



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-165
 Site Plan No. 820100130
 Project Name: Safeway Store #2797
 Date of Hearing: December 2, 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 June 23, 2010, Safeway Inc. ("Applicant"), filed an application for approval of a Site Plan for a 59,821 square feet grocery store and a parking waiver ("Site Plan" or "Plan") on 3.92 acres of MXTC-zoned land, located at 3333 Spartan Road, approximately 450 feet east of Georgia Avenue in Olney ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820100130, Safeway Store #2797 (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated November 18, 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 December 2, 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, at the Hearing, the Planning Board took two separate actions, the first in regards to the Site Plan, including the parking waiver, the second in regards to the use of PAMR mitigation funds ("PAMR Recommendation") as discussed on pages 8-11 of the Staff Report. The PAMR Recommendation has no bearing on the findings or

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

M-NCPPC Legal Department

www.MCParkandPlanning.org

E-Mail: mcp-chairman@mncppc.org

Chairman's Office: 301.495.4605

Fax: 301.495.1320

conditions of approval for the Site Plan, and therefore is not discussed in this Resolution;

WHEREAS, on December 2, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Alfandre, Dreyfuss, Hanson, Presley, and Wells-Harley voting in favor.

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. 820100130 for a 59,821 square foot grocery store and a parking waiver, on 3.92 gross acres in the MXTC zone, subject to the following conditions:

Environment

1. Forest Conservation & Tree Save

The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.

- a) Inspections must occur consistent with Section 110 of the Forest Conservation Regulations.
- b) Submission of in-lieu fee payment for forest planting requirement prior to any clearing or grading occurring onsite.

2. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated September 20, 2010 unless amended and approved by the Montgomery County Department of Permitting Services [Appendix A to the Staff Report].

3. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to Staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED

Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Open Space & Amenities

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, seating and tables, boardwalk bridge, interpretive signage, and bike racks.

Transportation & Circulation

5. Transportation

- a) The Applicant must limit development on the property to a new 59,821 square-foot Safeway grocery store, in place of an existing 39,419 square-foot store.
- b) The Applicant, prior to the release of any building permit associated with the construction of the new Safeway store, must pay \$154,000.00 to Montgomery County Department of Transportation (DOT) to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate fourteen (14) new weekday site-generated peak-hour trips).
- c) Limit APF approval for the subject application to 85 (eighty-five) months from the date of mailing of the Planning Board resolution.

6. Vehicular Circulation

Narrow the Spartan Road driveway for the loading dock/garage in the back of the store on the west side, while providing adequate maneuvering room for trucks to exit, in coordination with MC-DPS.

7. Future reciprocal access easement

The Applicant must reserve and show on the certified site plan a 10-foot wide strip along the entirety of the western property line to provide for a possible future reciprocal access easement ("Easement") for vehicular and pedestrian access to and from the adjoining parcels (Olney Gardens Lot 1, N233 and Lot 2, N200) ("Adjoining Properties"), when or if the Adjoining Properties redevelop. The Easement will provide for a connection that will be a minimum of 20 feet in width (east/west) when established, and can be located anywhere within the reserved area that reasonably accomplishes mutual access for both properties. The ultimate location of the Easement will be determined during the preliminary and/or site plan process for either of the Adjoining Properties, along with the participation of the Applicant. The Applicant will enter into a Reciprocal Access Easement on commercially reasonable terms with the owners of the Adjoining

Properties upon their redevelopment when the Planning Board deems it necessary to have reciprocal access through all of the properties. The Easement will be solely for the purpose of reciprocal access, must be compatible with the overall site layout of Applicant's property and the Adjoining Properties, and may be reasonably relocated by Applicant in the event of any future redevelopment of Applicant's property, or by the Adjoining Properties in the event of their redevelopment.

Site Plan

8. Site Design

- a) Unify the public use space in front of the grocery store by using paving materials and/or colors in the sidewalk similar to those in the two seating areas.
- b) In the park at the eastern corner of the site, eliminate the western portion of the path that surrounds the lawn area and expand the lawn into this area.
- c) Provide three interpretive signs in the park at the eastern corner of the site that each highlight one of the following educational themes: Micro-Bioretenion Areas, LEED, and Butterfly/Native Plantings.
- d) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A2.2 of the submitted architectural drawings, as determined by M-NCPPC Staff.

9. Landscaping

- a) Provide an additional shade tree along the frontage of the grocery store and adjust the spacing of the remaining proposed trees as needed.
- b) Enlarge the tree pits for the shade trees along the frontage of the grocery store to a minimum of 5' x 6' (internal dimensions) with a soldier course border of pervious pavers, and provide an expanded area of structural soil that is a minimum of 2 feet wide beyond the internal dimensions and 3 feet deep on all four sides of the tree pit.
- c) Provide street trees in a green panel along the entire Buehler Road frontage.
- d) Replace flowering trees in the Buehler Road frontage with street trees, such as Sourwood.

10. 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 cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting adjacent residential properties.

- d) The height of the light poles for the parking lot fixtures shall not exceed 30 feet including the mounting base.
- e) The height of the light poles for the ornamental light fixtures shall not exceed 12 feet including the mounting base.

11. Landscape Surety

The Applicant shall provide a Performance Bond(s) 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, site furniture, bicycle facilities, interpretive signage and boardwalk bridge. Surety to be posted prior to issuance of 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 for the development, 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 Site Plan Surety and Maintenance 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.

12. Development Program

The Applicant must construct the 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) 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.
- b) 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.
- c) The development program must provide phasing for installation of on-site landscaping and lighting.
- d) Landscaping associated with the parking lot shall be completed as construction of the parking lot is completed.
- e) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of the building occupancy permit.
- f) The eastern corner park including the boardwalk bridge, the serpentine wall, the pervious pavers path, interpretive signage, site furniture, and on-site

- lighting, must be completed prior to release of the building occupancy permit. Landscaping associated with the park may wait until the next growing season.
- g) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

13. 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 cross-section detail of the tree pits for the shade trees along the frontage of the grocery store.
- f) Show building height measuring point on the plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on Safeway Store #2797 drawings stamped by the M-NCPPC on August 30, 2010, and October 25, 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 presented at the Hearing and the Staff Report (except for those provisions dealing with the allocation of the PAMR mitigation funds), 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 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.*

Neither a development plan, diagrammatic plan, schematic development plan nor a project plan was required for the subject site.

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

The proposed use is allowed in the MXTC (Mixed Use Town Center) Zone and the site plan fulfills the purposes of the zone by providing commercial uses in the Town Center.

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 evidence and testimony of record, that with the parking waiver approved by the Board, the Application meets all of the applicable requirements of the MXTC Zone. The data table below sets forth the development standards approved by the Planning Board and binding on the Applicant. With respect to building height, setbacks, and density, the Site Plan is under all the maximum standards allowed. With respect to public use space, the development provides 10.8% of the net lot area.

The site plan meets the street façade requirements of the MXTC zone (Sec. 59-C-11.5.1.) with the western building façade along the North-South mid-block connector. At this location, the building façade is within 10 feet of a publicly accessible sidewalk and extends for at least 75 percent of the publicly accessible sidewalk. The western building façade includes the principal entrance to the grocery store and displays architectural treatments, such as fenestration, accent bands and diversity of materials, which add interest for the pedestrian. Although the street façade requirements might have been primarily intended for building facades along street frontages, the Zoning Ordinance allows flexibility to have them along a publicly accessible sidewalk, way or space. The site plan did not fully meet the street façade requirements along Spartan Road or Buehler Road due to site constraints, such as the triangular shape of the property and east-west grade drop, and specific programmatic requirements of the grocery store, such as, providing direct and relatively flat access from the main entrance to the adjacent surface parking lot. Nonetheless, these facades are still articulated to add interest through architectural treatment and selection of building materials, such as brick, cultured stone and spandrel glass. Overall, the western building façade will achieve the goals of pedestrian oriented development and will encourage mid-block movements as recommended in the Master Plan.

Pursuant to Section 59-E-4.5 of the Zoning Ordinance, the Applicant requested a Parking Waiver to reduce the parking requirements for the project by 26 spaces, which represents 9.8% of the total number of required parking spaces. This parking waiver accounts for a shortage of 16 spaces currently not provided on site and 10 spaces, which could potentially be lost by implementing a future inter-

parcel connection between the subject site and the adjoining properties to the west as recommended by the Master Plan. The Planning Board granted the waiver primarily for two reasons. First, the subject site is located in the Town Center which is envisioned to be pedestrian-oriented and should encourage less reliance on the automobile. Second, the Applicant provided parking ratio data for similarly situated suburban grocery stores in Montgomery County, which shows that the average is between 2.35 to 3.2 occupied spaces per 1,000 gross leasable area (GLA). The ratio for this store is approximately 4.5 spaces per 1,000 square feet of GLA, which is above that average, and deemed sufficient by the Applicant and the Planning Board.

Data Table

Development Standards	Approved by the Board and Binding on the Applicant
Gross Tract Area (SF)	170,932
Previous Dedication	0
Net Lot Area (SF)	170,932
Max. Floor Area Ratio (FAR) (59-C-11.5-2)	0.35
Max. Building Area (SF)	59,821
Max. Building Height (feet) (59-C-11.5-3)	42 ^(a)
Min. Public Use Space (%) (59-C-11.5-4) For lots of more than 40,000 SF	10.8
Min. Building Setbacks (feet) (59-C-11.5-5)	
Front (west side)	254
North Side (Buehler Road)	0
South Side (Spartan Road)	0
Rear (east side)	217
Parking Lot Internal Landscaping (% of 77,733 SF surface pkg facility)	20.8 (16,168 SF)
Min. No. of Parking Spaces	240 ^(c)
Handicap Spaces	9
Max. Compact Spaces	27
Bicycle spaces (59-E-2.3(a)) (@ 1 bike space/20 vehicle spaces)	40
Motorcycle spaces (59-E-2.3(d)) (@2% x total vehicle spaces)	5

^(a) As measured from the southwest corner of the building on Spartan Road.

^(b) The Gross Leasable Area (GLA) is 53,161 square feet.

^(c) The Planning Board granted a Parking Waiver for 26 parking spaces, which represents 9.8% of the total number of required parking spaces. This parking waiver accounts for a shortage of 16 spaces currently not provided on site and 10 spaces, which could potentially be lost by implementing a future inter-parcel

connection between the subject site and the adjoining properties to the west as recommended by the Master Plan.

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

The Site Plan will replace the existing grocery store with a maximum 59,821 square foot newly constructed Safeway grocery store, which will contain upgraded amenities and design elements. The 42-foot tall building is located approximately in the middle of the triangular-shaped site and fronts on a new mid-block connector. By taking advantage of the site's topography, the building has a grocery store at grade with the mid-block connector street and structured parking with 101 spaces beneath the building at grade with the rear of the site. Surface parking, with 149 spaces, is directly across from the main entrance to the store.

Because of the severe grade drop, approximately 30 feet in the southwest-northeast direction, there are several retaining walls throughout the site. In the front, two retaining walls, ranging in height between 1 and 5 feet, sustain the relatively flat grades of the surface parking lot. In general terms, the parking lot will be below the Spartan Road elevations and above the Buehler Road elevations. In the rear, two retaining walls of varying heights between 4 and 8 feet delineate access to the parking garage and the loading area. A brick serpentine wall located in the corner park serves primarily to screen views of the loading and parking garage entrance. The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

b) Open Spaces

The Project is providing a minimum of 10.8 percent of the net lot area as public use space as required by the MXTC zone. The public use space for the project is divided roughly into five areas. The largest, with approximately 10,000 SF on the eastern corner of the site, is intended as a park for the community with an open lawn, interactive features, interpretative signage and educational areas of bio-retention including a boardwalk bridge and a dry creek bed. Ownership and maintenance of the park will be provided by Safeway. The other three areas of public use space, located at the corners of the building, are similar in character with seating and tables on a hardscaped surface with decorative pervious pavers. These areas might have slightly different functions according to their locations in relation to the building. Thus,

the space at the SE corner of the building across from the bus stop could potentially serve as a waiting area protected from the elements for the bus users. The spaces at the northwest and southwest corners of the store will complement the uses inside the building. These two spaces are connected by a sidewalk, running along the front of the building, which is being partially counted towards the public use space requirement. This sidewalk is significant because it provides pedestrian access and safety for the mid-block connection recommended in the master plan. It is envisioned to be a cross-block promenade with shade trees and street lights that emphasize the pedestrian scale. The open spaces provided are safe, adequate, and efficient.

c) Landscaping and Lighting

The landscape plan meets the internal landscaping requirements for parking facilities, enhances the Spartan Road and Buehler Road frontages, and beautifies the new open spaces. The plan consists of street trees along the perimeter of the property, shade trees in the parking lot islands, flowering trees in the open spaces, and a variety of evergreen and deciduous shrubs around the perimeter of the parking areas. The landscaping defines the areas of public use space by creating an edge, directing views and adding interest. The landscaping on the park at the eastern corner successfully creates a useable area of open lawn framed by landscaped areas and bio-retention areas. Landscape material is effectively used to screens views of the loading areas and garage entrances in the rear of the site. The landscaping is adequate, safe and efficient.

The lighting plan consists of pole mounted light fixtures with a 30-foot height located on the parking lot islands and at the rear entrance to the parking garage and loading areas. Additional ornamental light fixtures with a pole height of approximately 12 feet will add pedestrian scale to the mid-block promenade in front of the store and the park at the eastern corner. All onsite lighting fixtures will be full cut-off. The lighting provides safe, adequate and efficient illumination.

d) Recreation Facilities

The application is not subject to the Recreation Guidelines as this is not a residential project; however, the public use areas, specifically the park, will provide passive and active recreational activities for surrounding residents and store patrons.

e) Pedestrian and Vehicular Circulation Systems

Access and circulation will be greatly improved through the mid-block connector street designed as an extension of Village Center Drive north of Buehler Road. This private internal roadway will provide a

vehicular/pedestrian connection between Buehler Road and Spartan Road as recommended in the Olney Master Plan. Pedestrian movement through the mid-block connector is accommodated and encouraged by having a wider, unobstructed sidewalk along the front of the building, street trees in tree pits, ornamental light fixtures, and variety in the paving material and/or colors. In addition to the streetscape treatment, the building façade articulation described above, and the activating uses combined with seating areas, will emphasize the pedestrian scale and circulation. Vehicular movement through the mid-block connector incorporates traffic calming measures, such as wide bands of decorative concrete.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Continuous sidewalks with tree panels and landscaped areas will be provided along Spartan and Buehler Roads. Pedestrian access points to the building are located on the mid-block connector and the southeast corner of the building. Vehicular access to the parking garage below the store level is located on Buehler Road and via an internal connection between Buehler Road and Spartan Road along the east side of the store building, which also provides truck access to the loading area. Staff recommends reserving a 10-foot wide strip along the entirety of the western property line to provide for a possible future reciprocal access easement for vehicular and pedestrian access to and from the adjoining parcels to the west. As conditioned, the pedestrian and vehicular circulation systems are safe, adequate, and efficient.

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

The grocery store, at the eastern edge of the Town Center, is compatible with the adjacent and confronting commercial uses within the Town Center and residential uses to the southeast abutting the Town Center. The site layout further increases compatibility by having the store front and surface parking oriented to the west or the core of the Town Center, and by having a park located at the eastern corner where the site confronts residential uses. Building height at 42 feet is consistent with the Master Plan recommended height for the Town Center edges (p.56) and is compatible with the adjoining residential development and surrounding one-story commercial development. The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent 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.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420101370 was approved for the site on May 5, 2010. The site is subject to Section 22A of the County code. As shown on the final Forest Conservation Plan, there are no forest or specimen trees on-site that are affected by this development. There is one significant tree, a 25-inch diameter at breast height (DBH) red maple tree located along Spartan Road that was determined to be in good condition, and which will be retained. The afforestation requirement of 0.59 acres will be met through fee-in-lieu payment.

The stormwater management concept consists of implementing Environmental Site Design to the Maximum Extent Practicable (ESD/MEP) for treatment of surface runoff. ESD design strategies include alternative surfaces (green roof and permeable pavements), micro-scale practices (biofiltration), and an overall reduction of existing impervious surfaces. In lieu of providing structural practices onsite for the remaining ESD volume which cannot be treated, a waiver was granted based upon the existing downstream Regional Stormwater Management Pond in the Olney Town Center.

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

BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 22 2010 (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).

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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

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Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, December 16, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board