



Item # 2
MCPB
9.25.03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: September 22, 2003
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Mary Beth O'Quinn *MBO*
Planning Department Staff
(301) 495-1322



REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of a total of 199,529 square feet of commercial space for retail use, of which 26,015 square feet is new additional retail space and 61,206 square feet is partial re-development of the existing retail space of 173,514 square feet

PROJECT NAME: Germantown Commons
CASE #: 8-85066A
REVIEW BASIS: Site Plan required in the Town Sector Zone [§59-C-7.21]
Waiver to allow Building Construction across a Lot Line [§59-C-7.28(d)]
Approval of Off-Site Parking [§59-E-3.4]

ZONE: Town Sector Zone
LOCATION: NW Quadrant of Germantown Road (MD118) and Middlebrook Road
MASTER PLAN: Germantown
APPLICANT: Stoltz Management of Delaware, Inc.
FILING DATE: June 13, 2003
HEARING DATE: September 25, 2003

STAFF RECOMMENDATION: Approval of a total of 199,529 square feet of commercial space for retail use, of which 26,015 square feet is new additional retail space and 61,206 square feet is partial re-development of the existing retail space of 173,514 square feet, with the following: 1) a waiver of the requirements of §50-20(b) of the Montgomery County Code pursuant to §59-C-7.28(d) of the Montgomery County Zoning Ordinance to allow 8,379 sf of building construction crossing a lot line, 2) off-site parking, per §59-E-3.4, and 3) the administrative approval of minor subdivision plan, subject to the following conditions:

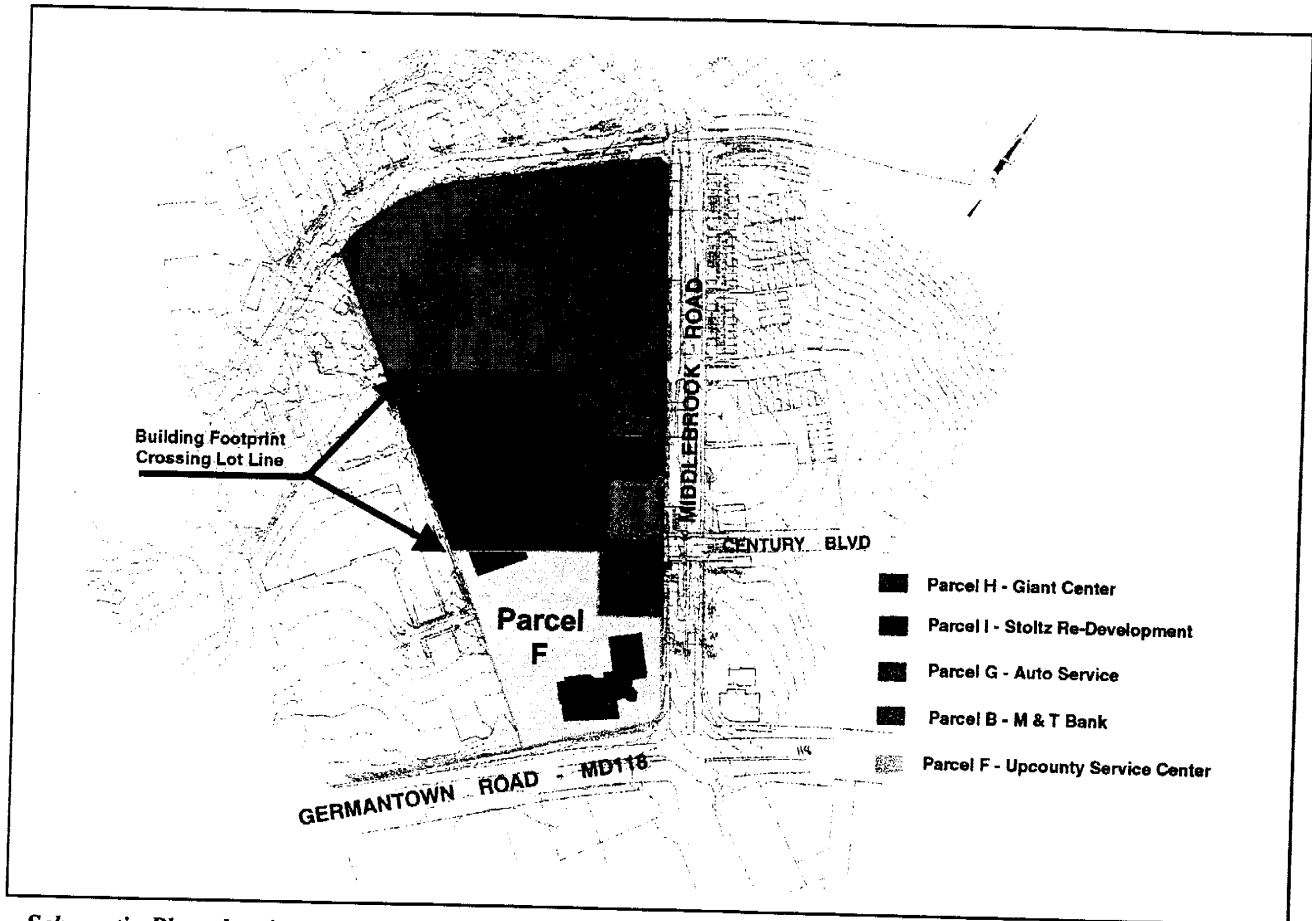
1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated June 10, 2003.
2. Transportation Planning
 - a. Limit the total development to the following uses and density:
Total development of 199,529 square feet commercial space, including 26,015 sf additional new development and 61,206 sf of re-development for commercial use;
 - b. Participate in constructing a separate southbound right-turn lane, a second northbound left-turn lane, and re-stripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the intersection of Germantown Road (MD 118) and Wisteria Drive;

- c. Participate in constructing a second westbound left-turn lane, a second northbound left-turn lane, modify signal to eliminate eastbound-westbound split phasing at the intersection of MD118 and Middlebrook Road;
 - d. Participate in removing the channelized island located in the northeast quadrant of this intersection;
 - e. Provide a bus shelter along the street frontage on Middlebrook Road, subject to review and approval of M-NCPPC staff, DPS, and DPWT;
3. Signature Set
 Prior to signature approval of the site/landscape plans the following revisions under #3, #4, and #5 must be made and/or information provided on the site plan and landscape plans, subject to staff review and approval:
- a. Provide site and landscape plans showing all parcel lines, lot lines, easements, and ROWs;
 - b. Provide a plan for the supplemental parking area, showing the location and number of spaces, and the walking distance to the site;
 - c. Verify any covenants and/or agreements pertinent to the applicable cross-parking easements;
 - d. Provide a copy of the easement related to encroachment of the retail building onto Parcel F and record the updated easement in the land records of Montgomery County if necessary;
 - e. Record in the land records a minor record plat under Section 50-35A Subdivision Regulations for the adjustment of the existing lot line, prior to the release of the building permit by Montgomery County Department of Permitting Services;
 - f. Provide the development program inspection schedule.
4. Site Design
- a. Relocate the pedestrian crosswalk connecting Parcel F and Parcel I approximately 30 feet to the east to provide space for additional street trees;
 - b. Relocate the pedestrian path at the Locbury Drive right-of-way eastward and provide pedestrian landing;
 - c. Provide special paving per the Germantown Streetscape standard as follows:
 - i. Sidewalks on both sides of Century Boulevard, including the driveway at the curb cuts;
 - ii. Handicapped ramps on Century Boulevard and along the internal driveway at the store frontage;
 - iii. The "south" public amenity area at the south façade of the building at the Parcel I-F lot line;
 - iv. The "north" public amenity area at the north façade of the building at the Parcel I-H lot line;
 - v. The walkway connection between the north public amenity area and the rear parking lot;
 - d. Provide details, including dimensions and materials for furnishings and fixtures, and monument signage; verify setback conformance for monument signage;
5. Landscape Design
 Provide the following additional Landscaping:
- a. Century Boulevard Public Street Extension
 - i. Provide nine additional Red Oak street trees within curbside tree panels: eight trees on the north side and one tree on the south side; provide trees at 3-3.5-inch caliper at the time of planting;
 - ii. Provide an additional eight street trees along internal driveway at the store frontage; provide Honey Locust street trees at the store frontage;
 - b. South Public Amenity Area
 - i. Provide landscape plan at 10:1 for the entire south amenity area; show grading and paving;
 - ii. Provide three more shade trees to provide adequate shade for the public seating;
 - iii. Provide three additional coniferous trees and three deciduous trees for the planting area within Parcel F landscape area across from the public amenity area;
 - c. North Public Amenity Area
 - i. Provide landscape plan at 10:1 scale for the entire north amenity area, including the sidewalk; show grading and paving; show lighting and seating; provide new ground cover and 4 new shade trees;
 - d. Internal Private Drive
 - i. Provide a drawing showing Germantown Streetscape at 1:10 scale

- ii. Provide an architectural façade trellis for each section of blank building wall between retail entrance canopies; each trellis must be provided at adequate height with sufficient soil planting depth to encourage the development of a “green wall;” provide seating at each trellis.
 - e. Germantown Town Center Streetscape
Provide the Germantown Town Center Streetscape, including street trees, special paving for sidewalks and handicapped ramps, tree box details, Washington Globe street lights, furnishings and fixtures for the following areas:
 - i. Both sides of the Century Boulevard extension;
 - ii. The west side and north sides of the internal driveway along the storefronts;
 - iii. The two public amenity areas;
 - iv. The pedestrian connection from the north public plaza to the rear parking lot;
 - f. Locbury Drive Right-of-Way and the rear Parking Lot
 - i. Provide a hedge 36 inches in height within the landscape strip to screen parking;
 - ii. Provide two additional landscape islands within the rear parking lot;
 - g. Middlebrook Road
Provide hedge screening for parking areas visible from Middlebrook Road;
- 6. Lighting
Provide revised submission of Landscape and Lighting plans to include the following information subject to review and approval by staff:
 - a. Provide revised Lighting Distribution Plan; coordinate information on lighting fixture type and location between the Landscape Plan and the Lighting Plan; show all lighting fixtures on the Landscape Plan, with icons to identify fixture type; include on the photometric plan
 - b. Provide lighting for the pedestrian pathway through the rear parking lot;
 - c. Show for Parcel H, Parcel B, Parcel F, and Parcel G: final lighting locations and fixture types and aggregate lighting levels;
 - d. Provide details, specifications, and locations for all lighting fixtures, including lamp type, wattage, house shields, mounted height (including base), dimensions, and hours of operations;
 - e. Provide details and specifications for all signage, including materials, fixture mounts and housing, lamps and wattage, pole types and/or installation details;
 - f. Provide lighting levels according to IESNA maximum: Provide lighting levels not to exceed average max/min ratio of 5:1.
- 7. Site Plan Enforcement Agreement
Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - i. Landscaping and street trees associated with each parking lot and building shall be completed as construction of each facility is completed.
 - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iii. Coordination of each section of the development and roads;
 - iv. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

ISSUES ADDRESSED IN THE COURSE OF SITE PLAN REVIEW

In the course of site plan review, staff and applicant reviewed general issues such as parking facility design, lighting, landscape planting. Vehicular and pedestrian systems were reviewed for their potential to provide the integrated circulation that would achieve the desired activity and character of TS zone and the Town Center. Streetscape design, of primary importance, was studied for conformance to the Germantown standards, and for efficient and safe pedestrian movement. The parking supply and issues concerning waivers requested were reviewed in detail.



Schematic Plan showing configuration of property parcels. See discussion below regarding applicant's request for a waiver to allow the building to cross the lot line between Parcel I and Parcel F. The applicant seeks minor re-subdivision approval to correct the lot line discrepancy between Parcel H and Parcel I.

1. Waiver to allow Building Construction across a Lot Line [§59-C-7.28(d)]
The applicant requests a waiver per Montgomery County Code, §50-20(b) of the Subdivision Regulations to allow construction of the southwest portion of the proposed retail building on Parcel I to encroach onto Parcel F, the adjoining property to the south. This adjoining parcel is owned by Montgomery County and is currently occupied by the Upcounty Regional Services Center. The proposed plan features a building area of 8,379 square feet occupying land area across the lot line. It should be noted that the Planning Board, under the existing Site Plan (8-85066), approved August 8, 1985, granted a waiver for same area, currently subject to an easement recorded in the land records of the county.

Applicant Position: The applicant states that the site design, as proposed, satisfies the requirements of the zoning ordinance, and the goals of the Town Sector Zone, with respect to providing attractive and efficient planning and design.

County Position: Montgomery County, via the Director of the Upcounty Services Center, has issued a letter of authorization for proposed plan that features 8,379 sf of building area on the

County property (Parcel F). An existing easement granted pursuant to the 1985 approval, will be modified to reflect the proposed building footprint location and square footage, pending site plan amendment approval. [See attached, *letter from Catherine E. Matthews, Director, Montgomery County Upcounty Regional Services Center*, dated July 28, 2003.]

Community Position:

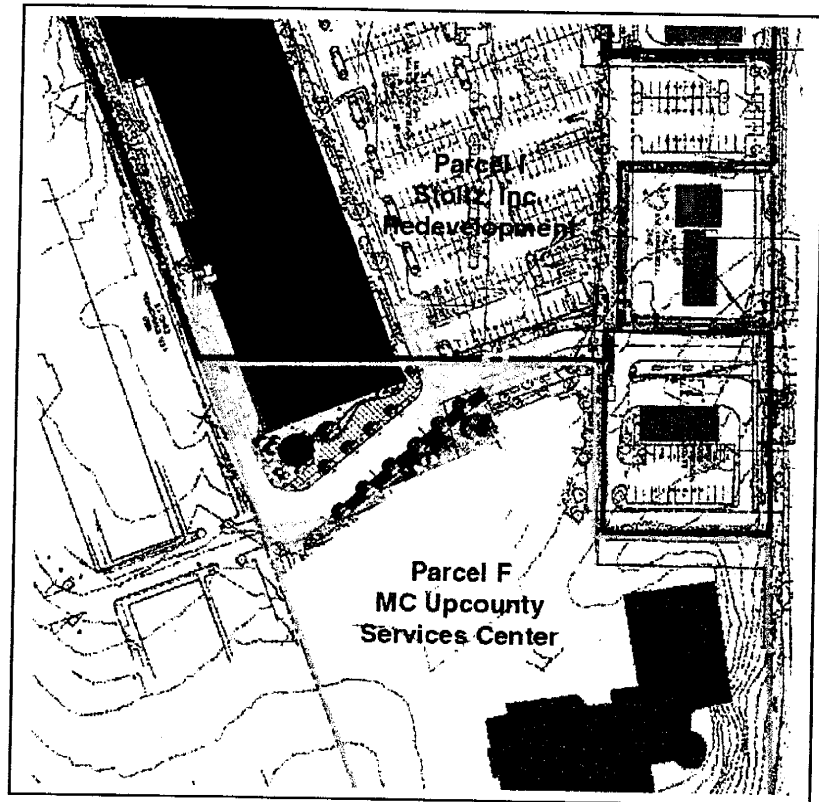
No comment has been received from the public concerning this issue.

Staff Recommendation:

The Montgomery County Zoning Ordinance, §59-C-7.28(d), allows the Planning Board, during the course of Site Plan Review, to waive substantive requirements of the Subdivision Regulations upon a finding that the waiver would allow “greater flexibility of development consistent with the purposes of the zone and promote more attractive and efficient overall planning and design.”

Staff recommends approval of the waiver for the following reasons:

- The continuous line of storefronts featuring a unified architectural treatment, along with upgraded pedestrian sidewalks will provide an uninterrupted streetscape that is safer and more efficient and contributes more efficient use of the site in its planning and design;
- The building line established (and footprint, thereof, that crosses the lot line) reinforces the new street alignment proposed with this site plan, hence creating greater efficiency for the movement of vehicles and pedestrians;
- The site geometry functions efficiently, and the building alignment allows the flexibility for further road re-alignment in the future, if desired;
- The building location, along with the street re-alignment, offers the opportunity to extend the Germantown Town Center Streetscape into the adjoining site in the near future;
- The building location preserves the public amenity area within the County lot area and offers space for providing landscaping and seating for the enjoyment of the public and private sector patrons, with more attractive site design.



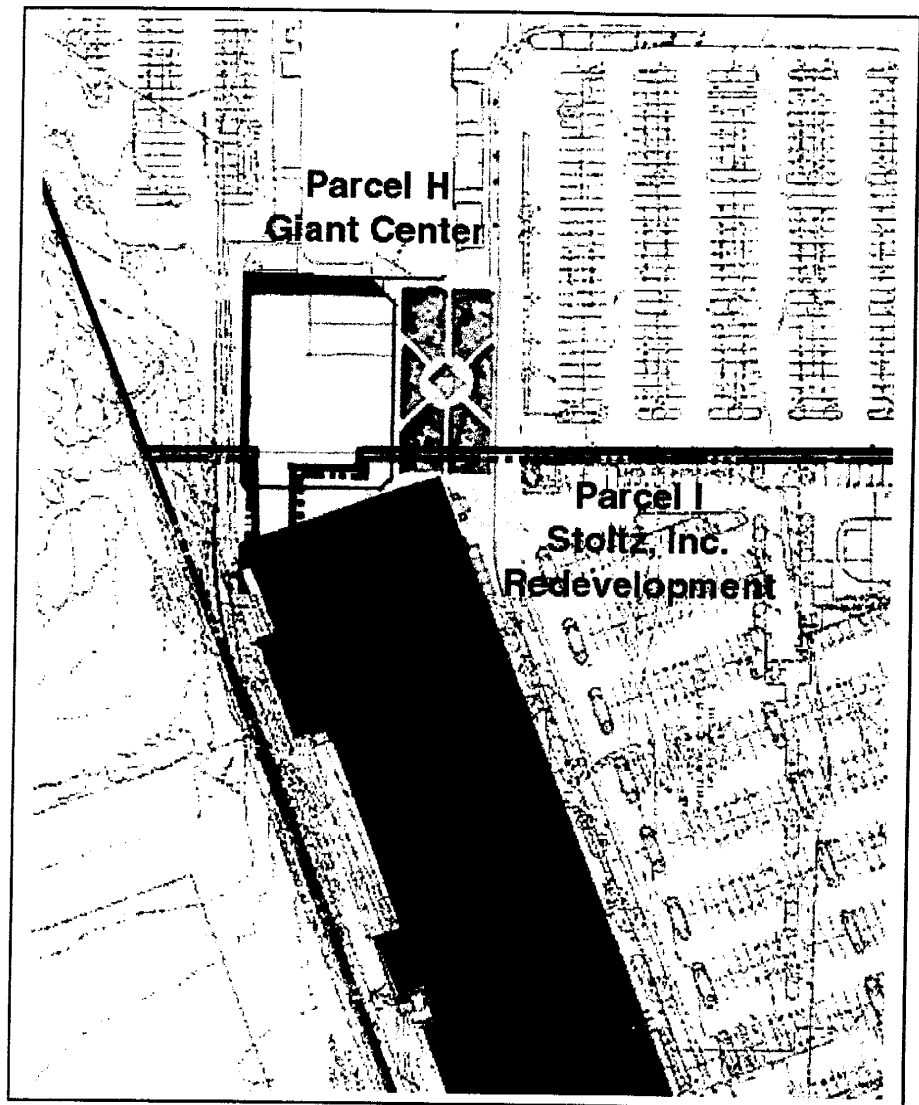
2. Minor Subdivision for Lot Line Relocation [§50-35A-4]

The applicant seeks administrative approval of a minor subdivision revision, per §50-35A-4, to address the encroachment of the north corner of the proposed retail building into the adjoining public amenity area located Parcel H.

Applicant Position: The applicant states his intent to file applicant for a minor subdivision revision, for staff administrative approval, to accommodate the proposed building design. The change in building footprint is necessary to meet the needs of the prospective tenant.

Community Position: No comment has been received from the public concerning this issue.

Staff Position: Staff supports the applicant's application for minor subdivision approval, subject to review of the proposal at the time of Site Plan Signature Set. Staff further recommends that because the larger building footprint affects the public amenity area, the applicant should enhance the public amenity area, with special paving, landscaping, lighting, and seating, per Germantown Town Center Streetscape Standards, subject to review by Site Plan staff prior to Signature Set.



3. Allowance for Off-Site Parking [§59-E-3.4]

The applicant seeks a parking credit for to utilize off-site parking facilities operated by the Montgomery County Upcounty Service Center within the adjacent Parcel F to satisfy peak parking requirements.

Applicant Position: The applicant states that peak parking may be satisfied by the provision of 200 additional off-site parking spaces available per declaration of covenants recorded in land records L.7386 F.534.

Community Position: No comment has been received from the public concerning this issue.

Staff Position: Staff recommends approval of parking plan proposed since the County Office Building's parking capacity exceeds their requirement by 112 spaces. The proposed plan for retail re-development requires an additional 88 spaces. The County lot, adjacent to the retail, will provide convenient, accessible parking. Staff recommends the following: 1.) Applicant must provide a plan for the supplemental parking area, showing the location and number of spaces, and the walking distance to the site; and 2.) Applicant must verify any covenants and/or agreements pertinent the applicable cross-parking easements; and 3.) Applicant must improve the connecting pedestrian walkways and streetscape to enhance the safety and efficiency of shoppers and employees who use the off-site parking.

4. Vehicular Circulation: Realignment of Main Street and the Future Construction of Locbury Drive

The applicant proposes the realignment of Main Street, the primary entrance into the site as part of the site plan application. The modification includes the installation of the Germantown Town Center Streetscape along Main Street and the storefronts and amenity area, with new paving, trees, and street lighting. The construction of Locbury Drive was discussed during the review in response to community inquiry.

Applicant Position: The applicant proposes to provide a re-alignment of Century Boulevard, as per Transportation staff recommendation.

Community Position: One adjoining property owner raised the issue peripheral issues of the construction of Locbury Drive as a requirement of approval of the site plan.

Staff Position: Staff recommends that the full Town Center Streetscape be provided according to the *Guidelines*, as currently installed for all other areas of the Town Center, including street trees, areas of paving, including pedestrian crosswalks and street lighting. Additionally, the amenity seating areas must be incorporated into the design using the approved streetscape elements to provide a unified design appearance that will knit together the varied retail uses and storefronts that characterize this shopping center.

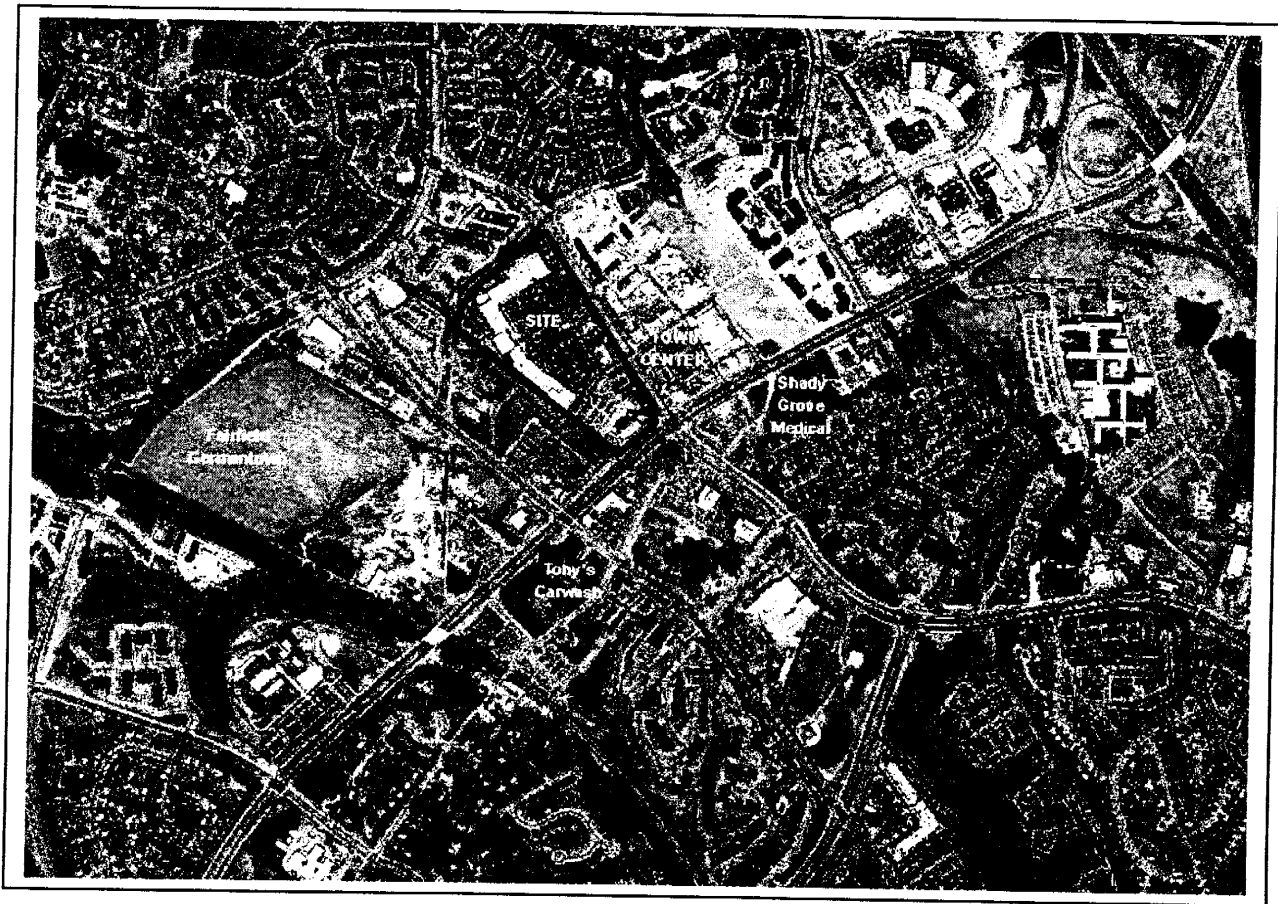
Staff does not support the single request for the construction of Locbury Drive as a requirement of this Site Plan since the plan, as proposed, since the existing five access points provide adequate, safe access. Furthermore, the proposed addition of 26,015 square feet does not require additional public road access.

PROJECT DESCRIPTION: Surrounding Vicinity

The proposed site, located within the Germantown Town Center (TS Zone) and comprised of several land parcels (N427, N549, N529, N553, N660), supports the entire development cluster at the northwest quadrant of the intersection of Germantown Road and Middlebrook Road. These parcels form the frontage of the two streets and feature the Montgomery County Up-County Regional Services Center at the prominent intersection corner, along with two drive-through banks, a auto service station and a fast food restaurant along the Middlebrook Road frontage. A strip retail complex at the site's perimeter, set back from the street, includes the Giant Supermarket, and numerous smaller retail outlets, including the Woodside Deli.

Adjoining the site on the north is the residential condominium community, Seneca Knolls that also lies with the Town Sector Zone. Facing the site directly across Middlebrook Road are 3-story and 4-story townhouses shaded by mature Willow Oaks. These townhouses create a residential street wall that effectively defines this as the Germantown Town Center: a mixed-use zone with retail, offices, and living quarters, and encourages an increased intensity of pedestrian activity. Further into the town center is the Safeway on the east, and the future public library site and MNCPPC parkland, along with the Black Rock Center for the Arts. Further to the west is the adjacent to the public library site, and the Town Center Townhouse neighborhood, and a mixed-use commercial center. Father east, across Crystal Rock Drive is the site of the future transit center and entertainment nucleus.

Recent development in the area includes the Shady Grove Adventist Medical Office Building and EuroMotors auto dealership, both proposals that fulfill successfully the goals of the Master Plan for the Town Center.

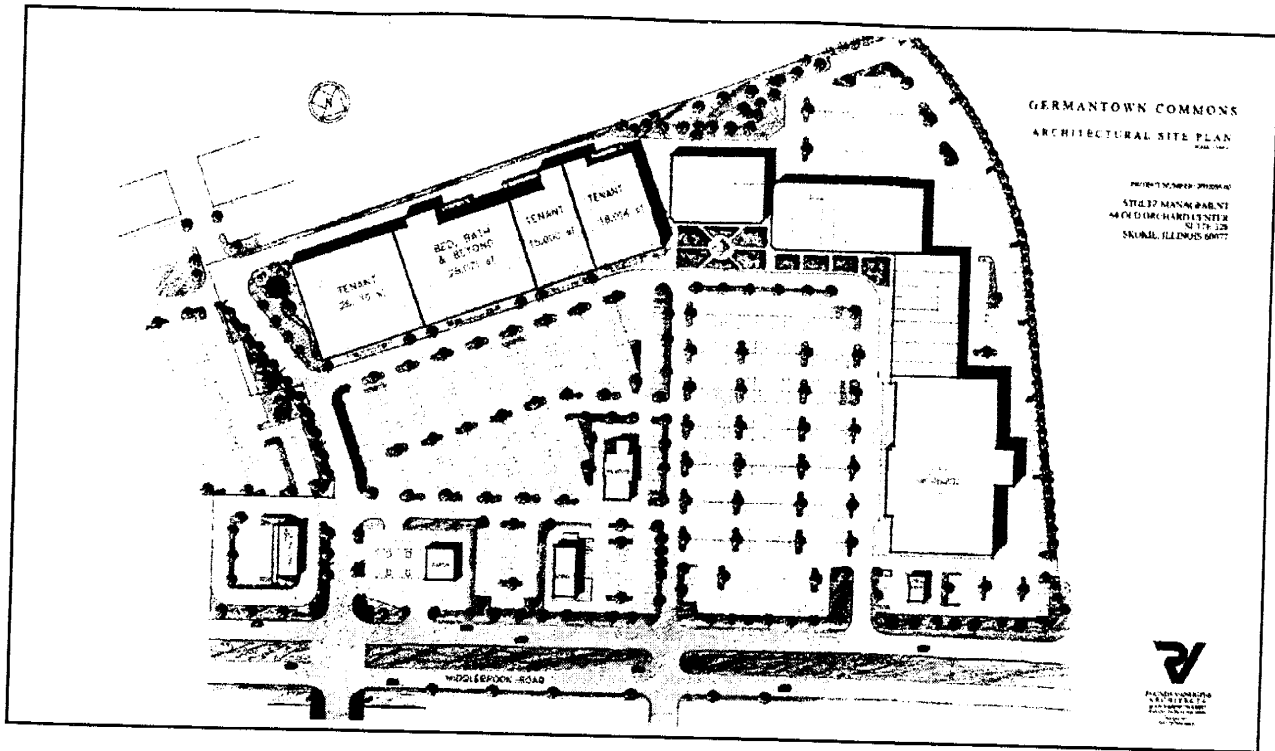


PROJECT DESCRIPTION: Site Description



The Germantown Commons site is currently developed as a small shopping center, with its line of buildings set back from the street. The Montgomery County Upcounty Service Center, seen above with the red roof, anchors the corner of this prominent intersection at Middlebrook Road and Germantown Road. Several small freestanding retail uses are located closer to the street frontage of Middlebrook Road, including from north to south, McDonalds, an Exxon Station, and a bank. The applicant intends to retain essentially the same grading and paving.

PROJECT DESCRIPTION: Proposal



Rendering showing site design for the re-development of Germantown Commons. The rendering reflects the Germantown Town Center Streetscaping installed throughout the site along the storefronts. A condition of approval has been included to require the Signature Set to show the same areas of Town Center streetscape on the site and landscape plans. Staff also recommends street trees for both sides of Century Boulevard.

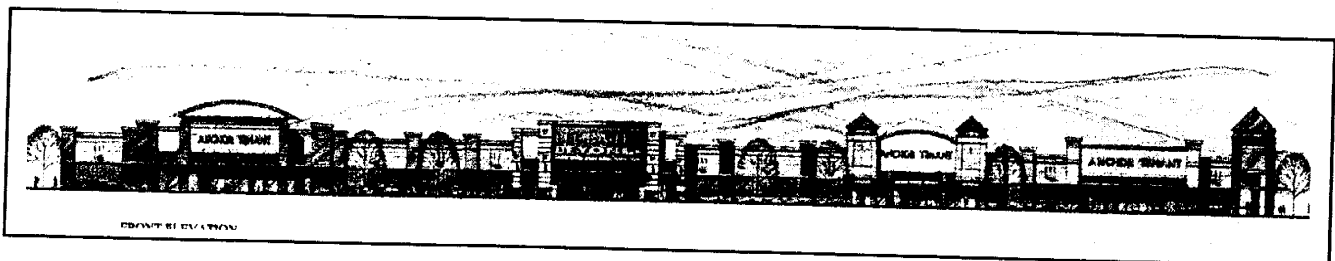
Site Organization

The site plan is organized as the typical 1908's strip shopping mall, with surface parking occupying large portions of the site area near the public street, and buildings set far back into the site. The Giant supermarket forms the largest retail unit, located at the north end of the site; the rest of the retail frontage wraps the rear portion of the site, essentially following the site boundary on the west. The Montgomery County Upcounty Services Center (not shown in the above drawing), was part of the original approved site plan, and forms the corner piece of development at the intersection of Middlebrook Road and Germantown Road.

Circulation

Middlebrook Road provides the vehicular and pedestrian entry access to the site, with three vehicular entry points from the street. The right-of-way for Locbury Drive forms the northern boundary of the site, currently an unbuilt road. There are no immediate plans for the construction of Locbury Drive.

The interior site circulation follows the building line of the storefronts, primarily, with connecting drive aisles that align with the parcel lot lines that demarcate the surface parking areas. Delivery and loading is accommodated through a back alley that circumnavigates the site and serves the rears of the retail stores.



PROJECT DESCRIPTION: Prior Approvals

The site was previously subdivided under Preliminary Plan 1-73127 and Preliminary Plan revision 1-80218. Previous site plan approval was granted by the Planning board under Site Plan 8-79037 and Site Plan 8-85066, also with an additional amendment.

CONFORMANCE TO DEVELOPMENT STANDARDS

Germantown Commons Development Standard	Site Plan 8-85066A Total Areas	Town Sector Zone Permitted/Reqd	Town Sector Zone Proposed
Gross Site Area	25.13 acres		
Parcel I [N549]: New Construction	6.54 acres		
Parcel H [N427]: Giant Center	12.14 acres		
Parcel G [N529]: Auto Service Station	Not provided		
Parcel B: [N553]: M & T Bank	0.89 acres		
Parcel F [N660]: MC Center	5.57 acres		
Density			
Parcel I [N549]: New Construction	87,221 sf	Not specified	0.31 FAR
Parcel H [N427]: Giant Center	112,308 sf	Not specified	0.21 FAR
Parcel G [N529]: Auto Service Station	Not provided	--	--
Parcel B: [N553]: M & T Bank	2,939 sf	Not specified	0.08 FAR
Parcel F [N660]: MC Center	43,136 sf	Not specified	0.18 FAR
Open Space			
Parcel I [N549]: New Construction		Not specified	11% [31,967 sf]
Parcel H [N427]: Giant Center		Not specified	17% [89,293 sf]
Parcel G [N529]: Auto Service Station	Not provided	--	--
Parcel B: [N553]: M & T Bank		Not specified	19% [7,212 sf]
Parcel F [N660]: MC Center		Not specified	38% [93,304 sf]
Impervious Area			
Total Impervious Area: 84%			918,800 sf
Building Footprints			251,573 sf
Parking & Loading			620,643 sf
Pedestrian Areas			42,584 sf

PARKING STANDARDS

Parking Data

<u>Mixed Use Tabulation</u>	<u>Area (sf)</u>	<u>Parking Standard</u>	<u>Required</u>	<u>Reduction</u>	<u>Mixed Use *</u>
Existing Retail	79,353 sf	5 spaces/1,000 sf	396.76	0%	396.76
Banks	7,420 sf	5 spaces/1,000 sf	37.10	0%	37.10
Commercial Recreation	8,208 sf	5 spaces/1,000 sf	41.04	20%	32.83
Res't - Indoor Patron Area	13,506 sf	25 spaces/1,000sf	337.65	0%	337.65
Res't - Outdoor Patron Area	1,006 sf	15 spaces/1,000sf	15.00	0%	15.00
Retail - New & Redeveloped	87,221 sf	5 spaces/1,000sf	436.10	0%	436.10
Total Parking Required	196,714 sf		1,263.65		1,255.44

Demand and Supply

<u>Parking Type</u>	<u>Required Permitted</u>	<u>Off-Site Permitted</u>	<u>Off Site Provided</u>	<u>On Site Provided</u>
Automobile Total	1,256 spaces	20% (251 spaces max)	200 spaces *	1138 spaces
Compact Spaces permitted	126 spaces			114 spaces
H/C	**			23 spaces
Bicycle	20 spaces			20 spaces
Motorcycle	25 spaces ***			10 spaces
TOTAL	1,256 spaces		200 spaces	1,138 spaces

* §59-E-3.4: Off-site Parking spaces for development constructed in accordance with a building permit filed after June 28, 1984, may be approved by the Planning Board if the property proposed to be used for such required parking is plat-restricted or deed restricted. The restrictions specify that the property provide the required parking spaces for a use on another property.

** Code of Maryland Regulations

*** §59-E-2.3: Not more than 10 motorcycle spaces required per lot.

ANALYSIS: Conformance to Master Plan

Town Center Setting

The long-awaited Germantown Town Center has moved toward completion starting in 1998 with construction of the first phase of retail development, which includes a new grocery anchor, associated retail, fast food and table service restaurants. This first phase established the character and pedestrian environment for Century Boulevard as the Town Center's "Main Street". The second and third phases of development brought forward a mix of residential units, both townhouses and garden apartments (totaling approximately 550 units) and also the Black Rock Center for the Arts and the adjoining publicly owned Town Commons.

The Germantown Commons Site and Conformance with the 1989 Germantown Master Plan

The 1989 Germantown Master Plan incorporated the recommendations of the earlier 1974 Germantown Master Plan for this property as a commercial center for Germantown. The 1989 Plan recognized the retail center within the Town Center analysis area. "Since it is located in the Town Sector Zone, a Supplementary Plan is required. In order to achieve an integrated plan, a Supplementary Plan should only be approved if a development proposal for the entire 59-acre area is submitted. If this is not possible, the Master Plan recommends that any proposed plan should be reviewed in relation to the remaining area.

The demolition and reconstruction proposed for the Germantown Commons retail center is linked practically and thematically with the new Town Center across Middlebrook Road. Operationally, Century Boulevard extends the Town Center across Middlebrook Road to the Germantown Commons Shopping Center. The vibrant, walkable community created in the Germantown Town Center provides patrons for the shopping center as well as creating design guidance for redevelopment of this property. The introduction of new, national recognized tenants provides the opportunity to fully consider the project in the context of the Town Center, incorporating the elements of the Town Center Streetscape that encourage pedestrian activity and enhance the urban character of the center with street front retail.

The Germantown Commons project also relates to the Sugarloaf Shopping Center to the west. In its current configuration, Sugarloaf needs revitalization. Such inspiration may occur during the forthcoming Master Plan revision beginning in July 2004 or may be initiated by the property owner to create a mixed-use community on-site.

The Master Plan and Design Study place emphasis on "Main Street" as the focal point of TC-1 and as the defining element of the Town Center vision. The vital link between the Town Center Complex and the Sugarloaf Center One is provided by the extension of Century Drive, the "Main Street," which traverses the subject site and provides the opportunity to extend the urban character westward through Germantown Commons.

FINDINGS: For Site Plan Review

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.* Not required.
2. *The site plan meets all of the requirements of the zone in which it is located.* See Project Data Table above.
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. *Location of Buildings*

The locations of buildings, both existing and proposed, are adequate, safe and efficient. The site layout provides functional use typical of the older style of shopping center with street front surface parking and linear arrangement of buildings set farther back from the major public streets. While this type of site design is not most desirable for Town Center planning, it nevertheless, provides adequate, safe and efficient disposition of massing, open space, and accessibility. [See **Proposal Description, Site Organization**, page 10.] See also, *Issues of Review*, pages 4-6, for discussion of applicant's request for waiver to construct a portion of the building over the lot line.]

a. *Open Spaces*

The street frontage along Middlebrook Road is attractively landscaped with mature Willow Oak street trees that well serve the goals of the Germantown Streetscape Guidelines. The vast stretches of surface parking that are highly visible from the public street are somewhat mitigated by the shade trees that currently exist. The site design proposed includes re-orientation of the parking grid for Parcel I, and hence, removal of the mature shade trees. The shifting of the parking grid will provide greater pedestrian safety for customers walking between the parking areas and the retail stores. The applicant proposes to replace those trees with new ones. Staff recommends that the planting within Parcel H be supplemented by a few more shade trees.

The two public amenity areas, at the north and south ends of the proposed building, are optimally placed to encourage use by customers, visitors, and employees. Staff recommends that both amenity areas be enhanced using all of the elements of the Germantown Streetscape Standards: street trees, Washington Globe lighting, and special paving.

b. *Landscaping and Lighting*

The plan proposes minimal landscaping throughout the site. The plan does not incorporate the streetscape standards of the *Germantown Streetscape Guidelines* for the Town Center. Notably missing are the street trees and street lighting along the extension of the public street, Century Boulevard and along the north side of the main internal driveway loop. The landscape plan as proposed does not offer an adequate level of planting, lighting or paving that would ensure a safe and attractive pedestrian environment. In the context of the Master Plan's guidance to review the surrounding area as part of development applications, this proposal provide significant enhancement of landscaping, lighting, and paving to meet the standards achieved throughout the Town Center.

Staff has included conditions of approval to achieve adequate landscaping and lighting and to meet the streetscape standards of the Town Center with respect to street tree species and spacing, street lighting, and special paving.

c. *Recreation*

The proposal is exempt from Recreation Requirements.

d. *Vehicular and Pedestrian Circulation*

The street and driveway layout is adequate and safe. The vehicular traffic plan achieves maximum efficiency, particularly with the applicant's proposal for the realignment of the western portion of Century

Boulevard. The four vehicular access points from Middlebrook Road offer efficient, well balance entrance and egress opportunities. Because of the adequacy of the vehicular access points and the efficiency of the internal vehicular driveways, staff considers that any construction of Locbury Drive is not necessary for the additional square footage sought for this application.

The pedestrian environment requires significant attention, to achieve the purpose of the Town Sector Zone and the goals of the Master Plan for the Germantown Town Center. Although streetscape guidelines are sometimes characterized as an aesthetic concern, the actual foundation for the implementation of streetscaping rests with the need for pedestrian safety. Streetscape that is well designed, as per the *Germantown Town Center Guidelines*, promotes safe, adequate and efficient pedestrian circulation.

The plan, as conditioned to implement the Germantown Streetscape Guidelines, will provide adequate safe and efficient pedestrian circulation: by providing clear pedestrian paths identified by special paving; by clearly identifying the separation of pedestrian and vehicular paths; by providing well balanced and attractive street lighting for night time; and by providing trees that effectively reduce pavement temperatures during summer.

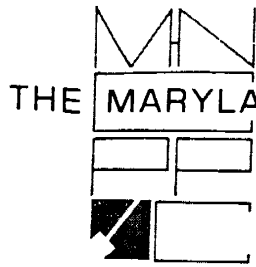
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The proposed design for the re-development of Germantown Commons, *as conditioned*, achieves an acceptable standard of compatibility in relation to other development at the Town Center. While the underlying site layout retains a site design typical of past decades, i.e, highly visible surface parking at the street with buildings set back into the site, the remaining effects of the old site plan may be significantly mitigated by the implementation of a high quality streetscape that promotes the pedestrian activity envisioned for the Town Center. Staff recommendations for full implementation of the Germantown Streetscape Guidelines, will allow this plan to achieve a convincing level of compatibility: a strong visual relationship and the critical pedestrian connection to the core of the Town Center.

The activity associated with the proposed residential uses will not cause any negative effect on the surrounding residential and commercial uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is exempt from Forest Conservation.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 18, 2003

MEMORANDUM

TO: Mary Beth O'Quinn, Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning *RW*

FROM: Ki H. Kim, Planner *KHK*
Transportation Planning

SUBJECT: Site Plan No. 8-85066A
Germantown Commons
Germantown

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject site plan. The application is for the addition of 26,015 square feet to the existing Germantown Commons Shopping Center, located west of MD 118 and south of Middlebrook Road in the Germantown Town Center Policy Area.

RECOMMENDATIONS

Based on our review of the submitted traffic analysis, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this site plan application.

1. Additional development of the Germantown Commons Shopping Center under this site plan application is limited to 26,015 square feet of retail use so that the total development of the site is limited to 199,526 square feet of retail use.

2. The applicant shall participate in constructing a separate southbound right-turn lane, a second northbound left-turn lane, a second eastbound left-turn lane, and re-stripe the separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the intersection of MD 118 and Wisteria Drive.
3. The applicant shall participate in constructing a second westbound left-turn lane, a second northbound left-turn lane, modify signal to eliminate eastbound-westbound split phasing at the intersection of MD 118 and Middlebrook Road. The applicant also shall participate in removing the channelized island located in the northeast quadrant of this intersection.

DISCUSSION

Site Access and Vehicular/Pedestrian Circulation

The Germantown Commons Shopping Center has currently five (5) access points; four (4) are located on Middlebrook Road and one (1) on Wisteria Drive through the Sugarloaf Shopping Center. The applicant also proposed to modify, realign and upgrade Main Street with paved sidewalks and street trees as a part of this site plan. There are sidewalks existing along Middlebrook Road and Wisteria Drive and the site plan includes the addition of brick wall features along Middlebrook Road.

There is one issue raised by the adjoining property owner that the applicant for Germantown Commons Shopping Center construct Loebury Drive as a requirement of approval of the subject site plan. Staff does not support this request since the existing access points to the Germantown Shopping Center provide adequate accessibility and the proposed addition of 26,015 square feet does not require the need for Loebury Drive.

Staff finds the proposed site access points and the ingress/egress proposal shown on the site plan to be safe and adequate. Staff also finds that the internal pedestrian circulation, using existing sidewalks along Middlebrook Road and Wisteria Drive and internal walkways as shown on the site plan, is safe and adequate.

Local Area Transportation Review

Four local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Germantown Town Center Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour								
	Existing		Background		Total*		Total**	
	AM	PM	AM	PM	AM	PM	AM	PM
MD 118/Middlebrook Road	1089	1195	1293	1626	1301	1665	1217	1477
MD 118/Wisteria Drive	894	1356	1124	2229	1125	2231	1122	1899
Father Hurley Boulevard /Middlebrook Road	968	956	1117	1314	1121	1328	1121	1328
Father Hurley Boulevard /Wisteria Drive	899	789	1178	1056	1179	1058	1179	1058

* Total development conditions without proposed roadway improvements

** Total development conditions with proposed roadway improvements

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500) during weekday peak periods except during the evening peak hour at the MD 118/Wisteria Drive intersection. Under the background development (developments approved but not built) condition, the intersections of MD 118/Middlebrook Road and MD 118/Wisteria Drive exceed the acceptable congestion standard. Under the total development conditions, the unacceptable condition at the intersections identified under the background development conditions further deteriorate without the roadway improvements. The applicant proposed to participate with other area developments in constructing roadway improvements at intersections where unacceptable conditions are projected. These intersections will operate at acceptable CLVs or better than under background conditions with the roadway improvements conditioned upon approval of this site plan application.

Policy Area Transportation Review

Based on the FY 03 AGP staging ceiling capacity, there is sufficient capacity available for both housing and employment development (599 housing units and 3,843 jobs as of July 31, 2003) in the Germantown Town Center Policy Area.

CONCLUSION

Staff concludes that the subject site plan satisfies the APF since all nearby intersections are anticipated to operate within the acceptable congestion standard or better than under background conditions with the roadway improvements as conditioned in this memorandum.

Cc: Mary Goodman

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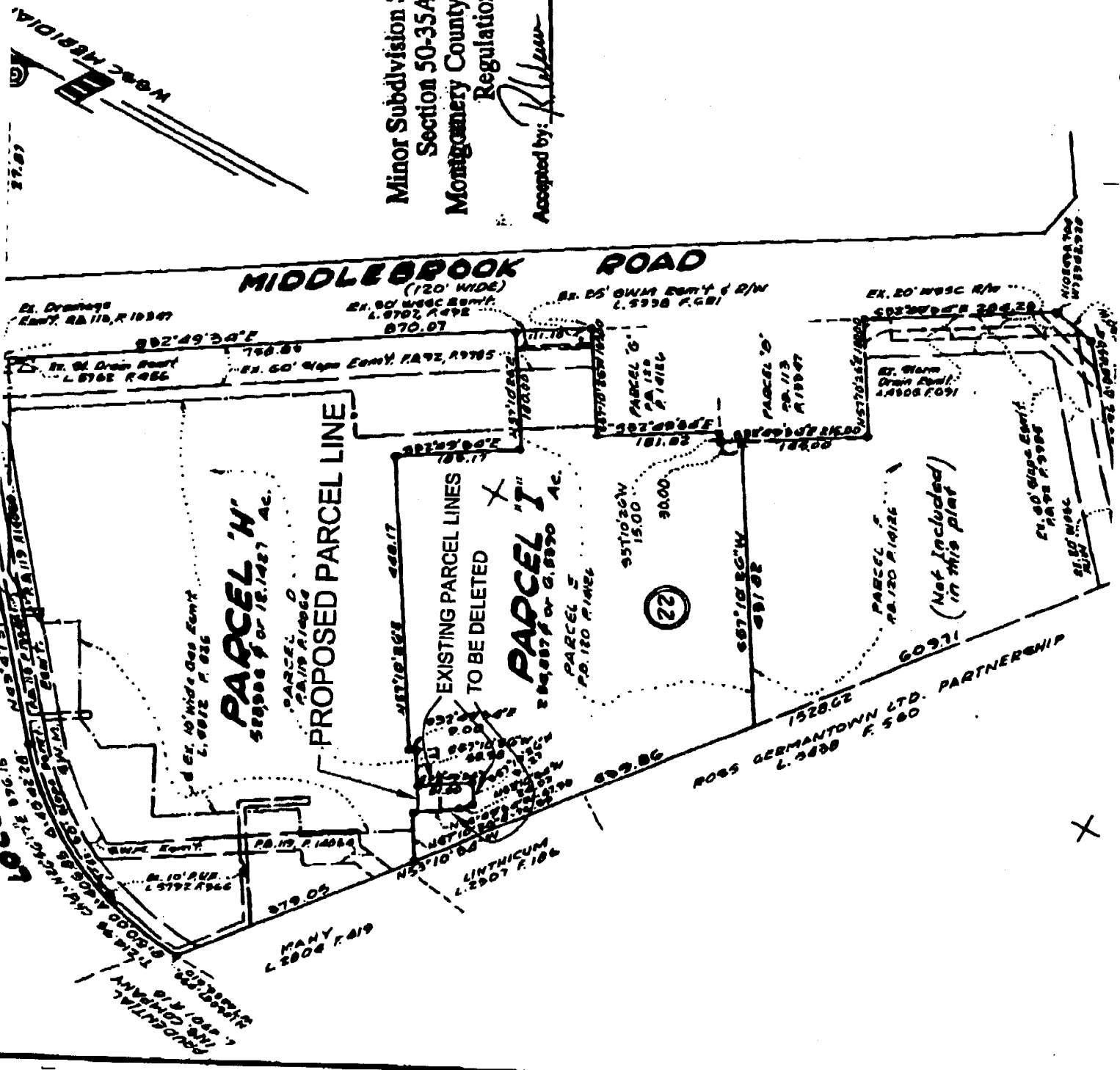
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Minor Subdivision Sketch Plan
Section 50-35A (4)
Montgomery County Subdivision
Regulations

Accepted by: *R. New* Date: *9/18/03*





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 17, 2003

TO: Mary Beth O'Quinn, Development Review Division
FROM: Sue Edwards, Community Based Planning Division
SUBJECT: Germantown Commons (Site Plan # 8-85066A)

This memo supplies language related to the Town Center setting and conformance with the 1989 Germantown Master Plan for this site plan. The Planning Board is scheduled to review the site plan on September 25, 2003.

Town Center Analysis Area

The 1989 Germantown Master Plan incorporated the recommendations of the earlier 1974 Germantown Master Plan for this property as a commercial center for Germantown. The 1989 Plan recognized the retail center within the Town Center analysis area. "Since it is located in the Town Sector Zone, a Supplementary Plan is required. In order to achieve an integrated plan, a Supplementary Plan should only be approved if a development proposal for the entire 59 acre area is submitted. If this is not possible, **any proposed plan should be reviewed in relation to the remaining area**" [emphasis added](page 40).

Staff and citizens encouraged the applicant to fully consider the project in the context of the Town Center. The project also relates to the Sugarloaf Shopping Center to the south. In its current configuration, Sugarloaf needs revitalization. Such inspiration may occur during the forthcoming Master Plan revision beginning in July 2004 or may be initiated by the property owner to create a mixed use community on-site. One common element between the two shopping centers is the access drive which serves as an extension of Century Drive, the "Main Street" for the Town Center. Staff recommends a condition to this site plan which links the future location of the drive aisle to future modifications to the Sugarloaf Center.

The demolition and reconstruction proposed for the Germantown Commons retail center is linked practically and thematically with the new Town Center across Middlebrook Road. Operationally, Century Boulevard extends across Middlebrook Road to the Germantown Commons shopping center. The vibrant, walkable community created in the Germantown Town Center provides patrons for the shopping center as well as creating design guidance for redevelopment of this property.

Conformance with the Town Sector Zone

The purpose clause of the Town Sector Zone states that "It is the purpose of this Zone to achieve flexibility of design of mutually compatible uses and optimum land planning with greater efficiency, convenience, and amenity that the standards permitted by right and required in conventional zoning categories" (Section 59 C-7.21).

While the physical layout depicted in the proposed site plan replicates the conventional commercial strip center, amenities and landscaping can enhance the project in the manner anticipated by the language in the zoning ordinance.

The applicant requests one or more waivers of development standards in order to achieve the development goals for the site. Staff support of these waivers is predicated on creating a more inviting retail experience mirroring characteristics found across Middlebrook Road at the Town Center. Staff endorses conditions of the site plan that create amenities such as seating areas and plazas, create interest and reduce the expanse of blank walls along the store facades.

Pedestrian Facilities

Pedestrian connections must be clearly marked and provide safe pedestrian movement from the adjoining parcels (Government Center, Town Center residences, and the retail and civic uses within the Town Center). Safe pedestrian movement should be encouraged by identified crosswalks, handicapped ramps, and paving materials throughout the site. Absent in the proposed site plan is any pedestrian treatment parallel to Middlebrook Road through the site. Improved pedestrian facilities would allow for safe movement between the two fast food restaurants and the Upcounty Government Center.

Landscaping

The proposed site plan introduces a substantial amount of landscaping to the site. The entirety of the property, including the property fronting on Middlebrook Road should benefit from enhanced landscaping.

For travelers along Middlebrook Road or the residents whose units face Middlebrook Road, the new and old retail center should be indistinguishable

along Middlebrook Road. Streetscape elements (trees, paving material, lighting fixtures, bus shelters, trash receptacles) from the Town Center should be applied on the Germantown Commons side of Middlebrook Road. Staff seeks to complete landscape treatment along Middlebrook Road where there are opportunities to plant shrubbery or screening vegetation outside of the Public Utilities Easement.

Community Concerns

It is important to protect the available parking for the Upcounty Government Center despite any parking waiver that may be granted for this project. The Government Center expects a change in tenants once the Library relocates and needs assurance of sufficient parking.

The applicant has worked closely with the various community and property owner groups in Germantown to address many concerns. These organizations have sent letters of support for the project and encouraged additional modifications for lighting, fencing, and safety.

Staff Recommendation

Community-based Planning staff concurs with the conditions developed by the site plan reviewer. The site plan for this project must be evaluated in the context of the new Town Center and the future modifications to the Sugarloaf Center. Increased landscaping and pedestrian facilities are important elements to be added to this project's site plan in conformance with the Zoning Ordinance and the 1989 Germantown Master Plan.

Mr. Derick Berlage, Chairman
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Germantown Commons
Site Plan No. 8-85066-A

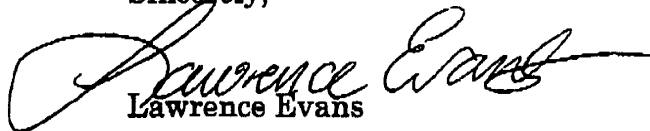
Dear Chairman Berlage:

On behalf of the Germantown Alliance, I am writing to express our strong support for the proposed Germantown Commons redevelopment project. The representatives of Germantown Commons have been working with our organization over the last year in developing a site plan that incorporates our comments. Specifically, we are very pleased with the redesign of the shopping center, which now includes a realigned main street, and the incorporation of many design elements that are found within Town Center.

The enhancements that have been made over the last year, and the resulting site plan and architecture demonstrates the owners of Germantown Commons' commitment to our community. We look forward to enjoying a redeveloped Germantown Commons, and ask that you recommend approval of the site plan, as proposed.

We appreciate your consideration of our support. If you have any questions please feel free to contact me at (301) 922-2156.

Sincerely,


Lawrence Evans
Chairman

cc: Ms. Mary Beth O'Quinn (via fax. 301 495-1306)
Ms. Susan Edwards (via fax. 301 495-1304)
The Honorable Mike Knapp (via fax. 240 777-7989)
Mr. Brian Long (via fax. 240 777-7989)

Corporate Sponsors:

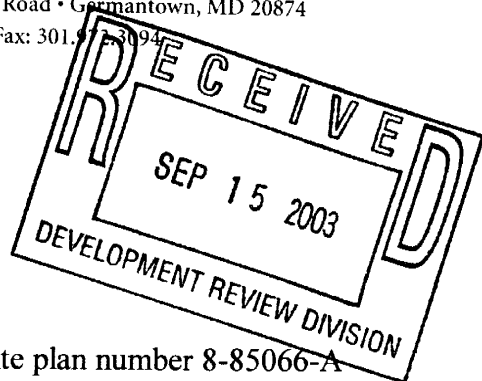
G/G
C/C Gaithersburg-Germantown
Chamber of Commerce, Inc.

Main Office: 4 Professional Drive • Suite 132 • Gaithersburg, MD 20879-3426
Tel.: 301.840.1400 • Fax: 301.963.3918

Branch Office: 12900 Middlebrook Road • Germantown, MD 20874
Tel.: 301.972.3701 • Fax: 301.972.3094



The Law Firm of
GIMMEL, WEIMAN, ERSEK &
BLOMBERG, P.A.



September 12, 2003

Mr. Derick Berlage, Chairman
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Site plan number 8-85066-A



It's Time



POTOMAC VALLEY
BANK



Dear Mr. Berlage:

On behalf of the Board of Directors and members of the Gaithersburg-Germantown Chamber of Commerce, we would like to express support for the proposed re-development plan being pursued by Stoltz Management for Germantown Commons.

Economic development is a critical issue for our area and the re-development of this property will go a long way in improving the overall vitality of the Town Center. The proposed plan includes key features designed to integrate the center with the main Town Center parcel. Additionally, the owner has been sensitive to the concerns of the entire community concerning safety, as well as formulating a design, which will accommodate a future re-development of the adjacent Sugarloaf Center.

We heartily endorse this much-needed improvement to the Town Center, and we urge the Planning Board to approve this project. Please contact me if you have any questions.

Sincerely,

Candace E. Curie
President/CEO

cc: Mary Beth O'Quinn, M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Hundreds of Businesses. . .

Thousands of Employees. . .

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WISTERIA PROPERTIES
10020A Colesville Road
Silver Spring, Maryland 20901
301-404-7404



August 4, 2003

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Site Plan Application # 8-85066

Dear Development Review Division:

I recently received notification of the above referenced site plan submission. At that time, I spoke to Mary Beth O'Quinn in regards to a concern that I have. To reiterate, my concern was in regards to the status of Locbury Drive from Middlebrook Road to Wisteria Drive. This is the perfect opportunity for Locbury Drive to be addressed. At this time, this portion of Locbury Drive is only a master planned street that has not yet been constructed. If MNCPPC believes that this road should eventually be constructed, then the applicant or county should construct that portion of the road adjacent to its property. If not, then MNCPPC should remove this street from the master plan. There has been substantial development approved in the town sector and, in my opinion, this road will be needed and should be constructed or at least a sidewalk installed.

I look forward to this issue being addressed.

Sincerely,

A handwritten signature in cursive script that reads "Mike Fisher".

Miké Fisher



UPCOUNTY REGIONAL SERVICES CENTER

Douglas M. Duncan
County Executive

Catherine E. Matthews
Director

July 28, 2003

Ms. Marybeth O'Quinn
Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Germantown Commons - Site Plan No. 8-85066A
Letter of Authorization

Dear Ms. O'Quinn

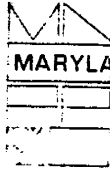
I am writing to inform you that Montgomery County authorizes Stoltz Management (also known as Stomad Centers Germantown Commons, LLC) to include our property known as Lot F, Churchill Town Sector, Germantown (the "Property") as part of Site Plan No. 8-85066A (the "Site Plan"). Specifically, we authorize Stoltz to rebuild approximately 8,379 square feet of their proposed building on our Property, in a location depicted on the submitted Site Plan, and with their understanding and agreement concerning future interests the County may have regarding the roadway. An easement is currently recorded in the Land Records of Montgomery County, Maryland to allow this 8,379± square foot encroachment on our Property. We are working with Stoltz to modify this easement to reflect the current footprint, and other considerations.

Please contact me should you have any questions.

Sincerely,

Catherine E. Matthews
Director

cc: Ed Lattner, Esq.
Stacy P. Silber, Esq.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

(301) 589-1480

8-79037

File

November 15, 1979

AGENDA: November 29, 1979

MEMORANDUM

TO: Montgomery County Planning Board
FROM: Urban Design Division
SUBJECT: Site Plan Review 8-79037
Western Development Commercial

(4) Construction of the remaining
Middlebrook Road from the end of the
dualization North to Germantown Drive

STAFF RECOMMENDATION: APPROVAL subject to the following conditions:

- (1) Deletion of B-4 Road from Germantown Master Plan.
- (2) Provision for vehicular access between subject property and property to the west at the point to be set at time of landscaping approval
- (3) Temporary parking is not to be permitted in the future right-of-way of Maryland Rt. 118.
- (4) Median breaks in Middlebrook Road are only to be permitted at the B-4 location, at the middle of the site and at Locburg Drive; no median break is permitted near the south side of the food store.
- (5) Fire hydrant locations are to be indicated on the site plan.
- (6) Provision of on-site stormwater management facilities.
- (7) Signing of the Developers Agreement.
- (8) Submittal of an acceptable landscaping, lighting and screening plan. *including pedestrian access*

STAFF REPORT

The subject parcel consists of 20.9 acres on the west side of Middlebrook Road north of Maryland Route 118. The site plan calls

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MEMORANDUM TO THE MONTGOMERY COUNTY PLANNING BOARD
NOVEMBER 15, 1979
Page 2

for the development of 162,270 square feet of retail and 182,400 square feet of office uses. Two five-story office buildings are proposed as well as a food store, mercantile building, restaurants, bank, gas station, movie theaters and other convenience commercial uses. The major buildings are connected by a pedestrian way which roughly parallels Middlebrook Road.

This site plan is predicated upon the deletion of the proposed B-4 road from The Germantown Master Plan. The amendment to the master plan to delete this road is the subject of a public hearing scheduled for December 6, 1979. The elimination of this road will permit the closer linkage of the retail and office activities.

JM:JW:el

11/29/79

NOVA

STAFF ACTION

4. Site Plan Review No. S-79037

Western Development Commercial, West Side of Middlebrook Road, North of Route 118, Germantown Planning Area

Notes:

Notes:

Fee:

Fee:

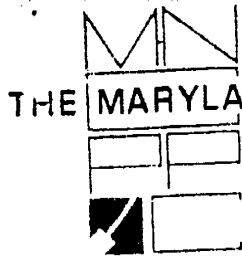
Fee:

Notes:

Staff Recommendation: APPROVAL.

Subject to:

- (1) Deletion of B-4 Road from Germantown Master Plan
- (2) Provision for Vehicular Access Between Subject Property and Property to the West
- (3) ~~Subsidiary~~ Parking is ~~Not~~ to be Permitted in the Future Right-of-Way of Route 118
- (4) ~~Subsidiary~~ Driveways in Middlebrook Road are ~~Not~~ to be Permitted at the ~~Site~~ Location, at the ~~North~~ End of the ~~Site~~ and at ~~North~~ Drive. ~~Driveway~~ Access is Permitted ~~at~~ the South Side of the Road ~~at~~ the ~~Site~~
- (5) Fire Extinguisher Stations are ~~Not~~ to be Permitted on the ~~Site~~ Plan
- (6) Provision of On-site Storm Water Management Facilities
- (7) Signing of the Developer's Agreement
- (8) Submittal of an Acceptable Landscaping, Lighting and Screening Plan
- (9) Construction of the Remaining ~~Portion~~ of Middlebrook Road From the End of the ~~Right-of-Way~~ ~~at~~ the ~~Location~~ North of Germantown Drive



Date Mailed: November 1, 1985

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20907

(301) 279-1000

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan Review No. 8-85066 (Amendment to No. 8-79037)
Germantown Commons

Action: Approval subject to conditions (Motion by Comm. Keeney,
Seconded by Comm. Granke; with a Vote of 4-0. Comm.
Krahnke absent.)

On June 6, 1985, Greenhorne & O'Mara, Inc., on behalf of Western Development Corporation and Germantown Development Limited Partnership, submitted an application for the approval of a site plan for property in the Town Sector Zone. The application was designated Site Plan Review No. 8-85066.

On August 8, 1985, Site Plan Review No. 8-85066 was brought before the Montgomery County Planning Board for a public hearing. At the hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff, Applicant, and others, and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which staff report is attached hereto and made a part hereof, the Montgomery County Planning Board approves Site Plan Review No. 8-85066 subject to the following conditions:

1. Approval of a waiver of that provision of Section 50-20 of the Montgomery County Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) that prohibits approval of a building permit for construction of a building that crosses a lot line, to permit a portion of the proposed building to cross the common lot line of Parcels "E" and "F."

2. Submit a final landscape plan and lighting plan with complete details for benches, trash receptacles, and paving materials, and revise the plant selection adjacent to the building.

3. Line up parking spaces adjacent to the perimeter drive to avoid cars backing up into the through travel lane.

4. Revise the rear driveway aisle in accordance with the requirements of the Fire and Rescue Department.

Site Plan Review No. 8-85066 (Amendment to No. 8-79037)
 Germantown Commons
 Page Two

5. Submit a site plan enforcement agreement and development plan.
6. If any grading is done on the adjacent property along the rear service drive, obtain a grading easement from the owner thereof.
7. Eliminate the parking spaces adjacent to driveway access which connects to the shopping center to the south (hereinafter "Sugarloaf Shopping Center").
8. Show on the site plan and record in the Land Records of Montgomery County, a thirty-foot (30) wide ingress and egress easement, which aligns both in grade and location to the roadway connecting to Sugarloaf Shopping Center, for the use of the general public for vehicular access.

The Montgomery County Planning Board finds:

1. That the site plan as modified by the conditions of approval, meets the requirements of the Town Sector Zone in which it is located.

	<u>Required/Permitted</u>	<u>Proposed</u>
Total Retail Development	No sq. ft. limitation	64,431 sq. ft.
Retail Uses	Permitted Use	
Theater	Permitted Use	41,358 sq. ft.
Restaurant	Permitted Use	18,258 sq. ft.
Drive-in Restaurant	Permitted Use	3,000 sq. ft.
		1,815 sq. ft.
Total Parking	1,286 spaces* (for Phase I & II retail-- based on uses identified)	1,301 spaces

*717 parking spaces were required for Phase I and 569 parking spaces (using mixed use parking rates provided for under Section 59-E-3.1 of the Zoning Ordinance) are required for Phase II.

Site Plan Review No. 8-85066 (Amendment to No. 8-79037)
Germantown Commons
Page Three

The plan proposes a mix of retail, theater and restaurant uses. As Section 59-E-3.1 of the Zoning Ordinance requires, the mixed use calculation showing the highest number of parking spaces becomes the parking requirement. In the instant case, the highest number of parking spaces--569--was during the week-day evening peak hours. The required number of parking spaces for the proposed Phase II development is, therefore, 569.

Phase I of the proposed development was required to provide 717 parking spaces. The Applicant actually provided 781 spaces. In addition to the 569 spaces provided for in Phase II, there are 64 extra spaces from Phase I which will be utilized by the Phase II development. Therefore, Site Plan No. 8-85066 can meet the parking requirements using the standard method of calculation (590 parking spaces required).

2. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems as modified by the conditions of approval are adequate, safe, and efficient.

(a) The retail stores line up in more or less a parallel alignment along the rear property line. This alignment is at an angle to the previously constructed Phase I retail center. The pedestrian space is logically connected to that of Phase I and forms a contiguous bond and walkway between and among the centers. The continuous pedestrian area to be located in front of the buildings is twenty-five (25) feet in width and protected by a continuous canopy. This space is developed with landscape planters and convenient seating areas.

At the end of the buildings, the site plan proposes to locate a fast-food restaurant with a drive-in window. The plan further proposes a large outdoor eating area to accommodate the restaurant patrons as well as to provide an open seating area adjacent to the theater. The outdoor eating area is located in the island adjacent to the restaurant and connects it to the pedestrian space in the front of the buildings by a well-defined walkway design.

Site Plan Review No. 8-85066 (Amendment to No. 8-79037)
Germantown Commons
Page Four

The staff has recommended that the drive-through lane for the restaurant be shifted approximately twenty (20) feet to the south to permit a continuous pedestrian connection between the outdoor eating area and pedestrian sidewalk. The Board, however, finds that the eating area and drive-through lane as proposed do not create a barrier inhibiting its use since the drive-through lane is only twelve (12) feet in width and is designed to provide a defined pedestrian walkway to draw users into the area. The outdoor eating area as proposed provides a larger more usable space than that which could be achieved by shifting the drive-through lane as suggested by the staff and will therefore better serve the users.

(b) The proposed internal parking circulation is well laid out providing convenient access to the stores. To eliminate cars backing up into the travel lane of the perimeter drive, the parking spaces must be lined up evenly to prevent the turning movement conflict. To insure that the driveway access connecting to the Sugarloaf Shopping Center is safe, Condition 7 requires the elimination of the parking spaces adjacent to the driveway.

(c) Access is achieved from Middlebrook Road at three existing driveways. The number, location, design and spacing of these points of access are safe, adequate and efficient.

(d) The proposed landscape plan creates an attractive landscape setting for the new development which is compatible with the previously constructed center. Landscaped parking islands are provided throughout the parking areas with shade trees that have a minimum of four (4) inch calipers. There is a continuous pedestrian walkway along the store fronts which is shielded with a canopy. Continuous, well spaced, landscape planters and seating areas are provided along this pedestrian walkway. The open seating area to the south is further landscaped with tables and benches for the convenience of pedestrians and patrons.

Page 4 of the staff report notes some minor desired refinements to the landscape plan. Therefore, the Applicant is required to submit a final landscape plan and lighting plan with complete details for benches, trash receptacles, and paving materials, and revise the plant selection adjacent to the building, as a condition of approval.

Site Plan Review No. 8-85066 (Amendment to No. 8-79037)
Germantown Commons
Page Five

3. Each structure and proposed use as modified by the conditions of approval is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed plan provides access to and from the adjacent Sugarloaf Shopping Center. These centers are compatible in terms of both use and scale. Further, the proposal is properly aligned and connected both from a vehicular and pedestrian standpoint with the existing shopping facilities on Phase I. The result is an integrated, continuous shopping center with well designed vehicular circulation and pedestrian connections.

4. The land owned by the Applicant and subject to previously approved Site Plan No. 8-79037 contains three recorded lots, more particularly known as Parcels "E" and "F", Plat Book 120, Plat No. 14124 and Parcel "D", Plat Book 119, Plat No. 14064. The subject site plan proposes construction on Parcel "E" and a portion of Parcel "F". Phase I of the shopping center has been constructed on Parcel "D". As shown on the proposed site plan, a portion of the theater building (also containing a proposed restaurant) crosses the common lot line of Parcels "E" and "F". The Applicant requested a waiver of that portion of Section 50-20 of the Subdivision Regulations which prohibits the approval of building permit for the construction of a building that crosses a lot line. The grounds of the Applicant's request are contained in a letter dated August 5, 1985, to Ms. Karen Kumm Morris which is attached to the staff report and made a part thereof.

The Town Sector Zone permits the Board to waive the substantive requirements of the Subdivision Regulations during site plan review upon a finding that the waiver would allow greater flexibility of development consistent with the purposes of the Zone and promote more attractive and more efficient overall planning and design. See Section 59-C-7.28(d) of the Zoning Ordinance. The Board finds that the proposed site plan, with a portion of the building crossing the common lot line of Parcels "E" and "F", permits a configuration and design which best meets the purposes of the Town Sector Zone and promotes more attractive and more efficient overall planning and design than could otherwise be achieved by separating the buildings. This is so since it allows the buildings to remain in a continuous and unbroken form which is preferable for the reasons stated by the Applicant in its August 5, 1985, letter and testimony at the hearing on this site plan.

Site Plan No. 8-85066 (Amendment to No. 8-79037)
Germantown Commons
Page Six

The Applicant's property subject to previously approved Site Plan No. 8-79037, has been recorded in the Land Records as three lots. The lots are in common ownership and three development phases are proposed for the development of an interrelated commercial center. Phase I of the proposal has been constructed. The instant site plan modifies Site Plan No. 8-79037 for Phase II of the development. The Board finds that the identical amount of development could be located in Phase II of the proposal without crossing the subject lot line by using a different, but less desirable layout. This layout would be less attractive and efficient since it would require the separation of the buildings. The Board finds that the proposed configuration and design, which allows the buildings to remain contiguous and unbroken, is preferable to separating the buildings and that the proposed configuration and design is more attractive and efficient, and better promotes the purposes of the Town Sector Zone.

5. The proposed development as modified by the conditions of approval achieves a maximum of compatibility, safety, efficiency, and attractiveness. As grounds for this finding, the Montgomery County Planning Board incorporates by reference all those matters, findings, and conclusions cited herein as support for the decision to approve Site Plan No. 8-85066.