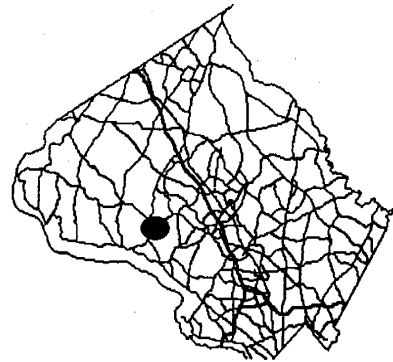


Items # 11 & 12
MCPB 04-21-05

MEMORANDUM

DATE: April 15, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor
Cathy Conlon, Supervisor
Development Review Division
FROM: Robert A. Kronenberg, RLA *RASK*
Development Review Division
(301) 495-2187



REVIEW TYPE: **Preliminary and Site Plan Review**
CASE #: **1-89044A and 8-05027**
PROJECT NAME: **Darnestown Village Center**
APPLYING FOR: **Amendment to approved preliminary plan #1-89044 to permit 43,256 square feet of grocery use (change from previous 43,256 square feet of retail which included 33,798 square feet of grocery and 9,458 square feet of general retail); and, Approval of 10,181 square feet of additional grocery store use and waiver to the parking requirements in the C-1 Zone in Darnestown, Maryland**
REVIEW BASIS: **Div. 59-D-3 of Montgomery County Zoning Ordinance**
ZONE: **C-1, Rural Village Overlay Zone**
LOCATION: **In the northeastern quadrant of the intersection of Darnestown Road and Seneca Road, approximately 200 feet northeast of Eden Rock Court**
MASTER PLAN: **Potomac Master Plan**
APPLICANT: **Landow Co.**
FILING DATE: **February 14, 2005**
HEARING DATE: **April 21, 2005**

STAFF RECOMMENDATION FOR PRELIMINARY PLAN: Amendment to approved preliminary plan #1-89044 to permit a 9,458 square foot increase in grocery use on the property, with the following conditions:

1. Amend previous condition No. 1 for preliminary plan #1-89044 per opinion dated November 22, 1989 to limit development to a total of 43,256 square feet of grocery use.

2. All applicable previous conditions of approval as per preliminary plan opinion dated November 22, 1989 remain in full force and effect. [Appendix A].
3. Applicant shall amend the June 2, 1998 Adequate Public Facilities Agreement to reflect the change in use. All other terms of the agreement, including the previous requirement for the construction of a left-turn lane on westbound MD Route 28, shall remain in effect.
4. Prior to issuance of building permit for the grocery addition, Applicant shall record a written covenant per MCDPS, Well and Septic specifications, and a plat of correction for adjacent Lots 30 and 31, Block A in the Seneca Highlands subdivision, placing them in permanent easement as a septic reserve area for the proposed grocery use.

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 10,181 square feet of additional grocery store use, and a waiver to the required parking spaces on 10.63 acres in the C-1 Zone, with the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-89044 as listed in the Planning Board opinion dated November 12, 1989, or as amended with the application [Appendix A].
2. Site Design
 - a. Continue to permit the use of the parking facilities at Darnestown Village Center subject to the terms, conditions, and limitations set forth in the letter addressed to William E. Gries dated September 1, 1998 [Appendix B].
 - b. Applicant shall revise the parking layout to include parking spaces that are a maximum of 9 feet wide.
3. Landscaping
 - a. Continue the row of evergreen trees on the northern property line behind the proposed fence.
 - b. Any trees within the property that are proposed for relocation shall be evaluated by the applicant and M-NCPPC staff to determine the health and procedure for transplanting, prior to relocation of the tree.
 - c. Provide written approval from the State Highway Administration for the installation of shade trees within the MD 28 right-of-way.
4. Lighting
 - a. Provide a revised lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
 - b. All light fixtures shall be full cut-off fixtures.
 - c. The surface parking area shall maintain a max./min. ratio of 4:1 or 5:1 with a maximum footcandle level of 10.0 to comply with illuminance levels for parking lot lighting.
 - d. Deflectors or shields shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
 - e. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
 - f. The height of the light poles shall not exceed 25 feet including the mounting base.

- g. Provide a security lighting plan that addresses lights to be turned off, specifically on the perimeter of the site, after business hours of operation.
5. Pedestrian Circulation
- a. Provide a pedestrian signal, painted crosswalk and handicapped accessible ramps at the intersection of Darnestown Road and Seneca Road, subject to approval by the State Highway Administration.
 - b. Provide and label the bike lane (DB-6, dual bikeway) along the property frontage on MD 28, subject to approval by the State Highway Administration.
6. Forest Conservation
- a. Provide documentation that the septic easement does not overlap with the forest conservation easement on lot 31.
 - b. Applicant shall not encumber any portion of the forest conservation easement with the stormwater management facility
7. Stormwater Management
- The proposed development is subject to Stormwater Management Concept approval conditions dated January 27, 2005 [Appendix C].
8. Development Program
- Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:
- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - b. Landscaping associated with the parking lot and building addition shall be completed as construction of each facility is completed.
 - c. Pedestrian pathways, including the sidewalk connections from the parking lot to the proposed sidewalk within the MD 28 right-of-way, shall be completed as construction of parking lot alterations is completed.
 - d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - e. Phasing of dedications, stormwater management, sediment/erosion control, community paths or other features.
9. Clearing and Grading
- No clearing or grading prior to M-NCPPC approval of signature set of plans.
10. Signature Set
- Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation easement areas.
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - f. Location of outfalls away from tree preservation areas.
 - g. All other conditions of approval specified in the site design, landscaping, lighting, pedestrian circulation and forest conservation conditions above.

- h. All other items listed in the site design, landscaping, lighting and pedestrian circulation conditions of approval above.**

SITE PLAN REVIEW ISSUES

I. Waiver of the parking requirements

A waiver to the parking spaces from the 217 spaces required is being requested by the applicant to permit thirty-one fewer parking spaces for the proposed commercial retail development pursuant to Section 59-E-4.5 of the Montgomery County Zoning Ordinance. The waiver provision in the aforementioned section references objectives that need to be met as part of a Parking Facility Plan.¹

Applicant's Position

The applicant is requesting [Appendix D] the waiver because it is not possible to physically provide the total required amount of spaces due to the physical limitations of the site, including the existing conditions, the required green space needed to zoning requirements and the needed internal circulation and access from MD 28.

The applicant has proposed to widen the existing spaces in the existing islands to accommodate larger vehicles (i.e. SUV's) that currently frequent the store. The applicant does not believe that the reduction of spaces on this site negatively affects the health, welfare or safety of the store patrons or local community. Furthermore, the applicant believes the objectives of the parking facilities plan have been met with respect to revisions to the lighting plan, existing and proposed landscaping, walls and fences, increased pedestrian circulation and enhanced vehicular circulation within the site.

Community Position

The community has responded to the reduction of parking spaces, specifically with regard to the nine proposed parking spaces adjacent to Lot 29 on the northern perimeter. The neighbor is concerned about the activity, noise and light pollution that the proposed spaces would cause. The community also questioned whether additional spaces could be placed on the west side of the building on Lots 30 and 31.

Staff Analysis/Position

Staff is supportive of the waiver request to permit a reduction of eighteen spaces, an 8 percent reduction, in-lieu-of the thirty-one spaces, or 14 percent reduction. The initial submittal proposed a reduction of fourteen spaces; however, the internal circulation was revised due to comments from our staff and Montgomery County transportation staff to provide a more functional transition into the site from MD 28. Additionally, staff requested that the existing

¹ Section 59-E-4.2-Parking Facilities Plan Objectives

A Parking Facilities Plan shall accomplish the following objectives:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.

rows of parking include planting islands with shade trees to facilitate the objectives of the Parking Facilities Plan. Based on comments from staff, the applicant further reduced the number of spaces by an additional seventeen spaces. However, the applicant has revised the striping within the existing parking lot to accommodate ten-foot-wide spaces, in-lieu-of the typical nine-foot-wide spaces for standard parking lots. Staff believes an additional thirteen spaces can be provided if the standard parking space is provided.

Staff believes the need to accommodate the total number of parking spaces is physically impossible due to site constraints; however, every effort should be made to provide as many as possible. The nine spaces in the rear of the building, adjacent to lot 29, should remain. The parking spaces will be set approximately 10-12 feet below the ground level of the house approximately 50 feet away. The parking spaces will be buffered from the adjacent property by a 6-foot wood fence and additional evergreen screening.

Additional parking spaces are not permitted on Lots 30 and 31 for use by the existing store pursuant to Sect 59-E-2.81, which states "where a parking facility is within a residential zone or adjoins land in a residential zone that is neither recommended for commercial or industrial use on an approved and adopted master or sector plan,...residential setbacks apply".

The existing and proposed parking along MD 28 and the adjacent property boundaries include evergreen screening to the prevent light glare from automobiles onto the public road and screen the area. The existing and proposed planting islands include shade trees that will be supplemented with additional shade trees to balance the islands.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the northeastern quadrant of the intersection of Darnestown Road and Seneca Road (MD 112), approximately 200 feet northeast of Eden Rock Court in Darnestown, Maryland. The site is an existing Food Lion store and is surrounded to the north, east and west by the residential community of Seneca Highlands (plat book 519, page 53, book 536, page 59 and book 595, page 26). The original Seneca Highlands community to the north is zoned RC while the Seneca Highlands community fronting on MD 28 is zoned R-200.

Directly across Darnestown Road on the western side of Seneca Road is a mix of commercial retail businesses, including a gas station, retail shops, a bank and realtors office. The immediate intersection is zoned C-1 with a small portion of O-M (Office Medium). The properties to the east are zoned RE-2 and include the residential subdivision of Darnestown Knolls (Plat Book 617, page 10) and Darnestown Elementary School. The properties on the south and west side of Darnestown Road and Seneca Road are zoned RC and include Mary of Nazareth Catholic School (Windsor School, Plat Book 561, page 78) and the Spring Meadows subdivisions. The M-NCPPC Darnestown Square Urban Park separates the subject property and the existing 2-story house to the east. The park was dedicated as part of the original subdivision in 1989. The M-NCPPC Darnestown Local Park and the Armenian Youth Center property is located further west along MD 28. These properties are split-zoned R-200 and RC.

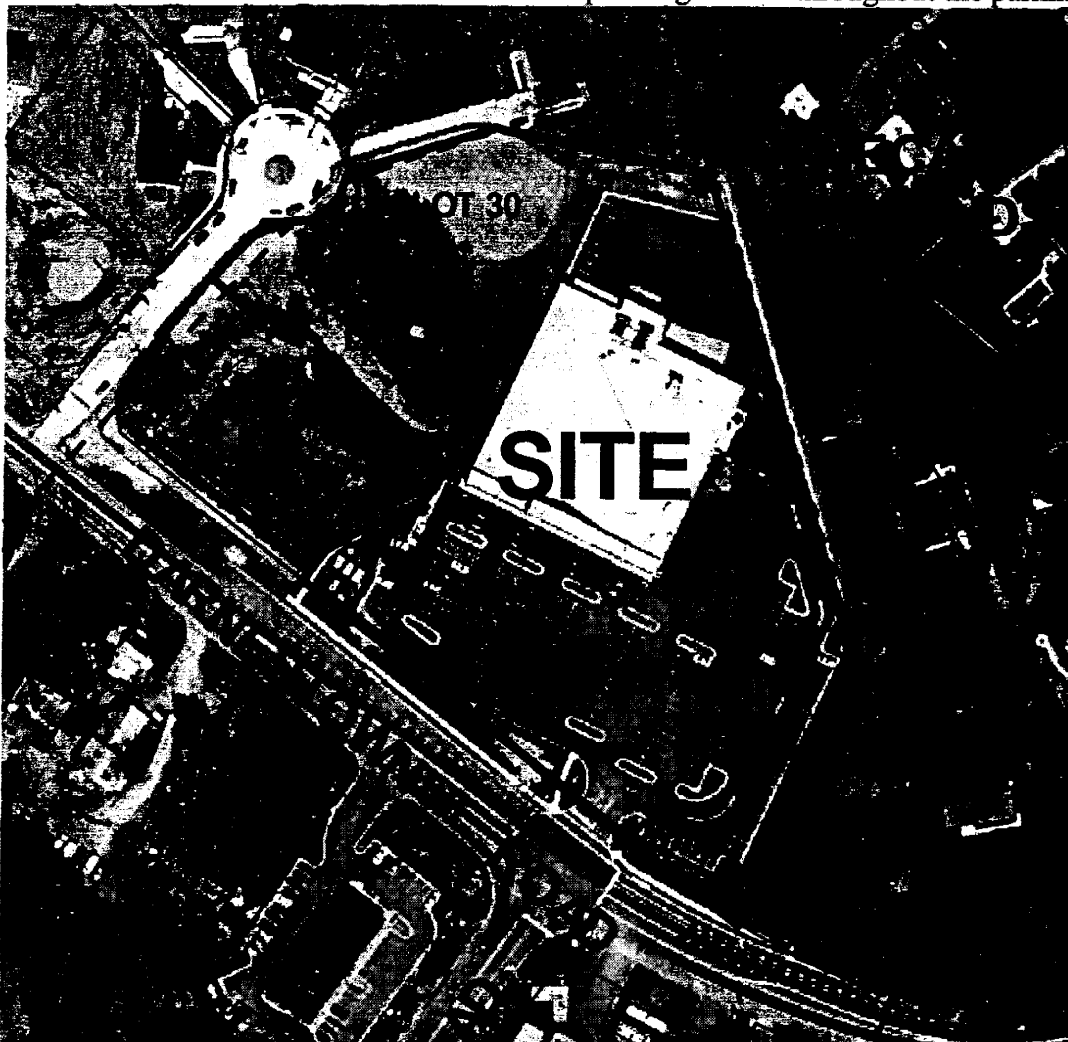
The entire intersection, including the subject site, is within the Rural Village Center Overlay Zone.



PROJECT DESCRIPTION: Site Description

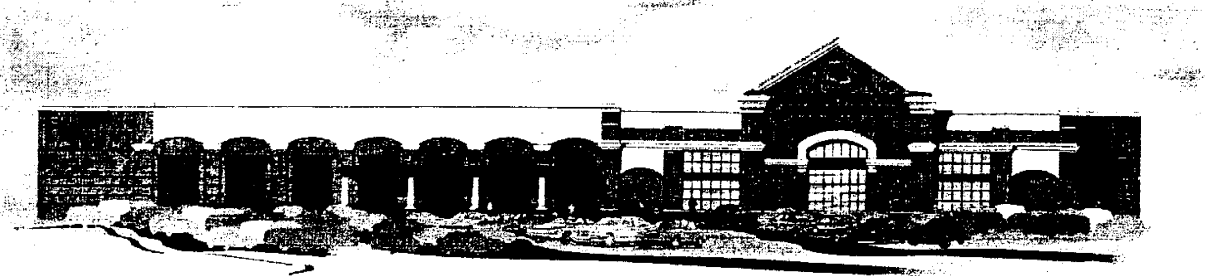
The 10.63-acre site consists of an existing 33,798 square foot Food Lion grocery store. The building is set back from Darnestown Road by approximately 170 feet with surface parking in the front and rear of the building. Access into the site is directly opposite the signalized intersection of Seneca Road and Darnestown Road. The eastern boundary, which includes the Darnestown Square Urban Park, contains mature trees and picnic tables in a grassy setting. The northeastern boundary of the site contains a ten-foot-tall retaining wall with a six-foot wood fence and Leyland cypress that provide a buffer to the adjacent residential homes and lots within the Seneca Highlands community. The western boundary of the site consists of Lots 30 and 31, which were part of the original subdivision and proposed for future septic area to accommodate the expansion. The majority of lots 30 and 31 are wooded with a conservation easement on the southern boundary of lot 31. The topography within the site falls by five feet from Darnestown Road to the store.

Existing thirty-foot light poles are located within the site, primarily on the perimeter and within the planting islands. A 3-4 foot evergreen hedge screens the existing parking from Darnestown Road. Small deciduous trees remain in some of the planting islands throughout the parking lot.



PROJECT DESCRIPTION: Proposal

The existing Food Lion store proposes to increase the existing 33,798 square foot grocery store by 10,181 square feet, which will equal the 43,256 square feet originally approved by the preliminary plan (#1-89044) in 1989. The grocery store addition is proposed for the northeast side of the existing building in the area presently used for storage.



Proposed front elevation of the store

Vehicular circulation presently consists of a three-way turning movement in and out of the site at the signalized intersection of Darnestown Road and Seneca Road. Internal vehicular circulation presently consists of 25-foot-wide drive aisles with parking and a parcel pick-up near the entrance of the building. The drive aisle continues to the rear of the building to accommodate loading and additional parking spaces. Pedestrian circulation consists of a 15-foot-wide entrance under the existing and proposed vestibule and a 5-foot-wide sidewalk connecting the parking and loading in the rear to the expanded walkway at the entrance of the building. An 8-foot-wide bike lane is proposed along the frontage of the property within the MD 28 right-of-way.

An additional 25 parking spaces are being provided for the additional square footage. The application is short by thirty-one spaces, necessitating a waiver to the required amount. Staff is in support of the waiver request for eighteen spaces.

The applicant proposes to supplement the existing landscaping through additional shade trees in the parking lot islands and on the perimeter of the site. Lighting will be retrofitted to accommodate a reduced height of the existing poles and additional fixtures for the extra parking spaces.

The adjacent lots will be used to accommodate future septic needs for the proposed addition. The stormwater management concept was approved for this site on January 27, 2005 and consists of on-site quality and quantity control, via the existing on site stormwater management pond.

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

Preliminary Plan #1-89044 was approved by the Planning Board on November 12, 1989 for a 43,256 square foot of grocery store. The Preliminary Plan is being amended concurrently with this site plan application to clarify the use from grocery to retail since grocery is not defined in the zoning ordinance.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (C-1 Zone)

Development Standard	Permitted/ Required	Proposed
Min. Tract Area (ac.):	<15	10.63
Max. Development (sf.)		
Existing Grocery Store		33,798
Addition to Grocery Store		<u>10,181</u>
Total	43,256	43,256
Min. Building Setbacks (ft.)		
from street (MD 28)	10	varies from 163+
from adjacent residential (R-200 Zone)	12 min./25 combined	36
from adjacent commercial	N/A (10' if provided)	N/A
Min. Green Area (%)	10	40*
Max. Building Height (ft.):	35	35
Parking Spaces		
Existing spaces @ 5/1000 (33,798 sf)	167	193
Additional spaces @ 5/1000	<u>50</u>	<u>25</u>
Total	217	186**

* The Rural Village Overlay Zone requires 35 percent green space, in-lieu-of the minimum 10 percent required by the C-1 Zone.

**Waiver requested for a reduction of the minimum parking spaces required pursuant to Sect. 59-E-4.5. Staff is supportive of a reduction of 18 spaces, which would provide a total of 199 spaces.

ANALYSIS:

Conformance to Master Plan

The surrounding development is primarily low-density housing, zoned RE-2, and the site on the east is bounded by the Darnestown Square Urban Park. The subject property is zoned C-1. The area is not recommended for public sewer and the septic fields are below the existing parking lot for the current use. The adjacent lots to the east will provide septic for the addition, including any reserve facilities. Current development within the overall Rural Village Center is auto dominated and includes the Food Lion grocery store, a gas station and several one and two-story retail and office structures.

The area is covered by the approved and adopted Potomac Subregion Master Plan of 2002, which recommended an overlay zone based on existing zones and designed to allow compatible uses in a rural village pattern. The preliminary plan was approved prior to completion of the Master Plan.

The purpose of the overlay zone, which was implemented by Sectional Map Amendment, was to retain and enhance the commercial crossroads character through compatible scale, massing, siting and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and of low density; and to create a pedestrian-friendly commercial area through streetscape design.

Community-Based Planning recommends approval of the preliminary plan amendment and site plan as well as the lighting and landscape plan conditions of approval.

Local Area Transportation Review

Based on the traffic statement submitted by the applicant, the proposed addition of 10,181 square feet to the existing grocery store would not result in additional trips from the originally approved 43,256 square feet of retail. Therefore, there no APF issues need to be addressed for the subject site plan.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

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 zone in which it is located.*

The Site Plan meets all but one of the requirements of the C-1 Zone as demonstrated in the project Data Table above. The applicant is requesting a waiver, pursuant to Section 59-E-4.5 of the Montgomery County Code to reduce the parking requirement from 217 parking spaces to 186 parking spaces on the site. Staff is supportive a waiver request to permit a reduction of 18 parking spaces, bringing the total to 199.

Additionally, the site plan meets all of the requirements of the Rural Village Overlay Zone with respect to minimum setbacks, green area requirements, building height, parking, landscaping and lighting.

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 existing Food Lion store is located approximately 170 feet north of Darnestown Road (MD 28) with parking in the front. The addition to the existing store is located on the eastern perimeter approximately 36 feet from the adjacent residential zone, consistent with the zoning ordinance. The proposed addition to the existing store is compatible with the existing use and adjacent residential areas. The existing façade of the building will be retrofitted to contain a modified vestibule, incorporating the proposed addition.

- b. **Open Spaces**

The C-1 Zone requires 10 percent of the site to be attributed toward green area; however the Rural Village Overlay Zone requires 35 percent of the site to be comprised of green area. The plan proposes 40 percent of the property as open space or green space, within the parking islands and along the perimeter of the property. Green space is also provided as part of lots 30 and 31, which will be used for future septic area.

The proposed stormwater management concept consists of on-site quality and quantity control via stormfilter and a water quality inlet pretreatment.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade, evergreen and flowering trees along the eastern property boundary adjacent to the local park and neighboring residences. The retaining wall and mass of Leyland cypress provide an extensive buffer on the northeastern boundary, in addition to the proposed evergreen screening for the proposed parking spaces along the northern boundary, adjacent to the residential home.

Deciduous trees are proposed within the new and existing parking islands to match the existing shade trees in terms of caliper and size. Additional shade trees with underplanting are proposed along the local park boundary and along the frontage of the property adjacent to MD 28.

The lighting plan proposes to retrofit the existing lights and provide new light fixtures within the planting islands and on the perimeter of the site. The applicant is limited to a height of 25 feet and required to shield adjacent residential properties. Staff has recommended a security lighting plan that would limit the amount of fixtures to be active during hours that the building is not operational.

d. Recreation

Recreation facilities are not required for commercial sites; however, the Darnestown Square Urban Park was originally dedicated to M-NCPPC as part of the 1989 subdivision application.

e. Vehicular and Pedestrian Circulation

An existing access point to the site is provided opposite Seneca Road from Darnestown Road (MD 28) near the southeastern property line.

An eight-foot-wide shared use path (Class I bikeway) is provided within the MD 28 right-of-way. Internal sidewalks will also be provided to facilitate pedestrian circulation throughout the development from Darnestown Road. Improved pedestrian and vehicular circulation is integral to the site and an important component of the Rural Village Overlay Zone. The improvements also meet the objectives of the Parking Facilities Plan to satisfy the waiver request to permit fewer parking spaces than required.

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

The existing use and structure has been operational since the early 1990's and is compatible with the existing and proposed adjacent development. The proposed addition is also compatible and is not detrimental to the surrounding uses or developments.

The proposed addition meets the setbacks from residential boundaries, height requirements and other development standards within the C-1 Zone and Rural Village Overlay Zone. The proposed structure extends the building line within an area originally targeted for expansion and is complemented by the extension of the proposed vestibule.

The reduction of parking spaces does not detrimentally affect the surrounding neighborhoods and meets the objectives of the Parking Facilities Plan in terms of adequate lighting, landscaping and safety concerns of the patrons.

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

The site is exempt from the forest conservation requirements because the subdivision was approved prior to the 1992 Forest Conservation Law.

APPENDICES

- A. Planning Board opinion for Preliminary Plan 1-89044.
- B. Letter from Landow & Co. to Bill Gries dated September 1, 1998
- C. Memorandums from agencies.
- D. Waiver request from applicant
- E. Correspondence from the community