



SEP 29 2010

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-118
Site Plan No. 820060240
Project Name: Gosnell Property
Date of Hearing: April 26, 2010

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 November 18, 2005, SMTM Cabin Branch, LLC. / SMTM Cabin Branch West, LLC. ("Applicant"), filed an application for approval of a site plan for 87,500 square feet of employment uses (hotel and 2 banks), 8,600 square feet of highway/ auto-related retail uses (car wash, gas station, and convenience store), and parking waivers ("Site Plan" or "Plan") on 7.24 acres of MXPB zoned land, located along Clarksburg Road, approximately 0.25 miles west of I-270;

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060240, Gosnell Property (the "Application");

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 16, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report");

WHEREAS, following review and analysis of the Application by Staff and the Staff of other governmental agencies, on April 26, 2010, the Planning Board held a public hearing on the Application (the "Hearing");

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

WHEREAS, on April 26, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss seconded by

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.W., Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

Commissioner Alfandre; with a vote of 3-0, Commissioners Alfandre, Dreyfuss and Hanson voting in favor, Commissioners Wells-Harley and Presley being absent.

THE PLANNING BOARD RECOMMENDATION FOR FINAL WATER QUALITY PLAN:

Approval of the Final Water Quality Plan for Site Plan 820060240 as described in the letter dated January 29, 2010 unless amended and approved by the Montgomery County Department of Permitting Services. The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. All of the conditions not addressed from previous approvals are still applicable. This list may not be all inclusive and is subject to change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way (structure G101, G106 and G108). If access to structure G108 is to be from Clarksburg Road, a driveway apron and full depth paving over the sidewalk will be required.
2. The Preliminary Water Quality Plan required that 150% of the MDE required recharge volume be provided due to the lack of open section roadways in this sensitive watershed and the deep cut and fill that is proposed. During the detailed review a geotechnical study must be provided to determine the feasibility of the proposed infiltration and recharge structures.
3. The proposed infiltration trench (structure G101) must be open to the surface.
4. If possible locate structure G107 in the green area between the Clarksburg Road right-of-way and the onsite drive aisle for ease of maintenance.
5. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
6. Due to the size of this development a full-time, third-party, onsite, sediment control inspector is required to assure that the goals of the Water Quality Plan are being met.

THE PLANNING BOARD RECOMMENDATION FOR SITE PLAN 820060240:

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. 8200060240 for 87,500 square feet of employment uses, 8,600 square feet of highway/ auto related retail uses, a 12% parking reduction waiver on the east side of the property, and parking waivers granted for sections 59E-2.71 and 2.81(a) on 7.24 gross acres in the MXPDP zone, subject to the following conditions:

Environment

Approval of site plan #820060240, including amendments to the forest conservation plan and the Special Protection Area water quality plan approved per Cabin Branch Infrastructure Site Plan #820050150, subject to the following conditions:

1. Compliance with the Planning Board conditions of approval for forest conservation plan #820050150 dated June 14, 2007, with amendment to reflect approval of the final forest conservation plan for Site Plan #820060240.
2. Amendment to Special Protection Area water quality plan approval for Infrastructure Site Plan #820050150 in incorporate revisions contained in DPS approval letter for Site Plan # #820060240 dated January 29, 2010.
3. All other prior approvals and conditions from #820060240 related to environmental and water quality related issues remain in full force and effect

Site Plan

4. Site Design
 - a. Update and coordinate the Project Data Table(s) with previous approvals and/or pending applications for the entire Cabin Branch Neighborhood development.
 - b. The remaining 0.41 acres of green area must to be fulfilled on another Cabin Branch site still within the MXPDP zone. Upon the designation of this green space area; Site Plan Staff will review the final landscape plans.
 - c. Locate benches in potential seating areas and provide site details for any benches and trash receptacles proposed on site.
 - d. The exterior architectural character, proportion, materials, and articulation will be re-evaluated upon re-submittal by M-NCPPC Development Review and Urban Design staff.
 - e. The surface parking facility (on the east side) directly adjacent to the existing public road shall be adequately buffered with an evergreen hedge and/or a masonry wall.

5. Landscaping

- a. The proposed plant materials must be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
- b. An alternate plant list may be provided on the Landscape and Lighting plan; to accommodate plant substitutions.
- c. The proposed plantings must 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.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.
- b. All onsite down- light fixtures must be semi cut-off fixtures.
- 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 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 17 feet including the mounting base.

7. Design Guidelines

- a. The proposed development must comply with the Design Guidelines dated August 20, 2008 or as amended and approved by the Planning Board.
- b. A letter from the Town Architect must accompany each site plan application stating that the proposed development complies with all of the aspects of the Cabin Branch Design Guidelines.
- c. An approval form from the Town Architect must accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.
- d. Each building permit must be reviewed by the Planning Director or "designee" for conformance to the approved Design Guidelines. Unless the Director or designee rejects the permit for non-compliance with the Design Guidelines within ten (10) days of transmittal, it must be deemed approved. If the building permit application is regarded as not in

conformance with the guidelines, then the Director and Town Architect shall meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will decide the resolution.

- e. The Design Guidelines for the retail components and streetscape will be reevaluated with respect to architectural features, site design, layout and circulation.
- f. The administration of the Design Guidelines shall be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or designee. If the town architect and Planning Director do not agree, then the matter will need to go the Planning Board possibly as a minor amendment to the site plan.

8. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. 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 lighting and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.

- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle racks must be installed prior to release of any building occupancy permit.
- c. 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.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. Provide each section of the development with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

10. 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. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Provide a building envelope (with setbacks labeled on the site plan) that will account for any minor and/or major shifts in the final construction of the proposed buildings.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Gosnell drawings stamped by the M-NCPPC on April 16, 2010, 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 as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified

herein), 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 a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Development Plan (G-806) for the Cabin Branch Neighborhood established nine (9) binding elements for the entire community. This site specifically conforms to the following four (4) binding elements: trip reduction measures, street networks, street character and on-street parking. The remaining five (5) elements are not applicable to this site.

The Cabin Branch Local Area Transportation Review (dated December 19, 2005) proposes two (2) major phases of development for the complete build out of the public roadway networks. Planned road improvements shall identify potential problems and offer possible solutions in anticipation of future growth. Vehicular access is designed as an interconnected roadway system within a transit-oriented land use pattern. Four (4) roundabouts are proposed to serve as entry features, setting the character of the area and providing a means of facilitating traffic movements in an efficient manner. The existing Clarksburg Road (MD 121) will retain its rural character; while the new Clarksburg Road will transition to a four-lane major road. Two (2) out of the four (4) traffic circles are located along the new Clarksburg Road south of the Gosnell site. The business district streets are proposed as two-lanes with curbside parking. The proposed roadways will promote a pedestrian-friendly environment and are consistent with the requirements of the binding elements.

The internal roadways are aligned with a network of sidewalks and street crossings that channelize pedestrians efficiently to and from residential, commercial, open space, and recreational areas. The business district roadways, with curbside parking, provide an additional level of comfort and safety to the pedestrian by providing a buffer between moving vehicles and sidewalks.

- 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 proposed uses are allowed in the MXPB Zone and the site plan specifically fulfills the purposes of the zone by providing the following: Design Guidelines that meet the overall goals of the Master Plan; a

comprehensive staging development program in accordance with the previous approvals; enhanced compatibility with the surrounding communities; and the provision of open spaces and site amenities that achieve the physical and aesthetic integration to benefit the community. In addition pedestrian circulation is encouraged and additional landscape plantings proposed are directly adjacent to the surface parking areas.

The Cabin Branch Design Guidelines set the overall tone for the entire development establishing feasible design principles for the proposed streetscapes, circulation systems, and compatible uses. The Infrastructure and Preliminary Plans approved the construction phasing for the major roadway improvements, stormwater management facilities, and underground utilities; prior to the submission of this site plan.

As the project data table indicates, the site plan meets all of the development standards of the zone. With respect to building heights, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space, the proposed site has provided 2.49 acres. The remaining 0.41 acres will be fulfilled on another Cabin Branch site still within the MXPDP zone.

Requirements of the MXPDP zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the MXPDP Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by the Board are Binding on the Applicant

Gross Tract Area (ac/sf.):	7.24 acres 315,374 sq.ft.
Gross Floor Area	96,100 sq.ft.
Maximum Floor Area Ratio for the subject Parcel	0.30 FAR
<u>Gross Square Footage</u>	
Highway/ Auto Retail Related Uses	8,600 sq.ft.
Car Wash	1,800 sq.ft.
Quick Mart (gas station)	3,255 sq.ft.
Quick Serve (convenience store)	3,545 sq.ft.

<u>Employment Related Uses</u>	87,500 sq. ft.
Banks (2)	7,725 sq.ft.
Hotel/ Restaurant	79,775 sq.ft.
<u>Maximum Parking Space¹</u>	264 spaces ²
East Side	159 spaces
West Side	105 spaces
Minimum Green Space Required	40%
Minimum Green Space	34% ³
	2.49 acres
Minimum Internal Parking Green Space	10.6%
	15,682 sq. ft. (0.36 acres)
Maximum Building Coverage	14.09%
	44,518 sq. ft. (1.02 acres)
<u>Maximum Building Heights</u>	
East Side (Area A)	
Hotel	75 feet
Bank	35 feet
West Side (Area B)	
Car Wash	40 feet
Quick Serve	35 feet
Quick Mart	35 feet
Bank	35 feet
<u>Minimum Building Setbacks</u>	
From one family detached d.u.	100 feet
From adjoining properties	10 feet
From adjoining properties recommended for Residential zoning and land use	100 feet
From Commercial/ Industrial properties	10 feet
From the street right-of-way	4 feet
Minimum Bicycle Racks (2 racks)	14 spaces

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

¹ The required number of parking spaces is calculated in accordance to section 59-E Off-Street Parking; and is dependent on the provided use.

² Total number includes 12 handicap parking spaces.

³ The remaining green space area (0.41 acres) must be fulfilled within the MXPDP zone on another Cabin Branch site.

a. Buildings and Structures

The buildings and structures of the proposed development are proposed along the new Clarksburg Road; which is appropriate for the character envisioned by the Master Plan. These locations provide easy access to the buildings from adjoining sidewalks and parking spaces. The Planning Board finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

b. Landscaping and Lighting

The proposed landscape materials help to buffer and frame important major views along the property boundaries, and soften hardscape edges along the streetscape and retaining walls. Lighting is adequately used within the surface parking facilities. Both the lighting and landscape materials create a safe and comfortable environment for pedestrians.

c. Recreation Facilities

There are no recreational facilities required for this site plan, but benches and bicycle facilities are provided. Active green spaces and recreational facilities are primarily located closer to the residential components. However, the proposed circulation systems adequately and efficiently tie back into adjacent sites. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area.

d. Vehicular and Pedestrian Circulation

Pedestrian patrons are welcomed with an open space plaza, kiosks, stairwells, and handicap accessible ramps and crosswalks located at every major intersection. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The overall purpose of this development is to be a convenient resource to the surrounding residential properties.

The proposed landscaping helps to buffer the surface parking and driveway areas from the roadways and soften major views inward. Proposed stormwater management plantings will be reviewed by the Department of Permitting and Services (DPS). Traditional foundation plantings are provided at the base of the proposed buildings, and showy ornamental plantings have been added for aesthetic appeal. Interior lighting will create enough visibility to provide safety, however not enough

to cause glare on the adjacent roads or properties. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment. The site design is in full compliance with the Master Plan and Cabin Branch Design Guidelines.

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

The subject property was designed to be integrated with other commercial/retail properties within the Cabin Branch Community, including Concordia Phase 2 – Retail (820060300). With respect to the height, use and building orientation, the proposed development is compatible with the adjacent and confronting 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.*

Channel protection measures will be provided via an extended detention dry pond (Pond#11). This structure will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, structural water quality inlets (both filtering and flow through), a bio-retention structure, an infiltration trench, the use of porous pavement and ultimately surface sand filters in series. Since open section roads are not feasible, additional water quality volume controls will be provided through large surface sand filters. This will be done by sizing these structures to treat the entire drainage area regardless of the upland area that is already providing full treatment. Recharge will be provided both on upland throughout the development and below the outlet pipe of the proposed surface sand filters where groundwater or bedrock is not encountered.

This special protection area requires the recharge volume to provide a total of 150% of the average annual predevelopment groundwater recharge volume. This exceeds the 2007 MDE regulations which require 100% of the average annual predevelopment groundwater recharge volume. The upland portion will provide 50% of the recharge volume before it drains to the SWM ponds. At the ponds the site will be treated for 100% of the required recharge volume. Infiltration trenches have been proposed throughout the site with small drainage areas to provide the upland recharge requirement. The small drainage areas spread the

recharge throughout the site which is consistent with the intent of the 2007 MDE regulations. The site also features pervious concrete parking areas to reduce the amount runoff and allow ground water recharge. Pervious concrete is one of the alternative surfaces preferred by the new MDE regulations. Additional upland recharge will be provided with future areas of development within the pond watershed.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board in this matter and 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

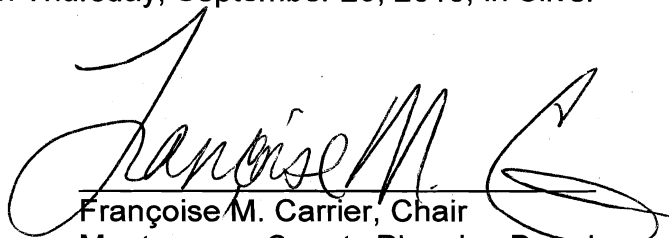
~~BE IT FURTHER RESOLVED~~, that the date of this resolution is SEP 29 2010 (which is the date that this resolution is mailed to all parties of record); and ~~SEP 29 2010~~

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).

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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 Dreyfuss, seconded by Commissioner Presley, with Vice Chair Wells-Harley, Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, and Chair Carrier abstaining, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board