MCPB Item No. **4** Date: 12-15-16

CVS Derwood: Site Plan No. 820160150



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Staff Report Date: 12-02-16

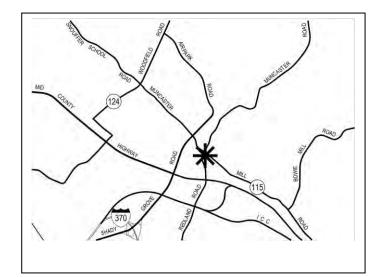
# Description

### CVS Derwood: Site Plan No. 820160150

Request to construct a 9,965 square foot Drug Store, located at 17647 and 17651 Redland Road in the southeast quadrant of the intersection of Redland Road and Muncaster Mill Road (MD 115), 1.24 Acres, Commercial Residential Town Zone, 2004 Upper Rock Creek Master Plan.

**Staff Recommendation**: Approval with Conditions

Applicant: JC Bar Properties Submittal Date: June 20, 2016 Review Basis: Chapter 59



## Summary

- The Application proposes to replace a vacant gas station and a vacant convenience store with a CVS Pharmacy.
- A site plan is required for this use with a drive-thru.
- This Application is reviewed under the standard method of development.
- Staff recommends approval of Site Plan 820160150 with conditions.

## **TABLE OF CONTENTS**

**SECTION 1: RECOMMENDATIONS AND CONDITIONS** 

**SECTION 2: CONTEXT & PROPOSAL** 

Site Vicinity

**Existing Conditions** 

**SECTION 3: PROJECT DESCRIPTION** 

**Previous Approvals** 

Proposal

Adequate Public Facilities

**SECTION 4: FINDINGS** 

**Analysis and Findings** 

**Community Outreach** 

CONCLUSION

**ATTACHMENTS** 

#### **SECTION 1: RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Site Plan 820160150 for up to 10,000 square feet of drug store use with drive-thru on approximately 1.24 acres in the CRT 0.75, C0.75, R 0.25, H 45 zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

## 1. Public Open Space, Facilities and Amenities

- a. The Applicant must provide a minimum of 10,009 square feet of public open space (18.5%) onsite.
- b. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.

## 2. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, hardscape, and public open space.

## 3. Access from Redland Road

- a. The Applicant must provide documentation to Staff that indicates that the adjacent property owner has consented to the shared access off Redland Road as a means of access to the subject Site Plan prior to Certified Site Plan approval.
- b. As both access points off Redland Road are "full movement", the Applicant must provide truck turning diagrams for "all" movements for each to show they are adequate and safe prior to Certified Site Plan approval.

#### 4. Parking

Vehicle parking is restricted to the designated parking areas shown on the Certified Site Plan.

#### 5. <u>Transportation Policy Area Review</u>

The Applicant must make a Transportation Policy Area Review ("TPAR") Mitigation Payment for transit, equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCDPS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

#### 6. Pedestrian and Bicycle Circulation

- The Applicant must clearly show on the Certified Site Plan ADA-compliant with adequate pavement markings and signage alerting motorists entering the drive-through lane of pedestrian crossings.
- b. The Applicant must provide and show on the Certified Site Plan four invert-U bike racks (or equivalent as approved by the Planning Board staff) as a replacement for the proposed wave bike racks.

#### 7. Stormwater Management

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 November 2, 2016, and hereby incorporates them as conditions of approval. The Applicant

must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

## 8. Preliminary/Final Forest Conservation Plan

- a. The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- A fee-in-lieu payment for the 0.24 acres of afforestation requirement must be submitted and approved by M-NCPPC prior to the start of any demolition, clearing and/or grading on the Property.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the Forest Conservation Plan (FCP) may be required by the M-NCPPC forest conservation inspector.
- d. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FCP.

# 9. Site Design

The exterior character, proportion, materials and articulation must be substantially similar to the illustrative elevations shown on the submitted architectural plans dated July 26, 2016, as determined by M-NCPPC Staff.

## 10. **Building Elements**

- a. The maximum height for the proposed building is 30 feet.
- b. The applicant must provide historical graphic elements for selected windows on Redland Road Muncaster Mill Road facades.

#### 11. Landscaping

- a. Before issuance of the final use and occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.
- c. Eliminate the street tree located next to the northern entrance on Redland Road. Relocate the adjacent street tree to the green panel to be in line with the other street trees.

## 12. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest illuminating Engineering Society of North America (IESNA) recommendations for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor recommendations.
- 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 light poles must not exceed the height (28 feet) and number shown on the Certified Site Plan.

## 13. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.73.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, entrance signage features, plant materials, on-site lighting, exterior site furniture, railings, curbs, gutters, sidewalks and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

## 14. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC Staff prior to the approval of the Certified Site Plan.

#### 15. 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 Site Plan resolution on the coversheet.
- 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. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. The Applicant must provide details for historical graphics to be applied to windows located on the north and west elevations of the building at Certified Site Plan.
- f. The Applicant must provide details and specifications for all signage, including materials, lighting fixture mounts, lamps and wattage and installation details on the Certified Site Plan.
- g. The Photometric Plan must be revised to ensure that the illumination levels do not exceed 0.5 footcandles or less at the lot line.
- h. Final landscaping must be substantially similar to Landscape Plan sheet number LS-1, with a revision date of October 28, 2016.

## 16. Adequate Public Facilities Review

The Adequate Public Facility ("APF") review for the Site Plan will remain valid for eighty-five months from the date of mailing of the Planning Board Resolution.

#### **SECTION 2: CONTEXT & PROPOSAL**

# **Site Vicinity**

The subject property is located on 1.24-acres in the south quadrant of the intersection of Redland Road and Muncaster Mill Road in Derwood. The property is comprised of two record lots, described as part of Parcel A and part of Parcel B in the "Redland" subdivision, shown on Plat 8682. Surrounding uses consist primarily of single-story retail buildings with surface parking lots and a townhouse development further to the east off of Muncaster Mill Road. The Red Mill Shopping Center is located on the opposite side of Redland Road to the west.



Figure 1 - Vicinity Map

## **Existing Conditions**

The property is currently developed with two vacant buildings, a former Exxon 3-bay service station and a drive-thru convenience store. Both buildings and the parking areas are in disrepair. The Site is relatively flat with no environmental features or forest.

The Oil Control Program of the Maryland Department of the Environment (MDE) has confirmed that three underground storage tanks have been removed from the site and that no visible perforations were observed in the removed tanks or piping. All soil sampling results were below MDE's non-residential soil cleanup standards for volatile organic compounds. The subject property is now in compliance with Code of Maryland Regulations (COMAR) 26.10.10.02-.03 (Permanent Closure and Changes-In-Service and Assessing the Site at Closure or Change-In-Service).



Figure 2 - Aerial View

#### **SECTION 3: PROJECT DESCRIPTION**

#### **Previous Approvals**

A Special Exception (CBA 2151) for an automobile service station was approved for the Property (excluding a 120-foot strip) on February 7, 1967. The special exception granted construction of a three-bay service station with three pump islands and nine parking spaces.

#### **Proposal**

The Applicant proposes to demolish the two existing buildings on the property. The vacant, former gas station located on Parcel A, 17651 Redland Road, and the vacant, former convenience store located on Parcel B, 17647 Redland Road. The buildings will be replaced with a 9,965 square-foot drug store (CVS Pharmacy) and revised parking and access. The proposed CVS pharmacy will be located near the southeast corner of Redland and Muncaster Mill Roads. There will be access from both of these roads to a single drive-thru lane with stacking for up to four vehicles on the east side of the building.

#### Access

An agreement has been made with the adjacent shopping center to the south to use their existing access from Redland Road with modifications to allow for safe truck movements. The four existing access points from Redland Road are to be eliminated and replaced with a shared access that now services the adjoining retail center, Redland Plaza. Enclosed trash dumpsters are located on the southeast corner of the property using the same construction material that is used on the building.

The Site Plan shows a 10-foot wide shared use path along Muncaster Mill Road and a 5-foot wide sidewalk along Redland Road which will include a lead-in sidewalk to the new building.

The proposed CVS pharmacy is intended to replace an existing CVS pharmacy located across Redland Road in the Red Mill Shopping Center.

#### **Building**

The rectangular-shaped, building will have a height of 25'4" and be constructed with split-faced concrete masonry units (CMU). Two complementary shades of CMU's are used to create an architectural pattern along the building's elevations, two panels of three windows are located on either side of the main entrance with signage incorporated above. Windows are proposed on all four sides of the building, with some windows on the north and west elevations featuring historic images of the local area The main entrance to the building is located on the south face of the building and there will be pedestrian access to this entrance from the lead-in sidewalk from Redland Road. A receiving door for deliveries is located on the northeast corner of the building, and an emergency exit door on the west side of the building fronting Redland Road.

The proposed building was placed as close as possible to the intersection of Redland and Muncaster Mill Roads. The building meets the Build-to-Area requirement along Redland Road, but because of the configuration of the site and the placement of a bioretention facility, the Applicant was only able to partially meet the Build-to-Area requirement along Muncaster Mill Road. Section 4.5.3.C.3 requires that no less than 35% of the building façade must be within 20 feet of Muncaster Mill Road – the Site

Plan only achieves 15% of the building façade within 20 feet of Muncaster Mill Road facade. The Planning Board can approve modifications to the Build-to-Area requirement in accordance with Section 7.3.4 because of (1) physical constraints of the site or the proposed use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalk, and parks. The Applicant requests that the Planning Board approve a modification to the Build-to-Area requirement. Staff supports the Applicant's request because of the physical constraints of the site, and because design elements such as benches, shade trees, bioretention, and other landscaping have been proposed along a widened 10-foot shared-use path to enhance the streetscape along Muncaster Mill Road.

The building also does not meet the 40% transparency requirement along Redland Road in accordance with Section 4.5.3.C. Approximately 37.7% transparency is achieved for the building façade along Redland Road. CVS did revise their standard building design in an effort to meet the transparency requirement by providing a row of 20 windows that stretches along the entire length of the western façade of the building (see page 10) the West Elevation – Redland Road). Although the windows could have been made larger to meet the transparency requirement, CVS has operational needs inside the building so that windows are located high above the floor. The Planning Board can approve modifications to the transparency requirements in accordance with Section 7.3.4. because of (1) to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. The Applicant requests that the Planning Board approve a minor modification to the transparency requirements. Staff supports approval of a modification to the transparency requirements to accommodate the proposed land use, and because some of the windows have been enhanced with historic graphics to engage the street and sidewalk and add visual interest to the building's façade. Benches, shade trees and other landscaping will also be added along the sidewalk to enhance the streetscape along Redland Road.



Figure 3 - Illustrative Plan



Figure 4 – Building Elevations

#### Environment

The property lies within the Mill Creek watershed, which is classified by the State of Maryland as Use IV waters A Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") was approved on May 26, 2016. The NRI/FSD identified no environmentally sensitive elements or items on this site. The project site contains no existing forest, specimen trees, streams, wetlands or steep slopes.

The Application meets the requirements of Chapter 22A of the Montgomery County code. An FCP has been submitted for review as part of this Application and is recommended for approval. The net tract area of the project is 1.57 acres, the site is unforested and is being developed under the MPD Land Use Category on the Forest Conservation Worksheet. This results in an afforestation requirement of 0.24 acres.

Under Section 22A-12(g)(2)(c) if an applicant demonstrates that the requirements for afforestation onsite cannot be reasonably accomplished then payment into the forest conservation fund is recommended. In this case, given the small size of the project site, the lack of any environmental features and the necessity to develop the entire area it would be unreasonable to meet the afforestation requirement on-site. As a result, the Applicant will meet the 0.24 acres of afforestation requirement by providing a fee-in-lieu payment into the forest conservation fund in the total amount of \$12,022.56.

### Stormwater Management

Development of the site will substantially improve the stormwater management on-site since none of the current paved surfaces have stormwater controls The project meets required stormwater management goals via the use of four micro-bioretention facilities, and a structural water quality filtration facility to treat the remaining ESD volume. MCDPS has reviewed the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the site and found it to be conditionally acceptable.

#### Site Location and Vehicular Site Access

By reconfiguring both frontages of the property on Redland Road and Muncaster Mill Road, this development will eliminate five of the six curb cuts along both frontages which provides significant traffic safety improvements at this busy intersection. Once developed, there will be only one curb cut from Muncaster Mill Road, which will be retained and increased from 30 to 35 feet wide. The curb cut closest to the intersection of Redland Road will be eliminated.

The four existing access points from Redland Road are to be eliminated and replaced with a shared access that now services the adjoining retail center, Redland Plaza. The Applicant will be obtaining an easement agreement to utilize this shared access for the adjoining property. The Montgomery County Department of Transportation (MCDOT) supports the reduction in curb cuts. Eliminating access points will reduce potential driver conflicts and substandard spacing for the six access points.

## **Adequate Public Facilities**

#### Master-Planned Roadways and Bikeways

In accordance with the 2004 adopted *Upper Rock Creek Area Master Plan* and the 2005 adopted *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways are as follows:

- 1. Muncaster Mill Road southeast of Redland Road is designated as a two-lane arterial, A-93, with a recommended 80-foot wide right-of-way and a dual bikeway (signed shared roadway on the east side and an on-road bikepath), B-1. The *Countywide Bikeways Functional Master Plan* recommends dual bikeway, DB-40.
- 2. Redland Road is designated a two-lane primary residential street, P-7, with a recommended 70-foot wide right-of-way and an existing shared-use path, SP-71, on the north side. The *Countywide Bikeways Functional Master Plan* also recommends the "Redland Road East" bike lanes, BL-29.

Plat No. 8682 for Parcel A was recorded in 1967 that included dedication of 40 feet from the centerlines of Muncaster Mill Road and Redland Road. Additional right-of-way is not required for the master-planned recommended rights-of-way.

#### Available Public Transit Service

Currently, two following public transit routes operate on Redland Road and Muncaster Mill Road:

- 1. Ride-On route 53 operates between the Shady Grove Metrorail Station and the Lakeforest Mall Transit Center Station with half hour headways on weekdays only.
- 2. Ride-On route 57 operates between the Shady Grove Metrorail Station and the Glenmont Metrorail Station with half hour headways on weekdays and weekends.

The nearest bus stop is located on Redland Road near the southern property line.

## Pedestrian and Bicycle Facilities

Along the property frontage of Redland Road, there is currently a 4-foot wide sidewalk with a 6-foot wide green panel. The Applicant will upgrade the existing sidewalk along Redland Road to be 5-footwide with a 4-foot-wide tree/green panel.

Along the property frontage of Muncaster Mill Road, there is currently an 8-foot wide shared-use path with a 2-foot wide green panel. The Applicant will upgrade the existing shared use path along Muncaster Mill Road to be 10-foot wide with a 5-foot wide green panel.

There are handicap ramps at all corners and marked pedestrian crosswalks at all approaches of the intersection of Redland Road and Muncaster Mill Road.

In addition, the Applicant must provide and show on the final certified plans the following:

- ADA-compliant and adequate pavement marking and signing, warning motorists entering the drive-through window of pedestrians at the eastern terminus of the internal sidewalk in front of the pharmacy main entrance.
- 2. Four invert-U bike racks (or equivalent as approved by the Planning Board staff).

## Local Area Transportation Review (LATR)

The 2,067- square foot service station and the convenience store will be replaced by the 9,965- square foot pharmacy with drive-thru. The Applicant is not claiming any trip credit for the vacant service station and convenience store. The CVS generates the following number of peak-hour trips:

- 34 new and total peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.)
- 50 new and 99 total peak-hour trips within the evening peak period (4:00 and 7:00 p.m.)

Total trips include pass-by, diverted, and new trips. Pass-by and diverted trips are those trips where the pharmacy is <u>not</u> the primary origin or destination, but are already on the road and on the way to/from other origins or destinations. New trips are those trips where the pharmacy is the primary origin or destination.

A traffic study was submitted to satisfy the LATR test because the total number of site-generated peak-hour trips is 30 or more. Based on the traffic study results, the capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in -Table 1 below for the following traffic conditions:

- 1. Existing: The traffic condition as it currently is now.
- 2. <u>Background</u>: The existing condition plus the trips generated from approved but un-built nearby developments.
- 3. <u>Total</u>: The background condition plus the additional site-generated trips based on proposed pharmacy.

Table 1 – Critical Lane Volume (CLV)

	Traffic Condition					
Studied Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 115 & Redland Rd/Muncaster Mill Rd	983	1,296	1,017	1,318	1,025	1,328
Redland Rd & Mill Run Rd	1,253	581	1,253	581	1,253	581
MD 115 & Bowie Mill Rd	1,248	1,099	1,271	1,145	1,276	1,155
MD 115 & Site Driveway 1					743	761
MD 115 & Site Driveway 2	1,232	918	1,232	918	1,232	910

As indicated in the table above, the calculated CLV values do not exceed the CLV standard of 1,475 for the Derwood Policy Area, and, thus, the LATR test is satisfied.

#### Transportation Policy Area Review

The property is located within the Derwood Policy Area for the Transportation Policy Area Review ("TPAR") test. For the current TPAR test, the roadway test for the Derwood Policy Area is adequate, but the transit test is inadequate. Therefore, the Applicant must make a TPAR mitigation payment for transit equal to 25 percent of the applicable transportation impact tax to the Montgomery County Department of Permitting Services ("MCPS"). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter

#### **SECTION 4: FINDINGS**

## **Analysis and Findings**

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.
- 2. To approve a site plan, the Planning Board must find that the proposed development:
  - a. satisfies any previous approval that applies to the site;

A Special Exception (CBA 2151) for an automobile service station was approved for the property (excluding a 120-foot strip) on February 7, 1967. With the proposed development, the service station will be razed and the special exception will no longer be in effect.

b. satisfies under Section <u>7.7.1</u>.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

This finding is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29,2014.

c. satisfies under Section <u>7.7.1</u>.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This finding is not applicable as the property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;
  - i. Division 4.5. Commercial/Residential Zones

## **Development Standards**

The Subject Property is approximately 1.24 acres zoned CRT 0.75, C0.75, R0.25,H45. The following table, Table 2, shows the application's conformance to the development standards of the zone.

Table 2 - Site Plan Project Data Table - Standard Method

Section	Development Standard	Permitted/Required	Proposed in Site Plan	
59-4	Gross Tract Area (ac)	n/a	1.24	
4.5.3.C.2	Density (FAR/GFA)	0.75/40,635	0.18/10,009	
	CRT 0.75, C0.75, R0.25,H45			
4.5.3.C.4	Building Height (feet)	45′	25′4″	
	CRT 0.75, C0.75,R0.25,H45			
4.5.3.C.3	Minimum Setback			
	Front – Redland Road	0	20'	
	Side			
	North – Muncaster Mill Rd.	0	North: 16.60'	
	South – to internal property		South: (to internal	
	buoundary between Parcel A		property boundary	
	and Parcel B		between Parcel A &	
			Parcel B: 39.77'	
	Rear -	0	92.51′	
4.5.3.C.3	Build to Area <sup>1</sup>			
	Front Street (Redland Road)	No less than 70% of the	100% of the building is	
		building façade shall be	located within 20' of	
		located within 20' of	Redland Road	
		Redland Road		
	Side Street (Muncaster Mill	No less than 35% of the	15% of the building	
	Road)	building façade must be	façade is within 20 feet	
	(Noau)	within 20' of Muncaster	of Muncaster Mill Road	
		Mill Road	of Waricaster Willi Noau	
4.5.3.C.1	Open Space			
	Public Open Space (%/sq.ft.)	10% or 5,418 sq.ft.	18.5% or 10,009 sq.ft.	
4.5.3.C.5	Transparency, for Walls			
	Facing a Street			
	Ground Story, Front	40% (Redland Road)	37.7% (Redland Road) <sup>2</sup>	
	Ground Story, Side	25% (Muncaster Mill Rd.)		

<sup>&</sup>lt;sup>1</sup> The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalk, and parks.

<sup>&</sup>lt;sup>2</sup> Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

Section	Development Standard	Permitted/Required	Proposed in Site Plan
			28% (Muncaster Mill
			Rd.)
6.2	Parking spaces, minimum-	35 -60	54
	maximum		
4.5.3.C.3	Parking Setbacks (feet)		
	Front (Redland Road)	6′	20'
	Front (Muncaster Mill Road)	6′	40.8′
	Side (southeast)	6'	12.5′
	Side (southwest)	6'	15.1′
6.2.9.C.1	Parking Facility Internal	5%	13.1%
	Landscaping		

ii. Standards for Approval of a Drive-thru

Section 59-3.5.1.4.E Drive-Thru

#### 2. Use Standards

- a. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:
  - i. A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.

There are no properties in the agricultural, rural residential, or residential detached zones within 100 feet of the drive-thru.

ii. For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.

This is not a restaurant use, therefore, this standard is not applicable.

iii. A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.

The drive-thru service window, drive aisle and queuing area are not located between the street and main wall of the building.

iv. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3 foot high wall or fence.

As noted above, the drive aisle is not located between the street and main wall of the building.

v. Site plan approval is required under Section <u>7.3.4</u>.

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

#### iii. Division 6.1. Site Access

Four existing access points from Redland Road will be eliminated with access to Redland Road to be provided by modifying and sharing an existing access to the adjoining property, Redland Plaza. The Applicant must obtain an easement agreement to cross through the adjoining property. There will be one full movement access from Muncaster Mill Road, the westernmost access is eliminated in the proposal. Eliminating five of the six current access points to the property reduces the number of conflicting vehicular movements near the intersection.

## iv. Division 6.2. Parking, Queuing, and Loading

Adequate off-street parking will be provided with a total of 54 on-site parking spaces. A range of between 35 – 60 parking spaces are required by the Zoning Ordinance.

## v. Division 6.3. Open Space and Recreation

The project has 10 percent or 5,418 square-foot open space requirement. The project proposes 18.5 percent or 10,009 square feet of open space.

## vi. Division 6.4. General Landscaping and Outdoor Lighting

The existing site is devoid of landscaping or tree save areas. The Landscape Plan proposes to add a total of 46 shade and ornamental trees on the site, as well as over 200 shrubs and a variety of perennials and ornamental grasses in planting beds and the bioretention areas. The streetscape along Redland and Muncaster Mill Roads will be greatly enhanced with the landscaping and street furniture being provided along the public sidewalks.

The Photometric Plan must be revised prior to the certification of the site plan to ensure that the illumination levels do not exceed 0.5 footcandles or less at the lot line.

#### e. satisfies the applicable requirements of:

#### i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Department of Permitting Services has found the Combined Stormwater Management Concept/Site Development Stormwater Management Plan to be conditionally acceptable. The plan proposes to meet required stormwater management goals via the use of 4 microbioretention facilities, and a structural water quality filtration facility to treat the remaining ESD volume.

## ii. Chapter 22A, Forest Conservation.

The Application meets the requirements of Chapter 22A of the Montgomery County code. An FCP has been submitted for review as part of this Application. The net tract area of the project is 1.57 acres, the site is unforested and is being developed under the Mixed Land Use Category on the Forest Conservation Worksheet. This results in an afforestation requirement of 0.24 acres which will be met by payment of a fee-in-lieu.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The proposed parking, circulation patterns, building massing, open spaces and site amenities are adequate, safe, and efficient. No parking will be provided between the building and the street and the single drive-thru lane will be located internal to the site. A shared-use path with benches are provided along Muncaster Mill Road. Benches are also provided along the sidewalk on Redland Road, with a lead-in sidewalk to the building entrance. The building is placed as close as possible to the intersection of Muncaster Mill and Redland Roads to create a presence on the street.

g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The proposed CVS with drive-thru will replace a former service station and convenience store and does not conflict with the goals and objectives of the 2004 Upper Rock Creek Master Plan. The Master Plan does not offer specific recommendations for the Subject Property, but makes a recommendation for the Redlands commercial center that allows for additional housing adjacent to the center, and to retain the existing commercial zoning in the Planning Area.

h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

As stated in the LATR and TPAR Section of this staff report, local intersections will operate adequately within the CLV standards. A TPAR payment will be required at the time of building permit, unless this requirement is amended.

i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

The Property is not located in a Rural Residential or Residential zone.

j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

The proposed development is compatible with and will complement the existing uses in the adjacent and confronting developments. The Redlands commercial area is primarily developed with other low-density commercial and service uses.

## **Community Outreach**

On November 22, 2016, Staff hosted a meeting with members of the Applicant's team and representatives from the Red Mill Shopping Center, which is located across Redland Road from the subject property. The owner and management of the shopping center have concerns regarding the possibility of ground water contamination on the former service station site, that could negatively impact the shopping center. Sixteen persons, including environmental consultants, attorneys, engineers, and Staff were in attendance at this meeting that focused on environmental studies that had been prepared, what conditions had been found, and what preventative measures will be undertaken on the property before and during construction. The Applicant has sent its environmental studies to the Red Mill Shopping Center representatives, and has agreed to conduct an additional soil boring on the site identified on an early aerial photo as an area of concern. The Oil Control Program of the MDE has stated that the subject property is now in compliance with Code of Maryland Regulations (COMAR) 26.10.10.02-.03 (Permanent Closure and Changes-In-Service and Assessing the Site at Closure or Change-In-Service). (See Attachment 2).

#### **CONCLUSION**

The project complies with the general requirements and development standards of Section 4.5 and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially conforms with the recommendations of the Upper Rock Creek Master Plan. Therefore, Staff recommends approval of Site Plan No. 820160150 with the conditions specified in the staff report.

#### **ATTACHMENTS**

- 1. Department of Permitting Services (stormwater) letter dated November 2, 2016
- 2. Maryland Department of the Environment letter dated July 14, 2015
- 3. Site Plan
- 4. Landscape Plan
- 5. Letter from Robert Bancroft dated June 15, 2016



Isiah Leggett
County Executive

Diane R. Schwartz Jones Director

November 2, 2016

Mr. Nicholas B. Speach, P.E. Bohler Engineering 16701 Melford Blvd., Suite 310 Bowie, Maryland 20715

Re: REVISED COMBINED STORMWATER

MANAGEMENT CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN Request for CVS

Derwood

Site Plan #: 820160150 SM File #: 281909

Tract Size/Zone: 1.24 Ac. / CRT-0.75

Total Concept Area: 1.24 Ac.

Lots/Block: N/A

Parcel(s): Remainders of Parcel A&B Watershed: Upper Rock Creek

Dear Mr. Speach:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **conditionally acceptable**. The plan proposes to meet required stormwater management goals via the use of 4 micro-bioretention facilities, and a structural water quality filtration facility to treat the remaining ESD volume.

The following **items and conditions** will need to be addressed **during** the final stormwater management design plan stage:

- A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- A study to confirm the adequacy of the existing downstream storm drain system must be submitted to the DPS Right-of Way Section for their review and approval prior to submission of the detailed SC/SWM plans.
- Provide a copy of the "Soil Management Plan" prepared by ECS concerning the contaminated soils found onsite along with the approved remedial measures approved by MDE. The microbioretention facility design may need to include an impervious liner and an underdrain must be provided for all.
- An engineered sediment control plan must be submitted for this development.

Mr. Nicholas B. Speech, P.E. November 2, 2016 Page 2 of 2

5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section

Division of Land Development Services

MCE: CN281909 rev CVS Derwood.mjg

cc:

C. Conlon

SM File # 281909

ESD Acres:

.5

STRUCTURAL Acres:

.5

WAIVED Acres:

n



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

Oil Control Program, Suite 620, 1800 Washington Blvd., Baltimore MD 21230-1719 410-537-3442 410-537-3092 (fax) 1-800-633-6101, ext. 3442

Larry Hogan Governor

Boyd Rutherford Lieutenant Governor JUL 1 3 2015

Ben Grumbles Secretary

Ms. Kathleen McCaney
MACS Retail, LLC c/o Sunoco, Inc.
Bldg G-2 W 167
10 Industrial Hwy - MS4
Lester PA 19029

RE: SITE STATUS AND CASE CLOSURE

Case No. 2015-0613-MO Exxon No. 27475 / 0342-3498 17651 Redland Road, Derwood Montgomery County, Maryland Facility I.D. No. 6432

Dear Ms. McCaney:

The Oil Control Program recently completed a review of the case file for the above-referenced property, including the *Tank Excavation Assessment Report* and the *Monitoring Well Abandonment Documentation*, both dated *May 29, 2015*. This case was opened as a result of the removal of three gasohol underground storage tanks (USTs: two 8,000-gallon and one 10,000-gallon) and their associated piping, all of which were constructed of single-walled fiberglass reinforced plastic. The three USTs were 30 years old. No visible perforations were observed in the removed tanks or piping.

Field screening utilizing a photoionization detector (PID) recorded a maximum of 497 units at 13 feet below ground surface (bgs) in a localized area of contamination. Soils were field screened approximately 2 feet below the bottom of the UST at approximately 14 feet bgs, this produced a maximum reading of 0.7 units. Based on the field screening results, soils were returned to the excavation. Two metal piping runs were encountered during excavation activities and also removed. Seventeen soil samples were collected to document the presence/absence of residual petroleum impact. The samples included nine bottom samples at approximately 14 feet bgs from the former tank field, three dispenser samples at approximately 2 feet bgs, three product line samples at approximately 2 feet bgs, and two samples below the metal piping at 2 feet bgs. All soil sampling results were below MDE's non-residential soil cleanup standards for volatile organic compounds.

The Department understands that the site and vicinity are served by municipal water. Four active monitoring wells were encountered during UST removal activities. The four monitoring wells were properly abandoned by a Maryland-licensed driller on May 15, 2015.

Ms. Kathleen McCaney Case No. 2015-0613MO Page - 2 -

The Oil Control Program does not require further corrective action at the subject property based on the aforementioned findings. Thus, the subject property is now in compliance with Code of Maryland Regulations (COMAR) 26.10.10.02-.03. The Oil Control Program hereby closes its case in reference to this site. The residual petroleum contamination present on site in the soil and groundwater does not present a risk for the current exposure pathways. Excavation in the area of investigation may create exposure pathways if impacted soils are encountered and must be handled in a manner that complies with State and local regulatory programs.

This notice should not be construed as a waiver of the Department's right to take any other enforcement action it deems appropriate with respect to this site. If you have any questions, please contact the Oil Control Program at 410-537-3442.

Sincerely,

Forest Arnold, Southern Region Section Head Remediation and State-Lead Division

Oil Control Program

FA/nln

cc: Mr. Sean Rochford (Kleinfelder)

Mr. Jim Lai (Monridge Construction, Inc.)

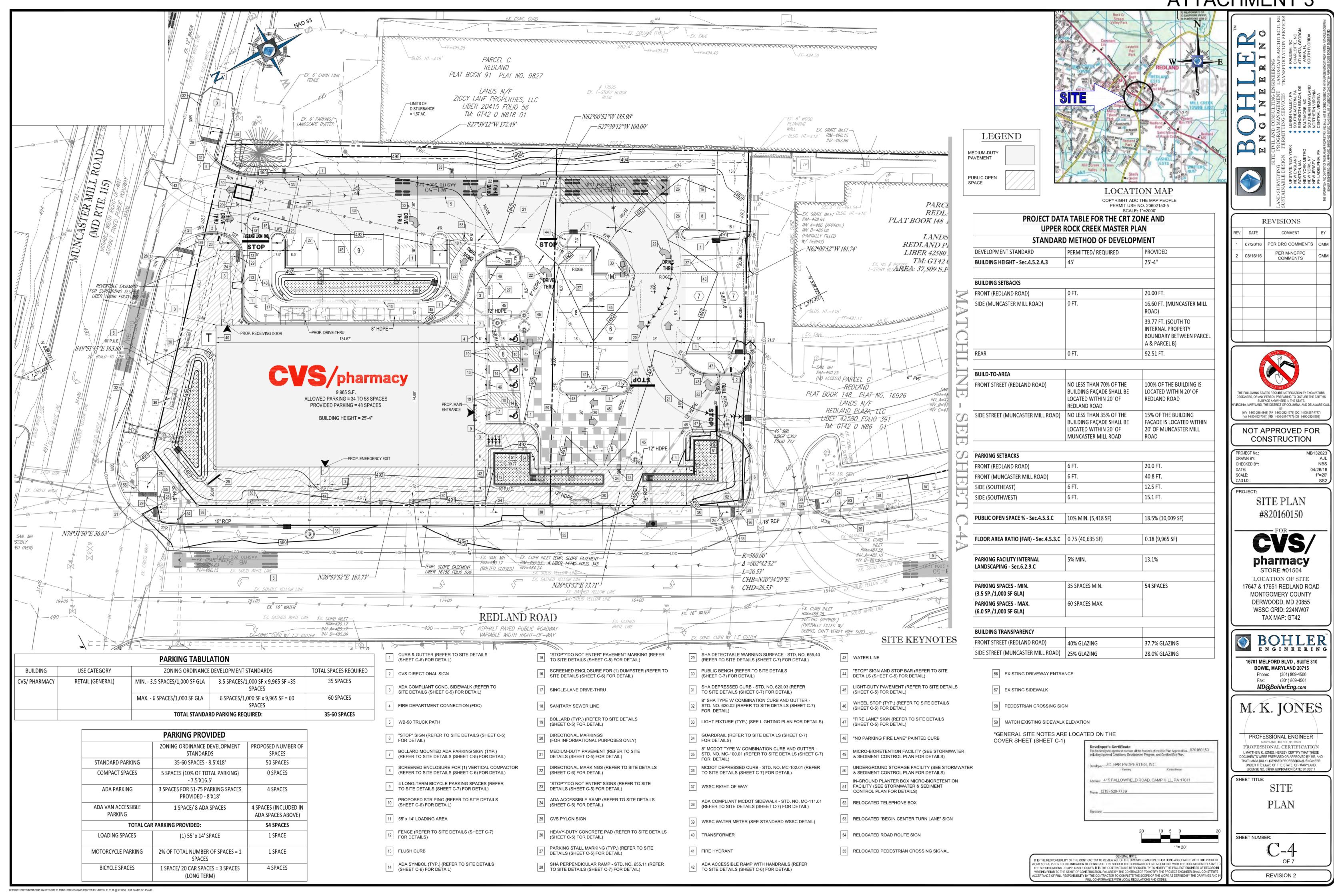
Mr. Nasser M. Kamazani (Montgomery County DEP)

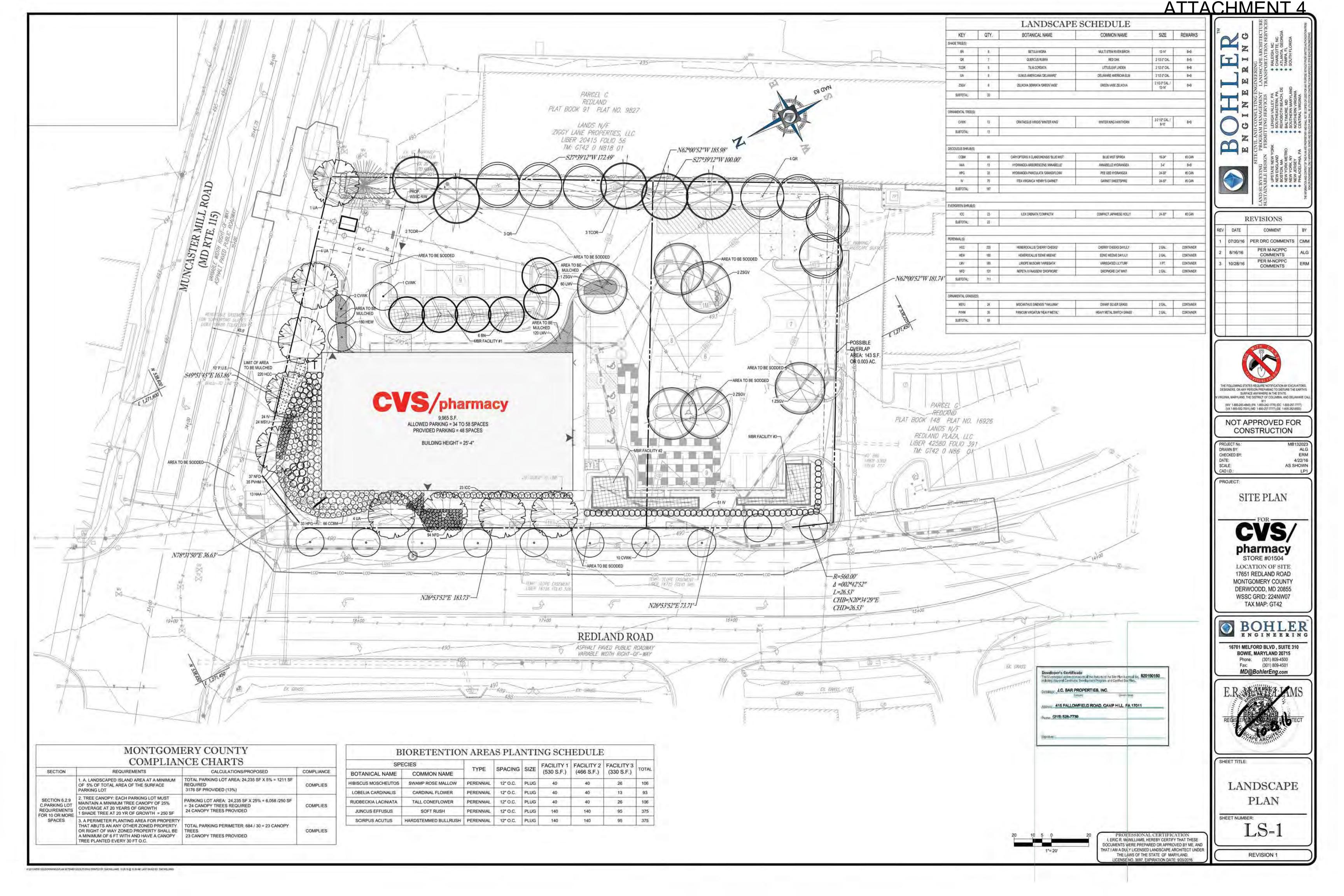
Mr. Andrew B. Miller

Mr. Christopher H. Ralston

Ms. Hilary Miller

# ATTACHMENT 3





June 15, 2016

Mr. Casey Anderson, Chair Montgomery County Planning Board 8787 Georgia Avenue Silver Spring, Maryland 20910

Re: Letter of Support for CVS Derwood (Site Plan No. 820160150)
Redland Road and Muncaster Mill Road

Dear Chairman Anderson and Members of the Planning Board:

As someone who both lives and works in Derwood, I am writing to you to express my strong support for the proposed CVS. I live just behind the intersection of Redland Road and Muncaster Mill Road and am the building manager at the Mill Creek Parish United Church, located at 7101 Horizon Terrace. As you likely already know, the property that CVS proposes to develop has been vacant for a number of years. The abandoned buildings have been vandalized with graffiti and are an eye sore in our community. That is why I am excited that CVS is looking to invest in this property.

I was able to review the plans for the proposed development at the community meeting held by CVS on April 19th. I live and work within walking distance of the property and believe the redevelopment will improve the walkability of this area. I am pleased to see that the building will be located directly along the street, and that additional landscaping and seating is proposed along Rediand Road and Muncaster Mill Road. CVS provides much needed services to local residents like myself, and the proposed location will better serve the community.

I hope you will support the proposed CVS.

Respectfully yours,

Robert Bancroft 17610 Horizon Place Derwood, MD 20855

Robot Bancroft