



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

MCPB No. 10-157
 Site Plan No. 820100140
 Project Name: The Shops at Seneca Meadows
 Date of Hearing: November 4, 2010

JAN 12 2011

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 June 30, 2010, Seneca Meadows Corporate Center VII, LLLP ("Applicant"), filed an application for approval of a Site Plan for construction of a 150,000 SF grocery store, 28,570 SF of general office, 4,300 SF of professional office, and 56,570 SF of retail/restaurant uses ("Site Plan" or "Plan") on 21.0 acres of TMX-2-zoned land, located in the northwest quadrant of the intersection of Seneca Meadows Parkway and Observation Drive ("Property" or "Subject Property") within the Germantown Employment Area Sector Plan ("Sector Plan"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100140, The Shops at Seneca Meadows ("Site Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 24, 2010, 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 November 4, 2010, 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 November 4, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 3-0; Commissioners Carrier, Dreyfuss, and Wells-Harley voting in favor; Commissioner Presley abstaining and Commissioner Alfandre being absent.

Approved as to
 Legal Sufficiency: Christina Jones 12/22/10

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. 820100140 for construction of a 150,000 SF grocery store, 28,570 SF of general office, 4,300 SF of professional office, and 56,570 SF of retail/restaurant uses on 21.0 acres of TMX-2-zoned land, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 11998004A as listed in the Planning Board Resolution unless amended.

Environment

2. Forest Conservation

The proposed development must comply with the conditions of the approved final forest conservation plan. The Applicant must resolve all comments enumerated in the memorandum dated October 19, 2010 prior to the recording of a plat(s) or the issuance of sediment and erosions control permits by the Montgomery County Department of Permitting Services.

Open Space

3. Maintenance of Public Amenities

The Applicant and future owners are responsible for maintaining all publicly accessible amenities including, but not limited to, plazas, sidewalks, benches, plantings, and lighting.

Site Plan

4. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full or partial cut-off fixtures.
- c. The height of the light poles must not exceed 27 feet including the mounting base in all surface parking areas and 35 feet including the mounting base in the loading area. The height of the light poles on top of the structured garage must not exceed 22 feet including the mounting base.

5. Landscape Surety

The Applicant shall 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 shall 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 the first building permit and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial bond amount.
- c. Completion of plantings 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.

6. 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 for each section of the development. Street tree planting may wait until the next growing season.
- b. On-site amenities for each open space, including but not limited to sidewalks, benches, trash receptacles, and bicycle facilities, must be installed prior to release of any building occupancy permit for adjacent buildings.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of a Final Forest Conservation Plan for Phase 4 for proposed Lot 11, 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 prior to use and occupancy of each parking lot and building.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

7. 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. Public use space exhibit that limits qualifying open space to plazas and sidewalks along the primary internal street.

- b. Include the final forest conservation approval for Phase 4, Lot 11, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- c. 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".
- d. Modify data table to reflect development standards enumerated in the Staff Report.
- e. Ensure consistency of all details and layout between Site Plan and landscape plan.
- f. Minor modifications to labeling, layout, and details for clarity and to address conditions.
- g. Provide a building envelope for each building/pad site and include in the data table.

BE IT FURTHER RESOLVED, that all site development elements as shown on The Shops at Seneca Meadows drawings stamped by the M-NCPPC on September 22, 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, 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 Site Plan is not subject to any development, diagrammatic, schematic development, or project plan.

2. *The Site Plan meets all of the requirements of the TMX-2 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all the intents and standards of the TMX-2 zone. The Application will serve as a first link in the creation of a networked area of open spaces and mixed uses with desirable relationships between circulation systems, public spaces, and buildings. The Application proposes uses that are permitted in the zones and meets all of the development standards required by the zone,

as shown on the data table below, including maximum density, building coverage, and height, and minimum public use space and parking. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Development Standards for the TMX-2 Zone Standard Method Development		
Standard	Required/Allowed	Approved by the Planning Board and Binding on the Applicant
Lot area (min square feet)	none	914,991
Building coverage (max %)	75	36
Public use space (min %)	10	28 ¹
Building height (max feet)	42	42
Setbacks (min feet)		
Adjacent building on a separate lot	15	n/a
Adjacent commercial or industrial zone	20	n/a
Adjacent single-family residential zone	25	n/a
Public right-of-way	10	10
Density (floor area ratio)	0.5	0.26
BLT requirement	none	n/a
Parking (min)	926	1244

A further general requirement of the TMX-2 zone is that “development under the TMX zone must be consistent with the recommendations of the applicable master or sector plan” [59-C-14.213(a)]. Based on its review, the Planning Board finds that the Application is consistent with the Sector Plan and begins the transition for the Seneca Meadows/Milestone District to ultimately fulfill the Sector Plan recommendations. The Sector Plan makes the following recommendations for the Subject Property:

“Concentrate mixed-use development at the transit station with an average density of 1.0 FAR on the Seneca Meadows property north of the Crystal Rock Tributary.”

The Sector Plan recommends concentrated mixed-use development at the proposed transit station with an average density of 1.0 FAR for the entire Seneca Meadows property north of the Crystal Rock tributary (“northern Seneca Meadows property”). The higher density is to be located at the proposed transit station, which has a proposed location to the west of the Subject Property and is adjacent to two

¹ This number may be reduced up to 2% below the amount proposed per the conditions of approval.

undeveloped lots. Although the Subject Property has a 0.26 FAR, it achieves a higher density than what currently exists in the northern Seneca Meadows property. Further, it is expected that the average FAR of the northern Seneca Meadows property will increase significantly when the proposed transit station is built and full development build out is achieved. The Application also increases the mix of uses by providing a mixed use development of retail and office. It is expected that the mix of uses will continue to increase on the lots closer to the proposed transit station. The Planning Board finds that the Application is a mixed use development that increases the density of what currently exists on the northern Seneca Meadows property and provides a solid transition for the Seneca Meadows/Milestone District to fulfill the Sector Plan recommendations.

“To ensure the area retains an employment profile, develop with a minimum of 70 percent employment uses that include limited street level retail and a maximum of 30 percent residential uses.”

The Application proposes 206,570 SF of commercial/retail space, which is a small amount of the total possible development for the northern Seneca Meadows property. Although Lot 11 that will contain a Wegman's store will have a high percentage of retail, it represents a small amount of the overall development of the northern Seneca Meadows property. The mix of uses as proposed for Lot 11 will include office, retail, and service, which is in conformance with the Sector Plan's land use designation for the Subject Property of "Commercial Mixed Use" (office, retail, service, housing). The Planning Board finds that 206,570 SF of commercial/retail space is consistent with the Sector Plan's recommendation of limited retail use and that all of the proposed uses generate employment. It is also important to note that Wegman's is not a typical grocery store in terms of employment. Wegman's is considered a high employment retailer with a wide array of employment opportunities at both entry and advanced levels. Further, the mix of uses in the northern Seneca Meadows property will continue to be refined by further phases, which should include residential and other commercial uses.

“Concentrate a limited amount of street retail near the transit station. Big Box retailers, if proposed, should have active store fronts with multiple entrances and smaller retail uses facing Seneca Meadows Parkway and Observation Drive”

The proposed retail is a few blocks east of the proposed transit station. The Planning Board finds that the location of retail on the Subject Property is consistent with the Sector Plan's recommendation for retail "near the transit station". The Planning Board applied the Sector Plan's recommendation for "Big Box retailers" to the Wegman's grocery store. It is important to understand that the land use recommendations in master plans do not, and cannot specify all development possibilities, particularly a commitment to a particular design detail until the physical

limitations of a site are understood. There are many site specific reasons why locating the retail uses on Seneca Meadows Parkway and Observation Drive was not feasible for this Property. First, development of this site under the new Environmental Site Design features of the new Stormwater Management Regulations requires the Applicant to essentially use every green area to take in water. This site drains naturally to the intersection of Seneca Meadows Parkway and Observation Drive. One of the low points for this site happens to be at the corner of Seneca Meadows Parkway and Observation Drive where the Sector Plan has called for retail frontage. Second, the grades at that intersection make it difficult to front buildings there, and in order to accommodate the topographical limitations of the site, these retail buildings have been fronted on an interior street.

The orientation of buildings and layout of the internal street network were heavily considered in this Application. The Applicant did front retail buildings on Seneca Meadows Parkway and Observation Drive consistent with the Sector Plan's recommendations where the topography is flat enough. The Applicant sited two buildings as an entrance to the development on Observation Drive that act as a gateway into the site. Likewise a separate building has been fronted on Seneca Meadows Parkway at the opposite entrance point to the site. For the rest of the development, the Applicant ultimately established a primary internal main street with smaller blocks that are pedestrian oriented as envisioned by the Sector Plan. Views and pedestrian relationships along each frontage street have been designed to begin the transformation of this environment to the urban form recommended in the Sector Plan. Due to the constraints of the Subject Property, the Planning Board finds that the retail's frontage on an internal network of streets relatively near the proposed transit station is consistent with the Sector Plan.

“Street level retail must conform to the Plan’s urban design guidance.”

The Sector Plan also calls for street level retail to conform to its design guidance. The urban design recommendations of the Sector Plan include the call for street-oriented development, public amenities including plazas and gathering places, and the creation of vibrant pedestrian spaces. The Application consists of a street network of smaller internal streets that will fulfill the Sector Plan's recommendation for urban form better than fronting retail along Seneca Meadows Parkway and Observation Drive at this location. Grading, drainage, and existing conditions do not currently promote the location of retail fronts on Seneca Meadows Parkway and Observation Drive. Future development phases that will occur to the west of the Subject Property will be better able to utilize Seneca Meadows Parkway itself for street activation. However, locating retail on Observation Drive and Seneca Meadows Parkway at this point in the development in this area will not likely translate into viable retail.

In keeping with the urban design recommendations, the Application focuses the entry of the Wegman's to Seneca Meadows Parkway as much as possible. The open space where a café and clock tower are located have been pulled close to Seneca Meadows Parkway. The placement of the structure, along with the primary entrance and outdoor seating courtyard allows for direct pedestrian access from the Parkway, the internal street, and parking areas. In addition, unlike most development of this density and in this context, much of the parking will be structured which serves to decrease the impermeable footprint that is typically created by a standard big box store and gives the development more of the urban form that the Sector Plan calls for.

Several plazas and open spaces have been built in along the interior streets of this Application. Rather than one large open space area or plaza that would work well with an office development, numerous smaller areas have been programmed throughout the development to connect the retail spaces. The smaller plazas and open spaces work better for the smaller buildings and smaller street frontages. The plazas and open space provide pedestrian friendly public amenities throughout the Subject Property.

The Application provides for pedestrian crossings and streets that are very pedestrian oriented. The Applicant used the guidance on street-level retail design in the Sector Plan to create a more urban atmosphere within the site rather than at its edges. In this case, the proposed retail uses are organized along an internal primary street and on secondary drives between buildings and parking. The Applicant has also provided streetscape improvements on Observation Drive and Seneca Meadows Parkway. The Application creates a streetscape for a smaller street on the internal street rather than concentrating seating, street trees, and amenities on Observation Drive. The street activation is better focused internally to create a vibrant, pedestrian friendly, urban atmosphere.

The Planning Board finds that the Application is consistent with the recommendations of the Sector Plan for urban design and that this Application will transition the Seneca Meadows/Milestone District towards implementing the Sector Plan's vision. Later phases will build on this development and allow Seneca Meadows Parkway and other streets to take on the desired character of a more urban, walkable place.

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.*

a. Locations of buildings and structures

As discussed in Finding 2, above, the buildings are located with maximum efficiency given the grading and environmental context of the site. They are

adequately spaced with regard to streets, open space, and each other for the early development of a location that will eventually become more transit and pedestrian friendly. The layout is safe, providing visual and physical access directly from primary roads and sidewalks.

b. Open Spaces

Open spaces are provided in front of or between the office, retail/restaurant, and grocery stores. These spaces are efficiently placed along the primary sidewalks and will adequately address the needs of shoppers, employers, and patrons. A variety of plantings, paving, seating arrangements and amenities provide a diversity of spaces at each building frontage or side. They are safe for use during the day and evening with adequate lighting and visual access.

c. Landscaping and Lighting

A significant number of plantings will occur on site including forest conservation areas, parking lot treatments, street trees, ornamental plantings, and screen plantings. This variety of plant material will provide efficient and adequate comfort and visual enjoyment throughout the year. The plantings are safely arranged to maintain sight lines and minimize encroachment into pedestrian areas; the lighting provided along and within these areas will ensure safe use after dark.

d. Recreation Facilities

No recreation facilities are required by this development since this is a commercial development.

e. Pedestrian and Vehicular Circulation Systems

Vehicular access for employees and visitors is established by an internal main street that acts as the curved hypotenuse of a triangle formed by the intersection of Seneca Meadows Parkway and Observation Drive. A second access point further west on Seneca Meadows Parkway will serve as the loading entrance for the grocery store. The primary internal street serves as an axis along which the primary pedestrian sidewalks have been located and from which smaller streets and sidewalks extend. Parking for the site is provided along the internal street and on surface and structured facilities throughout the site.

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

The proposed retail, restaurant, office, and grocery uses are compatible with the adjacent commercial and office development and will provide services for the

nearby residential areas. The scale, massing, and height of the buildings are compatible to and similar to the scales, massing, and height of adjacent development, especially across Observation Drive. No other site plans are currently under review in the immediate vicinity.

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 Site Plan has approximately 3.6 acres of existing forest which contains a number of significant and specimen trees. No other environmentally sensitive features occur on-site for this phase. Approximately 2.2 acres of forest clearing is proposed, which was conceptually approved during the earlier phases. An onsite buffer strip of forest retention/planting area is proposed within a new Category I easement along MD 27. The new easement area will buffer MD 27 and the confronting residents from the proposed grocery store and parking structure. Compared to the previously approved concept, some portions of the proposed buffer have been widened while other areas have been narrowed. The easement area is less than 50' wide in some sections, but meets the overall intent of the previously proposed easement since the total area placed in easement is approximately equal in size.

The Montgomery County Department of Permitting Services (MCDPS) Stormwater Management Section approved the stormwater management concept for the project on October 13, 2010. The stormwater management concept consists of utilizing Environmental Site Design (ESD) to the maximum extent practicable in accordance with Chapter 19 of the County Code. Runoff that is not managed by onsite ESD practices will be managed in existing regional ponds.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board 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

JAN 12 2011 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

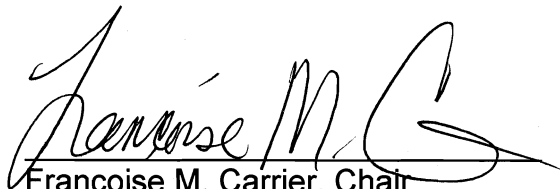
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, January 6, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board



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

Hannah Murray
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19847 Century Boulevard
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October 19, 2010

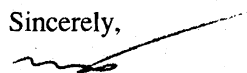
Re: Preliminary Plan 11998004A & Final Forest Conservation Plan 820100140
Name of Plan: The Shops at Seneca Meadows

Based on the review by Environmental Planning staff of the Montgomery County Planning Department, the Final Forest Conservation Plan submitted to M-NCPPC on September 21, 2010 for the plan identified above, is rejected for the following reasons:

1. Clarify/revise plans to remove the additional planting credits sought within the supplemental planting area (shown on sheet FC-3). The area was already credited as reforestation under an earlier phase, and cannot be used for additional credit. Provide any required credits in other areas of the site. New comment based on new information.
2. The new detailed information provided on the 50 scale drawing has revealed that portions of the easement area (near Observation Drive) contain proposed grading in excess of 3:1. The steep slopes proposed are not acceptable within the easement area. Adjust grading, utilize retaining wall and/or adjust easement footprint as appropriate.
3. Adjust locations of newly proposed permanent boundary posts to correspond with each corner of the Category I Easement area including the north side of boundary). Provide additional posts along boundary lines so that the spacing does not exceed approximately 125'.
4. The legend item for the proposed Category I easement has been deleted since the previous submission. Provide graphics and corresponding legend item to clearly identify the boundary of the proposed easement. Distinguish the currently proposed easement from the conceptually approved easement shown from the 11/5/1998 plan.
5. Correct the size of the newly shown tree #63.
6. Coordinate with staff regarding minor adjustments/clarifications to be made on notes and details.
7. Note: plans will require further revisions to address any changes in easement boundary, restoration of easement areas and/or other conditions of approval that are adopted by the Planning Board. Staff recommendations for conditions of approval will be issued under separate cover and/or within the pending staff report.

If you have any questions regarding these comments, please feel free to contact me at (301) 495-4521 or at marco.fuster@mncppc-mc.org.

Sincerely,


Marco Fuster, Senior Planner
Environmental Planning Division
M-NCPPC