. Landscaping will be provided to screen the parking from the public street.

### Vehicular Access as discussed in the Master Plan

The Master Plan makes the recommendation to "provide access to the land-locked property, P845, [church property] through N915 [the subject site].

Cloverly Commercial, with no particular reference to desired elements of such access. The plan proposed, therefore, meets the recommendation of the Master Plan with respect to this recommendation. It should be noted that the drive alignment follows that of the original approval for the Church property subdivision 1-97083, approved by the Planning Board on July 16, 1998, after the Planning Board's adoption of the Cloverly Master Plan on July 16, 1997.

### Impact on Development Density

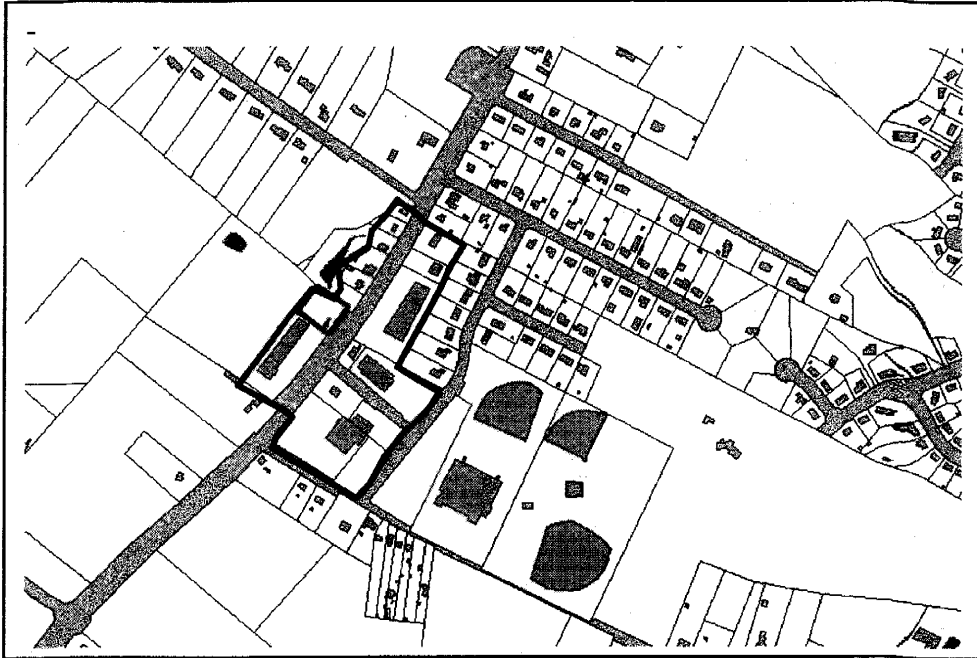
The obligation incumbent upon the Cloverly Commercial applicant to provide access to the church property significantly impacts the land area of the site available for development. This condition, of course, has been understood since the 1997 and 1999 subdivision approvals. One community organization has recommended that the applicant provide a dedicated road with curb and gutter instead of the vehicular driveway proposed; this would require the use of much more land area for the access thereby mandating a substantial reduction in the commercial square footage obtainable on the site. The applicant, in response to staff design recommendations for three single loaded parking bay(s), has voluntarily reduced the square footage of the proposed building by 200 square feet in order to meet the requirements for sufficient on-site parking.

The 1997 Master Plan recommended that this small street-front parcel be rezoned from RE-2 to C-1 to provide "infill" commercial use for the "redevelopment of the commercial areas" . . . "to achieve more unified commercial development of the properties" on the west side of New Hampshire Avenue and "to strengthen retail vitality." Staff opinion is that the density proposed (7,600 sf) fulfills the intent of the Master Plan for the commercial potential of this property. Staff notes that Planning Board adopted the 1997 Master Plan (with the recommendation for C-1 Zoning on the subject site) and approved a preliminary plan for the Church property.

Staff recommends the applicant's proposal for 7,600 sf commercial retail use because the plan presented will achieve a unified commercial frontage that is compatible with the adjacent retail uses, and should, therefore, in the context of general retail use, be able to suit the needs of the community.

**PROJECT DESCRIPTION: Surrounding Vicinity**

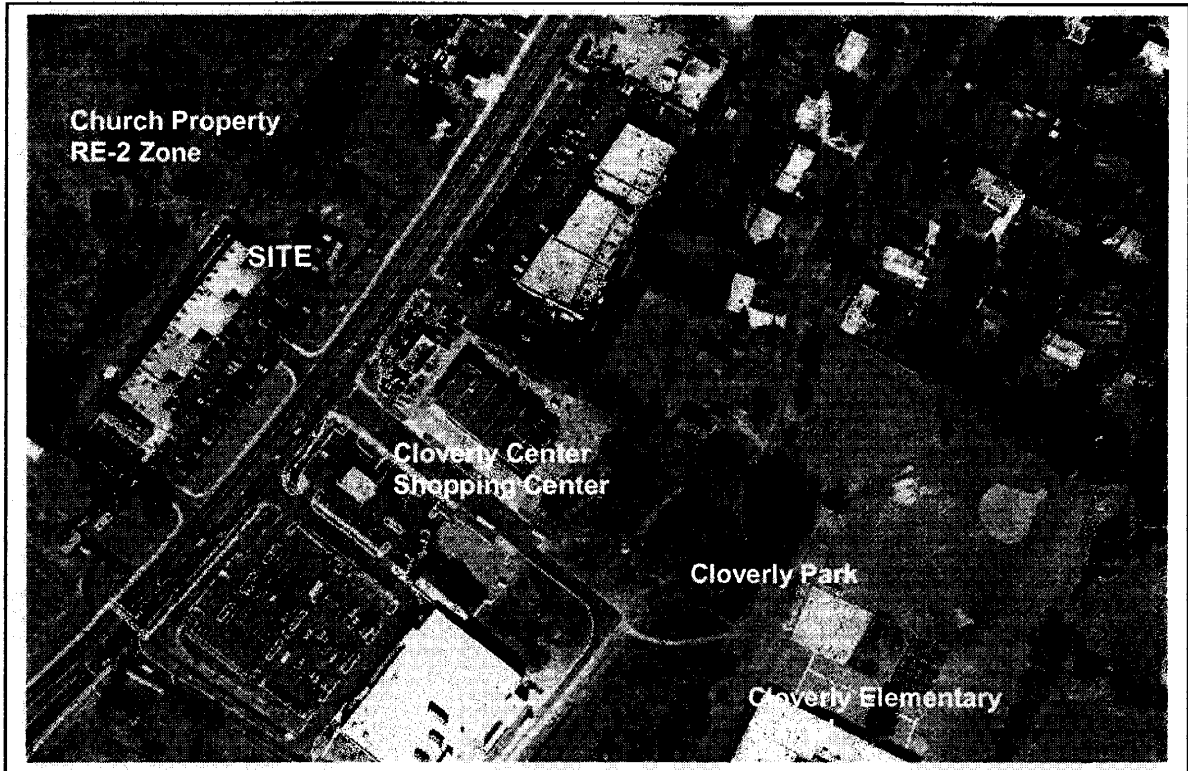
The proposed site is located along the west side of New Hampshire Avenue, south of Bryant's Nursery Road, within the Cloverly Planning Area. The parcel is bounded on either side by properties zoned C-1, and along the rear by a parcel zoned RE-2 that supports a facility owned and operated by a religious entity. Additional adjacent property at the rear comprises a regional storm water management facility owned by the State Highway Administration. Across New Hampshire Avenue to the east are additional commercial establishments, including a newly developed retail center.



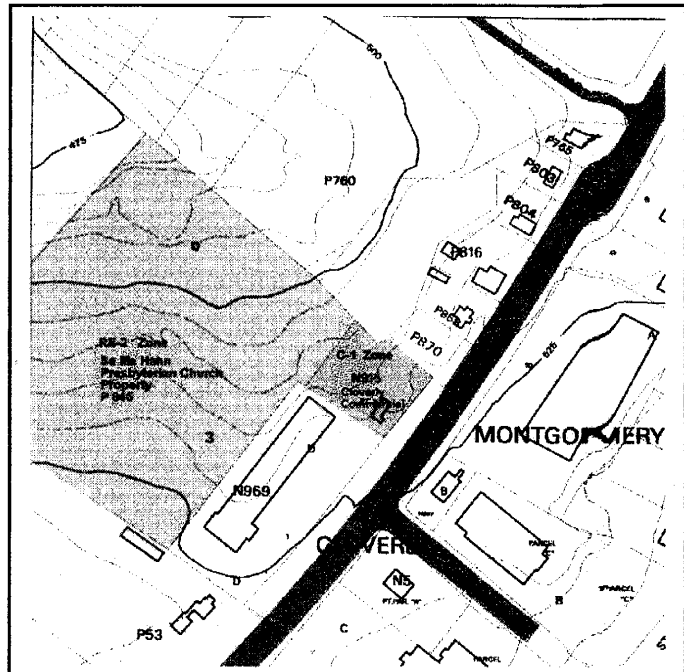
*Planimetric Drawing showing the site (red outline) located on New Hampshire Avenue within the Cloverly Commercial Area (purple outline). Briggs Chaney road forms the southern boundary of the Commercial Area.*

**PROJECT DESCRIPTION: Site Description**

The subject property is rectangular in shape, however, with an irregular north property line that wraps the boundaries of the adjacent SHA stormwater management facility. The parcel itself features 166 feet of frontage along the west side of New Hampshire Avenue; the lot extends approximately 200 feet back from the street frontage. The topography drops at a consistent 5% slope from the street to the northwest corner of the site. There is one significant tree on the site, a 36-inch maple. The current improvements consist of an abandoned one-story commercial structure.



*Aerial photograph of the site taken in 2002*

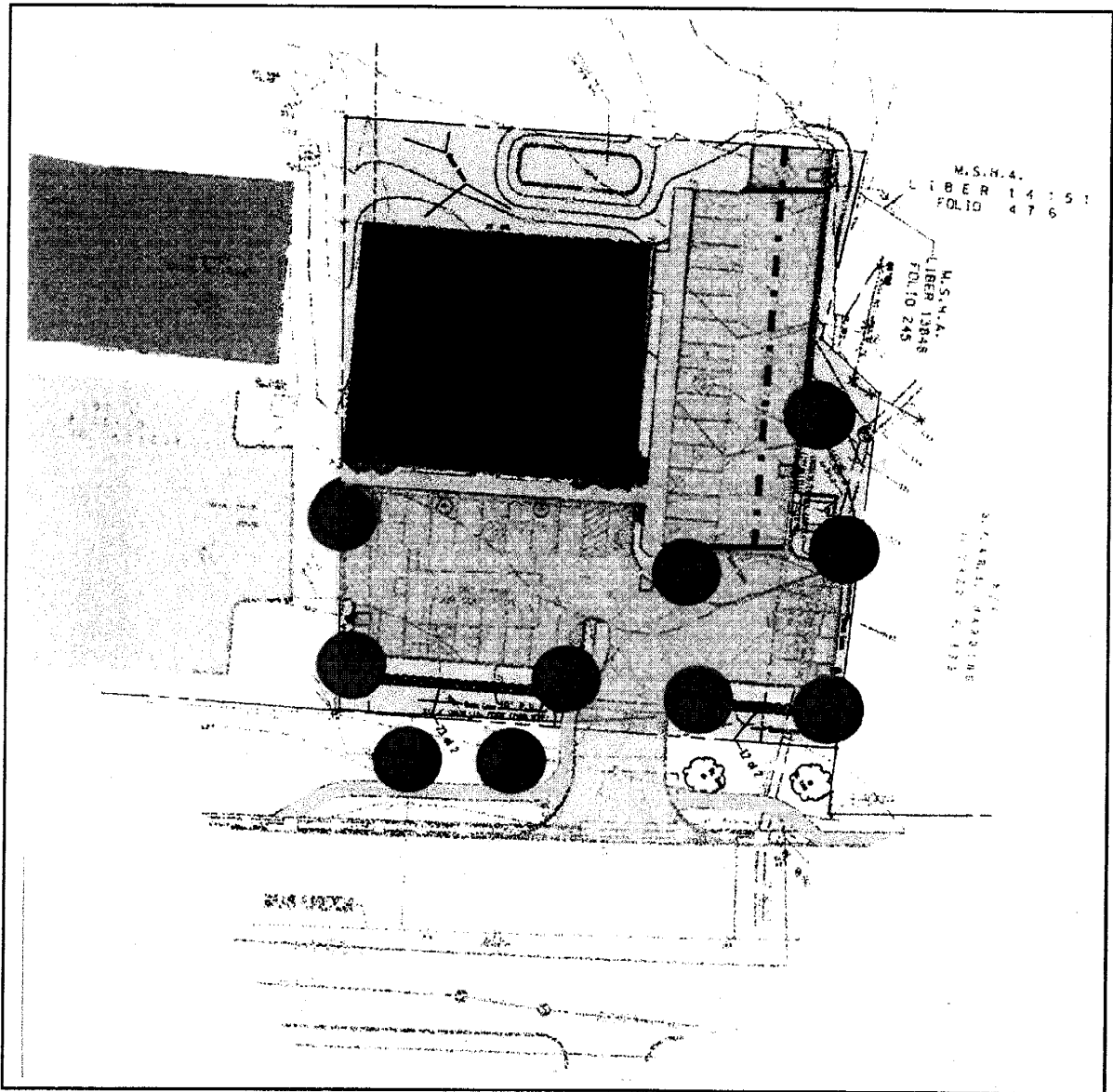


*GIS Map showing property parcels. The red marks the subject site with frontage on New Hampshire Avenue; the blue shows the major portion of the church site to the rear*



**PROJECT DESCRIPTION: Proposal**

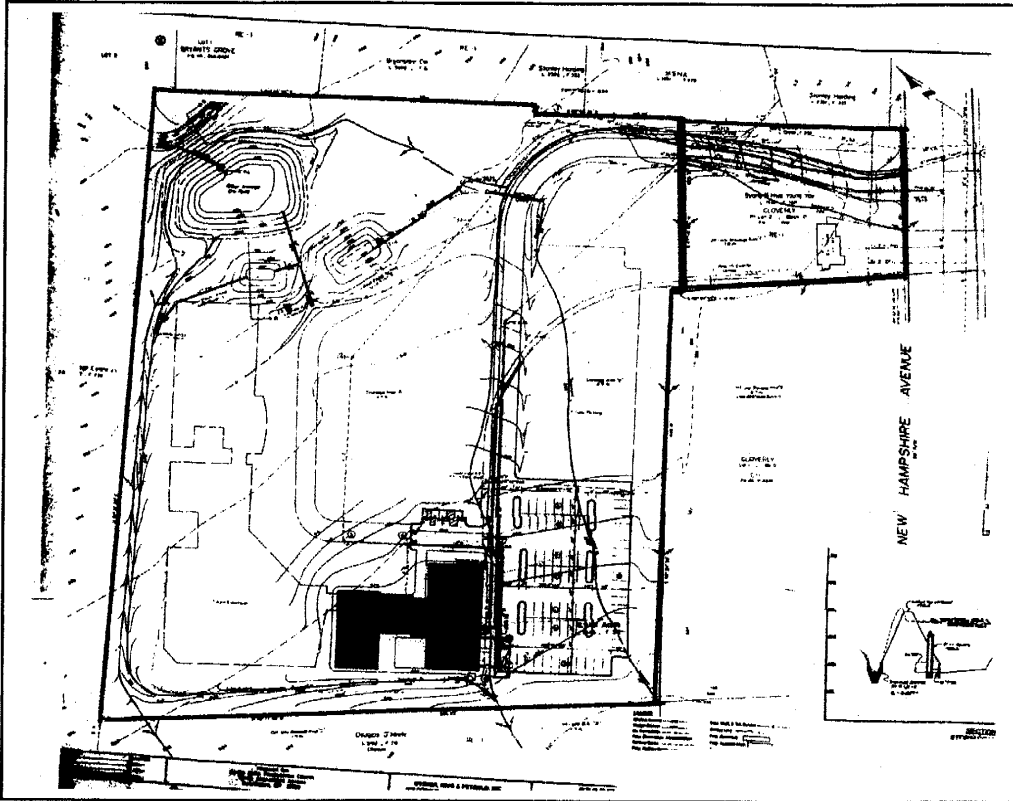
The proposed site plan features a single one-story commercial retail building sited fit snugly along the south property line, set back from the street to accommodate parking at the store front and building side. The location of the essentially square building shapes the resulting open space as an "L" which accommodates parking, vehicular circulation, and landscaping. The open space at the rear provides for on-site water quality control, along with the vehicular connection (via access easement) to the adjoining Presbyterian Church property. The proposed plan will provide upgraded streetscape in conformance with the master plan recommendations.



*The revised proposal for Cloverly Commercial. The red lines indicate the locations of the speed humps. The drive aisle has been widened to 24 feet to enhance vehicular safety. The center line will be strined (shown graphically here in blue).*

## PROJECT DESCRIPTION: Prior Approvals

The church property (P845), considered under Preliminary Plan 1-97083, was approved by the Planning board on July 16, 1998, one year after the adoption of the Cloverly Master Plan. The plan shows Phase I of the church complex and the vehicular access via the Cloverly Commercial site. The plats were approved July 22, 1999.



*Reproduction of drawing from Preliminary Plan file 1-97083 showing the approved church location, SWM facilities, and the vehicular access drive via the Cloverly Commercial site with frontage on New Hampshire Avenue. The plan was approved by the Planning Board on July 16, 1998, one year after the adoption of the new Master Plan that recommended C-1 zoning for the Cloverly Commercial site. Note the subject site outlined in red, the church site in blue.*

The subject plan under review for Site Plan 8-03010 was the subject of Preliminary Plan 1-99100 approved by the Planning Board on September 23, 1999, subject to the following conditions:

1. Prior to recording of plat applicant to submit an Adequate Public Facilities agreement with the Planning Board limiting development to a maximum of 7,800 sf of general retail space.
2. Compliance with the conditions of approval of preliminary forest conservation. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate.
3. Terms and condition of access and improvements, as required, to be approved by MDSHA prior to issuance of building permit.
4. Landscape, lighting, and parking facilities plan to be reviewed and approved with site plan.
5. No clearing, grading, or recording of plat prior to site plan approval.
6. Conditions of storm water management approval dated July 26, 1999
7. Record plat to reference common ingress/egress easement with adjoining Preliminary Plan 1-97083.
8. Other necessary easements.

The Planning Board has approved three times an extension of the validity period for the approved Preliminary Plan. The most recent extension was granted on December 5, 2002, subject to the above listed conditions and the applicant obtaining an easement agreement in corporation with the adjoining property owner for storm water management facility access.

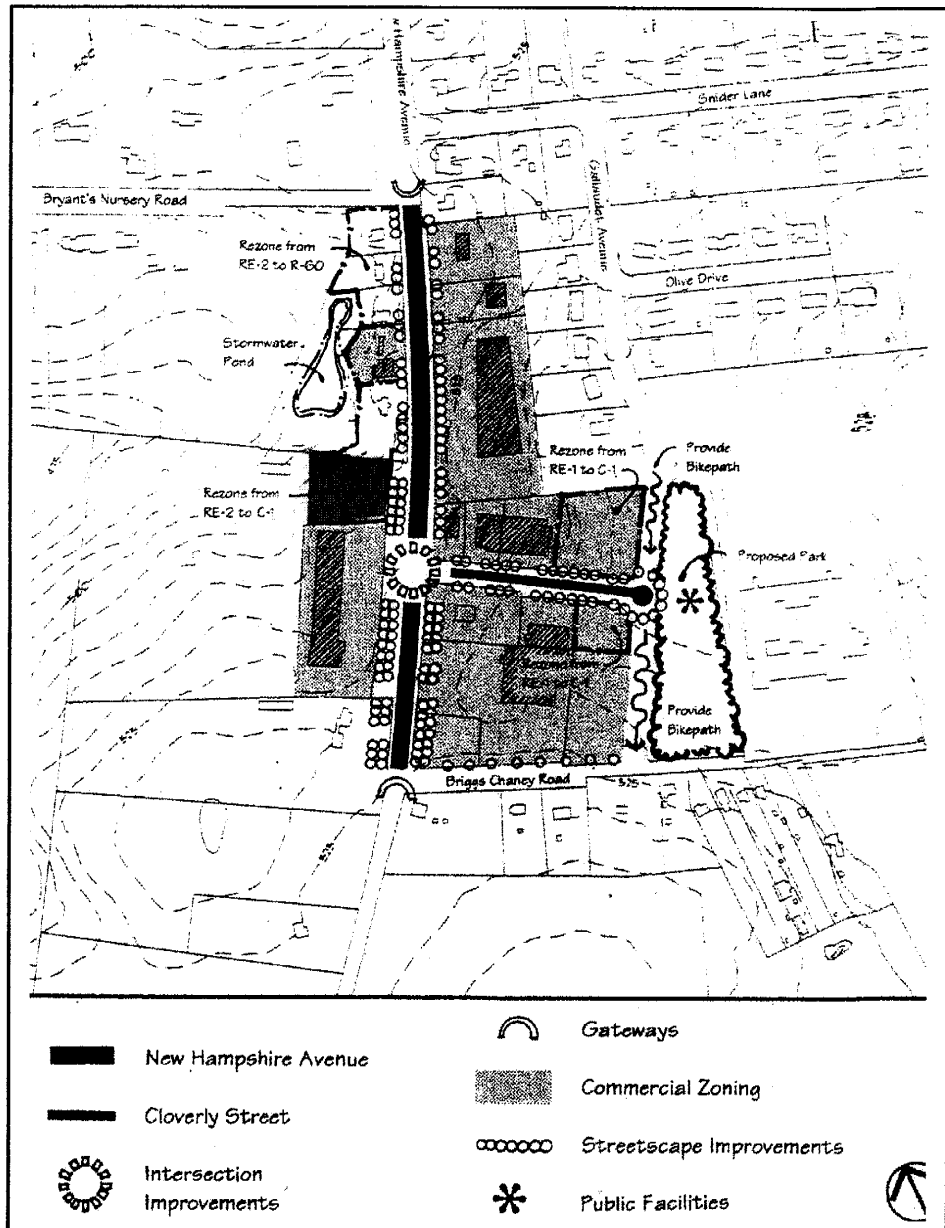
**ANALYSIS: Conformance to Master Plan**

**See also *Issues of Review*, for discussion of staff recommendations related to the Master Plan.**

The proposed plan meets many of the recommendations of the Cloverly Master Plan for the Cloverly Commercial Center area. General recommendations of the plan include encouragement of street oriented retail uses with sidewalks, street trees, and seating. Specific recommendations for the commercial area, including the New Hampshire Avenue frontage include:

- Streetscape Improvements, including pedestrian and bicycle amenities
- Interconnected parking lots and coordinated driveways, or allowances for future connections
- Minimized traffic congestion
- Access to landlocked property
- Commercial entrances facing New Hampshire Avenue
- Buildings close to the street @ 15 feet distance
- Building mounted signage with discouragement of pylon signs

The proposed plan achieves these objectives with the exception of the 15-foot building setback from the public street. The small size of the site, design feasibility for the access easement, the parking demand, and the provision for future parking interconnections necessarily dictate the building location as proposed. The plan successfully achieves the streetscape improvements as envisioned in the master plan, the commercial entrance facing New Hampshire Avenue, building mounted signage, and a compatible and attractive building architecture.



**CONFORMANCE TO DEVELOPMENT STANDARDS**

<b>PROJECT DATA TABLE</b>			
<b>Cloverly Commercial Development Standard</b>	<b>Site Plan 8-03010</b>	<b>C-1 Zone Permitted/Reqd</b>	<b>C-1 Zone Proposed</b>
<b>Gross Site Area</b>	0.96 acres		
Total Net Tract Area	0.812 acres		35,403 sf
Area of Public Dedication	0.15 acres		
Proposed Use	Commercial Retail		
<b><u>Development Standards C-1</u></b>			
Total C-1 Tract Area		15 acres	
Density (maximum)		N/A	0.22 FAR
<b><u>Building Setbacks</u></b>			
From public street (Master Plan)		10 feet minimum	84 feet
From adjoining lot - side		0 feet	0 feet (south)
From adjoining lot - rear	RE-2 standard	35 feet minimum	35 feet minimum
<b><u>Building Height</u></b>			
		30' av./ 45' max.	30 feet maximum
<b><u>Building Coverage</u></b>			
Impervious Area		N/A	66% (23,365sf)
Green Area		10% minimum	41% (14,515 sf)
<b><u>Parking</u></b>			
Standard	5 spaces/1,000 sf	39 spaces	39 spaces

## FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with and approved Development Plan. Not applicable.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Buildings

The buildings locations are adequate, safe and efficient. The site design, including the building location, takes maximum advantage of the site, while fulfilling numerous functional programmatic requirements, including the ingress/egress easement, sizable on-site stormwater management facility at the rear, and the substantial amount of parking required for commercial uses. With respect to the small parcel size and the desired building program, the site design exhibits a solution that is safe and efficient in its execution.

b. Open Spaces

The street frontage along New Hampshire is adequate landscaped, with attractive and appropriate shade trees and seasonal plantings at the building entrance. The landscape plan provides seven shade trees on the site, along with additional trees on the public street frontage. Parking at the street frontage will be screened. The open space at the rear features a surface infiltration trench for storm water quality control. The facility is moderately graded and will be planted with grass.

c. Landscaping and Lighting

Landscaping for the project includes a proving the streetscape recommended in the master plan, including green ash street trees, and sidewalk. Landscaping to screen the parking is provided as holly-evergreen shrubbery. Shade trees are place at the boundaries of the property and along the entrance driveway. Seasonal plantings are provided as building foundation planting.

Staff recommends further review of a revised photometric lighting plan to ensure that the lighting levels provided are compatible with the adjacent properties.

d. Recreation

The proposal is exempt from Recreation Requirements.

e. Vehicular and Pedestrian Circulation

The vehicular ingress/egress achieves the objectives of the master plan: offering potential for future inter-lot connectivity to the adjacent commercial lot and providing safe and adequate access to the adjoining church property (P845) to the rear [**See also *Issues of Review, Discussion of Vehicular Safety, page 3.***] The vehicular activity pattern within the site offers efficient maneuvering. The applicant has reduced the square footage of the proposed building to fulfill staff recommendations for the enhanced safety of the vehicular drive aisle. The revised proposal provides adequate, safe, and efficient vehicular circulation for the reasons outlined in the above discussion. Parking meets the required number of spaces for the commercial zones.

Pedestrian circulation will be improved by the new sidewalks proposed for the street frontage and additional street trees. Staff recommends that the sidewalk placement provide the optimal separation of

vehicles and pedestrians, that is, with street trees along the curb, and the sidewalk set back from the street to achieve maximum safety.

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

The building proposed is compatible with other uses and development within the Cloverly Commercial Center area. The siting of the building, and its size and height will provide an appropriate level of re-development for this infill property. The architecture proposed, with exterior stone materials, gables roof planes, and windows facing the street will fulfill the character and scale desired for neighborhood retail in this Cloverly area.

The activity associated with the proposed residential uses will not cause any negative effect on the surrounding residential and commercial uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is exempt from Forest Conservation, per Exemption #4-99289E, approved May 20, 1999.