



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

NOV 6 2014

MCPB No. 14-101
Site Plan No. 820130080
6450 New Hampshire Avenue
Date of Hearing: October 30, 2014

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 January 29, 2013, 6450 New Hampshire, LLC ("Applicant"), filed an application for approval of a site plan for a two-story, 4,957 square foot building containing 2,442 square feet of general retail use and 2,515 square feet of office use on 0.28 acres of C-2 and Takoma Park/East Silver Spring Commercial Revitalization Overlay zoned-land, located on the west side of New Hampshire Avenue, 800 feet north of the intersection of Eastern Avenue ("Subject Property"), in the Silver Spring/Takoma Park Policy Area, Takoma Park Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130080, 6450 New Hampshire Avenue ("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 October 17, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 30, 2014, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130080 for a two-story, 4,957 square foot building containing 2,442 square

feet of general retail use and 2,515 square feet of office use, on the Subject Property, subject to the following conditions:¹

1. The Applicant must comply with the conditions of approval for Preliminary Plan 120090210, as amended.
2. The Planning Board accepts the recommendations of the City of Takoma Park in its stormwater management concept letter dated November 9, 2010, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by the City of Takoma Park provided that the amendments do not conflict with other conditions of the Site Plan approval.
3. The Applicant must provide and install four short-term public bicycle parking racks ("inverted U" rack or similar) as shown on the certified Site Plan.
4. The Applicant must provide and install pedestrian facilities compliant with current ADA standards, including directly aligned sidewalk ramps.
5. On-Site Lighting
 - a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
 - b. All on-site down-light fixtures must be full cut-off fixtures.
 - c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
 - d. The height of the light poles must not exceed the height specified on the certified Site Plan.
6. Surety

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

 - 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, parking, on-site lighting, on-site walkways, and bicycle racks.
 - 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

¹ 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.

form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

- d. The bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

7. 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 and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the final tree save plan, sediment control plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.

8. 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 forest conservation plan exemption approval, stormwater management concept approval, development program, inspection schedule, and Preliminary and Site Plan resolutions 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. Ensure consistency off all details and layout between the Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on 6450 New Hampshire Avenue drawings stamped by the M-NCPPC as of October 17, 2014, shall be required, except as modified by the above conditions of approval; and

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.*

The site is not subject to a development plan, diagrammatic plan, or a schematic development plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The approved uses are allowed in the C-2 Zone and the Silver Spring/East Takoma Park Commercial Revitalization Overlay Zone. The Site Plan fulfills the specific purposes of the zones, including the purposes of the overlay zone specified in Section 59-C-18.211(a) of the zoning ordinance, by promoting economic vitality through a neighborhood-serving commercial use and enhancing the pedestrian environment by placing the building close to the sidewalk and by providing a pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the C-2 and Silver Spring/East Takoma Park Commercial Revitalization Overlay Zones.

TABLE 2: PROJECT DATA TABLE FOR THE C-2 AND SILVER SPRING/EAST TAKOMA PARK COMMERCIAL REVITALIZATION OVERLAY ZONE

| Development Standard | Permitted/ Required | Approved & Binding |
|---------------------------------------|----------------------------|-------------------------------|
| Gross Tract Area (sf.) | n/a | 12,092 |
| Previous Dedications (sf.) | | 0 |
| Dedications (sf.) | | 2,732 |
| Net Lot Area (sf.) | | 9,360 |
| Maximum Density (FAR) | 1.5 | 0.4 |
| Maximum Floor Area (sf.) | 18,138 | 4,957 |
| Building Height, Maximum (ft.) | 30 | 26 |
| Front Building Setback, Minimum (ft.) | 10 | 10 |
| Rear Building Setback, Minimum (ft.) | n/a | 44 |
| Side Building Setback, Minimum (ft.) | n/a | 0 |
| Parking Spaces, Minimum | 14 | 6 ¹ |
| Green area, Minimum | 10% | 11.6% |

¹ The Planning Board waives the requirement for the minimum number of parking spaces, per Section 59-C-18.213(a)(1) of the Zoning Ordinance.

Parking Waiver

Section 59-C-18.213(a)(1) allows the Planning Board to waive the requirement for the minimum number of parking spaces provided for a site plan, where it finds that the waiver will accomplish the goals of the Master Plan, including revitalization, enhancing the pedestrian environment, and encouraging the use of transit. For the laundry and office uses, the Zoning Code requires a minimum of 14 parking spaces. However, the Subject Property is not large enough to provide 14 parking spaces on-site in conjunction with the building. Reduction of the number of parking spaces from 14 to 6 will accomplish the goals of the Master Plan, because the reduction will allow construction of the building on the vacant subject property, promoting the economic revitalization of this segment of New Hampshire Avenue. The parking reduction will enhance the pedestrian environment by reducing the land area devoted to parking, a feature that is typically not pedestrian-friendly. The reduced size of the parking lot also allows enough space on the Subject Property to provide the paved walkway that traverses the site from New Hampshire Avenue to Sligo Mill Road, which will further enhance the pedestrian environment. Finally, the reduction in parking may encourage patrons or employees of the site to travel by public bus, with stops available on this block of New Hampshire Avenue and nearby on Eastern Avenue. Therefore, the Planning Board approves the waiver to reduce the minimum number of parking spaces from 14 to 6.

Additional Findings

As enumerated in Section 59-C-18.215 of the Zoning Ordinance, the Planning Board must make the following additional findings when approving a site plan for a property that is within the Silver Spring/East Takoma Park Commercial Revitalization Overlay Zone:

- a. *The Site Plan is consistent with the recommendations in the applicable master or sector plan for the area.*

The Master Plan does not make specific recommendations for the Subject Property. However, the Site Plan advances the goals of the Master Plan by providing neighborhood-serving commercial uses in the New Hampshire Avenue corridor, as recommended by the Master Plan. The Application is consistent with the recommendations of the Master Plan.

- b. *The Site Plan meets all of the purposes and requirements of this overlay zone as well as the applicable requirements of the underlying zone.*

The Site Plan meets the purposes and requirements of the overlay zone, as discussed above. The approved uses are permitted in the overlay zone. The Site Plan fulfills the specific purposes of the zone by promoting economic vitality through neighborhood-serving commercial uses and by enhancing the pedestrian environment by placing the building close to the sidewalk and by providing a pedestrian walkway between Sligo Mill Road and New Hampshire Avenue.

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

The design, scale, and uses in the Site Plan will provide a complimentary relationship to adjacent buildings in the New Hampshire Avenue corridor. The 26-foot building height approved in the Site Plan will not be out of character with the existing small-scale commercial buildings on this segment of New Hampshire Avenue. The building is set as close to the front property line at New Hampshire Avenue as possible, thereby maximizing the distance between the commercial building and the residences on Sligo Mill Road.

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 building is located along the street frontage of New Hampshire Avenue. This location provides easy access to the building from the adjoining sidewalk and from the parking lot, which will be located behind the building.

The area between the building and the sidewalk on New Hampshire Avenue and the area between the parking lot and Sligo Mill Road will be provided as open space and landscaping. This location will be visible to passersby, and will enhance the aesthetics of the Subject Property.

A pedestrian walkway will traverse the Subject Property, connecting Sligo Mill Road to New Hampshire Avenue. This walkway will be located to provide access to the laundry and office uses, generally enhancing the pedestrian circulation in the vicinity of the Subject Property.

Vehicular access will be provided via a driveway from New Hampshire Avenue, which will lead to a parking lot at the rear of the building. Vehicular access will not be provided to Sligo Mill Road in order to confine vehicle access to the higher classification street and to avoid creating a cut-through for vehicles between the two streets.

The locations of the building, open spaces, landscaping, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

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

The design, scale, and uses in the Site Plan will provide a complimentary relationship to adjacent buildings in the New Hampshire Avenue corridor. The 26 feet in building height approved in the Site Plan will not be out of character with the existing small-scale commercial buildings on this segment of New Hampshire Avenue. The building is set as close to the front property line at New Hampshire Avenue as possible, thereby maximizing the distance between the commercial building and the residences on Sligo Mill Road.

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 is exempt from submitting a forest conservation plan as a small property under section 22A-5(s)(2) of the Montgomery County Forest Conservation Law (Forest Conservation Plan Exemption 42007163E). The tract of land is less than one acre in area and will not result in the clearing of more than a total of 20,000 square feet of existing forest or any existing specimen or champion tree, and the reforestation requirements would not exceed 10,000 square feet.

The City of Takoma Park Department of Public Works approved the stormwater management concept on November 9, 2010. The stormwater management concept consists of water quality control through perforated pipes and infiltration trenches.

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 2014 (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 Fani-Gonzalez, seconded by Commissioner Presley, with Chair Anderson, and Commissioners Dreyfuss, Presley, and Fani-Gonzalez voting in favor, and Vice Chair Wells-Harley absent, at its regular meeting held on Thursday, October 30, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board