

AUG 4 2009



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

MCPB No. 09-88
Site Plan No. 82007004B
Project Name: Henderson Corner
Hearing Date: July 23, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, site plan 820070040 was approved on March 1, 2007 for a 4,100 square foot bank on 1.27 acres of C-3 zoned land located at the southeastern quadrant of the intersection of Ridge Road and Henderson Corner Road; and

WHEREAS, site plan 820070040A which provided modifications to the bank which had been proposed for the Property was withdrawn on July 12, 2007; and

WHEREAS, on March 23, 2009, Henderson Corner at 355, LLC. ("Applicant"), filed a limited site plan amendment application designated 82007004B, Henderson Corner (the "Amendment") for approval of the following modifications:

1. Revisions made to the original preliminary and site plan (per the approval of the special exception);
2. Construction of a 3,188 square foot convenience store;
3. Installation of 2 underground gasoline storage tanks;
4. Provide 12 covered pumping stations; and
5. Modification to the site amenities (parking facilities, lighting, landscape and signage).

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 13, 2009, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 23, 2009, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board

Approved as to
Legal Sufficiency:

A handwritten signature in blue ink, appearing to read "Nancy Garver".

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heard testimony and received evidence submitted for the record on the Amendment;
and

WHEREAS, on July 23, 2009, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Cryor, with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Presley, voting in favor and one Planning Board position being vacant.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby expressly adopts the Staff's recommendation and analysis as set forth in the Staff Report, as modified during the hearing and hereby approves the Site Plan No. 82007004B; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

Conformance with Previous Approvals

1. Special Exception Conformance
The proposed development must comply with the conditions of approval for the Special Exception (S-2743) dated February 12, 2009.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for the amended preliminary plan (120060121A) as listed above and within the approved Resolution. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

Transportation & Circulation

3. Transportation
 - a. Use painted arrows to clearly direct the flow of traffic into and out of the site.
 - b. The proposed signage should not be an obstruction that could prohibit the safe circulation of traffic entering and/or exiting the site.
4. Pedestrian Circulation
 - a. Provide painted crosswalks at all major pedestrian crossings.
 - b. Deliveries made should be careful not to obstruct and/or limit access to and from the building and the parking facilities.

Site Plan

5. Site Design: Provide specifications and details for the materials of the clocks (2, located on the building tower and on the southeast façade) in the certified site plan.
6. Landscaping
 - a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (ANLA) with regard to the correct size and type as specified within the plant list and planting plan.
 - b. The proposed shade trees near the building façade (on the side facing onto the intersection of Ridge Road and Henderson Corner Road), and along Henderson Corner should be installed in accordance to the placement of the clocks on the northeast tower. The proposed plantings should not obstruct the major views from the intersection at Ridge Road or Henderson Corner Road.
 - c. An alternate plant list may be provided on the Landscape and Lighting plan to accommodate plant substitutions.
 - d. The proposed plantings shall be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.
7. Lighting
 - a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
 - b. All onsite light fixtures must be full cut-off fixtures and labeled on the site plans. Proposed lighting for the filling station's canopy should be recessed under the canopy.
 - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - d. Illumination levels for on-site lighting fixtures shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
 - e. The height of the light poles shall not exceed 20-feet including the mounting base.
8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities, including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.

9. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency off all details and layout between site plan and landscape plan.
- d. Provide a building envelope or zone of influence (with setbacks labeled on the site plan) that will account for any minor shifts in the final construction of the proposed buildings.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Henderson Corner drawings stamped by the M-NCPPC on June 02, 2009, shall be required, except as modified by the above conditions of approval; and

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

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

BE IT FURTHER RESOLVED, that the date of this written resolution is AUG 4 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 written opinion, 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 Alfandre, seconded by Commissioner Cryor, with Commissioners Hanson, Alfandre, and Cryor voting in favor of the motion, and with Commissioner Wells-Harley abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 30, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board