



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

DEC 29 2014

MCPB No. 14-123
Preliminary Plan No. 120140220
CVS Ashton
Date of Hearing: December 18, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 11, 2014, JC Bar Properties ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.91 acres of land in the C-2 Zone, within Sandy Spring/Ashton Rural Overlay Zone, located in the northeast quadrant of the intersection of New Hampshire Avenue (MD 650) and Ashton Road (MD 108) ("Subject Property"), in the Rural East Policy Area, 1998 Sandy Spring/ Ashton master plan ("Master Plan") area; and

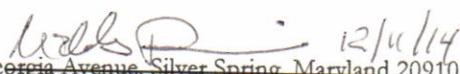
WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120140220, CVS Ashton ("Preliminary Plan" or "Application"); and

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 December 8, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 18, 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 Preliminary Plan No. 120140220 to create one lot on the Subject Property, subject to

Approved as to
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the following conditions:¹

1. This Preliminary Plan is limited to one lot for 12,800 square feet of commercial uses.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 5, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated September 30, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated April 23, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of Fire and Rescue in its letter dated December 9, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by Fire and Rescue provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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.

7. The Applicant must dedicate and show on the record plat the dedication for the master-planned width of New Hampshire Avenue as shown on the Preliminary Plan.
8. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan "To Be Constructed By _____" are excluded from this condition.
9. The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
10. The record plat must show necessary easements.
11. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
12. No clearing, grading or recording of plats prior to approval of the Certified Site Plan.
13. Prior to record plat, equipment on the adjacent HOA parcel, including but not limited to trailers and concrete jersey walls, must be removed.

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 Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms to the Master Plan by providing a neighborhood serving use while maintaining a compatible scale with the surrounding area that incorporates elements of the existing built environment.

In particular, the Application is consistent with the Master Plan development guidelines, which are applicable to properties in the Ashton Village Center and are intended to be used in connection with development in the Ashton/Sandy Spring Rural Overlay zone. The approved use is consistent with the existing mix of commercial and residential zoning within the Ashton Village Center; will provide commercial services to local residents; and permits a design that reflects the traditional village character of Ashton, generates a pedestrian-friendly environment, and includes landscaping and lighting that are compatible with nearby uses and the wider area.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

As described below, public facilities will be adequate to support and service the area of the approved subdivision.

Site Access, Parking, and Public Transportation

The Preliminary Plan provides vehicular access to the Subject Property via a right-in/right-out entrance along westbound MD 108 and a full movement access point on New Hampshire Avenue that will align with Orion Club Drive on the west side of New Hampshire Avenue.

For pedestrians and bicyclists, the Applicant will construct a ten-foot shared use path along Ashton Road in front of the Subject Property and a 5-foot wide sidewalk on New Hampshire Avenue as indicated in the Countywide Bikeways Functional Master Plan. Additionally, the Applicant will construct two internal lead-in sidewalks that will connect the building to the sidewalks in the right-of-way. The first lead-in sidewalk will connect the main entrance of the building to the sidewalk along New Hampshire Avenue. The second lead-in sidewalk is located approximately 60 feet south of the access drive to New Hampshire Avenue and provides access to the site for pedestrians on New Hampshire Avenue.

In accordance with the Zoning Ordinance parking requirements for commercial buildings, 67 off-street parking spaces are provided. There are three handicap spaces as well as motorcycle spaces, bike racks and a loading area. All pedestrian connections and crossings are ADA compatible.

The Washington Metropolitan Area Transit Authority (WMATA) Route Z2 provides bus service adjacent to the Subject Property. The route connects the Olney area to the Silver Spring Metrorail Station by way of MD 108, New Hampshire Avenue, and Colesville Road (Route 29) with 30 minute headways Monday through Friday during the morning and afternoon peak periods. The closest bus stops to the Subject Property are across the intersection of MD 108 and New Hampshire Avenue.

Master Plan Transportation Facilities

The Master Plan and 2005 Countywide Bikeways Functional Master Plan contain the following recommendations for nearby roadway/bikeway facilities:

- New Hampshire Avenue (MD 650): An arterial road (A-13) with two travel lanes (one lane in each direction) with a right-of-way of 80 feet.
- MD 108: An arterial road (A-92) with two travel lanes (one lane in each direction) with a right-of-way of 80 feet.
- An off-road shared-use path (SP-37) on MD 108 in front of the Subject site.

As reflected by the Preliminary Plan this Application implements all of the recommendations specified above.

Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR)

The approved use generates 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is to subject to Local Area Transportation Review. The Application will generate a total of 44 new peak-hour trips during the weekday morning peak period and 65 new peak-hour trips during the weekday evening peak period after the pass-by reduction is taken into account.

A traffic study dated May 1, 2014, was submitted to determine the impact of the development on the area transportation system. Five local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. Four of five intersections are located in the Rural East Policy Area with a Critical Lane Volume (CLV) standard of 1,350. The fifth intersection at Brooke Road/Meeting House Road and Ashton Road (MD 108) is located in the Olney Policy Area with a CLV standard of 1,450. The development's trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate

the total future CLVs. All intersections analyzed are currently operating at acceptable CLV congestion standards and will continue to do so under the background development condition and total future traffic condition with the approved use on the Subject Property. Accordingly, no LATR mitigation is required.

The Subject Property is located in the Rural East Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Rural East Policy Area is exempt from the roadway test and transit test; therefore, no TPAR payment is required.

As conditioned, the Preliminary Plan satisfies the LATR and TPAR requirements of the APF review.

Other Public Facilities and Services

The Preliminary Plan has been evaluated by MCDOT and MDSHA, both of which support the transportation elements of the Preliminary Plan.

The Washington Suburban Sanitation Commission concluded that there is an existing twelve-inch water main and an eight-inch sewer line in New Hampshire Ave, which is adequate to serve the development.

The Montgomery County Department of Fire and Rescue Service concluded that the Subject Property has adequate access for fire and rescue vehicles by transmittal dated December 9, 2014.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect. The Application is not subject to a School Facilities Payment because it is a commercial development.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot was reviewed for compliance with the dimensional requirements of the C-2 and Sandy Spring/Ashton Rural Village Overlay zones as specified in the Zoning Ordinance. The lot meets all the dimensional requirements for area, frontage, and width, and the approved use can be accommodated within the setbacks in that zone.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all

applicable sections. The lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendation for C-2 zoning and Overlay zone included in Master Plan, and for the type of development or use contemplated. The lot is appropriately dimensioned to accommodate the commercial use.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No.420141270 for the Subject Property was approved on April 16, 2014. The Subject Property contains no forest and no trees greater than 24" diameter at breast height. Topography is generally flat but sloping from west to east away from New Hampshire Avenue. There are no streams, wetlands, or environmental buffers on the Subject Property. The Subject Property is within the Patuxent River watershed, a Use IV-P watershed. The Countywide Stream Protection Strategy rates streams in this section of the watershed as good overall condition.

Forest Conservation

The forest conservation plan (FCP) proposes no forest clearing and no forest retention. The FCP generates a 0.33 acre afforestation planting requirement. The afforestation planting requirement is generated because the amount of onsite forest is below the afforestation threshold. The Subject Property has a 15 percent afforestation threshold for the net tract area. The Applicant is proposing to meet the entire 0.33 acres planting requirement through an off-site mitigation bank. The Application meets all applicable requirements of the Forest Conservation Law.

5. *All storm water management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

The MCDPS Water Resource Section approved the stormwater management concept on April 23, 2014, which includes the use of micro biofiltration to meet the required stormwater management goals.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-

35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 DEC 29 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 Dreyfuss, seconded by Commissioner Fani-Gonzalez, with Vice Commissioner Wells-Harley, voting in favor, and Chair Anderson and Commissioner Presley absent, at its regular meeting held on Thursday, December 18, 2014, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board