



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

MCPB No. 13-98  
Site Plan No. 820130070  
Travilah Square  
Date of Hearing: July 25, 2013

NOV 6 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board”) is authorized to review site plan applications; and

WHEREAS, on November 14, 2012, Rockville Travilah Square, LLC (“Applicant”), filed an application for approval of a site plan for construction of 14,490-square feet for a Walgreens pharmacy/retail store with drive-through window (at the northwest corner of the Travilah Square Shopping Center). The Site Plan covers 55,233 square feet defined by the limits-of-disturbance of CR0.75 C0.5 R0.75 H80 zoned-land, located in the southeast quadrant of the Darnestown and Travilah Roads intersection (“Subject Property”), in the Great Seneca Science Corridor Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820130070, Travilah Square (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 15, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 25, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 25, 2013 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Travilah Square Site Plan No. 820130070 for a retail/pharmacy store of 14,490 square feet with

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Approved as to  
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a drive-through window located on 55,233 square feet of land within the limits-of-disturbance of the overall 5.56-acre site in the CR Zone. All site development elements as shown on the site, landscape, lighting and architectural plans electronically received by the M-NCPPC on June 25, 2013 are required, except as modified herein, subject to the following conditions:<sup>1</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of the approved Resolution for Preliminary Plan No. 12011034A, including any amendments approved by the Planning Board.

2. Transportation – Pedestrian and Bicycle Facilities

The Applicant must satisfy bike parking requirements by providing the following bike parking:

- a. At least four spaces as inverted-U bike racks, or approved equal, located near the main entrance of the retail store.
- b. A bike locker, or approved equal, (that can store two bikes) for employees in a safe location.
- c. Final location and details to be determined at Certified Site Plan.

3. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape and site elements is the responsibility of the Applicant and subsequent owner(s). Maintenance may be taken over by a government agency by agreement with the owner and applicable agency.

4. Final Forest Conservation Plan

- a. Prior to any demolition, clearing, or grading, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for use of an M-NCPPC-approved off-site forest mitigation bank to satisfy the afforestation requirement.
- b. The Certified Site Plan must be consistent with the approved Final Forest Conservation Plan.

5. Financial Security and Agreement

Prior to issuance of a building permit, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. The Applicant must provide a cost estimate of the materials and facilities, which upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, and exterior site furniture.
- c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The Bond/surety must be tied to the Development Program, and completion of plantings and installation of particular materials and facilities covered by the surety for the development will be followed by inspection and reduction of the surety.

6. Architecture

The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff.

7. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the schedule:

- a. Demolition of existing buildings may commence prior to approval of the Certified Site Plan.
- b. Street lamps and sidewalks adjacent to the proposed building must be installed prior to the release of the use-and-occupancy permit for the new building. Street tree plantings may wait until the next growing season.
- c. On-site amenities including, but not limited to public use amenities adjacent to the new building, must be installed prior to release of the use-and-occupancy permit for the new building.
- d. 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 applicable environmental protection devices.
- e. The development program must provide for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, Stormwater management, sediment and erosion control, afforestation, and other features, as applicable.

8. Certified Site Plan

Before 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 Plan approval, stormwater management concept approval, development program, inspection schedule, and Resolution approving this Site Plan on the approval or cover sheet.
- b. Adjust the circular walkway feature on the west side of the building to provide a more plaza-like design to better activate the public realm, including relocating the proposed park benches from the west side of the site, to this area.
- c. Provide a cool roof with a solar reflective index of at least 75 and/or vegetated roof over at least 66% of the roof, excluding mechanical equipment area.
- d. Adjust the six-foot high screen wall at the corner of the northeast façade to extend it parallel to the north façade for approximately five feet to soften the blank brick area of the building. Add a screen wall detail to the landscape plan.
- e. Remove unnecessary plan sheets, as required by Staff.
- f. Make corrections and clarifications to details, labeling, data tables, and schedules, as required by Staff.
- g. Ensure consistency of all details and layout among the site, landscape, and forest conservation plans.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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.*

This finding is not applicable; the site is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

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 approval under Chapter 56.*

An urban renewal plan is not applicable to the Subject Property. The Travilah Square Shopping Center Site Plan No. 820130070 meets the requirements of the Montgomery County Zoning Ordinance for the CR Zone, using the Standard Method of Development as shown on the following Data Table, subject to the recommended conditions of approval. Specifically, the Application provides a density and height within the limits of the standard method for the zone and it provides adequate bicycle and vehicular parking, public use space, and landscaping. No setbacks are applicable to the Subject Property.

*Development Standards Data Table - CR Zone Standard Method of Development:*

<b>Development Standard</b>	<b>Allowed/ Required</b>	<b>Approved and Binding on the Applicant</b>
<b>Maximum Height (feet)</b>	80	28
<b>Parking [Sec. 59-C-15.631(b)]</b>		
Minimum [4 spaces/1,000sf GFA]	226	261
<b>Maximum Density [Sec.59-C-15.71]</b>	0.5 FAR or 121,143sf	0.23 or 56,292 <sup>2</sup> sf
<b>Minimum Setbacks (feet) [Sec. 59-C-15.72(b)]</b>	n/a	n/a
<b>Minimum Public Use Space (% of LOD) [Sec. 59-C-15.73]</b>	10	10

One area of parking requires a waiver of Sec. 59-C-15.633(a), which states, "Parking spaces on or above grade must not be located between the street and the main front wall of the building or the side wall of the main building on a corner lot." The Planning Board may waive any requirement in Sec. 59-C-15.63 that it finds are "not necessary to accomplish the objectives of this Division [59-C-15]".

In this particular case, the Planning Board grants the waiver because it finds that the many unique site design components are intertwined and that the development otherwise addresses the CR Zone requirements and Master Plan Design Guidelines as to the building location, pedestrian-orientation, landscape requirements, and open space. In particular, the development constraints and zoning requirements resulting in the need for the waiver include, the grade change and easements along both frontages, the high-capacity water line running through the Subject Property, stormwater management requirements, and parking lot landscaping requirements. To mitigate the visual and physical impact of the parking area on the west side the Applicant is surrounding the small lot with landscaping, public use space, and augmented pedestrian access. Finally, the five parking spaces in the waiver request represent the minimum

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<sup>2</sup> Proposed FAR for the 14,490-square foot Walgreens + the existing, retained commercial retail 41,802 = 56,292 square feet.

necessary to address the special needs of two types of customers: the elderly and new/expectant mothers.

The CR Zone requires a specific finding of master plan and design guideline conformance. This project implements a number of Master Plan recommendations regarding the reduction of development's carbon footprint, such as the use of water-conserving fixtures, efficient heating and cooling systems, the use of recycled and regional materials, a cool roof, and low VOC interior finishes.

The development will be visually integrated with the area north of Darnestown Road by creating a more defined building edge along Darnestown Road, and by incorporating architectural and site design elements such as green spaces, a canopy, seating areas, display windows, and signage that foster a sense of engagement with the street frontage and confronting property to the north. Further, new sidewalks along the Subject Property's entire frontage with Darnestown Road and Travilah Road connect the site to the area's pedestrian circulation system and providing a physical connection between the Subject Property and the adjacent area.

The Board finds that the Site Plan is in substantial conformance with the Master Plan and Design Guidelines, as conditioned.

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. Building Location

The relationship of the building to the site and the streets is adequate, safe, and efficient (ASE) because the proposed building will create an attractive building line along the Darnestown Road frontage; open spaces around the building are located so these are highly visible and accessible; and sidewalks along Darnestown and Travilah Roads will be easily accessible with connections to walkways to be provided at the site. The building location and its surrounding features will be easily accessible and inviting to the public.

- b. Open Spaces

The Planning Board finds the open spaces exceed the requirements in the Zoning Ordinance for a Standard Method of Development project. These areas will be in highly visible locations connected by walkways and sidewalks

and easily accessible by the public (pedestrians, bicyclists, and Ride-On commuters). For the proposed use at a density well-below that allowed under the Standard Method of Development, the open space is adequate, safe, and efficient.

c. Landscaping and Lighting Plan

The Planning Board finds the landscape and lighting plans demonstrate compliance with the requirements of the CR Zone and that these are adequate, safe, and efficient. When the Walgreens store is constructed and various road improvements to Darnestown and Travilah Roads have been completed, this portion of the overall shopping center site will have an enhanced landscape and streetscape. The proposed landscaping is located around the building, two stormwater management facilities and street trees along Darnestown and Travilah Roads. Outdoor lighting around the Walgreens building, walkways and parking areas will provide a safe environment for customers during evening hours and it will meet industry standards.

d. Pedestrian and Bicycle Facilities

Perimeter sidewalks to be constructed along the frontages of Darnestown and Travilah Roads coupled with walkways around the Walgreens store will be interconnected to provide a pedestrian system that currently does not exist at this location. Bike racks and a bicycle locker will be provided in the vicinity of the northwest corner of the Walgreens store. All pedestrian walkways and sidewalks will be ADA-compliant and will include marked pedestrian crossings for efficiency and safety. The Planning Board finds these design features will enhance the pedestrian/bicycle facilities at this location and are adequate, safe, and efficient. In addition, the Applicant will dedicate additional right-of-way along both Darnestown and Travilah Roads for planned public improvements to these roads that will ultimately include shared-use paths in compliance with the GSSC Master Plan and the 2005 Countywide Bikeways Functional Master Plan.

e. Vehicular Circulation

Vehicular circulation will be improved at this location compared to the existing situation and will be adequate, safe, and efficient. The Walgreens drive-through window feature will be located separate and away from the new parking areas with curb and gutter improvements and directional signage/pavement markings.

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

The building has been designed focusing on the existing and future development to the north and existing development to the south. The low-scaled nature of the Walgreens store is similar in scale and height to nearby buildings and will be visually compatible with the retained retail buildings at the shopping center and existing residential uses to the west. The modern architecture is intended to complement proposed development to the north and the Human Genome Sciences facility to the south.

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 Planning Board finds the Site Plan is in compliance with the Environmental Guidelines, Chapter 22A of the Montgomery County Forest Conservation Law. The Subject Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Final Forest Conservation Plan has a planting requirement of 0.83 acres. The Applicant will meet this requirement using 0.11 acres of on-site landscaping and tree canopy credit and purchasing 0.72 acres in an off-site tree mitigation bank.

Based on Department of Permitting Services Review Staff, the stormwater management concept for the site is acceptable. The concept proposes to meet required stormwater management goals via ESD controls and components, primarily with micro-biofiltration. A cool roof is proposed as an ESD component to enhance stormwater management controls where none currently exist on-site.

BE IT FURTHER RESOLVED, that this Resolution 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 6 2013 (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

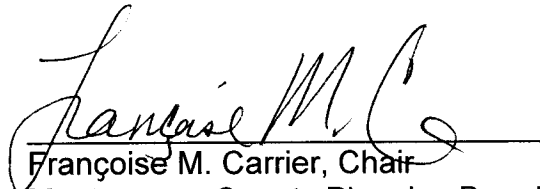


Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, September 26, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board