



AUG 04 2008

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

MCPB No. 08-59
Site Plan No. 820080040
Project Name: Ashton Meeting Place
Date of Hearing: May 15, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on September 5, 2007, Ashton Meeting Place, LLC ("Applicant"), filed an application for approval of a site plan for 74,000 square feet of space for commercial uses and seven one-family detached residential units ("Site Plan" or "Plan") on 8.12 acres of C-1- and R-60-zoned land, located at the southeast intersection of Ashton Road (MD 108) and New Hampshire Avenue (MD 650) ("Property" or "Subject Property"); and

WHEREAS, the Applicant's site plan application was designated Site Plan No. 820080040, Ashton Meeting Place (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 5, 2008, setting forth its analysis of and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on May 15, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Kathleen J. Bohm 7/25/08
M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on May 15, 2008, the Planning Board voted to approve the Application subject to conditions on the motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080040 for 74,000 square feet of space for commercial uses, including 18,000 square feet for a grocery store, 13,690 square feet for other retail uses, 9,800 square feet for restaurant uses, and 32,150 square feet for office use, and seven one-family detached residential units, on 8.12 gross acres in the C-1 and R-60 zones, subject to the following conditions:

1. Preliminary Plan Conformance

- a. The proposed development must comply with the conditions of approval for Preliminary Plan No. 120080070 as listed in the Planning Board Resolution. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, forest conservation and noise mitigation conditions, the Department of Public Works and Transportation's (DPWT) conditions, and the Department of Permitting Services' (DPS) stormwater conditions.
- b. Because this Site Plan is being heard concurrently with the Preliminary Plan, the Certified Site Plan will not be approved prior to the Planning Board's approval of the Preliminary Plan Resolution:

2. 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. Street lamps, sidewalks, and street tree planting must occur within six months after street construction is completed. Tree planting may wait until the next growing season.
- b. On-site sidewalks, benches, and installation of the bicycle racks must be installed prior to release of any building occupancy permit.
- c. 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 tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.

- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, or other features.
 - f. Construction of the central green/plaza.
 - g. Off-site sidewalks.
3. 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. Revision of green/plaza area to remove internal planter from plaza and incorporate amphitheatre-style seating and pathway to intersection sidewalks.
 - b. Revision of plantings along MD 650 building facades.
 - c. Limits of disturbance, site data table revisions, minor plan clarifications.
 - d. Relocation of stormwater pond access road.
 - e. Revised SWM access plan.

BE IT FURTHER RESOLVED that all site development elements as shown on the Ashton Meeting Place drawings stamped by the M-NCPPC on November 2, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County 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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

2. *The site plan substantially conforms to the design guidelines for new development contained in the approved and adopted Sandy Spring/Ashton Master Plan.*

The proposed Site Plan substantially conforms to the design guidelines of the Master Plan in a number of respects. The buildings along MD 108 and MD 650 provide a "main street" character through the use of parallel parking, street trees and lamp posts, street entrances, and a large sidewalk and plantings. The interior

building, although large, is designed with the flavor of a traditional general store, while the street-fronting buildings are smaller in mass and are traditional in form and detail. These are further softened by plantings and surrounded by pedestrian-accessible sidewalks and open spaces. Although allowed to build out to 0.75 FAR, the proposed buildings are only at a 0.36 FAR and the 30-foot proposed building height is compatible with the context.

The proposed village green at the corner of MD 650 and MD 108 will, if designed per the conditions, provide the development's namesake meeting place for the community with a shaded grassy space adjacent to a small plaza surrounded by cafés and offices. Generally, the pedestrian connections, bicycle racks, and street-front entry points provide an easily navigated pedestrian atmosphere with signage that is incorporated into the site and architectural details. Finally, other than the on-street parking, which is crucial to the atmosphere of a rural village, parking is behind the buildings in the interior of the site.

- 3. The site plan is consistent with the recommendations in the approved and adopted Sandy Spring/Ashton Master Plan.*

The proposed development is consistent with the recommendations of the Master Plan. It provides local residents with necessary services which are near to residential areas and other shopping facilities. Further, the proposed development meets the land use and zoning recommendations of expanded commercial use balanced with the existing scale of the village center.

- 4. The site plan meets all the requirements of the Overlay Zone as well as the applicable requirements of the underlying zone.*

The proposed uses are allowed in both the Sandy Spring/Ashton Rural Village Overlay Zone and the C-1 Zone and the Site Plan fulfills the purposes of each zone by providing small-scale neighborhood services in a village setting.

As the Project Data Table indicates, the Site Plan meets all of the development standards of the Sandy Spring/Ashton Rural Village Overlay Zone and the underlying C-1 Zone. With respect to building height, setbacks, and density, the proposed development is at or under all the maximum standards allowed. With respect to green space the proposed development provides almost three times more than the amount required, thus allowing for a greater amount of permeable surface and landscaped open space.

Project Date Table		
Development Standards	Permitted/Required	Development Standards Approved by the Planning Board and Binding on the Applicant
Building Height (feet)	24 ¹	30
Building Setbacks (feet)		
Rights-of-Way	0 ²	10
Rear (northeast property lines)	25	60
Side (southeast property lines)	25	110
Parking Setbacks (feet)		
Rights-of-Way	10	68
Rear (northeast property lines)	25	35
Side (southeast property lines)	25	35
Green Area (% of lot)	10	29
Floor Area Ratio (FAR)³	0.75	0.36
Parking Facility Internal Landscaping (%)	5	5.7
Parking Spaces	316	338 ⁴

5. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

¹ The Overlay Zone allows commercial building heights up to 30 feet (which is allowed in the C-1 zone) if the Board finds that the additional height is compatible with the adjoining uses and is consistent with the intent of the master plan.

² A 10-foot setback is typically required from the right-of-way unless a "mainstreet" type of development is recommended in a master or sector plan, which is true in this case.

³ FAR is not typically required for a C-1 zoned project, but is limited within the Overlay Zone to 0.75 and is calculated only on the commercially-zoned portion of the site.

⁴ Including 23 on-street parking spaces.

The buildings and structures of the proposed development are located near the MD 108 and MD 650 rights-of-way, which is critical to the "main street" character envisioned by the Master Plan. These locations provide easy access to the building from adjoining sidewalks and the pattern of buildings and open space provides a sense of scale and atmosphere. These building locations are adequate and efficient, while meeting the aesthetic recommendations of the Master Plan, and do not pose any safety concerns on the site.

The open space that is provided along and around the buildings is an appropriate mix of paving and landscaping to serve residents and visitors. In various areas it works as a space to congregate, relax, and walk. The plantings within these open spaces provide shade, color, and interest and help minimize the mass of the buildings. Street trees and lighting is provided along both streets in concert with other proposed development in the area to create a unified streetscape in the village center. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent residential properties. There are no recreation facilities required for this Site Plan, but sitting areas and a bicycle racks are provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed uses and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the growing commercial center of Ashton Village. Safety is enhanced by crosswalks and special paving delineations at intersections. The design efficiently directs traffic through the site with minimal impacts to pedestrian circulation. As mentioned earlier, the incorporation of the structured parking allows for more green area and an efficient traffic and parking layout. This balance of design with the site, the recommendations of the Master Plan, and the needs of the uses is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed retail and office uses are compatible with the adjacent and confronting residential, retail, and office uses as well as other proposed site plans in the area that will help transform Ashton into an inviting, walkable, village center. The subject Site Plan and the pending Chevy Chase Bank at Ashton and Derrick's Addition to Ashton (a gas station, office, and retail project) will greatly enhance the availability and accessibility of commercial conveniences in Ashton. As proposed, this area will provide the services and amenities to meet most local residents' day-to-day needs.

The structures themselves are in scale with the nearby offices, homes, and commercial uses as well as the nearby strip mall. The proposed structure is oriented to provide an adequate relationship and transition to the adjacent residential properties, which, in turn, provide an edge to the village center and delineate the boundaries of the surrounding rural land.

- 7. 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 proposed development is not subject to water resources protection but is subject to forest conservation law. Staff finds that the Forest Conservation Plan, as conditioned, meets the requirements of the County Forest Conservation Law.

The stormwater management concept consists of on-site water quality control via construction of a bio filter. Onsite recharge is not required because this is a redevelopment project. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

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 the date of this Resolution is AUG 04 2008 (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).

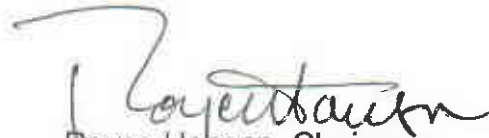
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CERTIFICATION

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

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Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, July 31, 2008, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson". The signature is fluid and cursive, with a large initial "R".

Royce Hanson, Chairman
Montgomery County Planning Board