



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB - 5 2009

MCPB No. 09-12
Site Plan No. 820080240
Project Name: Wildwood Manor Shopping Center
Date of Hearing: January 22, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on May 27, 2008, Wildwood medical Center, LLC ("Applicant"), filed an application for approval of a site plan to retain an existing medical office building and construct a 30,000 square foot office building, a 3,470 square-foot drive-through bank, and a parking structure ("Site Plan" or "Plan") on 3.5 acres of O-M-zoned land, located in the southeast quadrant of the intersection of Old Georgetown Road and Rock Spring Drive ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820080240, Wildwood Manor Shopping Center (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated January 12, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on January 22, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 22, 2009 the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley and seconded by Commissioner Robinson; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson voting in favor.

Approved as to
Legal Sufficiency:

 1/22/09
M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301-495-4605 Fax: 301-495-1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080240 for the retention of an existing medical office building and construction of a 30,000 square foot office building, a 3,470 square-foot drive-through bank, and a parking structure, on 3.5 gross acres in the O-M zone, subject to the following conditions:

1. Preliminary Plan Conformance
The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 119892710 as amended by Preliminary Plan amendment No. 11989271A.
2. Development Plan Conformance
The proposed development shall comply with the binding elements listed in the Zoning Map Amendment G-851 and the associated Schematic Development Plan listed in County Council Resolution 16-392.
3. Environmental
 - a. The Applicant must obtain written permission to remove any off-site trees from the respective property owner(s) and provide copies of such permission to M-NCPPC Staff prior to removal.
 - b. The final sediment control plan must be consistent with the final limits of disturbance (LOD) on the approved landscape plan.
4. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated October 11, 2006 unless amended and approved by the Montgomery County Department of Permitting Services and those amendments do not conflict with any approved preliminary plan or Site Plan conditions.
5. Development Program
The Applicant must construct the proposed development in accordance with a Development Program. The proposed development may be built in two phases. A development program for each phase must be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:
 - a. All improvements, landscaping, lighting, and fencing along the northern property line must be installed in phase I as delineated within the phasing line on the site plan dated September 19, 2008.
 - b. Street tree planting and lighting along Old Georgetown Road must be completed within six months of the issuance of any use and occupancy permit for the bank; street tree planting, lighting, and landscaping along Berkshire Drive must be

completed within six months of the issuance of any use and occupancy permit for the new office building. The wood fence along Berkshire Drive must be installed within 30 days after demolition and removal of the existing vegetation along Berkshire Drive.

- c. As with the street tree planting, streetscape improvements and on-site landscaping, lighting, and amenities for each respective phase, including sidewalks, fencing, bike facilities, and lighting, must be completed within six months of the issuance of any use and occupancy permits.
 - d. Phasing of pre-construction meetings, dedications, sediment/erosion control, or other features.
6. Clearing and Grading
Applicant must ensure that there is no clearing or grading of the Subject Property prior to M-NCPPC approval of the Certified Site Plan.
7. Certified Site Plan
Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to Staff review and approval:
- a. Minor corrections and clarifications to site details and labeling.
 - b. An additional sidewalk connection with a raised pedestrian crosswalk from the bank entrance to the sidewalk along Old Georgetown Road must be provided.
 - c. Final location of motorcycle spaces and exact number of parking spaces (no less than the minimum required) is to be determined.
 - d. Tree protection measures for trees #3, #6, #8, #13, and #14.
 - e. Approval by a Maryland Licensed Tree Care Expert for all tree care recommendations.
 - f. Minor changes to notations to ensure landscape plan is consistent with approved NRI/FSD.
 - g. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution.

BE IT FURTHER RESOLVED that all site development elements as shown on Wildwood Manor Shopping Center drawings stamped by the M-NCPPC on September 22, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of the development plan certified by the Hearing Examiner under Section 59-D-1.64 and all binding elements of the approved Zoning Application.*

The proposed development is consistent with the approved Schematic Development Plan and Rezoning Application G-851 regarding land use, density, building height and development guidelines. The eight (8) binding elements are met as enumerated in the Council Opinion (Resolution 16-392). Further, the "Design Criteria for Site Plan" have been followed during the detailed design phase and are met by the Site 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 Site Plan meets all of the requirements of the O-M Zone as demonstrated in the following Project Data Table. In particular, the proposed development meets the requirements for density, setbacks, height, and green area. Those development standards modified by the approved rezoning application have also been met.

Project Data Table

Development Standard	Permitted/ Required	Approved w/the Binding Elements	Approved by the Planning Board and Binding on the Applicant
Net Lot Area (acres)	n/a	3.5	3.5
Max. Building Coverage (%)	60	n/a	17
Max. Building Height (feet)¹			
Existing Building	60 (5 stories)	3 stories	3 stories
Proposed Office	60 (5 stories)	3 stories	3 stories
Proposed Bank	60 (5 stories)	n/a	1 story
Max. Floor Area Ratio (FAR)	1.5	0.46	0.46
Min. Building Setbacks (feet)			
Old Georgetown Road Right-of-Way	15	50	50
Berkshire Drive Right-of-Way	15	130	145
Property Line (R-90 Zone)	14	16	16
Min. Green Area (%)	10	n/a	35

¹ The maximum height in feet will be determined at certified site plan. The proposed office building will be no more than 4 feet higher in elevation than the existing office building and no higher than 56 feet from any grade along the building to the roof surface.

Min. Parking Spaces	274	n/a	284
---------------------	-----	-----	-----

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

a. Locations of buildings and structures

The proposed building provides a relatively low-density set of office uses (0.46 FAR proposed/1.5 FAR allowed), which is an appropriate scale between the nearby commercial areas and the neighborhood to the northeast. The design and layout of the buildings are compatible with the surrounding structures in terms of massing, detailing, and height. Because of the limits placed on the property by the binding elements and the fact that dwellings in the O-M zone require a special exception, the design is limited but the layout of the buildings is adequate, safe, and efficient.

b. Open Spaces, Landscaping, & Lighting

The plan proposes 35% green area, which is 25% more than required. Most of this area is used as landscaped space providing a buffer between the site and adjacent residential neighborhood. This is planted in a mix of trees and shrubs providing adequate, safe, and efficient screening between the two uses. The remaining green area is devoted to lawn panels and internal parking islands with a mix of trees. These plantings will increase biomass and canopy on site and provide a more adequate, safe, and efficient landscape.

Pole-mounted street lights line some of the pedestrian walks, while more traditional overhead luminaires light most of the parking areas. These fixtures, in conjunction with building-mounted lights, provide an adequate, safe, and efficiently lit environment at night.

c. Recreation Facilities

There are no required recreation facilities for this use because these are commercial uses.

d. Pedestrian and Vehicular Circulation Systems

Vehicular access is more safe and efficient given the upgrades and modifications to the entry point and internal driveways. Surface parking area is decreased through the use of structured parking below and adjacent to the proposed office building and there is a greater amount of permeable area within the parking facility. The number of sidewalks has increased, providing greater connectivity and safer passage for pedestrians walking from the adjacent

neighborhood to the site or beyond to the nearby commercial areas. As conditioned, the vehicular and pedestrian entrances, sidewalks, drives, and parking provide an adequate, safe, and efficient building on the Subject Property.

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

The buildings are compatible with the existing medical building regarding massing, scale, detailing, and layout. Given the setbacks and landscaped buffers, the proposed buildings and structures are also compatible with the adjacent residential uses. Pedestrian connections also add to the compatibility with the adjoining residential and commercial uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject Site Plan is exempt from forest conservation law.

The proposed stormwater management concept consists of on-site channel protection measures via a waiver due to existing site conditions; on-site water quality control via flow based stormfilters and a green roof on the commercial building; and on-site recharge is not required.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is FEB - 5 2009 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, January 29, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board