

should reflect the Board's desire and direction that care be taken that the future park be designed in an efficient manner such that the usable portions of the park are maximized.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. 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 of the requirements of the C-1 Zone as demonstrated in the project Data Table included in the Staff Report. The Applicant requested a waiver, pursuant to Section 59-E-4.5 of the Montgomery County Code, to reduce the parking requirement and the Board finds that such a waiver is appropriate, as discussed above.

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 locations of the buildings and structures, the open spaces, the landscaping, the 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. 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.

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 is 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 will submit a revised lighting design and plan to Staff and the Darnestown Civic Association for review and approval prior to signature set. In the event that consensus cannot be reached among the aforementioned parties on the question of lighting, the Application will return to the Planning Board for its consideration and resolution of any disputed issues related to the lighting design.

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.

Concerning the question of noise generated by rooftop mechanical equipment, the Board finds that, because regulation of projected noise levels emanating from a site is beyond the statutory authority of the Planning Board in reviewing site plans, the concern raised by a neighbor relating to noise originating from the subject property is not properly before the Planning Board.

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.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-05027 for 9,458 square feet of additional grocery store use and other retail uses permitted in the C-1 Zone, and a waiver, pursuant to Code § 59-E-4.5, of twenty-eight (28) of the minimum required parking spaces on 10.61 gross acres in the C-1 Zone and Rural Village Center Overlay 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, as amended.
2. Site Design
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. Applicant shall provide permission to MNCPPC to install a curb cut at the Subject Property parking lot in order to facilitate access by the public and MNCPPC Staff and equipment to the adjacent Darnestown Square Urban Park at such time as MNCPPC requests such permission. Such a curb cut shall not result in the loss of any parking space(s).
3. Landscaping
 - a. Continue the row of evergreen trees on the northern property line behind the proposed fence.
 - b. Any trees from 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. The lighting design and plans shall be submitted, reviewed, and approved by Staff in concert with the Darnestown Civic Association. The security lighting plan, which addresses lights to be turned off, specifically on the perimeter of the site, after business hours of operation, shall be submitted, reviewed and approved as part of

the lighting and photometric plan. In the event that consensus cannot be reached among Staff, the Applicant, and the Darnestown Civic Association on the question of lighting, the Application will return to the Planning Board for its consideration and resolution of any disputed issues solely related to the lighting design.

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 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.

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:

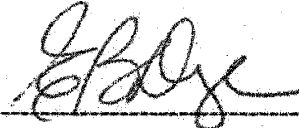
- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Forest Conservation easement areas.
- e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- 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.

APPROVED AS TO LEGAL SUFFICIENCY
IAS
M-NCPPC LEGAL DEPARTMENT
DATE 7/25/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday July 28, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with Chairman Berlage and Commissioners Bryant, Robinson, and Wellington voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Darnestown Village Center, Site Plan No. 8-05027. Commissioner Perdue abstained.



Certification As To Vote of Adoption
Technical Writer