



Item #9  
MCPB  
10.9.03

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

**MEMORANDUM**

**DATE:** October 2, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief  
Michael Ma, Supervisor  
Development Review Division  
**FROM:** Mary Beth O'Quinn  
Planning Department Staff  
(301) 495-1322

**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** Approval of a total of 10,880 sf Commercial Space for Retail Use

**PROJECT NAME:** Middlebrook CVS  
**CASE #:** 8-98017A  
**REVIEW BASIS:** Site Plan required in the C-3 Zone [Article 59-D]  
Allowance of Off-Site Parking [§59-E-3.4]  
Waiver for alteration to Parking Standards [§59-E-4.5] applied to [§59-E-2.71]

**ZONE:** C-3  
**LOCATION:** NE Quadrant of Frederick Road (MD355) and Middlebrook Road  
**MASTER PLAN:** Germantown  
**APPLICANT:** Roadside Development  
**FILING DATE:** June 10, 2003  
**HEARING DATE:** October 9, 2003



**STAFF RECOMMENDATION:** Approval of a total of 10,880 square feet for retail (pharmacy use), of which 6,000 sf replaces the existing restaurant use on the site, with a waiver for off-site parking, per §59-E-3.4, subject to the following conditions:

1. Stormwater Management  
Conditions of MCDPS stormwater management concept approval dated August 21, 1997 and reconfirmed July 8, 2003.
2. Transportation Planning
  - a. Limit the total development to the following uses and density:
    - i. Limit the additional development on Lot 1 to 4,352 square feet of retail use;
    - ii. Limit the combined development of Lot 1, Lot 2, and Lot 3 to 14,680 square feet for retail use and 8,529 square feet for the childcare center;
3. Signature Set  
Prior to signature approval of the site/landscape plans the following revisions 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 including centerlines
  - b. Provide details of all furnishings and fixtures, lighting, railings, loading doors and signage; provide conformance to *Germantown Streetscape Concept Plan* standards;

- c. Provide the development program inspection schedule.
- 4. Site Design
  - a. Provide grading at 2-foot intervals to be shown on the Landscape Plan;
  - b. Remove any structures proposed within the ROW or PUE;
  - c. Provide signage design consistent with the guidelines in the *Germantown Streetscape Concept Plan* for commercial signage located at Village Centers, pursuant to Section 6.2 and Figures 2 and 14 of the *Germantown Streetscape Concept Plan*.
- 5. Landscape Design

Provide a Landscape Plan for Lot 1, Lot 2, and Lot 3, showing the following:

  - a. Street Frontage
    - i. Provide three shade trees for the Middlebrook Road median, subject to review and approval by the State Highway Administration;
    - ii. Provide minimum five-foot landscape strip adjacent to the public utility easement for the five parking spaces at the north end of the parking strip facing Middlebrook Road (note: the end space to be converted to motorcycle parking);
    - iii. Replace any dead or diseased street trees within the ROW for Lots 1, 2, and 3.
  - b. Parking Areas (Lot 1, Lot 2, Lot 3)
    - i. Provide three additional shade trees pending coordination with property owners;
    - ii. Replace any dead or diseased trees pending coordination with property owners;
  - c. Conservation Easement Area
    - i. Clear trash and invasive growth;
    - ii. Replace any dead or diseased trees.
- 6. Lighting

Provide Landscape and Lighting plans with the following information subject to review and approval by staff:

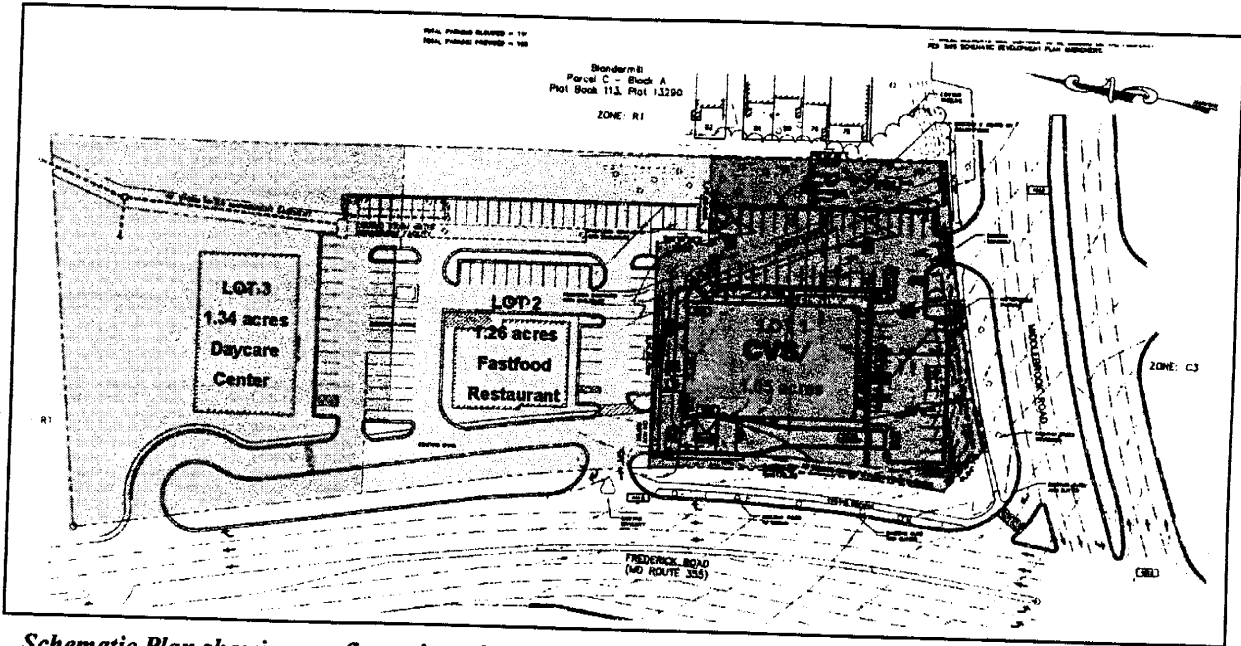
  - a. Provide revised information on lighting fixture type and locations between the Landscape Plan and the Lighting Plan; show all lighting fixtures on the Landscape Plan, with icons to identify fixture type;
  - b. Provide details, specifications, and locations for all lighting fixtures, including lamp 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 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 systems were reviewed with regard to the circulation pattern for loading, delivery, and trash pick-up. Streetscape design, of primary importance, was studied for conformance to the Germantown standards, and for efficient and safe pedestrian movement. The parking supply and the applicant's request for a parking waiver waivers were reviewed in detail.



*Schematic Plan showing configuration of property parcels.*

1. Allowance for Shared Parking [§59-E-3.4]

The applicant seeks a parking credit for to utilize off-site parking facilities within the adjacent to satisfy peak parking requirements.

**Applicant Position:** The applicant states that peak parking may be satisfied by the provision of additional off-site parking spaces available on Lot 1 and Lot 2 per cross-lot easement recorded in the land records.

**Community Position:** No comment has been received from the public concerning this issue.  
**Staff Position:** Staff recommends approval of parking plan proposed since the parking capacity for Lots 1 and 2 exceeds the combined requirement by 4 spaces. Staff recommends the following: 1.) Applicant must provide a plan for the supplemental parking area, showing the location and number of spaces;

2. Allowance for Waiver of Parking Standards [§59-E-4.5]

The applicant seeks a partial waiver from the requirements for landscape strip area adjacent to a street right-of-way as addressed under §59-E-2.7 of the Montgomery County Zoning Ordinance.

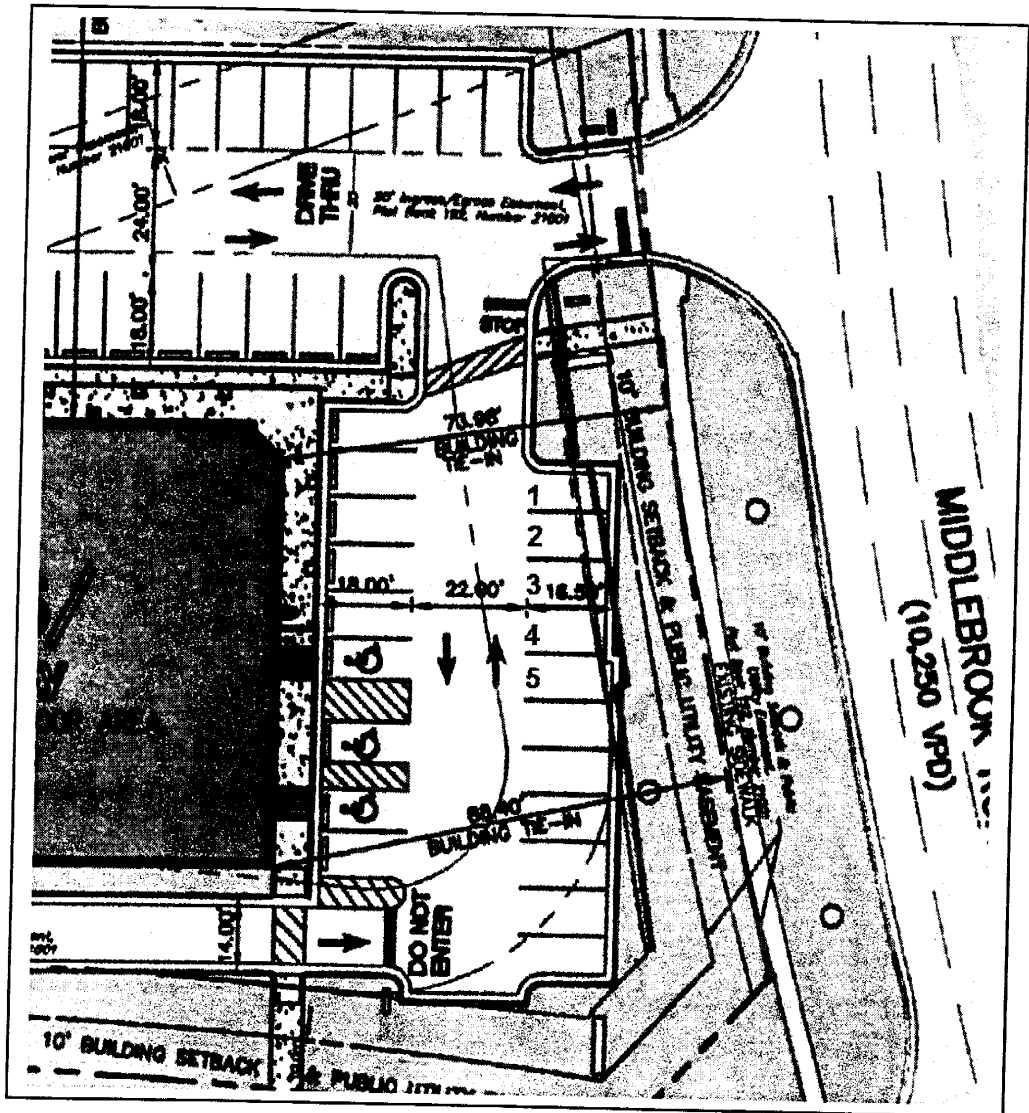
**Applicant Position:** The applicant requests a waiver to allow a reduction from the standard 10-foot width for a portion of the landscape strip adjacent to the Middlebrook Road ROW and public utility easement. In order to provide adequate parking supply; the proposal provides for a 5-foot landscape strip for the subject portion of frontage across 4 parking spaces.

**Community Position:** No comment has been received from the community regarding any aspect of the site plan review.

**Staff Position:** Staff supports the applicant's request for a waiver for a portion of the landscaping area width because:

- The design with the waiver provides the same number and spacing of shade trees as would be provided without the waiver;
- The proposal with a 5-foot-wide landscape strip over a length of approximately 32 feet, will provide sufficient and attractive landscaping along the frontage (approximately 4 parking space widths);
- The majority of the parking spaces facing Middlebrook Road are adjoined by the standard 10 foot landscaping strip; in addition, the 10-foot PUE adjoins the entire frontage along the parking edge;
- Staff recommends that the applicant provide supplementary planting for the screening hedge in the form of a staggered double row of greenery along the parking lot street edge;
- The applicant proposes to enhance the street frontage with new landscaping; staff recommends that the applicant provide additional shade trees within the Middlebrook Road median, subject to review and approval by the State Highway Administration.

The blue line shows the location of the landscape strip edge with the 5-foot wide landscape area. The red line indicates the standard area for the landscape area with a 10-foot width.



3. Signage

The proposal features pylon signage that is 26 feet in height.

**Applicant Position:** The signage proposed will modify existing "Friendly's" pylon signage, and comprises a standard CVS signage element.

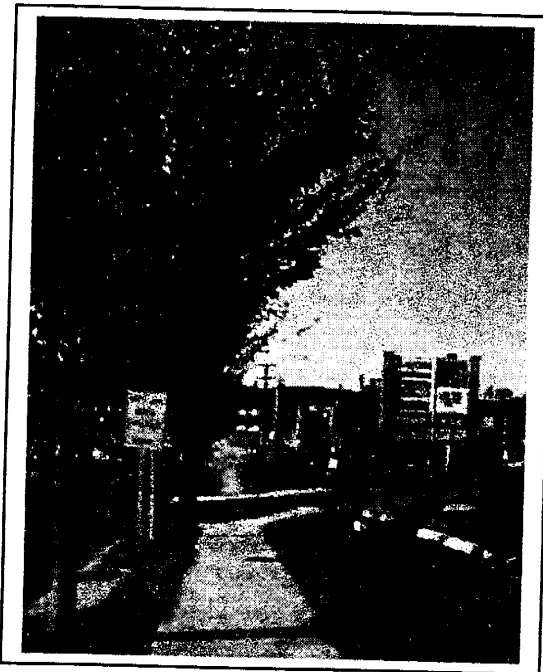
**Community Position:** No comment has been received from the community regarding any aspect of the site plan review.

**Staff Position:** Staff recommends that signage design conform with the *Germantown Streetscape Concept Plan, Approved March 1994* ("*Streetscape Plan*"), with signage no higher than 14 feet. Private Signage is addressed within Section 6.2 (See *Streetscape Plan, page 19*, attached). The *Streetscape Plan* recommends that "all commercial signage located . . . at Village Centers should be restricted in height, similar to [the Master Plan standards for signage at] MD 118 . . .". The *Streetscape Plan* states that signage higher than 14 feet will, among other things, contribute to visual clutter and competing roadside information.

Although the *Streetscape Plan* allows for exceptions to the above guideline, if a proposal for signage "achieves a superior design that complements architectural elements and reduces visual clutter[.]", Staff is of the opinion that the signage proposed (at 26 feet in height) does not complement the attractive elements of the proposed building design and, moreover, will increase visual clutter and detract from the compatibility among adjacent development, achieved in part through implementation of the Streetscape recommendations. Therefore, Staff concludes that the proposed signage does not meet the goals of the *Streetscape Plan* and cannot support a finding of compatibility. [See also *Discussion in Findings, page 13*, and *Memorandum from Community-Based Planning dated October 2, 2003* attached.]



*Monument sign for Middlebrook Square Shopping Center at the southwest corner of the intersection of the Middlebrook Village Center*



*The commercial signage with the Village Center follows the Germantown Streetscape Guidelines. At left, the monument sign for Exxon on the southeast corner of Middlebrook Road and Frederick Road*

**PROJECT DESCRIPTION: Surrounding Vicinity**

The surrounding area reflects a mix of land uses. Townhouses developed under the RT-12.5 Zone are located along the east side of MD 355 from Middlebrook Road north to relocated MD 118. The townhouse community adjacent the subject property on the north and east sides is known as Fieldstone at Brandermill. South of Middlebrook Road is an automobile filling station and an automobile repair facility in the C-3 Zone and the Fox Chapel Shopping Center in the C-1 Zone. Located along the west side of MD 355 are commercial uses developed under the C-1, C-2 and C-3 Zones. These uses include the Middlebrook Village Shopping Center. Located west of the subject property is R-60/TDR zoned land owned by M-NCPPC and leased to the recently completed Germantown Boys and Girls Club. North of this facility is land classified under the R-20 Zone for garden apartment use.



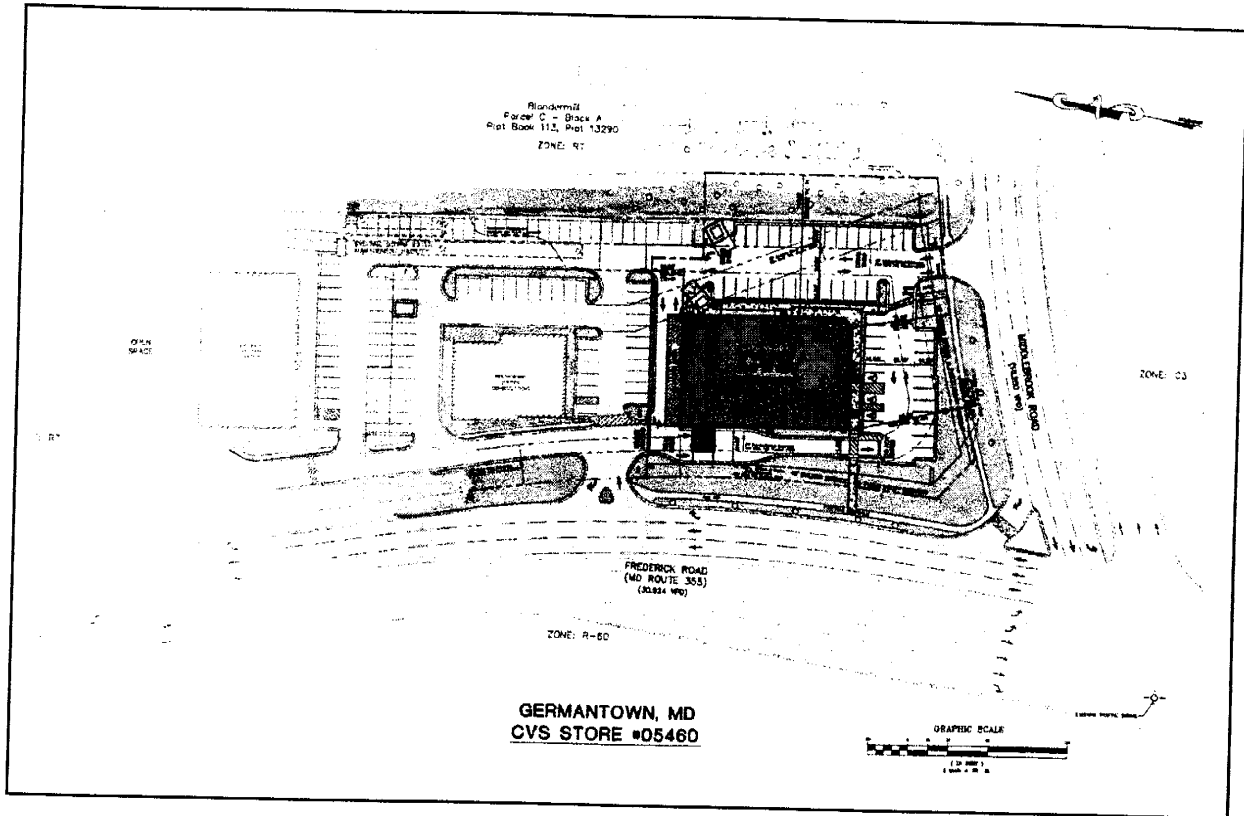
**PROJECT DESCRIPTION: Site Description and Proposal**

The site is currently developed as a three-lot property that features a Friendly's Restaurant on the subject lot (Lot 1), a fast food (Taco Bell) on the middle parcel (Lot 2) and a Day Care Center on Lot 3. The site provides surface parking surrounding the three building structures. The finished topography slopes gently about 15 feet over a distance of 170 feet toward the northeast corner of the site, with slopes in the 0-3% range. A forest conservation easement protects the stand of trees along the southeast corner of the side, adjoining the residential townhouse neighborhood.

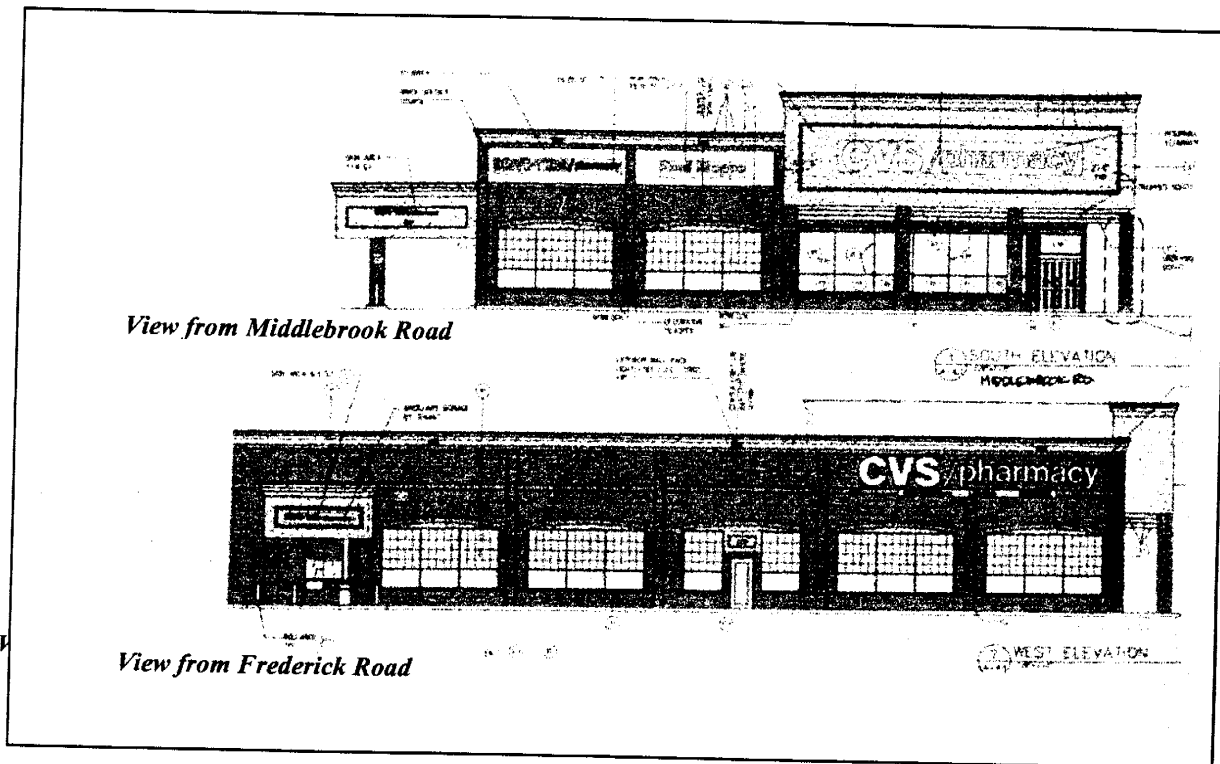
The plan shows a proposed 10,880 square foot one-story drug store replacing an existing 6,000 square foot restaurant. The drug store will include a drive-through lane with two windows for customers picking up prescriptions. The existing vehicular access from MD 355 and Middlebrook Road will be utilized. The applicant will request a parking waiver pursuant to Section 59-E-4.5 of the Zoning Ordinance. All of the restrictive covenants addressing development standards found in the Schematic Development Plan approved in conjunction with Local Map Amendment No. G-724 will continue to be binding on the property. These address density, green area, building height, setbacks, and access. The existing streetscape along MD 355 and Middlebrook Road will remain and be supplemented with additional landscaping including shrubs, shade trees, and ornamental trees.



*The site as shown in a 2002 aerial photograph. The Friendly's Restaurant is seen at the southern end; construction for the Taco Bell Restaurant is seen on Lot 2 and the DayCare Center is seen at top.*



*The plan showing the proposed CVS Retail Pharmacy*





**PROJECT DESCRIPTION: Prior Approvals**

The site was previously the subject of an Amendment to the Zoning Ordinance, G-724, approved by the District Council on July 9, 1996, to reclassify the property's zoning from O-M to C-3. Binding elements of the approval included building heights limited to 35 feet, 25% minimum green area, maximum FAR of .25; restrictions on pedestrian connections through the adjoining residential neighborhood, and the existing vehicular access points. Preliminary Plan 1-98037 and Site Plan 8-98017 were approved by the Planning Board on July 23, 1998.

The Schematic Development Plan, attached to Zoning Amendment was amended as SDPA 03-01, and filed on November 27, 2002. The Planning Board recommended approval of the proposed SDP amendment on March 13, 2003. The District Council approved DPA 03-01 on April 22, 2003.

The preliminary plan for subdivision will be amended concurrently with this site plan.

**CONFORMANCE TO DEVELOPMENT STANDARDS**

<b>Middlebrook CVS 8-98017 Development Standard</b>	<b>G-724 Zoning July 9, 1996</b>	<b>Prelim Plan 1-98037 Site Plan 8-98017</b>	<b>DPA 03-01 April 22, 2003</b>	<b>C-3 Zone Permit/Reqd</b>	<b>C-3 Zone Proposed 8-98017A</b>
Gross Site Area		3.65 acres	3.65 acres		
Lot 1: Day Care Center		1.05 acres	1.05 acres		
Lot 2: Restaurant (Taco Bell)		1.26 acres	1.26 acres		
Lot 3: Pharmacy CVS (Friendly's)		1.34 acres	1.34 acres		
<b>Density</b>					
Lot 1: Day Care Center		8,529 sf	8,529 sf	N/A	8,529 sf
Lot 2: Restaurant (Taco Bell)		3,800 sf	3,800 sf	N/A	3,800 sf
Lot 3: Pharmacy CVS (Friendly's)		6,528 sf	10,880 sf	N/A	10,880 sf
<b>Total Density - square feet</b>	<b>39,748 sf max</b>	<b>18,857 sf</b>	<b>23,209 sf</b>		<b>23,209 sf</b>
<b>Total Density - FAR</b>	<b>NTE 0.25 FAR</b>	<b>0.12 FAR</b>	<b>NTE 0.25 FAR</b>	<b>N/A</b>	<b>0.15 FAR</b>
<b>Green Area - Lots 1, 2, 3</b>	<b>25%</b>	<b>42%</b>	<b>25%</b>	<b>10%</b>	<b>25%</b>
<b>Green Area - Lot 1</b>					<b>27%</b>
<b>Building Height</b>	35 feet *	35 feet	35 feet *	42 feet	35 feet
<b>Setbacks</b>					
At North	35 feet *	121 ft max/47 ft min	35 feet *	10 feet (side)	107 feet
At East	35 feet *	35 feet	35 feet *	20 feet (rear)	35 feet
From MP ROW - MD 355	10 feet		37 feet min	10 feet	37 feet min
From MP ROW - Middlebrook Rd	10 feet		73.98 feet min	10 feet	73.98 feet min
* Binding Element					

**PARKING STANDARDS**

<u>Parking Data 8-98017A</u>	<u>Area (sf)</u>	<u>Parking Standard</u>	<u>Required</u>	<u>Provided</u>
Gross Site Area	158,994 sf			
Lot 1: Day Care Center	8,529 sf	165 children@1/6 children	27 spaces	28 spaces
Lot 2: Restaurant (Taco Bell)	2,625 sf	25 spaces/1,000 sf patron area	66 spaces	75 spaces
Lot 3: Pharmacy CVS	10,880 sf	5 spaces/1,000 sf building area	55 spaces	49 spaces
<b>Total Parking Required</b>			<b>148 spaces</b>	<b>152 spaces</b>

**Demand and Supply**

<u>Parking Type</u>	<u>Required/Permitted</u>	<u>Provided</u>
Automobile Total		152 spaces
Compact Spaces permitted	15 spaces	4 spaces
H/C	**	6 spaces
Bicycle		5 spaces
Motorcycle	2 spaces ***	2 spaces
<b>TOTAL automobile spaces</b>		<b>152 spaces</b>

\* §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 may specify that the property provides 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.

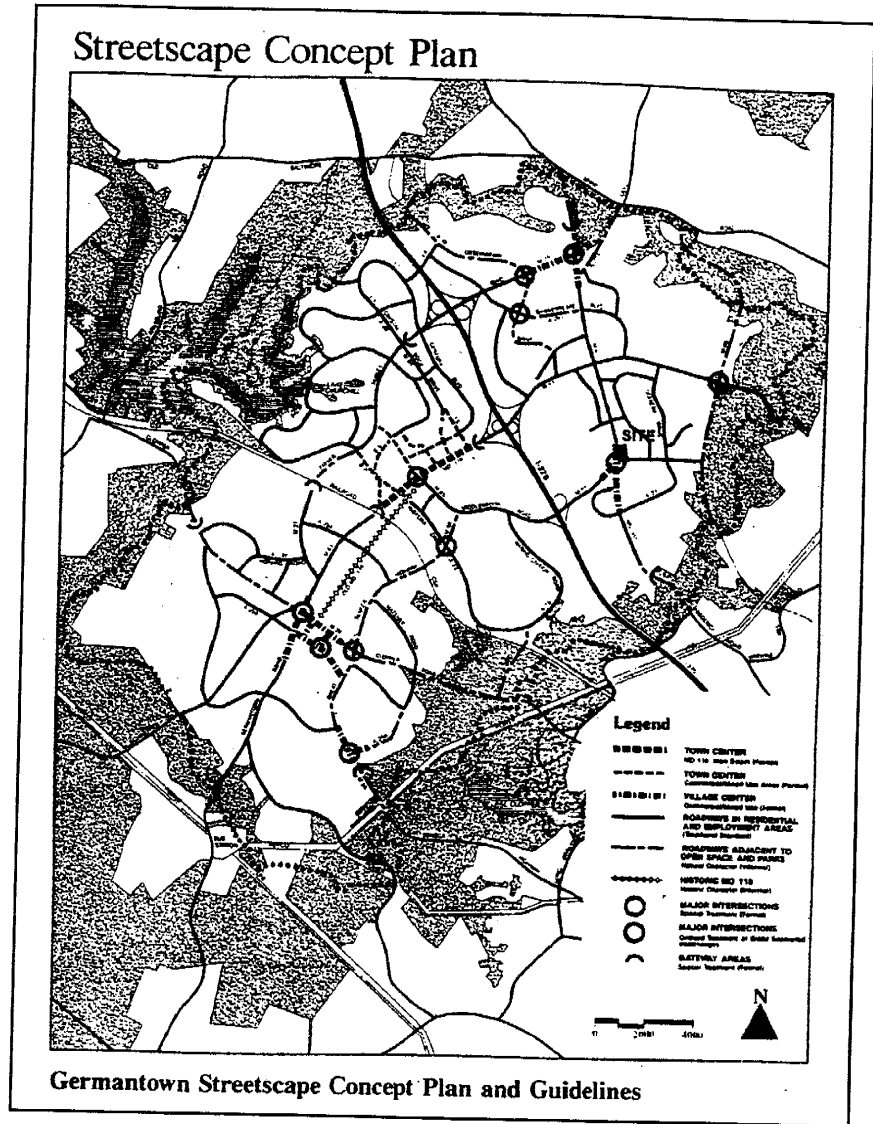
**ANALYSIS: Conformance to Master Plan**

The subject property is located in the Germantown Master Plan area. The Master Plan, approved and adopted in 1989, recommended employment uses for the subject property based on its O-M zoning at the time. The Master Plan also recommended that development of the site be handled in a manner that is compatible with the adjacent townhouse community. For example, the Master Plan on page 73 calls for the review of the site plan to address the following areas of compatibility:

- The buildings should be of the same character and scale as the adjoining residences
- Adequate buffering should be provided between the proposed uses and the adjoining residences

The development shown in the SDPA generally conforms to the recommendations of the Master Plan. The design and proposed building offers architectural elements such as display windows facing the street, brick clad facades, and visible pedestrian connections to the store itself that provides a structure human in scale and compatible with the surrounding commercial and residential buildings.

Although the drug store is larger than the restaurant it replaces, its impact will be limited by the restrictive covenants that remain binding on the property. These covenants further ensure that the character and scale of development remains consistent with the adjacent townhouse community.



Of greater concern is part of the signage proposed for this retail establishment. The provision of a 26-high pylon sign does not fit compatibly with the guidelines set forth in the Germantown Streetscape Concept Plan, approved by the Planning Board in March 1994.

For further discussion, see:

- *Issues of Site Plan Review, #3, page 5, above*
- *Findings, Compatibility, page 13, below*
- *Memo from Community-Based Planning, October 2, 2003, attached.*

**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.*

The proposed plan conforms to the approved Amended Schematic Development Plan 03-01.

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 buildings are arranged in three individual lots that adequate access from the two street frontages. The buildings are located to provide for maximum visibility from the road and to provide convenient access between each use and the adjoining (shared) parking. The building proposed for the subject lot is sited for maximum efficient use of the drive-through pharmacy, while still maintaining an attractive street presence on Middlebrook Road and Frederick Road. The service areas are located at the rear of the building and are hidden from the property frontage, maintaining an attractive visual form from the public streets. The 35-foot buffer along the southeast corner provides a functional and visually useful transition to the adjoining residences.

- a. *Open Spaces*

The plan provides 28.7% green space on Lot 1 while maintaining 25% green space (binding element) on the combined lot areas of the three parcels. The open space is ideally suited to provide a functional transition to the residential areas to the east. The islands within the surface parking areas will support additional shade trees, along with a row of shade trees aligning the street front that will parallel the street trees within the public right of way. Storm water management will be provided by on-site water quantity control and quality control.

- b. *Landscaping and Lighting*

Landscaping on the site consists of shade trees throughout the surface parking areas, and evergreen shrubs and ground planting at the street frontages, afforestation plating next to the northern edge of the site. The landscaping will provide shade for the parking lots, a 35-foot conservation area, and screening for the parking lot. The proposal provides for the standard parking screening of 36-inch hedge and shade trees every 40 feet (even with the requested waiver). The landscaping is attractive and provides adequate buffering, visual interest, and shade for the site.

- c. *Recreation*

The proposal is exempt from Recreation Requirements.

- d. *Vehicular and Pedestrian Circulation*

The street connections to the site are in accordance with the approved schematic development plan amendment and feature a right-in right-out on Middlebrook Road and a right-in right-out and left-in for MD Route 355 (Frederick Road). Sidewalks and cross walk systems connect each building to the sidewalks in the adjoining streets. Pedestrian lead walks to the building from the public streets are visible and provide safe, efficient passage while providing an important element of Village Center streetscape goals. Connections within the site are adequate.

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

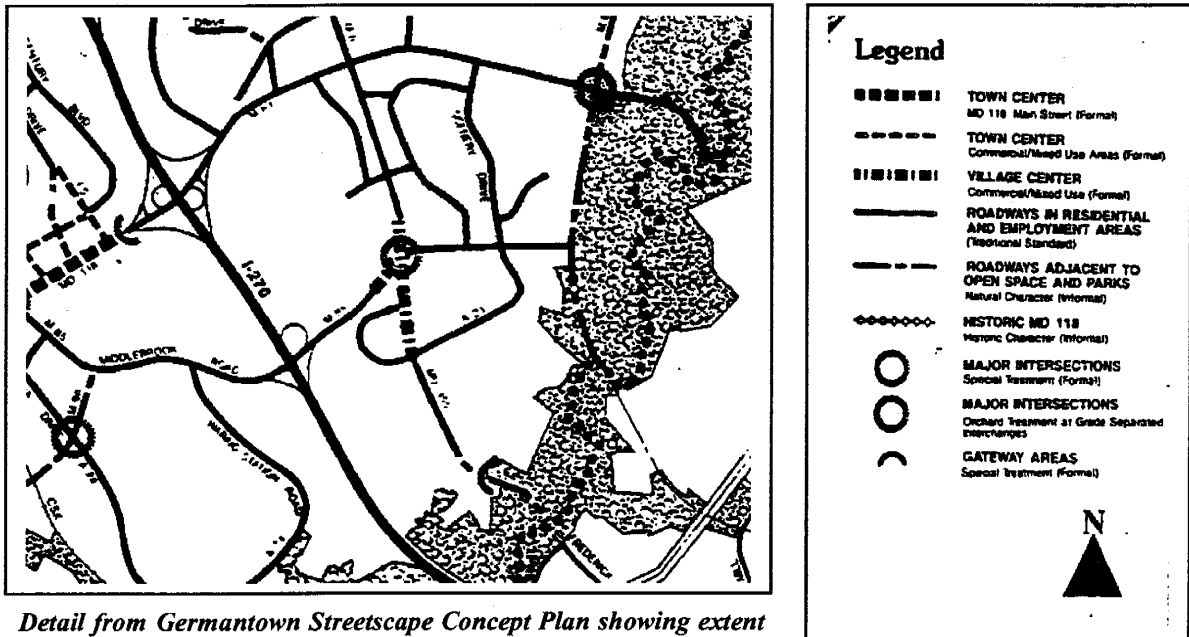
The intended use provides a compatible land use with the adjacent townhouses as well as with the commercial uses within the Village Center. The building itself provides a compatible structure in its scale, materials, and

architectural articulation. The brick facades, featuring windows along the public streets, with visible pedestrian connections to the doors, mediate the form of this singly massed structure and provide a reading of the building that is human in scale and compatible in its materials. The landscaping proposed complements the siting of the building while providing appropriate transition to the housing at the east.

The only element of questionable compatibility concerns the pylon signage, which is proposed at a height of 26 feet (the Zoning Ordinance definition of “structure” includes signage). The proposed signage contrasts markedly with existing commercial signage along the roadways in the southeastern and southwestern quadrants of the Middlebrook Road/Rt. 355 intersection, which conform with the *Streetscape Plan* guidelines for signage. Staff is of the opinion that the signage design for this site should be consistent with signage existing in the other quadrants of the subject site’s intersection, in order to support a finding of compatibility with adjacent development. Staff recommends that signage be provided on the subject site that follows the guidelines in the *Streetscape Plan*: monument style signage that is a maximum of 14 feet in height, constructed with building materials that will achieve compatibility.

The Streetscape Concept Plan (Figure 2 on page 10 of the *Streetscape Plan*) delineates the extent of the recommended Middlebrook Village Center streetscaping along MD355 and Middlebrook Road. The latter illustration supports Staff’s recommendation that signage at the subject site should be consistent with the guidelines in the *Streetscape Plan* that restrict the height of commercial signage at Village Centers.

Staff recommends that the signage follow the *Streetscape Plan* guidelines in order to achieve a maximum of compatibility with the proposed building and with adjacent development; and furthermore, in order to achieve a maximum of attractiveness.



*Detail from Germantown Streetscape Concept Plan showing extent and locations of the Village Center areas, applicable for recommended streetscape standards. The drawing shows streetscape recommendations as applied to the street frontage of MD355 and Middlebrook Road.*

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*  
The site meets the requirements for forest conservation. Staff recommends that the applicant clear trash and invasive plant material from the Conservation Easement area and replace any dead or diseased trees.