





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


CONSENT ITEM
MCPB 9/20/07

MEMORANDUM

DATE: September 7, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief 
Robert Kronenberg, Acting Supervisor 
Development Review Division

FROM: Joshua Sloan, Coordinator 
Development Review Division
(301) 495-4597

REVIEW TYPE: Site Plan Amendment

PROJECT NAME: Westech Village Corner, Pad 3, Panera Bread

CASE #: 82005022D

APPLYING FOR: Amendment to construct a 5,262 square foot restaurant.

REVIEW BASIS: Div. 59-D-3.7, Montgomery County Zoning Ordinance

ZONE: I-1 (8.54 acres), RE-2 (0.35 acres), and U.S. 29/Cherry Hill Overlay Zone

LOCATION: East side of the intersection of Tech Road and Prosperity Drive

MASTER PLAN: Fairland

APPLICANT: Lemek, LLC

FILING DATE: May 8, 2007

HEARING DATE: September 20, 2007



STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 82005022C and approval of the attached draft Planning Board Resolution for Site Plan 82005022D.

BACKGROUND

Original Site Plan Approval

Site Plan 82005022 for Westech Village Corner was approved with conditions by the Planning Board on June 2, 2005. The approved plan proposes a retail/commercial development on 8.54 acres of land. The total gross building area for the development is 86,700 square feet. Of this total square footage approximately 24,000 square feet is dedicated to restaurant space, 15,000 square feet to casual retail space, 5,000 square feet to a bank with a drive-through, and the remainder (42,700 square feet) is commercial space. All of these uses are or will be contained within seven freestanding buildings on separate pad sites. Small plazas with trees and sitting areas are interspersed throughout the site, which has a "main street" pedestrian sidewalk that ties together all of the restaurant and retail buildings. Vehicular access is provided at four points: two entrances from Broadbirch Drive and one entrance each from Tech Road and Prosperity Drive. Pedestrian connections are provided from each public street and adjacent sidewalks. The development is currently under construction.

Site Plan Amendments

As a condition of the original site plan approval, Condition 11b, the applicant is required to submit a site plan amendment for each of the individual buildings on the approved site plan.

Site Plan 82005022A was approved on August 9, 2005, for minor revisions to a bank building footprint, canopy, and landscaping on Pad Site 1.

Site Plan 82005022B was approved on November 14, 2006, for a freestanding restaurant building (TGI Friday's).

Site Plan 82005022C was approved on November 8, 2006 for a freestanding restaurant building (IHOP).

PROPOSED AMENDMENTS

The current applicant, Lemek, LLC, filed the subject site plan amendment 82005022D on May 8, 2007. The amendment proposes the construction of a Panera Bread Restaurant located on pad site 3. The proposed amendment requests the following modifications:

1. The building footprint has been reduced by 742 square feet and 1,274 square feet of outdoor patron area has been included.
2. Pedestrian circulation and paving have been modified to accommodate the new footprint and provide access to the dumpster area. This decreases the total amount of Green Area, the provision of which is required to be a minimum of

35% according to the Overlay Zone (10% for the underlying zone); the Applicant is maintaining a Green Area of 36%.

3. A storm drain outlet has been moved.
4. Vehicle access was added to the dumpster area.
5. Light poles have been moved slightly.
6. A four-foot high masonry wall has been added between the transformer pad and the building.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on May 17, 2007 (Attachment B). Staff did not receive any inquiry or comment regarding this amendment.

STAFF RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives or requirements expressed or imposed by the Planning Board for the originally approved site plan.

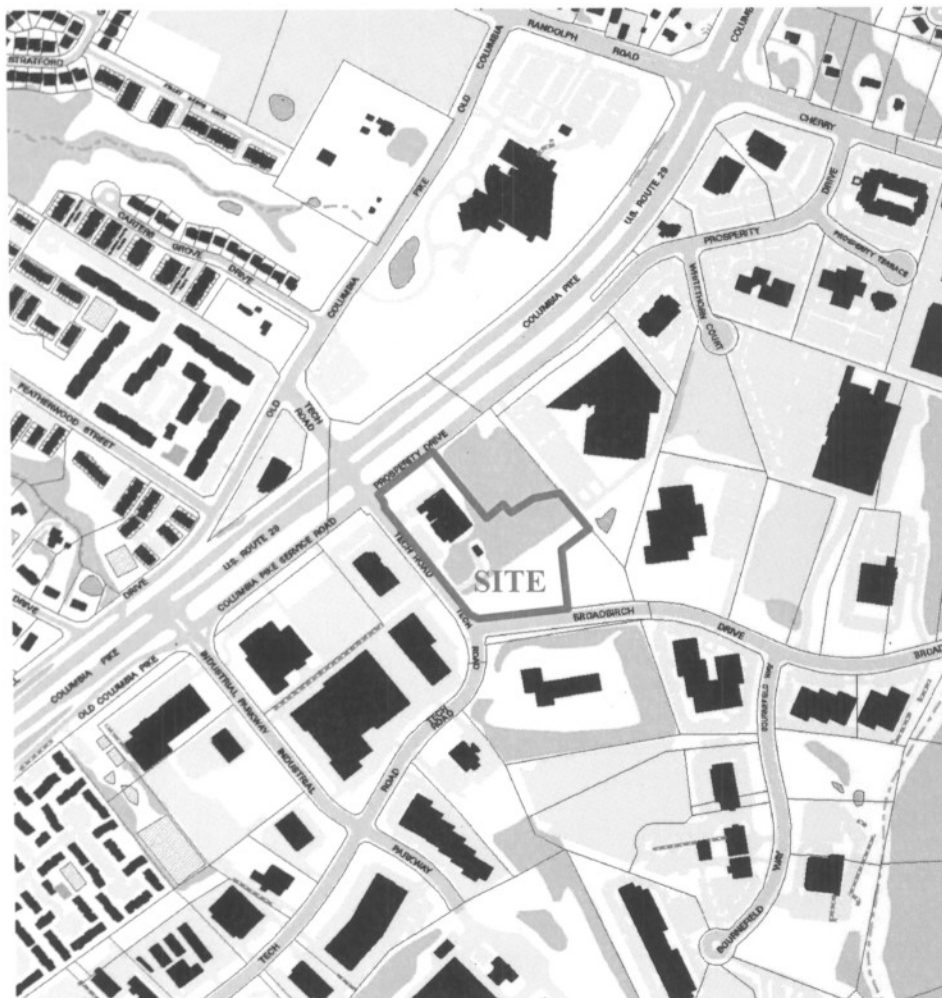
The modification of the building footprint and green space has been accounted for in the data table for the entire development. The other modifications to the site plan are a result of the changes to the building and site considerations.

Staff recommends **APPROVAL** of the Site Plan Amendment 82005022D for the WesTech Village Corner Pad Site 3.

ATTACHMENTS:

- A. Vicinity Map
- B. Public Notice
- C. Draft Planning Board Resolution

Attachment A: Vicinity Map



The Subject Property is located near the intersection of Rout 29 and Cherry Hill Road in the eastern quadrant of the intersection of Tech Road and Prosperity Drive along the northern boundary of the Overlay Zone. The Property consists of approximately 8.54 acres, of which 8.19 acres is zoned I-1 and 0.35 acres is zoned RE-2. The narrow strip of RE-2 zoned land is along the Prosperity Drive right-of-way and effectively creates a green buffer along the site's northwestern boundary. The Property is located within the Paint Branch Watershed (Use III), but does not contain any streams, wetlands, floodplains, or environmental buffers.

The surrounding vicinity contains a mix of light industrial, heavy industrial, commercial, and service uses. These uses include a self-storage facility to the northeast, the WestFarm Tech Park to the east, a Home Depot and Marriott Courtyard further to the northeast, and the SHA Tech Park to the south.

Attachment B

Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

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NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

Name of Plan: Westech Village Corner, Panera Bread, Pad Site 3

Plan Number: 8-2005022D

Current Zoning: I-1

Number of Proposed Lots/Area Included:

1 Lot, Panera Bread, located interior to 8.54 Acre Westech Restaurant Park

Geographical Location:

Eastern Quadrant of Tech Road and Prosperity Drive

The above referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change because of specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910-3760.

The Montgomery County Planning Board will hold a public hearing on the above referenced plan application to obtain public comment. Written notification of the public hearing date will be sent to you no later than ten days before the hearing

If you have any questions, please contact the Park and Planning Commission's Development Review Division at (301) 495-4595.

Sincerely,

Paul Newman



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-148

Site Plan No. 82005022D

Project Name: Westech Village Corner, Pad 3, Panera Bread

Hearing Date: September 20, 2007

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on May 8, 2007, Lemek, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005022D ("Amendment") for approval of the following modifications:

1. The building footprint has been reduced by 742 square feet and 1,274 square feet of outdoor patron area has been included.
2. Pedestrian circulation and paving have been modified to accommodate the new footprint and provide access to the dumpster area,
3. A storm drain outlet has been moved,
4. Vehicle access was added to the dumpster area,
5. Light poles have been moved slightly,
6. A four-foot high masonry wall has been added between the transformer pad and the building; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 7, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 20, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

WHEREAS, the Planning Board finds that the Amendment does not alter the overall design character of the development in relation to the original approval. And further, these modifications do not affect the compatibility of the development to its surrounding neighborhood; and

Approved as to
Legal Sufficiency:

 7 Sept 07
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82005022D; and

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 written resolution is _____ (which is the date that this opinion 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 written opinion, 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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