MCPB Item No.

Date: 03/19/15

CVS Germantown: Site Plan No. 81987058B

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Completed: 03/06/15

Description

J4C

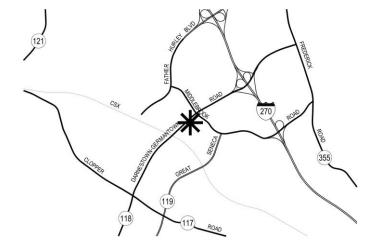
CVS Germantown: Site Plan No. 81987058B:

Request to construct a 13,225 square foot Drug Store, located at 12851 Wisteria Drive, in the eastern quadrant of the intersection of Wisteria Drive and Germantown Road (MD118), 3.94 Acres, CR Zone, Germantown Employment Area Sector Plan Staff Recommendation: Approval with Conditions

Applicant: JC Bar Properties **Submittal date:** 10/13/14

Review Basis: Chapter 59 (prior to October 30,

2014)



Summary

The Application proposes to replace two existing buildings with a CVS Drug Store, and revise the parking and loading areas.

- The Application is in substantial conformance with the 2009 Germantown Employment Area Sector Plan.
- Property is being reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, including the Property's former TMX-2 zoning which allows a certain level of development under the C-3 development standards. The Application conforms to all applicable standards of the C-3 Zone.
- The Application complies with all required site plan findings.
- There has been no stated opposition to the application.

RECOMMENDATION

Staff recommends approval of Site Plan Amendment No. 81987058B. 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.

Conformance with Previous Approvals

1. Site Plan Conformance

The Applicant must comply with conditions of approval for Site Plan No. 8-87058 and Site Plan No. 8-87058A, except as modified by this Amendment.

Environment

Stormwater Management

The Applicant must comply with the conditions of the Stormwater Management Concept submitted to the Montgomery County Department of Permitting Services (MCDPS) for review on June 11, 2014 and approved on July 22, 2014.

Open Space

3. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, the sidewalk and steps leading from the shared use path to the Subject Property.

Transportation & Circulation

4. <u>Vehicular and Pedestrian Circulation</u>

Prior to the issuance of a Use and Occupancy Certificate, the Applicant must:

- a. Construct a 10-foot shared use path on the south side of MD 118 along their entire frontage as shown on the Site Plan.
- b. Construct a 10-foot shared use path on the west side of Wisteria Drive along their frontage from Walter Johnson Road to MD 118 with appropriate ADA ramps.
- c. Construct a 6-foot wide pedestrian path from MD 118 to the Subject Property and connect with the internal sidewalk network as shown on the Site Plan.
- d. Provide and install a bicycle parking rack ("inverted U" rack or similar for five bicycles) in the location specified in the Site Plan.

Site Plan

5. Site Design

The exterior character, proportion, materials, and articulation must be substantially similar to the illustrative elevation shown on the Certified Site Plan.

6. Landscaping

Prior to issuance of a Use and Occupancy Certificate, the Applicant must provide a landscape treatment for the painted striped area at the main entrance to the building, subject to Staff review and approval.

7. On-site lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- 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.
- Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the light poles must not exceed 28 feet including the mounting base.

8. Surety and Maintenance Agreement

Prior to issuance of first building permit, the Applicant must provide a performance bond or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety will include all applicable materials and facilities, including, but not limited to plant material, a bicycle rack and on-site lighting, within the Subject Property.
- c. The Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimates.
- d. The bond/surety shall be tied to the development program, and completion of plantings and development will be followed by inspection and reduction of the surety.

9. Development Program

The Applicant must construct the 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. On-site amenities including, but not limited to, sidewalks, trash receptacles, and bicycle facilities must be installed prior to release of any Use and Occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must <u>not</u> occur prior to approval of the Sediment Control Plan. The development program must provide phasing for installation of on-site landscaping and lighting.
- c. The development program must provide phasing of stormwater management, sediment and erosion control, and other features.

10. 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. Include the forest conservation exemption approval letter, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Modify data table to reflect development standards enumerated in the Staff Report.
- c. Ensure consistency off all details and layout between Site and Landscape plans.
- d. Provide a landscape treatment for the painted striped area at the main entrance to the building.
- e. Include the final lighting plan.
- f. Include the approved Fire and Rescue plan.

11. Adequate Public Facilities Review

The Adequate Public Facility ("APF") review for the Site Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

CONTEXT AND PROPOSAL

SITE DESCRIPTION

The subject property is a record lot located at 12851 Wisteria Drive in the eastern quadrant of the intersection of Wisteria Drive and Germantown Road (MD 118) (Subject Property or Property). The Property is also referred to as "Germantown Center" and as Parcel "C", shown on Plat 13683, within the North Germantown subdivision. The Subject Property is approximately 3.93 gross acres (171,552 sf) in size and for the purposes of this Application is zoned TMX-2. Pursuant to Section to Section 7.7.1.B of the current zoning ordinance, Staff reviewed this Application under the standards and procedures of the zoning ordinance in effect on October 29, 2014.



Vicinity Map

("Zoning classifications applicable under the standards of the Zoning Ordinance in effect on October 29, 2014")

Existing Conditions

Germantown Center, the Subject Property, is an older strip commercial center comprising four buildings, including a Jiffy Lube and Rita's Italian Ice restaurant. Total on-site development is 26,943 square feet. There is a moderate slope to the Property from MD 118. Access to the Property is from Wisteria Drive and Walter Johnson Road, there is no access from MD 118. There are some street trees and landscaping present on the Property, and there are no large trees on or adjacent to the Property.

The Property is in the vicinity of other TMX-2 and RMX-2C Zoned properties and is bounded by MD 118 to the north, Walter Johnson Road to the south, commercial development to the east and Wisteria Drive to the West. The Germantown Plaza Shopping Center is located across MD 118 to the north and includes a grocery store, fitness store, bank, service station and other uses in the RMX-2C Zone. A car wash is adjacent to the Property to the northeast in the TMX-2 Zone. The TMX-2 Zoned property across Walter Johnson Road to the southeast is undeveloped. Across Wisteria Drive to the west is a financial institution in the TMX-2 Zone. An automotive service center in the RMX-2C Zone is located in the western quadrant of the intersection of MD 118 and Wisteria Drive.

The Property is within the Great Seneca Creek Watershed which has a USE I-P designation. The Property is not within a Special Protection Area and contains no environmental buffers, streams, other sensitive features including forested areas.



Aerial Photo

PROJECT DESCRIPTION

Previous Approvals

The Montgomery County Planning Board (Planning Board) approved Site Plan No. 8-87058 for the Property on February 1, 1988. The Site Plan was amended on December 4, 2005, by Site Plan No. 8-87058A, to permit the conversion of an existing bank drive-thru to a Rita's Italian Ice restaurant.

Proposal

The Applicant proposes to demolish two existing buildings on the Property:

- 17,274 square-foot L-shaped building located in the center of the Property, and
- 4,594 square-foot building located on the corner of MD 118 and Wisteria Drive.

The buildings will be replaced with a 13,225 square-foot drug store and revised parking and loading areas. The proposed CVS Pharmacy will be centrally located within the Property, and have a single drive-thru lane that extends counter-clockwise around the building along MD 118. The Jiffy Lube and Rita's Italian Ice buildings, and the parking associated with those uses will be retained. The main entrance to the Property is from Wisteria Drive, and two full movement access points are located from Walter Johnson Road. These access points will remain in their current location. Vehicular access is to the Property from MD 118 is not allowed.

The Site Plan shows a 10 foot-wide shared use path along MD 118 in accordance with the Sector Plan, and also shows a sidewalk and steps leading from the shared use path to the front sidewalk and door of the pharmacy. There will also be a 10-foot wide shared use path along Wisteria Drive which will include new lead-in sidewalk to the Property.



Site Plan

Building

The rectangular-shaped, 13,225 square-foot drug store will have a height of 22 feet 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, and two panels of three windows are located on either side of the main entrance with signage incorporated above. There are slight variations in the roofline and along the building elevations to add visual interest. A drive-up pharmacy window is located at the angled rear corner of the building.



Elevations

Environment

The project area contains no environmental buffers, streams, other sensitive features including forested areas. The property is within the Great Seneca Creek watershed, a USE I-P designation. The Countywide Stream Protection Strategy rates water quality in this watershed as good condition. The Application is in compliance with the Environmental Guidelines.

Site Access, Parking, and Public Transportation

The site is located at the southeast corner of Germantown Road (MD 118) and Wisteria Drive. Walter Johnson Road traverses the south side of the site and terminates in a dead end

approximately 200 feet east of the site. The main vehicular access to the site is currently located on Wisteria Drive about 150 feet south of the Germantown Road and Wisteria Drive intersection. There are two secondary vehicular access points from Walter Johnson Road. All vehicular site accesses are full movement and the Applicant is not proposing to change them. A six-foot wide pedestrian access is proposed to be constructed from the proposed 10-foot shared use path on Germantown Road into the site. Due to elevation changes and the short distance from the shared use path to the site, the pedestrian path will need stairs and will not be ADA accessible; however, there are other ADA accessible routes to the site.

The Applicant proposes to construct a 10-foot shared use path along eastbound Germantown Road along the frontage of their property. The path will neck down and meet the existing sidewalk pavement at the intersection of Germantown Road and Wisteria Road. This is due to the existing traffic signal pole and associated utility panels at the southeast corner of the intersection. The Applicant proposes to construct a 10-foot shared use path along northbound Wisteria Drive along their property frontage. Both of these shared-use paths are shown in the *Germantown Employment Sector Plan*.

Vehicular parking is being provided by an on-site surface lot. There are 67 parking spaces for CVS on the Property. Five bicycle parking spaces are being provided with an inverted U rack at the northwest corner of the building.

Montgomery County Ride-On routes 61 and 83 provide bus service on Germantown Road. Ride-On route 97 provides bus service on Wisteria Drive. Ride-On route 61 connects the Germantown Transit Center to the Shady Grove Metrorail Station with service every 20 minutes during the morning and evening peak commuting periods. The route runs approximately every 30 minutes Monday through Sunday during non-peak commuting periods. Ride-On route 83 runs every 30 minutes from the Holy Cross Germantown Hospital to the Germantown Transit Center Monday through Sunday. During the morning and afternoon peak commuting periods the route is extended to the Germantown MARC Station. Ride-On route 63 runs every 30 minutes from the Shady Grove Metrorail Station to the Rockville Metrorail Station Monday through Friday. There are two bus stops adjacent to the site. One is located on northbound Wisteria Drive and is just south of the main entrance to the site. The other is located on eastbound Germantown Road and is a bus shelter. The bus shelter stop will be moved further back from the road in order to accommodate a 10-foot shared use path. Direct access from the bus shelter to the site is provided via the new pedestrian connection from the shared-use path on Germantown Road or from the shared-use path along Wisteria Drive, which is ADA accessible.

Master Plan Transportation Facilities

The 2009 Approved and Adopted *Germantown Employment Area Sector Plan*, and the 2005 *Countywide Bikeways Functional Master Plan* includes the following nearby roadway/bikeway facilities:

- Germantown Road (MD 118): A major highway (M-61) with six divided travel lanes (three in each direction) and a minimum right-of-way of 150 feet. The Bikeways and Germantown Employment plans both call for a dual bikeway (DB-25) with a shared-use path and signed shared roadway. The Germantown Employment plan mentions that the sidewalk on Germantown should be 8-feet wide. Based on the recently adopted County Council Bill 33-13, the shared-use path that is being constructed by the Applicant is now 10 feet.
- Wisteria Drive: A business district street (B-2) with four divided travel lanes (two in each direction) and a minimum right-of-way of 112 feet. The Germantown Employment plan shows a dual bikeway (DB-33) designation on this road with a shared-use path and signed shared roadway.
- Walter Johnson Drive: A business district street (B-3) with two travel lanes (one in each direction) and minimum right-of-way of 80 feet. The bikeway designation (LB-9) called out in the Germantown Employment plan is for Walter Johnson on the west side of Wisteria Drive.

Adequate Public Facilities Review (APF)

Local Area Transportation Review (LATR)

The Subject Property is replacing 21,868 square feet of existing retail space with a 13,225 square foot pharmacy. As conditioned, the proposed 13,225 square foot pharmacy with one drive-through does not trigger LATR as the change in use will only generate 6 new peak-hour trips during weekday morning peak period and a decrease of 29 peak-hour trips during weekday evening peak period. The threshold for an LATR review, according to the *LATR & TPAR Guidelines*, is 30 net new additional trips. The peak-hour trip generation estimate for the proposed development was based on trip generation rates included in the *LATR & TPAR Guidelines and Trip Generation Manual (ITE, 9th Edition)* and a trip generation summary is presented in Table XX.

Table XX: Site Trip Generation

		AM Peak Hour		PM Peak Hour			
Development	Sq. Ft.	In	Out	Total	In	Out	Total
Retail Pharmacy (ITE-881)	13,225	24	22	46	66	66	131
General Retail (M-NCPPC)	21,868	<u>19</u>	<u>21</u>	<u>40</u>	<u>83</u>	<u>77</u>	<u>160</u>
Net Total Trips		5	1	6	-18	-11	-29

Transportation Policy Area Review (TPAR)

The Property is located in the Germantown Town Center Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Germantown Town Center is adequate under the roadway test but inadequate under the transit test. MCDPS assesses points to the transportation impact tax based on square footage increase. Even though the change in use will generate six additional trips in the AM peak hour, the Applicant is reducing the square footage of the building; therefore, no TPAR payment is required.

The Site Plan has been evaluated by Staff, which supports the transportation elements for the use. Staff finds the existing accesses to the site, as shown on the Site Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal and external pedestrian circulation and walkways as shown on the Site Plan will provide adequate movement of pedestrian and bicycle traffic.

ANALYSIS AND FINDINGS

 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.

None of the above plans were required for the subject site.

2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.

The site is presently zoned CR-2.0, C-1.0, R-1.5, H-100. The site was formerly zoned TMX-2. Since the Application was filed before October 30, 2014, the Applicant seeks approval under the provisions in the TMX-2 Zone.

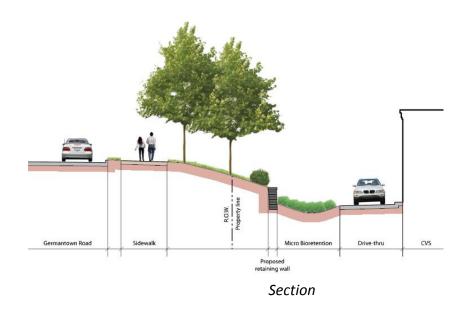
In accordance with the provisions in the TMX-2 Zone, the Applicant seeks approval under the development standards of the C-3 Zone. Section 59-C-14.26 (c) of the Zoning Ordinance states that "(Development under a preliminary or site plan approved before adoption of the applicable Sectional Map Amendment remains valid, and construction may proceed subject to applicable approvals under the standards of the previous zone. A preliminary or site plan approved before adoption of the applicable Sectional Map Amendment may, at the option of the applicant, be amended after the adoption of the applicable Sectional Map Amendment under the standards of the previous zone or under the TMX zone standards. However, any enlargement of a proposed building that is more than 10 percent of the approved gross floor area or 7,500 square feet of construction, whichever is less, must comply with the standards of the TMX Zone".

Site Plan 8-870580 for the Subject Property was approved for a retail center in the C-3 Zone on February 1, 1988, before adoption of the applicable SMA (G-887), to the TMX-2 Zone on May 18, 2010. The proposed Site Plan amendment also reduces the existing gross floor area on the Property by approximately 8,643 square feet. Therefore, development is allowed to proceed under the standards of the previous C-3 Zone.

The purpose of the C-3 Zone is to provide a method for the orderly grouping and spacing of commercial development on properties which abut or front on, and have access to, heavily

travelled major highways with a planned or existing pavement of at least 6 lanes, or on properties which are recommended for such zoning on approved and adopted master plans or which are adjacent to properties previously or concurrently zoned C-3.

The proposed main building has frontage on MD 118. In accordance Sec.59-C-4.365, all parking will be located to the side or rear of the main building. A driveway without parking areas will be located in front of the building, consistent with Sec. 59-C-4.365(c).



The project meets all of the development standards in C-3 Zone as shown in the following table.

Project Data Table for the C-3 Zone Development Standards

Development Standard	Permitted/Required	Proposed for Approval
Building Height (feet)	42	22
Setbacks		
Building Setbacks (feet) (59-C-	10' minimum from R.O.W.	10' minimum from:
4.362)	Established in the Sector	MD 118/Wisteria Drive
	Plan	Walter Johnson Road
Parking Setbacks (59-E-2.71)		
Street Right-of-Way	10	10
Green Area (% of lot) (59-C-4.363)	10	22.6
Parking Facility Internal		
Landscaping (%)(59-E-2.73)	5	8.3

Parking Spaces (59-C-4.365), (59-	Minimum spaces for CVS:	Total parking spaces
E2.3) and (59-E-3.7)	5 spaces for each 1,000	provided
	gross leasable square feet	for CVS
	= 67 spaces	= 67 spaces
	Minimum spaces for	Total parking spaces for
	entire shopping center	Entire shopping center
	property = 107 spaces	property = 116 spaces
	Bicycles = 6 spaces	Bicycles = 9 spaces

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

a. Locations of buildings and structures

The proposed building location, open space, landscaping and pedestrian and vehicular circulation systems are adequate, safe, and efficient. The proposed 13,225 square-foot CVS is rectangular in design and has a smaller footprint than existing L-shaped building which will be demolished. The CVS will be sited in the same general location as the building it replaces, and will have a single-lane pharmacy drive-thru that extends counter-clockwise around to the rear of the building.

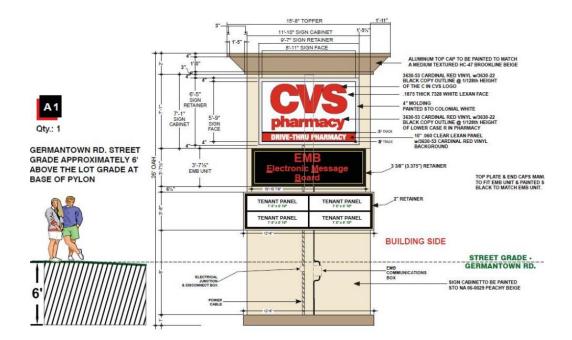
b. Open Space

Development standards for the C-3 Zone require 10 percent green space on the Property and 5 percent of the parking facility to be landscaped. The proposed plan will have 22.6 percent green space and 8.3 percent internal landscaping for the parking facility.

c. Landscaping and Lighting

The mature street trees along MD 118 east of the proposed pedestrian access will be retained. Street trees and other landscaping will be provided along the edges of the parking lot at the corner of MD 118 and Wisteria Drive. The two on-site stormwater management facilities will also be substantially landscaped with trees, shrubs and grasses. Staff recommends that a landscape treatment be provided for the large striped asphalt area in front of the building's entrance.

Lighting of the Property consists of freestanding pole lights with full cutoffs. Most of the pole lights will be about 17 feet in height, with several having a height of 28 feet. Wall mounted lighting will be located around the building's perimeter. The on-site lighting is safe and efficient and the illumination levels do not exceed 0.5 footcandles (fc) at any property line. The Site Plan shows that a pylon-type sign will be located on the corner of MD 118 and Wisteria Drive. The proposed CVS Pharmacy sign is 28 feet in height and includes an electronic message board and a tenant panel for four additional uses located within Germantown Center.



Project Signage

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

The proposed development is compatible with the two on-site site buildings and uses, the adjacent and confronting uses as well as pending development plans in regards to: building materials and height; screened parking areas from adjacent streets; building setback from MD 118; and signage.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

Forest Conservation

The project is exempt from submission of a forest conservation plan. A forest conservation exemption (#42015113E) was granted under the provisions of Section 22A-5(t) as "a modification to an existing non-residential developed property". The exemption was confirmed on January 29, 2015. The Application is in compliance with Chapter 22a.

6. The site plan meets all provisions established under Section 50-35(k) of the Subdivision Regulations (Adequate Public Facilities)

The redevelopment of a portion of the shopping center for a pharmacy reduces the square footage of the existing commercial square footage. The applicant's traffic statement

indicates that in the morning peak hour trips will increase by six trips. Given the limited number of new peak hour trips, the application is exempt from LATR and is not subject to TPAR. All other public facilities, including water, sewer, police, fire, and health clinics are operating at an adequate capacity according to the adopted FY 2015 Subdivision Staging Policy.

Master Plan

The Subject Property is located within the boundaries of the Germantown Employment Area Sector Plan and falls within the Town Center Core District. The Sector Plan recommended rezoning of the Property from C-3 to TMX-2 to create a consistent zoning pattern with non-residential development limited to 1.0 FAR. Access to these properties will be from Wisteria Drive or Walter Johnson Road; no access will be granted from MD 118. In accordance with the Sector Plan, the Property will not have vehicular access from MD 118.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Applicant made a presentation to the Up County Citizens Advisory Board at the Up County Regional Services Center on November 18, 2013, and also held two subsequent meetings at the Center – only the landlord's representative attended the meetings. Staff has not received correspondence on this matter.

CONCLUSION

Staff recommends approval of the Site Plan Amendment subject to the conditions noted in the staff report.

Attachments

- Forest Conservation Exemption letter
- Site Plan

O: Area 3/Regulatory Planning/CVS Germantown/Final Staff Report/CVS Germantown 81987958B Final



July 7, 2014

Mr. Jason Mitchell JC Bar Properties, Inc. 415 Fallowfield Rd., Suite 301 Camp Hill, PA 17011

Re: Forest Conservation Exemption Request Property Name: CVS Germantown Plan Number: 42014201E

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on May 29, 2014 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because the site is a modification to an existing developed property: (1) the modification will not remove move than 5,000 square feet of forest, (2) does not affect any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan and (3) the modification does not require approval of a new subdivision plan.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If you have any questions regarding these actions, please feel free to contact by email at douglas.johnsen@montgomeryplanning.org or at (301) 495-4712.

Sincerely

Doug Johnson, PLA DARC Division

Ce: 42014201E

Matthew Jones (Bohler Engineering)

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