

## SITE PLAN REVIEW ISSUES

In the course of site plan review, staff and applicant reviewed the proposal and its conformance with the zoning ordinance, with particular attention to requirements for uses, green space, limitations on surface parking area, and the required setbacks of the recent changes to the Cherry Hill Road Employment Area Overlay Zone. Vehicular and pedestrian systems were reviewed for their potential to provide integrated circulation that would achieve the character and activity level desired within the overlay zone. In particular, staff and applicant focused on achieving an attractive pedestrian system that would create safe passage from the surrounding public streets and facilitate the use of public transportation. Parking and its complementary landscaping were studied in regard to the applicant's request for a waiver from the required standard for maximum paved surface parking area.

Certification of the applicant's proposal for monitoring and remediation of hazardous chemicals ensuing from the site's previous occupant, the Fabricare Institute (dry cleaning), comprised the most significant issue of site plan review. The issue was successfully resolved to the satisfaction of the Maryland Department of the Environment (MDE) and the Montgomery County Department of Permitting Services. [See full discussion, *Environmental Planning Analysis*, page 15; see also, attached, *Letter from James Carroll, Administrator of Environmental Restoration and Redevelopment, Maryland Department of the Environment*, dated March 11, 2005 affirming that MDE indicates no health risks present in the site groundwater with respect to the proposed stormwater management facility.].

The applicant seeks allowance for Clearing and Grading prior to Signature Set; see discussion below as addressed with respect to the Environmental Planning review and conditions of approval:

### I. Allowance for Clearing and Grading prior to Signature Set

The complex environmental issues associated with the subject site (as discussed above) have required an extensive period of time that has exceeded the expected site plan review window. The re-certification of the Storm Water Management (SWM) Concept required by the Montgomery Department of Permitting Services (DPS) essentially extended the site plan approval process by four months. The original SWM concept approval, dated January 5, 2005, was rescinded to require further confirmation by the Maryland Department of the Environment of acceptable ground water and soil conditions relevant to the applicant's proposed use. Upon receipt of MDE's confirmation, DPS re-issued the SWM Concept approval on May 5, 2005.

Applicant Position: Unanticipated delays have imposed logistical difficulties for the efficient and timely development of the site. The restaurant park proposed for the single lot (Lot 38) must be graded and foundation pads constructed prior to the construction of the individual restaurant buildings. The restaurants are seeking to open their facilities before 2006. To meet the projected opening date, the applicant states that clearing and grading must begin as soon as possible. The proposed grading plan is currently under review by DPS.

The applicant requests the Planning Board's authorization to undertake clearing and grading of the site prior to signature set in order to meet construction deadlines. The applicant further requests that the Planning Board provide immediate notification of its approval for clearing and grading prior to signature set, even if adoption of the Planning Board opinion has not yet occurred.

Community Position: At the time of publication of the staff report, no comment has been received from the community.

Staff Analysis: Staff supports the allowance of the clearing and grading of this site prior to signature set for the following reasons:

- The extensive study of site conditions required by multiple agencies allows a satisfactory level of confidence in available site data;

- MDE and DPS indicate satisfaction with site and SWM design;
- The structure on the Fabricare Institute portion of the property was recently demolished pursuant to a demolition permit issued by DPS; subsequent stabilization was performed as part of the demolition;
- The remaining portions of the property are vacant;
- No forest conservation is proposed as part of the site plan;
- The site is served by fully constructed public streets;
- The two lots associated with the site plan were recently re-recorded through the minor subdivision process; the Planning Board has signed the new plat.

The staff report contains a condition of approval requiring the applicant to secure MNCPPC staff approval of the Final Forest Conservation Plan prior to clearing and grading.

Staff *does not* support the allowance for clearing and grading prior to the adoption and issuance of the Planning Board Opinion, but understands the applicant’s position that significant time may elapse before the opinion has been completed due to no fault of the applicant.

II. Waiver from the Requirement of Maximum Surface Parking Lot Coverage [§59-C-18.132(b)(4)(B)]

The applicant seeks a waiver from the Zoning Ordinance requirement of 45% maximum surface parking lot coverage. The plan proposes an increase to 46.9 % paved parking surface. The Zoning Ordinance, under the Cherry Hill Employment Area Overlay Zone, allows that:

*... in unusual circumstances the Planning Board may waive this requirement at the time of site plan approval upon a finding that a more compatible arrangement of uses would result.*

Applicant Position: The proposed plan meets the parking requirements of the zone; the plan is designed for maximum efficiency with minimal single-loaded drive aisles.

Community Position: At the time of publication of this staff report, no comment has been received from the community.

Staff Position: The unusual site geometry, the disposition of the adjoining “strip” of RE-2 buffer, and the confluence of surrounding traffic patterns serve to rigidly prescribe the site’s ingress-egress points and, hence, the internal circulation pattern, as well. The resultant physical restrictions limit significantly design alternatives for the surface parking, and ultimately, the development efficiency of the site itself.

Staff supports the applicant’s request for a waiver of parking standards with respect to the maximum paved surface area for the following reasons:

- The resulting single-loaded drive aisle that aligns the retail store fronts, while increasing the amount of site paving, increases the visibility and safety of the desired pedestrian patterns; streetscape design for this internal “main street” further enhances the character, activity and compatibility desired;
- The parking lot design achieves 10% internal green space, twice the requirement of the zoning ordinance;
- The plan proposes minimal drive aisle width throughout the site;
- The plan meets the intent of the zoning ordinance limit on surface paving, that is, the provision of green space and attractive, abundant landscaping treatment by provide full streetscape with a double row of shade trees along Tech Road.

**PROJECT DESCRIPTION: Surrounding Vicinity**

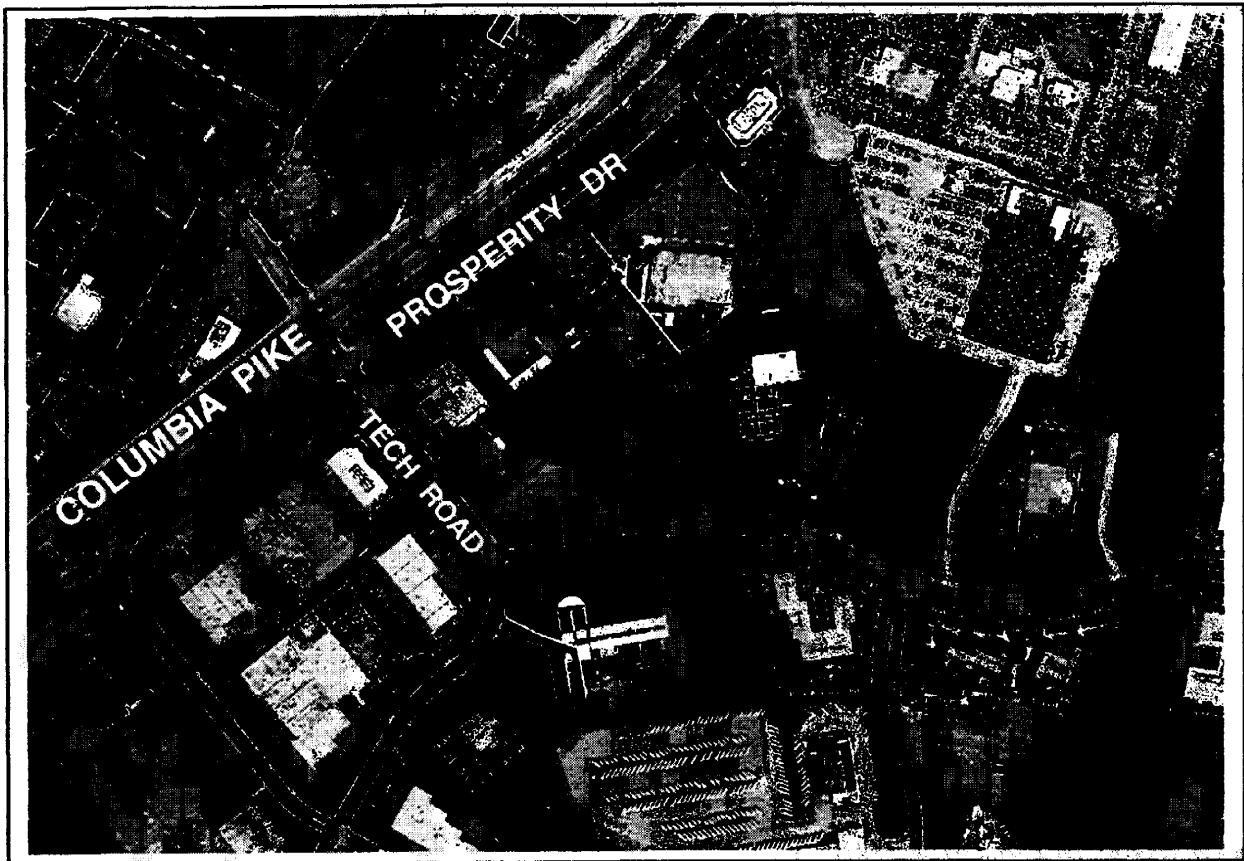


**Aerial orthophotograph showing the Cherry Hill Employment Area Overlay Zone (green line). The asterisk marks the site location. Note the site's northern boundary that lies parallel to Prosperity Drive and US 29 (Columbia Pike).**

The subject site is located along the northern boundary of the Cherry Hill Overlay Zone, strategically located near the intersection of US 29 and Cherry Hill Road and approximately one mile from the I-95/Powder Mill Road interchange. The Zone was developed to implement the recommendations of the 1997 Approved and Adopted Fairland Master Plan. The new zoning applied to a 500-acre area that supports four different types of industrial zoning, including light industrial (I-1, I-4), heavy industrial (K-2) and research & development (I-3).

The surrounding vicinity exhibits the primary development executed in the 1980's, a mix of light and heavy industrial uses, along with some commercial and service uses such as the Home Depot and Marriot Courtyard Hotel, which lie to the north and east of the site. The former WSSC composting facility located along the southwest boundary has been closed, and is under pending study for development as an incubator technology facility. Significant development activity is expected south of the overlay zone with the planned US Food and Drug Administration facility.

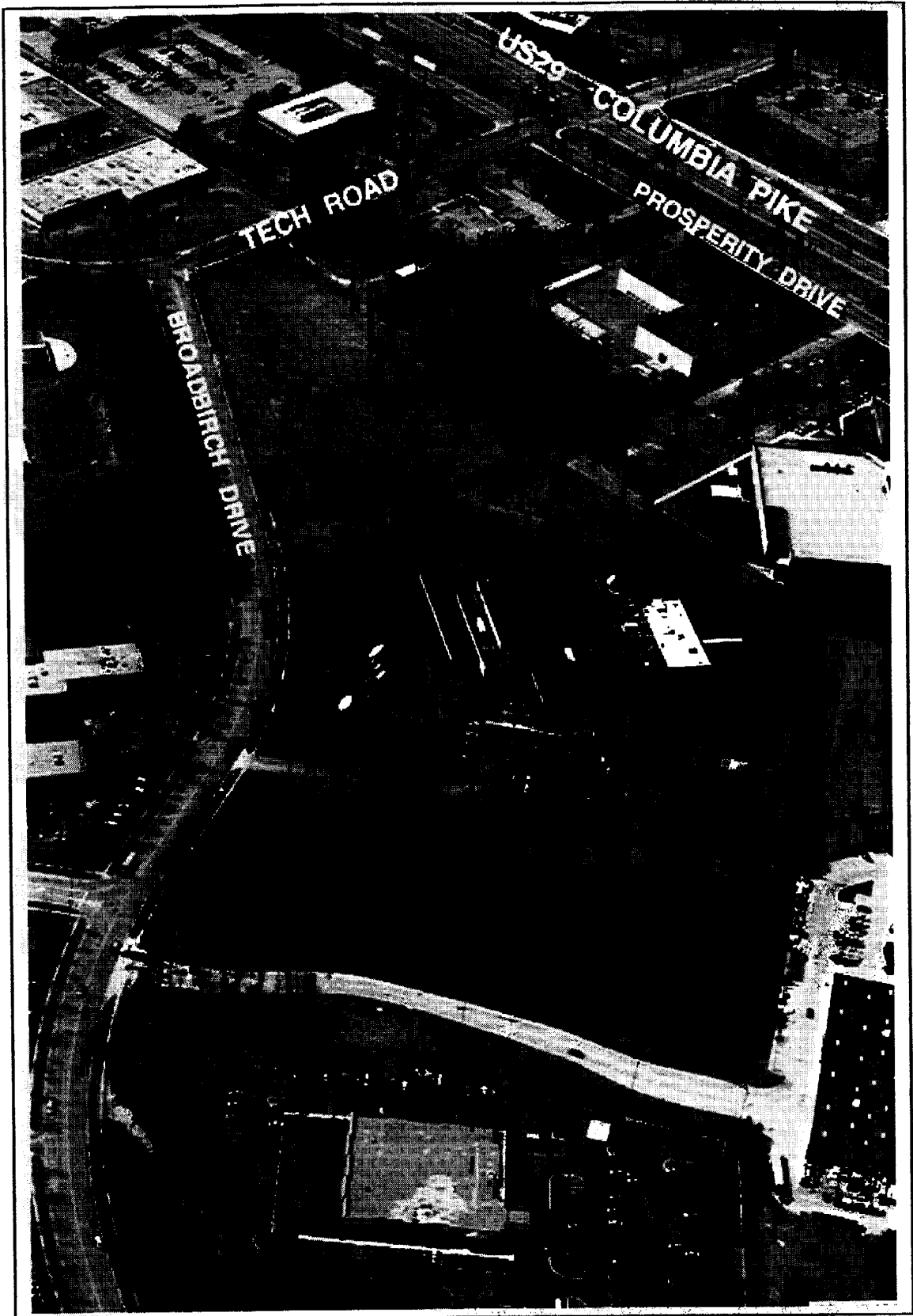
**PROJECT DESCRIPTION: Site Description**



**The boundaries of the Westech Village Corner are outlined in red. The site features road frontage on Prosperity Drive on the north, Tech Road on the southwest, and Broadbirch Drive on the south. The northwest portion of the site was previously occupied by the International Fabricare Institute. The structure shown in the above image was recently demolished.**

The subject parcel is comprised of 8.54 acres, of which 8.19 acres lies within the I-1 zone; a small, linear portion of the site (0.35 acres) zoned RE-2, adjoins the Prosperity Drive right-of-way along the parcel's northern boundary. The site supported one building structure of 24,899 square feet that was recently demolished.

The site itself features no wetlands, The 8.54-acre site lies within the Paint Branch watershed (Use III). About 2.16 acres of forest exist on the site. There are no streams, wetlands, floodplains, or environmental buffers on the site.



**Oblique aerial view of the site from the southeast showing the surrounding immediate context. Note the existing cleared areas of the site. The applicant proposes streetscaping for Tech Road and Broadbirch Drive.**