



APR 12 2011

## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-23  
Site Plan No. 820110070  
Project Name: Potomac Village 545 SF Addition  
Date of Hearing: March 10, 2011

### 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 January 19, 2011, Potomac Place Limited Partnership ("Applicant"), filed an application for approval of a Site Plan for a 545 square foot addition to an existing structure, change the use of an existing bank to a restaurant and installation of a small cooler in the alley ("Site Plan" or "Plan") on 0.18 acres of C-1-zoned land, located on the southeast quadrant of River Road (MD 190) and Falls Road (MD 189) in the Potomac Village Shopping Center ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110070, Potomac Village 545 SF Addition (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 18, 2011, 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 March 10, 2011, 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, including testimony from several supporters of the proposed plan, and one neighboring property owner who presented evidence concerning debris, pest control and trash collection in the rear alley of the center; and

WHEREAS, on March 10, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.C. 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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Commissioner Alfandre; with a vote of 4-0, Commissioners Alfandre, Carrier, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board APPROVES Site Plan No. 820110070 for a 545 square foot addition to an existing structure, change the use of an existing bank to a restaurant and installation of a small cooler in the alley, on 0.18 gross acres in the C-1 zone, subject to the following conditions:

1. 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. Clearing and grading must correspond to the construction phasing to minimize soil erosion.

2. 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. Modify the data table to reflect development standards enumerated in the staff report.
- b. Ensure consistency of all details and layouts between approved plans

BE IT FURTHER RESOLVED, that all site development elements as shown on Potomac Village 545 SF Addition drawings stamped by the M-NCPPC on January 19, 2011, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of 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 project plans are required for the subject site.



2. *The Site Plan meets all of the requirements of the C-1 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed use is allowed in the C-1 zone and the site plan fulfills the purpose of the zone by providing a convenient restaurant for the local communities. The restaurant is compatible with the surrounding retail shops and the existing courtyard. The location of the retail is essential to the activation of the public space. The success of the shopping center is largely dependent on non-vacancies; therefore this new use will add to the patronage during off-peak hours.

As the project data table below indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space and impervious surface calculations the subject site is a small component to a large commercial/retail shopping center. The existing parking layout, green spaces areas and streetscape are not included within the LOD; and therefore will remain the same.

Requirements of the C-1 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 evidence and testimony of record, that the Application meets all of the applicable requirements of the C-1 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Development Standards Approved by the Board and Binding on the Applicant</b>
<b>Max. Building Height (feet)</b>	30 feet	22 feet
<b>Building Area (square feet)</b>	1,959 sf. <sup>1</sup>	2,504 sf. <sup>2</sup>

<sup>1</sup> The total square footage of the previous bank use.

<sup>2</sup> The calculation is based on the existing building square footage plus the addition (1,959+545= 2,504 sf.).



<b>Min. Building Setbacks (feet)</b>		
Front (Northeast, Falls Road)	N/A	N/A
Side (Northeast)	N/A	N/A
Rear (Southeast)	20 feet	N/A
Side (Southeast)	30 feet	32 feet
<b>Limit of Disturbance (LOD)</b>	<5,000 sf. <sup>3</sup>	800 sf.
<b>Min. Green Space Area (% of lot)</b>	10%	10%
<b>Min. Parking Facility Internal Landscaping (%)</b>	5%	5.6%
<b>Parking Spaces</b>	372 <sup>4</sup>	390

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.*

The proposed 545 square foot addition to an existing building will have no substantial impact on the existing landscape, open spaces, pedestrian and vehicular circulation. No modifications have been proposed within these areas; therefore all of the existing conditions within these areas will remain the same.

In accordance with the ITE trip generation rates for 500 square feet of retail it is expected to generate about one (1) trip in the morning and about two (2) trips in the afternoon peak hours. This project is exempt from LATR and PAMR.

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

The proposed use is compatible with the adjacent and confronting uses; because the structure is in scale with the existing courtyard and the nearby buildings. The located will not adversely impact existing uses.

The testimony that the Board heard regarding dumpster location and trash concerns existing center operations that are beyond the scope of this plan. However, the Applicant responded that they are exploring alternatives for consolidating the dumpsters and working to address the issues raised by Ms. Sartucci. The Board encourages the Applicant to do so.

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.*

<sup>3</sup> Based on the exemption requirements for SWM concept approval.

<sup>4</sup> The parking requirement for the entire Potomac Village Shopping Center calculated in 1967.



The proposed development is not subject to revise the water resources protection, forest conservation or stormwater management approved plans. The existing conditions and LOD for the proposed modifications are exempt, because the total square footage does not exceed the standard threshold. Any future changes to the subject site will be reviewed by their respective agencies to be found still in compliance with this requirement.

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 APR 12 2011 (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 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 present and voting in favor of the motion at its regular meeting held on Thursday, March 31, 2011, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board