



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

MCPB
Item # 6
Date: 7/12/07

MEMORANDUM: SPECIAL EXCEPTION

DATE: June 25, 2007
TO: Montgomery County Board of Appeals
FROM: Carlton W. Gilbert, Planner Coordinator *CG*
Development Review Division (301-495-4576)
VIA: Rose Krasnow, Chief *RK*
Ralph Wilson, Acting Zoning Supervisor *RW*
REVIEW TYPE: Special Exception
APPLYING FOR: Retail and Service Establishment (Pharmacy)
APPLICANT: Hannah DiBonge (d.b.a. Germantown Pharmacy)
CASE NUMBER: S-2700
REVIEW BASIS: Chapter 59, Zoning Ordinance; Advisory to the Board of Appeals
ZONE: C-T
LOCATION: 19735 Germantown Road
Germantown, MD
MASTER PLAN: 1989 Approved and Adopted Germantown Master Plan
FILING DATE: March 16, 2007
PUBLIC HEARING: July 27, 2007

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. Limit the hours of business operation from 8:30 a.m. to 7:00 p.m., Monday through Friday, and Saturday from 8:30 a.m. to 2:00 p.m.;
2. Limit the use to seventeen (17) employees with up to a maximum of five (5) employees per shift;
3. The retail and service establishment use must be limited to a maximum of 1,400 square feet; and
4. All evidence, testimony and exhibits of record are binding on the applicant.

In staff's view, the establishment of a retail and service establishment (pharmacy) at the existing office building, with operational limitations recommended by staff, will not constitute a nuisance because of traffic or physical activity and will not adversely affect the development of the surrounding properties. The use at the proposed location satisfies the specific special exception requirements of 59-G-2.46 for a retail and service establishment.

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

PROJECT SUMMARY

The applicant requests a special exception to operate a full service pharmacy in a three-story medical office, known as the "Shady Grove Adventist Medical Center," at 19735 Germantown Road in Germantown. The proposed pharmacy will contain 1,400 square feet of floor area and will be located on the lobby level of the 3-story building. The business will not have direct entry from the exterior of the building.

The subject property is located on Germantown Road, approximately 3,000 feet west of the I-270 interchange. The Medical Center is zoned C-T (Commercial-Transitional), which is intended for low-intensity commercial buildings providing a suitable transition between one-family residential development and high-intensity commercial development. The site, rectangular in shape, contains approximately 6 acres of land. The Shady Grove Adventist Medical Center is adjacent to the Shady Grove Adventist Emergency Medical Clinic. The buildings, including the landscaping, lighting and parking plans (Site Plan Review #8-02010B) were approved by the Planning Board on May 29, 2003. The adjacent joint parking lot for the medical complex contains over 300 parking spaces and direct vehicular access to the complex is from Germantown Road.

Neighborhood Description

The subject property is bordered by Father Hurley Boulevard to the north, I-270 to the east, Middlebrook Road to the west and Crystal Rock Drive to the south. The Medical Center is surrounded by other commercial and retail uses along Germantown Road. A daycare center is located to the east on C-T zoned property, and a restaurant and a bank are located southwest on commercially zoned property. A car dealership and other commercial/retail properties are located across Germantown Road, and the Colony Apartment complex is located directly adjacent to the south.

Project Elements

As noted in the summary, a 1,400 square foot full service pharmacy is proposed in an existing office building with no exterior modifications. The use will be located on the lobby level. No exterior access will be provided directly to the business. All access to the pharmacy will be from the main lobby, which is accessed through the front entrance door to the building. The applicant proposes to limit the use to seventeen (17) employees with no more than five (5) per shift. The applicant proposes to limit the hours of operation from 8:30 a.m. to 7:00 p.m., daily Monday through Friday, and from 8:30 a.m. to 2:00 p.m. on Saturday.

According to the applicant, services provided by the pharmacy will include, but will not be limited to, comprehensive prescription medications, a complete line of non-prescription products with an emphasis on providing generic equivalents of each, and a

limited inventory of health and beauty aids. The pharmacy will complement medical service operations in the existing building and in the adjacent emergency treatment center, providing a more complete and convenient delivery of healthcare services for customers and patients.

ADDITIONAL REVIEW REQUIREMENTS

None required at this time. No further subdivision is necessary for this proposal.

ANALYSIS

Master Plan - The proposal is consistent with the land-use and zoning recommendations of the 1989 Approved and Adopted Germantown Master Plan. The subject site is located in the Town Center area of Germantown in Analysis Area TC-3. The site conforms to the Plan's statement on page 39 that the Analysis Area is suitable for "highway commercial" use, and for "office" use, and for "C-5" or "C-T" zoning. Staff believes that the proposed medical support service at the subject location, with its existing approved landscaping, complies with the following Plan statements on page 41 regarding Area TC-3.

This Analysis area is appropriate for office buildings up to three stories in height in order to form a transition between the Town Center and the adjacent garden apartments. Any retail uses in this Analysis area should not establish a fragmented development pattern and should not conflict with the intent of the Village Centers and Town Center.

Planning for this Analysis Area should reflect its strategic location on a major entryway into Germantown. Building setbacks, landscaping along the commercial and road edge, and the screening of parking areas are important to achieve a visually pleasing entryway. These elements are also necessary to achieve compatibility with existing and proposed uses along this portion of MD 118.

In addition to its conformance with the Master Plan, the proposed use will be compatible with the adjacent community. The proposed use will be located in an existing building surrounded by uses of similar intensity. Sufficient parking seems to be available on-site to accommodate the requested use and vehicular access is available on a major roadway. No significant adverse impacts are expected on adjacent residential areas or on other neighboring properties. Many of the pharmacy customers will already be visiting medical offices at the Center and thus their pharmacy visits will create no external impacts. Further, a pharmacy at this location should provide a convenience to these customers by minimizing additional vehicular trips.

Transportation

Transportation Planning staff recommends limiting the special exception use to a drug store of 1,400 square feet. The proposed pharmacy will be located in a suite within one of the two existing Shady Grove Adventist Medical Center buildings that had previously received APF approval. The APF test for the overall medical center was approved by the Planning Board on November 8, 2001 as part of Preliminary plan No. 120070030, Germantown Gateway. The existing emergency health care land use was approved for this site as Site Plan No. 82002010B, Germantown Professional Building, by the Planning Board on May 29, 2003.

The petitioner's Statement of Operations specifies that:

1. The target market for the proposed pharmacy is the patients of the medical practitioners located in the Shady Grove Adventist Medical Center. Thus, most trips should not be "new" trips to the proposed pharmacy.
2. The weekday hours of operations are from 8:30 a.m. to 7:00 p.m. with employees arriving at 8:00 a.m. Thus, the proposed pharmacy would generate trips within the weekday morning (6:30 a.m. to 9:30 a.m.) peak hours and evening (4:00 p.m. to 7:00 p.m.) peak hours.

Using trip-generation rates from the Institute of Transportation Engineers' *Trip Generation Report*, the number of peak-hour trips generated by a 1,400-square-foot medical-dental office use is compared with an equivalent-sized pharmacy without a drive-through window below:

Land Use	Weekday Peak-Hour Trips			
	Morning (6:30 a.m. to 9:30 a.m.)		Evening (4:00 p.m. to 7:00 p.m.)	
	New	Total	New	Total
Proposed Pharmacy without a Drive- Through Window	2	5	5	12
Approved Medical- Dental Office	- 3	- 3	- 5	- 5
Net Change in Peak- Hour Trips	-1	+2	0	+7

Total trips include new, pass-by, and diverted trips. New trips occur when the land use is the primary origin or destination of the trips. Pass-by trips occur when travelers stop at this site on their way to another land use along MD 118. Diverted trips are along routes that travelers change slightly to stop at the proposed pharmacy for a secondary trip purpose. Thus, staff estimates that approximately 60% of the trips generated by this special exception use would be trips already destined to one of the two medical office buildings. Given the net change in peak-hour new trips from the table above, the new trips generated by this proposed pharmacy would be less or equal to the number of trips generated by the previously approved medical office use.

A traffic study is not required to satisfy the Local Area Transportation Review test because the proposed pharmacy would not generate any additional peak-hour trips during the weekday morning and evening peak hours.

The existing uses in the Shady Grove Adventist Medical Center building and the existing access from MD 118 to the building are not be affected by operation of this proposed pharmacy.

MD 118 is classified in the *Germantown Master Plan* as a six-lane major highway, M-61, with a minimum 120-foot wide right-of-way. The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (a shared use path and a signed-shared roadway), DB-25, along MD 118.

No changes to the pedestrian access or circulation system serving the medical office building are proposed.

Environment

Environmental staff recommends approval. An approved Natural Resources Inventory/Forest Stand Delineation (No. 42001337), an approved Final Forest Conservation Plan, and an approved Preliminary Plan (No. 12002003 approved November 8, 2001) already cover the site. This special exception request does not require an additional NRI/FSD and forest conservation application. The proposed facility will be located on the first floor of an existing building. The proposed use is not expected to cause any adverse environmental impacts.

Landscaping and Lighting

The Landscape and Lighting Plan was approved as part of Site Plan No. 8-02010B by the Planning Board on May 29, 2003. The site is well landscaped with trees, flowers and shrubbery throughout the site. This proposal does not require any additional landscaping nor does it require additional lighting to the existing building.

Development Standards

The proposed use will require some interior changes but no structural changes and no floor area increase beyond existing conditions as proposed. As previously noted, the Planning Board approved the three-story building and a one-story building, which consists of a total of 131,333 square feet of health care facility on 6.03 acres of land. Staff finds that the buildings are in compliance with the relevant development standards applicable to the C-T zone and special exception use.

<i>Development Standard</i>	<i>Required/Proposed</i>	<i>Provided</i>
Net Area (gross floor area)	97,728 sf	97,728 sf
Building Coverage (Both Buildings)	35 percent (max.)	22.8 percent
Green Area (Both Buildings)	10 percent (min.)	31.3 percent
Minimum Setback from street	20 feet	35 feet
--from lot line	67 feet	112 feet
Building Height	35 feet	3 story 35 feet

Community Concerns

To date, staff has not been contacted by anyone expressing concerns regarding this proposed special exception.

Conclusion

Staff finds that the proposed special exception meets the general and specific requirements for this use found in Sections 59-G1.21 and 59-G-2.46 of the Zoning Ordinance. Staff recommends approval of the special exception for a service pharmacy.

Montgomery County Zoning Ordinance

Conditions of Approval

Section 59-G-1.2 of the Zoning Ordinance contains certain standards for approval of any Special Exception. The proposed special exception is consistent with these requirements and meets the conditions for approval as described below:

Section 59-G-1.2 Conditions for granting.

59-G-1.2.1 Standard for Evaluation

A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

Applying the above analysis to this case, the staff finds:

The inherent adverse effects, generic physical and operational characteristics associated with a retail and service establishment use include associated parking, lighting, noise generated by customers, and vehicular trips to and from the site. There are no significant transportation impacts that result from the proposed special exception. Adequate parking is available on-site. There will be no exterior changes to the existing office building. Activities are internalized within the building. Existing lighting on the site is adequate. No new lighting will be added. The site is well landscaped.

Provided that the applicant complies with the recommended conditions, there are no non-inherent effects sufficient to recommend a denial.

Montgomery County Zoning Ordinance

59-G-1.21. General conditions.

- (a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:
 - (1) Is a permissible special exception in the zone.

A pharmacy/drugstore use is allowed by special exception in the C-T Zone.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

Staff finds that the proposed use complies with the specific standards set forth in Section 59-G-2.46 of the Zoning Ordinance.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

As previously stated, the proposal is consistent with the land use and zoning recommendations of the 1989 Approved and Adopted Germantown Master Plan.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The use will be in harmony with the general character of the surrounding neighborhood because it will be a commercial use in a commercial zone and will be located in an existing medical professional building. The proposed use will not require the construction of an addition to provide additional floor space. Sufficient parking is available on-site to accommodate the use.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff finds the use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The use will not cause any of these adverse effects.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

Not applicable. This proposed use is not in a residential area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The use will not have such an adverse effect on residents, visitors, or workers in the area.

- (9) 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.
 - (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

The subject site is already subdivided and will continue to be adequately served by public facilities. As previously indicated, staff also finds that the requested use satisfies Local Area Transportation Review and Policy Area Review tests.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

Staff finds that the subject use should not reduce the safety of vehicular or pedestrian traffic.

Section 59-G-2.46 Retail and service establishments.

Small-scale retail sales and personal service establishments may be permitted, provided the following requirements are met:

- (a) The convenience, goods and services provided are those usually requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood; they include only the following types of establishments:

The proposed use is a drugstore and therefore is consistent with the special conditions of the type of use.

- (b) Each of the uses stated in paragraph (a) above must be the subject of a separate special exception.

The applicant is filing a special exception for the proposed use as a drugstore. There are no other special exception uses in the existing building.

- (c) Parking in accordance with the requirements of Article 59-E, titled "Off-Street Parking and Loading" must be provided for these uses on site, notwithstanding the exceptions to on-site parking stated in Section 59-C-4.307 of the C-T zone.

There is sufficient parking at this location to accommodate the use.

- (d) If located in an office building occupied by unrelated office uses, the establishment must:

- a. Be located on a street level story and occupy a maximum of 50% of the floor area of that story; and
- b. Be located and constructed so as to protect other occupants of the building from noise, traffic, odors and interference with their privacy.

The proposed use is located on the street level of a three-story office building that occupies 1,400 square feet (4.7 percent) out of a total of approximately 29,947 square feet on that floor. In addition, the use is located in the southeast corner of the building and will not generate any noise, traffic, odors or other interference of privacy.

**NOTICE**

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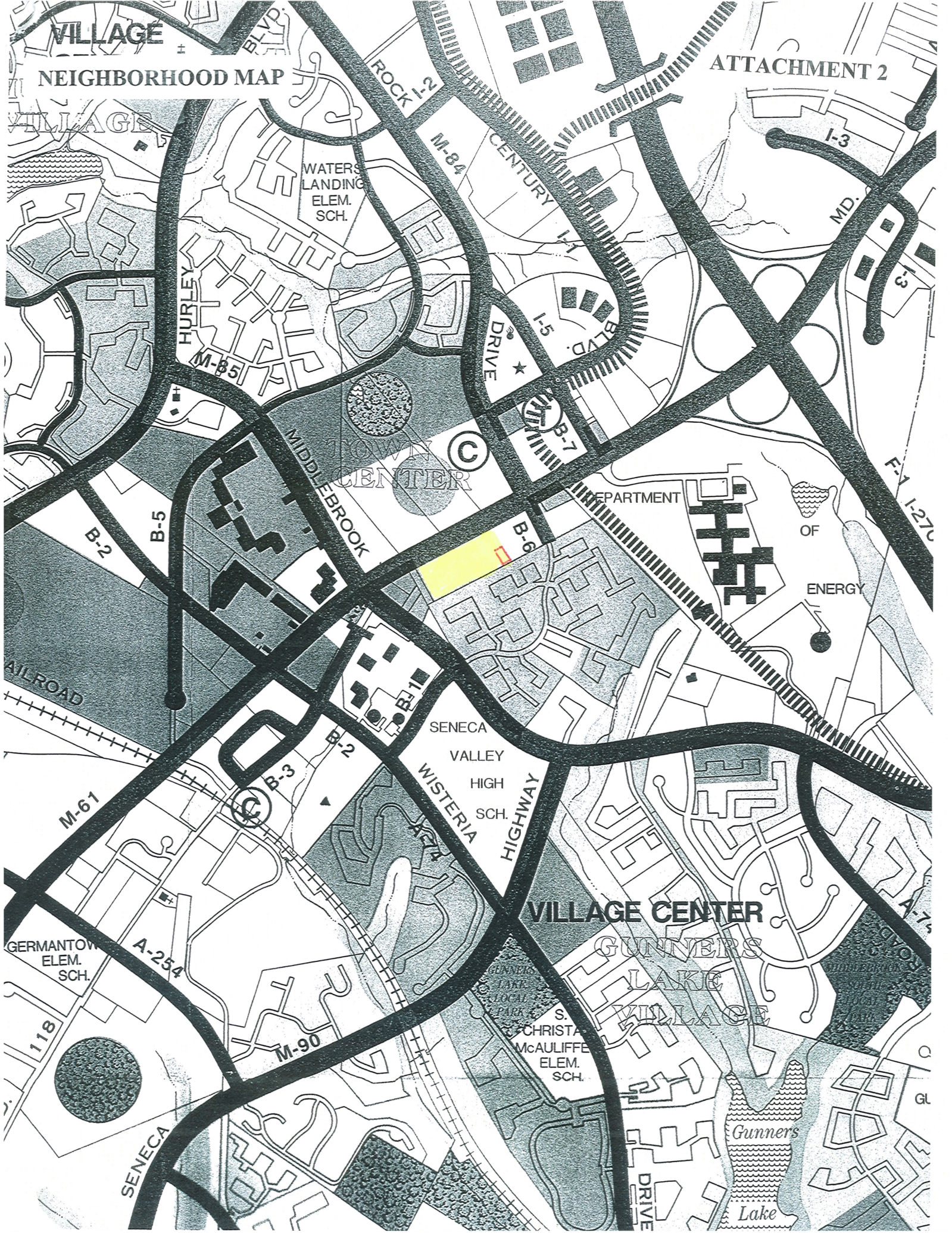
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Key Map



VILLAGE
NEIGHBORHOOD MAP

ATTACHMENT 2



ZONING MAP

-S
148

ATTACHMENT 3

T-S
PARCEL E

T-S
PARCEL D
G-742

DRIVE
M-84

T-S
PARCEL
"D"

CRISTAL DRIVE ROCK

T-S
F-148

MD. RTE. 118

M-81

118
F-148
D.P.A. 87-1

F-407

BA-2838
C-1185

C-1187 WITH.

BA-1646 BA S-770

PARCEL
F

G-452 "L"

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NOTE:
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G-155

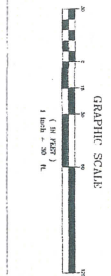
G-154

SITE PLAN

ATTACHMENT 4

DESIGNED BY: J. RODRIGUEZ
 DRAWN BY: J. RODRIGUEZ
 CHECKED BY: J. RODRIGUEZ
 DATE: 10/15/2014

NO.	DESCRIPTION	QTY	UNIT	TOTAL
1	ASPH/FLT PAVEMENT	10,000	SQ YD	10,000
2	CONCRETE	1,000	SQ YD	1,000
3	GRAVEL	5,000	CY	5,000
4	LANDSCAPE	100	PLANT	100
5	IRRIGATION	100	FT	100
6	ELECTRICITY	100	FT	100
7	WATER	100	FT	100
8	SEWER	100	FT	100
9	STORM	100	FT	100
10	PAVEMENT	100	FT	100
11	CONCRETE	100	FT	100
12	GRAVEL	100	FT	100
13	LANDSCAPE	100	FT	100
14	IRRIGATION	100	FT	100
15	ELECTRICITY	100	FT	100
16	WATER	100	FT	100
17	SEWER	100	FT	100
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22	LANDSCAPE	100	FT	100
23	IRRIGATION	100	FT	100
24	ELECTRICITY	100	FT	100
25	WATER	100	FT	100
26	SEWER	100	FT	100
27	STORM	100	FT	100
28	PAVEMENT	100	FT	100
29	CONCRETE	100	FT	100
30	GRAVEL	100	FT	100
31	LANDSCAPE	100	FT	100
32	IRRIGATION	100	FT	100
33	ELECTRICITY	100	FT	100
34	WATER	100	FT	100
35	SEWER	100	FT	100
36	STORM	100	FT	100
37	PAVEMENT	100	FT	100
38	CONCRETE	100	FT	100
39	GRAVEL	100	FT	100
40	LANDSCAPE	100	FT	100
41	IRRIGATION	100	FT	100
42	ELECTRICITY	100	FT	100
43	WATER	100	FT	100
44	SEWER	100	FT	100
45	STORM	100	FT	100
46	PAVEMENT	100	FT	100
47	CONCRETE	100	FT	100
48	GRAVEL	100	FT	100
49	LANDSCAPE	100	FT	100
50	IRRIGATION	100	FT	100



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sheet 1 of 3

PROPOSED SPECIAL
EXCEPTION AREA
OF APPROXIMATELY
1400 SF

FIRST FLOOR BOMA CALCULATIONS
NOT TO SCALE

INTERPLAN

5185 MacArthur Boulevard, NW - Suite 200
t. 202.362.5300
Washington, DC 20016-3341
www.interplaninc.com

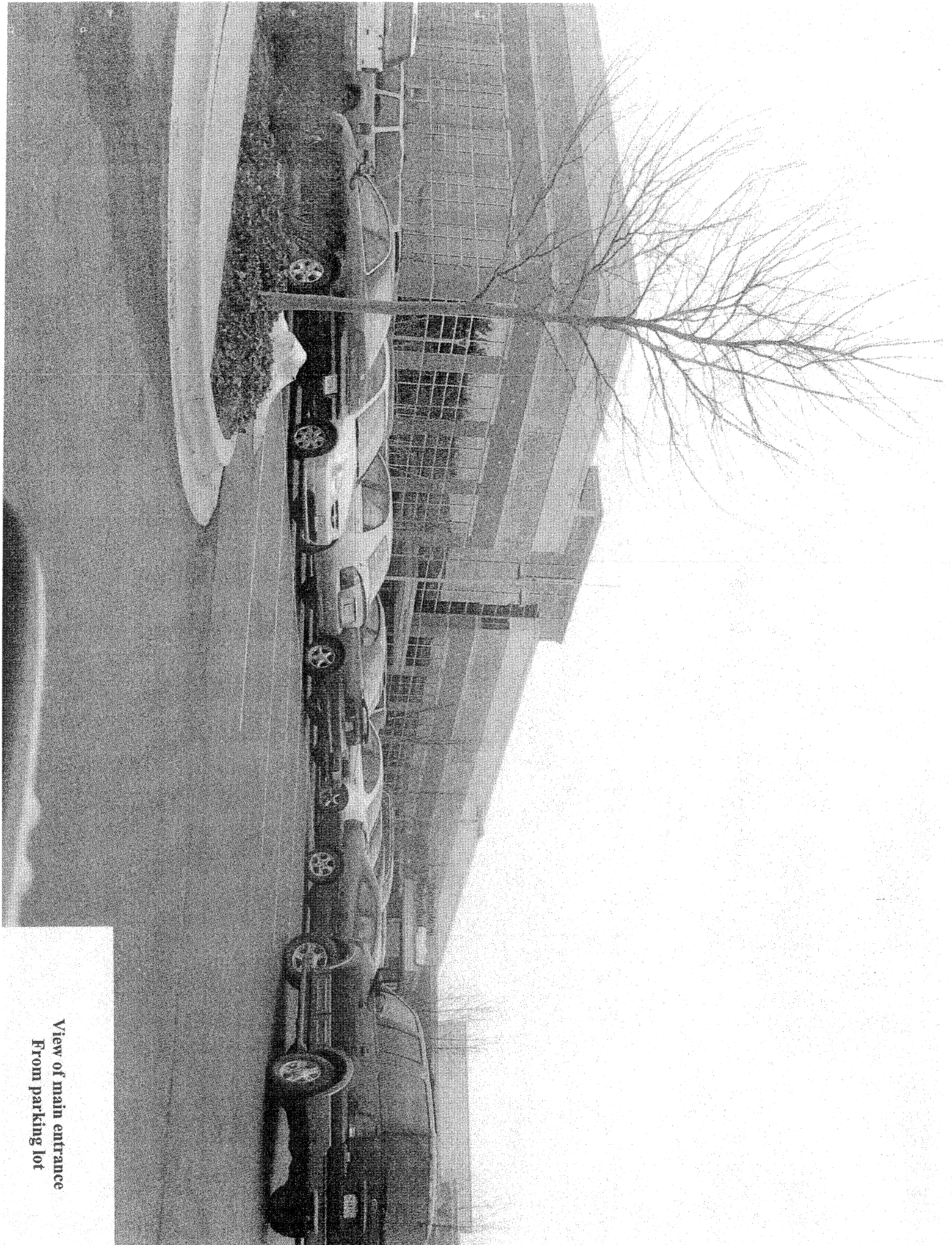
SHADY GROVE ADVENTIST MEDICAL CENTER
FIRST FLOOR
GERMANTOWN, MARYLAND
JANUARY 1, 2006
29, 871 RSF
JOB # 2513



View of main entrance of building



Southeast corner;
Special exception area seen in
Fore front of photo



View of main entrance
From parking lot



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

ATTACHMENT 7

June 22, 2007

MEMORANDUM:

TO: Carlton Gilbert, Planner
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ki H. Kim, Planner
Ed Axler, Planner *EA*
Transportation Planning

SUBJECT: Special Exception Application No. S-2700
Germantown Pharmacy
Germantown Town Center

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition. The subject special exception is for permitting operation of a pharmacy within the existing Shady Grove Adventist Medical Center at 19735 Germantown Road (MD 118), Suite 175 in the CT zone.

RECOMMENDATION

Transportation Planning staff recommends limiting the special exception use to a drug store of 1,400 square feet, as described in the petitioner's Statement of Operations.

DISCUSSION

Based on information contained in the petitioner's traffic statement, the proposed pharmacy will be located in a suite within one of the two existing Shady Grove Adventist Medical Center buildings that had previously received APF approval. The APF test for the overall medical center was approved by the Planning Board on November 8, 2001 as Preliminary plan No. 120070030, Germantown Gateway. The existing emergency health care land use was approved for this site as Site Plan No. 82002010B, Germantown Professional Building, by the Planning Board on May 29, 2003.

The petitioner's Statement of Operations also specifies that:

1. The target market area for the proposed pharmacy is the patients of the medical practitioners located in the Shady Grove Adventist Medical Center. Thus, most trips should not be "new" trips to this the proposed pharmacy.
2. The weekday hours of operations are from 8:30 a.m. to 7:00 p.m. with employees arriving at 8:00 a.m. Thus, the proposed pharmacy would generate trips within the weekday morning (6:30 a.m. to 9:30 a.m.) peak hours and evening (4:00 p.m. to 7:00 p.m.) peak hours.

Using trip-generation rates from the Institute of Transportation Engineers' *Trip Generation Report*, the number of peak-hour trips generated by a 1,400-square-foot medical-dental office use is compared with an equivalent-sized pharmacy without a drive-through window below:

Land Use	Weekday Peak-Hour Trips			
	Morning (6:30 a.m. to 9:30 a.m.)		Evening (4:00 p.m. to 7:00 p.m.)	
	New	Total	New	Total
Proposed Pharmacy without a Drive-Through Window	2	5	5	12
Approved Medical-Dental Office	- 3	- 3	- 5	- 5
Net Change in Peak-Hour Trips	-1	+2	0	+7

Total trips include new, pass-by, and diverted trips. New trips occur when the land use is the primary origin or destination of the trips. Pass-by trips occur when travelers stop at this site on their way to another land use along MD 118. Diverted trips are along routes that travelers change slightly to stop at the proposed pharmacy for a secondary trip purpose. Thus, staff estimates that approximately 60% of the trips generated by this special exception use would be trips already destined to one of the two medical office buildings. Given the net change in peak-hour new trips from the table above, the new trips generated by this proposed pharmacy would be less or equal to the number of trips generated by the previously approved medical office use.

A traffic study is not required to satisfy the Local Area Transportation Review test because the proposed pharmacy would not generate any additional peak-hour trips during the weekday morning and evening peak hours.

The existing uses in the Shady Grove Adventist Medical Center building and the existing access from MD 118 to the building are not be affected by operation of this proposed pharmacy.

MD 118 is classified in the *Germantown Master Plan* as a six-lane major highway, M-61, with a minimum 120-foot wide right-of-way. The *Countywide Bikeways Functional Master Plan*

recommends a dual bikeway (a shared use path and a signed-shared roadway), DB-25, along MD 118.

No changes to the pedestrian access or circulation system serving the medical office building are proposed.

CONCLUSION

Transportation staff concludes that the approval of the subject special exception petition will not adversely affect the surrounding roadway system with the condition identified above.

KK:EA:DH:tc



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 18, 2007

MEMORANDUM

TO: Carlton Gilbert, Planner/Coordinator
Development Review Division

VIA: Sue Edwards, Team Leader, I-270 Team *Sue*
Community-Based Planning Division

FROM: Pamela Johnson, Planner/Coordinator, 301-495-4590 *PJ*
Community-Based Planning Division

SUBJECT: Community-Based Planning Review of Special Exception
Application S-2700 for a "Pharmacy/Drugstore" at 19735
Germantown Road, Germantown

Description of Proposal: The applicant, Hannah DiBonge, is proposing to operate a full-service pharmacy in the existing three-story medical office building, known as the "Shady Grove Adventist Medical Center," at 19735 Germantown Road (MD 118) in Germantown. (The Landscape Plan No. 8-02010B was approved by the Planning Board on May 29, 2003 for this building, which was originally called the "Germantown Professional Building". See Attachment 1). The business will have a maximum of 17 employees, with no more than five per shift. Operating hours will be from 8:30 a.m. to 7:00 p.m. Monday to Friday, and 8:30 a.m. to 2:00 p.m. on Saturday; employees will arrive at work at 8:00 a.m. The pharmacy will be closed Sundays. The pharmacy will contain 1,400 square feet and will be located in the building's southeast corner in the first floor lobby. (Attachment 2) No exterior access will be provided to the business; all access will be through the front entrance door to the Medical Center from the main lobby. (See Attachment 3)

The Shady Grove Adventist Medical Center is adjacent to the Shady Grove Adventist Emergency Medical Clinic. The adjacent joint parking lot for the medical complex contains over 300 parking spaces; direct vehicular access to the complex is from Germantown Road. The Medical Center property is zoned C-T for Commercial-Transitional use, which is intended for low-intensity commercial buildings providing a suitable transition between one-family residential areas and high-intensity commercial development.

Situated in the midst of the Town Center, the Medical Center is surrounded by other commercial and retail uses along Germantown Road. A daycare center is located to Center's immediate northeast on C-T-zoned property, and a restaurant and a bank,

respectively, are to the immediate southwest on C-3-zoned-property for highway commercial use. A car dealership and other commercial/retail properties in the Town Center are across Germantown Road from the subject site on land zoned T-S for Town-Sector use, and the Colony Apartments is south of the complex on PD-13-zoned land (for planned development at a density of 13 units per acre).

Conformance with Comprehensive Plan—The proposal is consistent with the land-use and zoning recommendations of the 1989 Approved and Adopted Germantown Master Plan. (Attachment 3) The subject site is located in the Town Center area of Germantown in Analysis Area TC-3. The site conforms with the Plan's statement on page 39 that the Analysis Area is suitable for "highway commercial" use, and for "office" use, and for "C-5" or "C-T" zoning. Staff believes that the proposed medical support service at the subject location, with its existing approved landscape, complies with the following Plan statements on page 41 regarding Area TC-3.

This Analysis area is appropriate for office buildings up to three stories in height in order to form a transition between the Town Center and the adjacent garden apartments. Any retail uses in this Analysis area should not establish a fragmented development pattern and should not conflict with the intent of the Village Centers and Town Center.

Planning for this Analysis Area should reflect its strategic location on a major entryway into Germantown. Building setbacks, landscaping along the commercial and road edge, and the screening of parking areas are important to achieve a visually pleasing entryway. These elements are also necessary to achieve compatibility with existing and proposed uses along this portion of MD 118.

Compatibility--In addition to its conformance with the Master Plan, the proposed use will be compatible with its adjacent community. The proposed use will be located in an existing building surrounded by uses of similar intensity. Sufficient parking is available on-site to accommodate the requested use and vehicular access is available on a major roadway. No significant adverse impacts are expected on adjacent residential areas or on other neighboring properties. Many of the pharmacy customers will already be visiting medical offices at the Center and thus their pharmacy visits will create no external impacts. Further, a pharmacy at this location should provide a convenience to these customers with minimal additional vehicular trips.

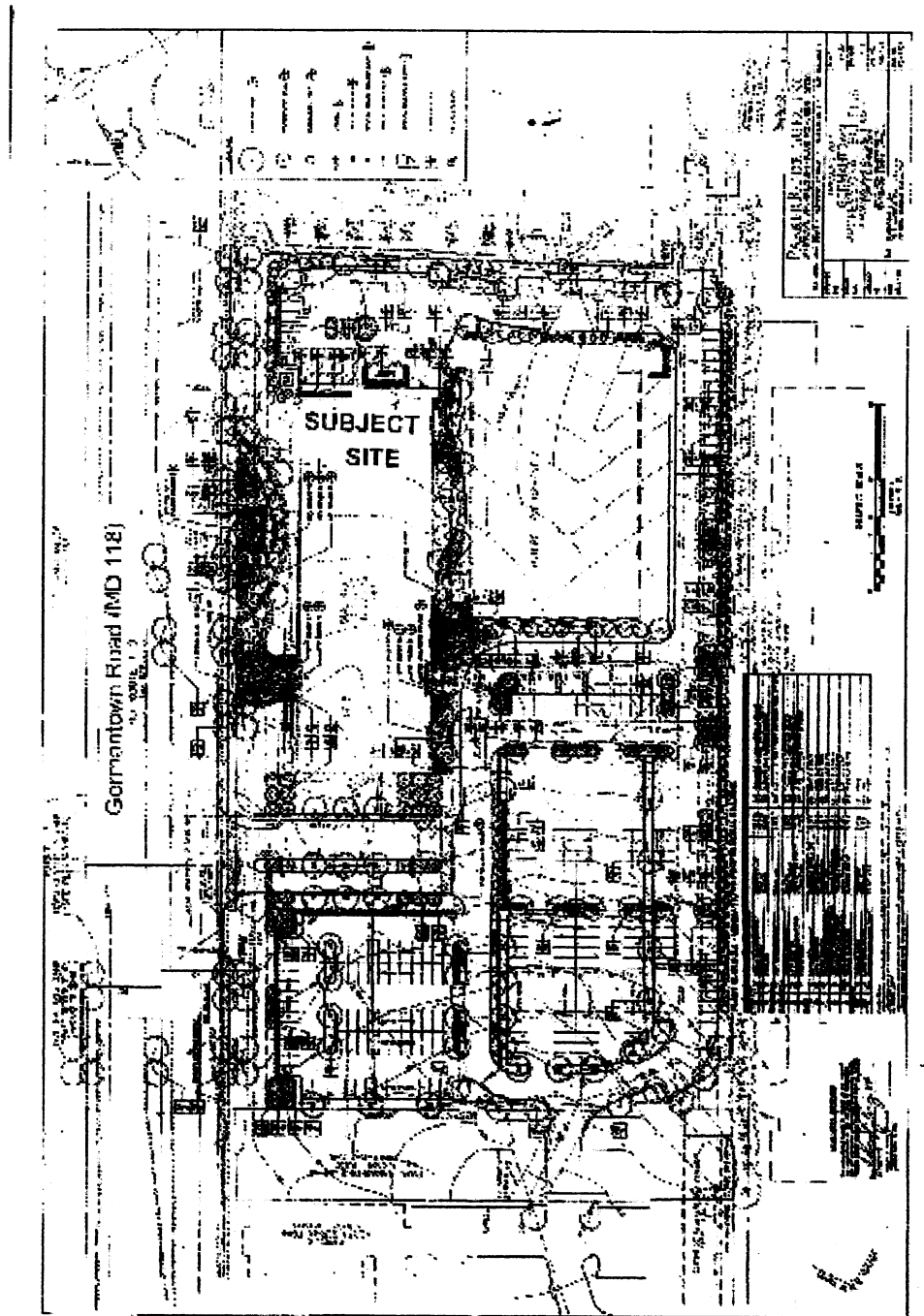
Attachments:

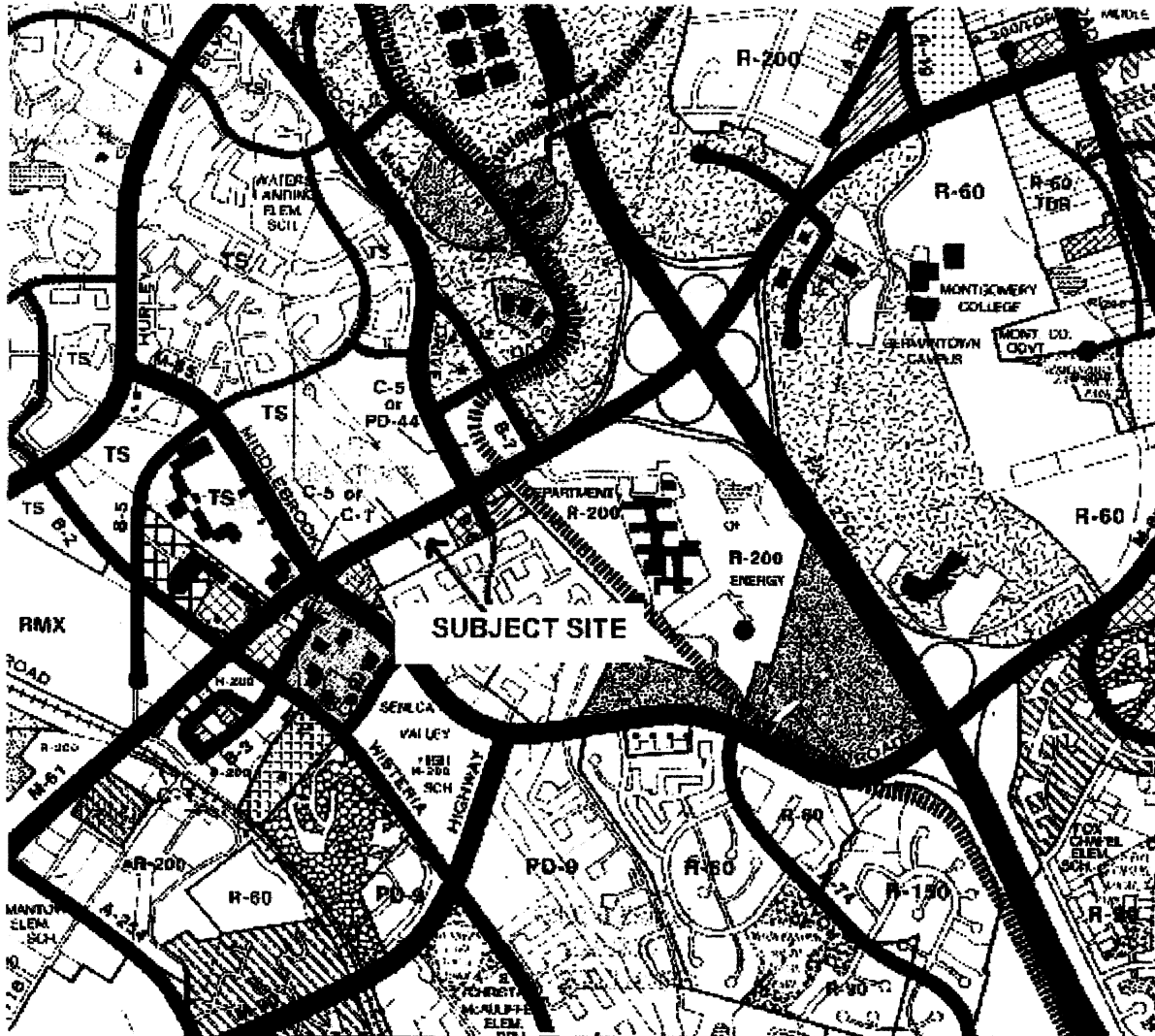
1. Approved Landscape Plan for Germantown Professional Building
2. 1989 Germantown Master Plan
3. Photo of Entrance Area to 19735 Germantown Road

G:\Johnson\s2700

Site Plan for Germantown Professional Building
#8-02010b
Approved by Planning Board on May 29, 2003

ATTACHMENT 1





**Comprehensive Amendment
to the Master Plan
for Germantown**
Submitted to the Board of Supervisors

Zoning and Highway Plan

© The Maryland-National Capital Park and Planning Commission

ATTACHMENT 3

Photo of Entrance Area to 19735 Germantown Road



(Center of Photograph)



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

MEMORANDUM

DATE: April 12, 2007

TO: Carlton Gilbert, Development Review Division

VIA: Jorge Valladares, Environmental Planning

FROM: Michael Zamore, Environmental Planning

SUBJECT: Board of Appeals Petition No. S-2700
Retail and Service Establishment, 19735 Germantown Road, Germantown

Environmental Planning staff has reviewed the case referenced above. Staff recommends **approval**.

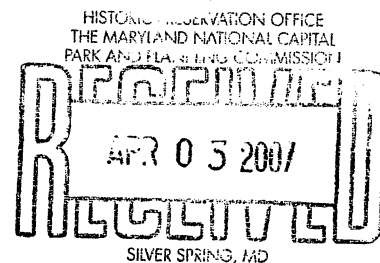
Summary

An approved Natural Resources Inventory/Forest Stand Delineation (No. 42001337), an approved Final Forest Conservation Plan, and an approved Preliminary Plan (No. 12002003 approved November 8, 2001) already cover the site. This special exception request does not require additional NRI/FSD and forest conservation application. The proposed facility will be located on the first floor of an existing building. The proposed use is not expected to cause any adverse environmental impacts.



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

0000000150
SILVER SPRING, MD



MEMORANDUM

DATE: March 30, 2007

TO: John Carter, Community Based Planning Division
Melissa Banach, Strategic Planning Division
Tom Vanderpoel, Community Based Planning Division
Mary Dolan, Environmental Planning Division
Daniel Hardy, Transportation Planning Division
Tanya Schmieler, Park Planning and Development Division
Karl Moritz, Research & Technology Division
Gwen Wright, Historic Preservation Unit
Taslima Alam, Development Review Division
Sue Edwards, Community Based Planning Team 3

FROM: Carlton Gilbert
Development Review Division

SUBJECT: Board of Appeals Petition No. S-2700

Special Exception Request: For a retail and service establishment (Drug Store).

Location: 19735 Germantown Road, Germantown

Zone: C-T

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, May 28, 2007** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

Community Based Planning: 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

Environmental Planning: 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

Transportation Planning: traffic impact and adequacy of road network affected by request.

Park Planning & Development: impact on existing or proposed park areas.

Development Review: applicable subdivision requirements.

*will not impact
any historic resources
John Moritz*



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

MEMORANDUM

DATE: March 30, 2007

TO: John Carter, Community Based Planning Division
Melissa Banach, Strategic Planning Division
Tom Vanderpoel, Community Based Planning Division
Mary Dolan, Environmental Planning Division
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Tanya Schmieler, Park Planning and Development Division
Karl Moritz, Research & Technology Division
Gwen Wright, Historic Preservation Unit
Taslima Alam, Development Review Division
Sue Edwards, Community Based Planning Team 3

FROM: Carlton Gilbert
Development Review Division

No comments

SUBJECT: Board of Appeals Petition No. S-2700

619-40,

Special Exception Request: For a retail and service establishment (Drug Store).

Location: 19735 Germantown Road, Germantown

Zone: C-T

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, May 28, 2007** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

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