

APR 9 2012



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

MCPB No. 12-11
Site Plan No. 81994029D
Project Name: Milestone Shopping Center - Walmart
Hearing Date: January 19, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on August 18, 1994, the Planning Board approved Site Plan No. 819940290 for 713,060 square feet of commercial/ retail space and 191 dwelling units (which included 115 single-family, 76 multi-family, and 18 MPDUs);

WHEREAS, on July 20, 1995 (mailed August 7, 1995), the Planning Board approved the Site Plan Amendment No. 81994029A; which increased the overall density to 800,000 square feet and the total acreage to 133.3 acres. This amendment also decreased the total number of residential units and increased the amount of parking provided for the entire shopping center;

WHEREAS, on November 16, 1995 (mailed November 28, 1995), the Planning Board approved the Site Plan Amendment No. 81994029B; for minor modifications to the existing sidewalks and Landscape Plans for the Target store;

WHEREAS, on January 16, 2006, the Applicant withdrew Site Plan Amendment No. 81994029C; and

WHEREAS, on March 16, 2011, Bowman Consulting Group, Ltd. ("Applicant"), filed a Site Plan amendment application designated Site Plan No. 81994029D, Milestone Shopping Center - Walmart (the "Amendment" or "Site Plan") for approval of the following modifications:

1. The expansion of the existing building by 15,863 square feet;
2. Adjustments to the associated parking facilities and site tabulations;
3. Modification to the stormwater management facilities; and
4. Revisions to the Landscape and Lighting plans.

Approved as to
Legal Sufficiency:

Christina Sorensen 3/21/12

8787 Georgia Avenue, Suite 200, Poolesville, Maryland 20970 Chairman's Office: 301.495.4600 Fax: 301.495.1320

MNCPPC Legal Department

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WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated January 6, 2012, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on January 19, 2012, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on January 19, 2012, the Planning Board approved the Amendment subject to the revised conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, 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 Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81994029D, subject to the following conditions:

1. Project Plan Conformance
The proposed development must comply with the conditions of approval for the amended Project Plan No. 919950010 (also known as 919930030) as listed in the Planning Board Resolution dated August 7, 1995.
2. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for the amended Preliminary Plan No. 11990171 as listed in the Planning Board Resolution dated August 4, 1995.
3. Site Plan Conformance
The proposed development must comply with the conditions of approval for Site Plan No. 81994029B as listed in the Planning Board Resolution dated November 28, 1995, except as modified with this Amendment.
4. Stormwater Management
The proposed development must comply with the Stormwater Management Concept approval conditions dated March 2, 2011 unless amended and approved by the Department of Permitting Services (DPS).

Transportation

5. Transportation

- a. The Adequate Public Facilities (APF) review for this Site Plan Amendment will remain valid for 85 months from the date of mailing of the adopted Planning Board Resolution.
- b. Total proposed expansion of the Walmart site under the subject Site Plan application is limited to 15,863 square feet as shown on the Site Plan and analyzed in the traffic study.
- c. In order to mitigate the Policy Area Mobility Review (PAMR) required 27 peak-hour trips, the Applicant must make a lump sum payment of \$305,100.00 prior to obtaining the building permit.

Site Plan

6. Site Design

- a. Existing "long-term" storage facilities currently located within surface parking facilities along the southern façade of the building must be relocated to more permanent areas on-site. The final location will be determined at the review of Certified Site Plan.
- b. Relocate seating areas to the front of the building near the main entrances. The bench and trash receptacle details should be added to the Certified Site Plan.

7. Landscaping

- a. Site storage and dumping facilities must be adequately buffered from the street right-of-way and main entrances. The locations and landscape design for these facilities will be determined at Certified Site Plan.
- b. Provide additional canopy trees and understory plantings in the green space areas within the surface parking facilities. The plant types for stormwater management (SWM) facilities will be approved by DPS.

8. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to Illuminating Engineer Society of North America (IESNA) standards for commercial development.
- b. All onsite proposed light fixtures must be full cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the proposed light poles must not exceed 39 feet including the mounting base. The existing light poles are 42 feet in height; therefore the newly installed light poles will be 3 feet shorter.

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. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. The development program must include the phasing for the removal of the existing storage facilities, and the installation of on-site landscaping and lighting.
- c. Landscaping associated with the northern parking lot (directly adjacent to the proposed expansion) and the SWM facilities must be completed as construction of each facility is completed.

10. Certified Site Plan

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

- a. Include the stormwater management concept approval, development program, inspection schedule, and the approved Site Plan Resolution on the cover sheet.
- b. Ensure consistency with all details, development standards and layout between site, lighting and landscape plans.

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

BE IT FURTHER RESOLVED that all site development elements as shown on Milestone Shopping Center - Walmart drawings stamped by the M-NCPPC on September 15, 2011, shall be required, except as modified by the above conditions of approval or otherwise discussed with the Applicant prior to the public hearing; and

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

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

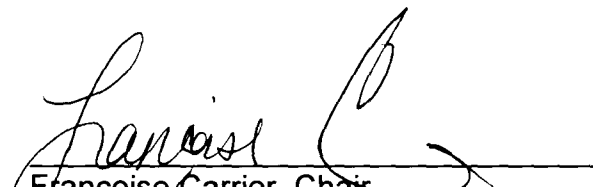
BE IT FURTHER RESOLVED, that the date of this Resolution is APR 9 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 an Order adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.


Françoise Carrier, Chair
Montgomery County Planning Board