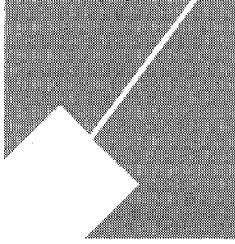


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

Item # **4**  
**MCPB 04-27-06**

**MEMORANDUM**

DATE: April 14, 2006  
TO: Montgomery County Planning Board  
VIA: Rose Krasnow, Chief *RK*  
Michael Ma, Supervisor *Ma*  
Development Review Division  
FROM: Laxmi Srinivas *LS*  
Development Review Division  
(301) 495-4584



REVIEW TYPE: **Site Plan Review**  
CASE #: **820060090**  
PROJECT NAME: **Montgomery Village CVS**

APPLYING FOR: Approval of 11,902 square feet of retail with a 396.5-square feet drive-thru in Montgomery Village

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
Div. 59-E of Montgomery County Zoning Ordinance  
ZONE: T-S

LOCATION: Located on the west side of Montgomery Village Avenue, in the northwest quadrant of Montgomery Village Avenue and Stedwick Road, known as 19100 Montgomery Village Avenue

MASTER PLAN: Gaithersburg Vicinity Master Plan  
APPLICANT: Carl R. Stuges  
FILING DATE: August 23, 2005  
HEARING DATE: April 27, 2006

**STAFF RECOMMENDATION:** Approval of 11,902 square feet of retail with a 396.5-square feet drive-thru on 1.24 acres. All site development elements as shown on the CVS site plans stamped by the M-NCPPC on March 21, 2006, shall be required except as modified by the following conditions:

1. Development Plan  
The proposed development shall comply with the approved Development Plan for Montgomery Village Town Sector (Village Center).

2. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 119731560.

3. Site Design

- a. Provide building setbacks on the site plan.
- b. Provide the location and dimensions of all PUE easements on the site plan.
- c. Provide the width of the proposed internal sidewalks, the pedestrian connections and the drive-aisles on the site plan.
- d. Provide the location and width of all existing and proposed sidewalks along Montgomery Village Avenue and Stedwick Road.
- e. Clarify whether the drive-thru area is included in the overall floor area. Revise the total floor area accordingly in the site plan data table.
- f. Provide the correct number of required and proposed parking spaces on the site plan.
- g. Provide a total of three bike racks on the site plan.
- h. Provide the location and dimensions of the loading space.
- i. Provide the top and bottom elevation for the proposed retaining wall.
- j. The data table on the site plan shall be revised to match the data table in the staff report.

4. Landscaping

- a. The landscape schedule on the landscape plan shall be revised to match the landscape schedule in the staff report.
- b. Provide a note on the landscape plan stating that if the landscaping in the PUE along Montgomery Village Avenue is to be removed, it will be removed at the expense of the applicant and replacement landscaping will be provided outside the PUE.

5. Lighting

- a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors or shields.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent properties and streets.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
- d. The height of the light poles shall not exceed 20 feet including the mounting base.

6. Pedestrian Circulation

Relocate the pedestrian connection in the southwestern portion of the property to the extent feasible so that it is not within the vehicular entrance area to the site.

7. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated April 10, 2006: [Appendix A]

- a. Limit the future building permit and the site plan to a pharmacy with a drive-thru window of 12,298.5 total square feet to replace the existing smaller-sized building.
- b. Provide a safer pedestrian crossing in the southwestern corner of the site to directly connect the building perimeter sidewalk to a protected pedestrian refuge area along the western lot line.
- c. Provide three inverted U-bike rack and space the bike racks evenly at the store's main entrance.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 15, 2005. [Appendix B]

9. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Street trees and all on-site landscaping shall be planted along with the construction of the retail store but no later than six months following completion of the store.
- b. All retaining walls, stormwater management, pedestrian pathways and sidewalks shall be installed as construction of the proposed building is completed.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

10. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plans.

11. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, revised development data table and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

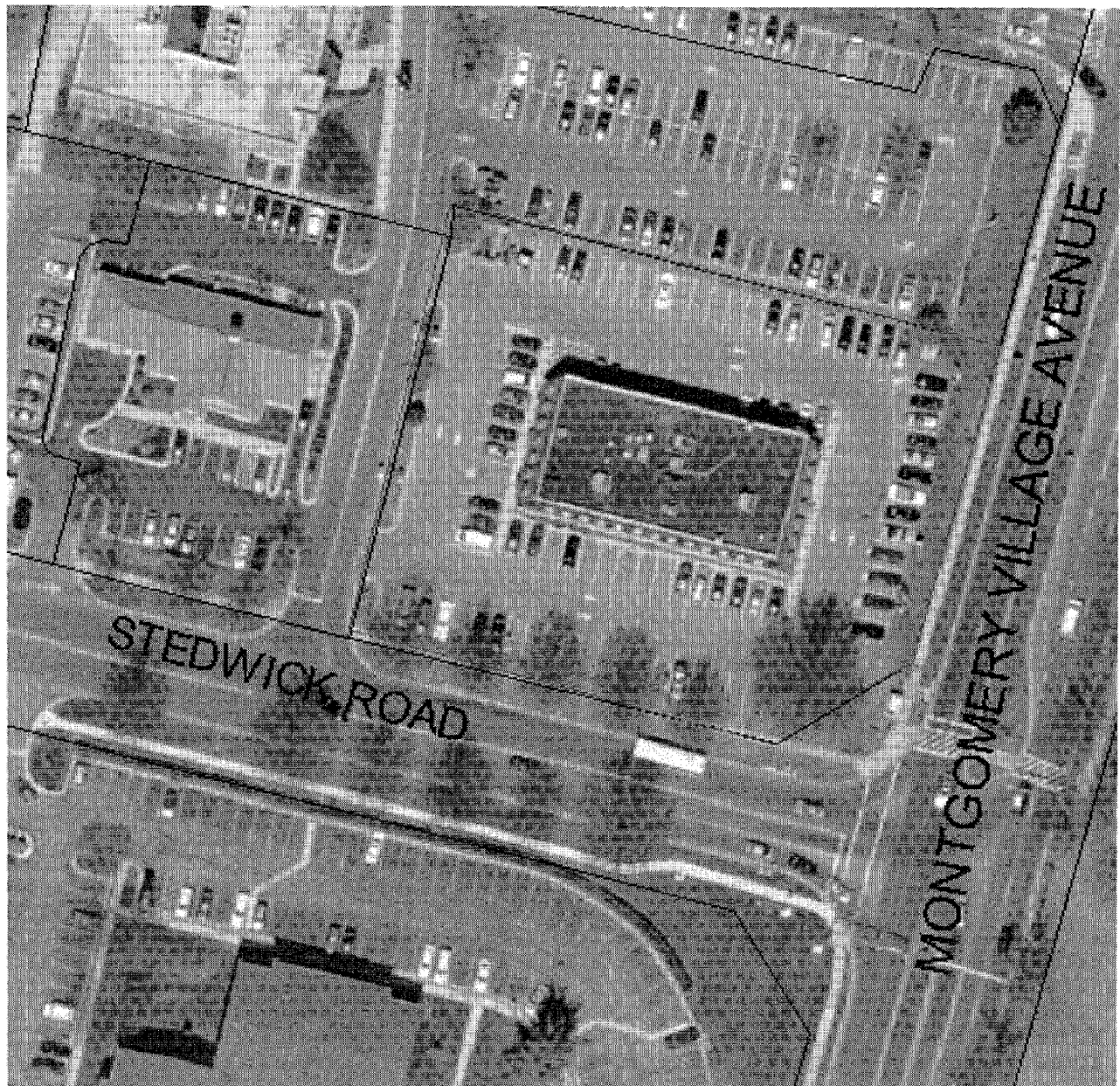
**PROJECT DESCRIPTION:** Site Vicinity

The subject 1.24-acre property, in the T-S Zone, is located on the west side of Montgomery Village Avenue, in the northwest quadrant of Montgomery Village Avenue and Stedwick Road, (known as 19100 Montgomery Village Avenue). It is located within the Montgomery Village Town Center (Village Center). The subject property is bounded by the Village Center parking lot zoned T-S on the north, the Village Center retail center zoned T-S on the northwest, a bank zoned T-S on the west, Stedwick Road on the south and Montgomery Village Avenue on the east. The Center Court condominiums in the T-S Zone are located across Stedwick Road and the Whetstone Homes single-family houses in the T-S Zone are located across Montgomery Village Avenue.



**PROJECT DESCRIPTION:** Site Description

The subject 1.24-acre property is developed with an existing Sir Walter Ralieggh restaurant. The existing restaurant building will be replaced by the new CVS store. The existing access to the property is from a driveway along Stedwick Road. The driveway also serves the adjacent bank and retail center. There are two vehicular access points along this driveway into the subject property. Pedestrians can access this property from the bank and retail center. The existing parking is around the restaurant building and along the north, south and east property lines. The property slopes upwards from Stedwick Road and Montgomery Village Avenue towards its northern property line.



**PROJECT DESCRIPTION:** Proposal

The proposed CVS store is a combined CVS Store and pharmacy. It will be open 24 hours. The drive-thru operating hours will be the same as the pharmacy hours. If the pharmacy closes, the drive-thru will also close. At present, there is an existing CVS store in the retail center to the north of the subject property that is open 24 hours. It will close upon completion of the new store.

The subject site plan proposes to replace the existing Sir Walter Ralieggh restaurant building with an 11,902-square-foot retail store. The proposed rectangular building will be in the same location as the existing building in the central portion of the site. The main entrance to the store is proposed on the east side of the building facing Montgomery Village Avenue. A 396.5-sq.ft. double-entry drive-thru is proposed on the northwest side of the retail store. A loading ramp with a brick wall and railing is proposed on the west side of the building.

A dumpster with a brick fence enclosure and a vertical compactor with an enclosure are proposed on the northwest corner of the property.

Ingress to the property is from the existing access point to the south of the property and egress from the property is from the existing access point to the north of the property. Two-way drive aisles are proposed on the south, east and west sides of the proposed building and a one way drive aisle is proposed on the north side of the proposed building for the drive-thru and vehicles exiting the property. An entry sign is proposed along the south side of the property to direct traffic entering the property. Appropriate exit and do not enter signs are proposed for the north side of the property to direct traffic exiting the property. Parking is proposed along the north, south and east property lines and along the front entrance of the store. A loading space is proposed in the western portion of the property.

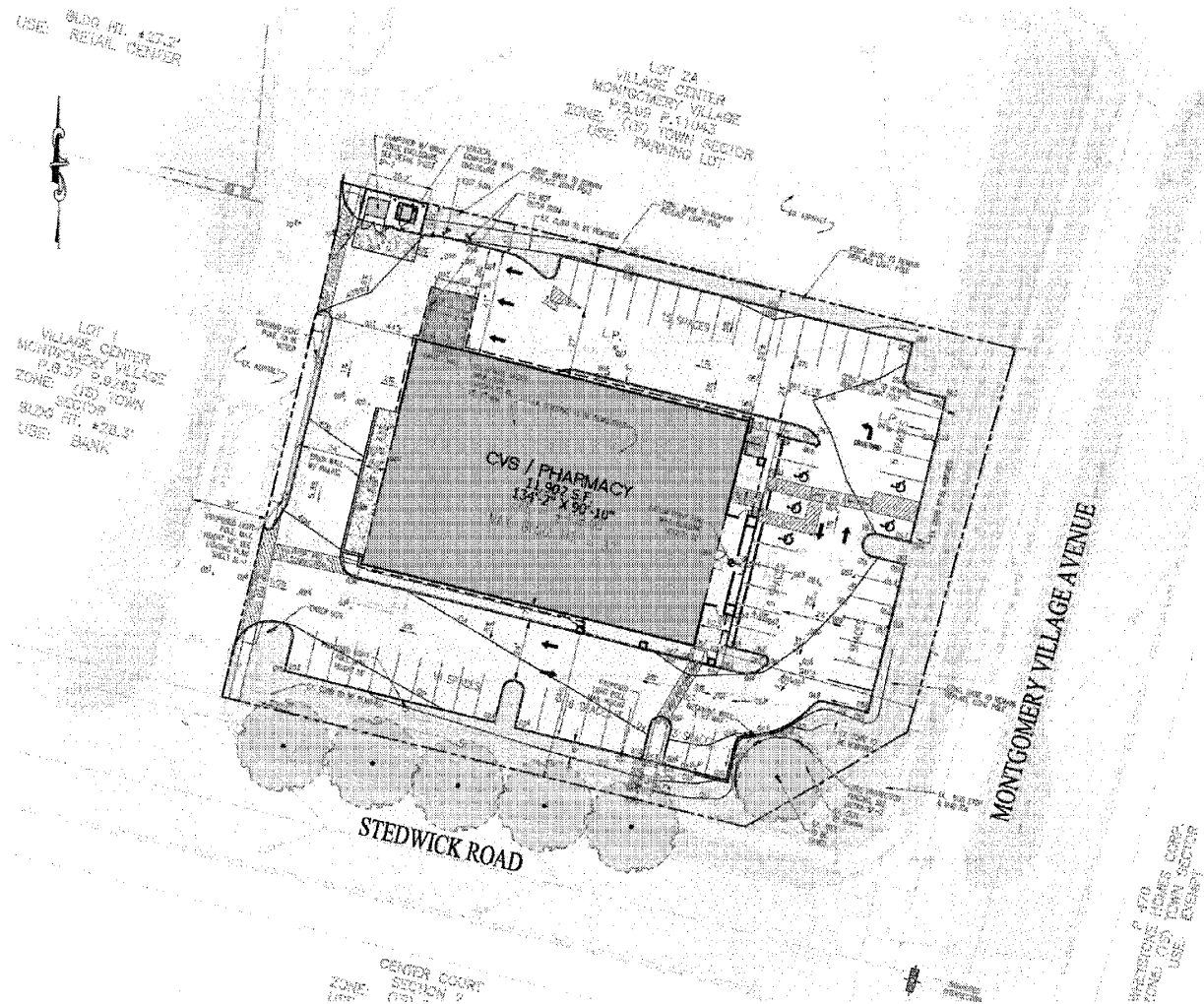
Two sidewalk connections are proposed from the existing sidewalk along Stedwick Road for pedestrian access into the property. A new sidewalk is proposed on the west side of the property along the driveway from Stedwick Road. Another sidewalk is proposed along the south and east sides of the proposed building. Four pedestrian connections are proposed to connect the new and existing sidewalks and the adjacent property to the north. A pedestrian connection is also proposed for the handicapped parking spaces along the eastern property line.

The proposed landscaping consists of a combination of trees and shrubs in the landscape buffers along Stedwick Road and Montgomery Village Avenue. There is a 10-foot-wide public utility easement along Stedwick Road and Montgomery Village Avenue. The public utility easement will also be utilized to create a landscape buffer of adequate width along these roads. Normally, public utility easements are twenty feet in width. This easement is only ten feet in width. The applicant can only provide a six-foot-wide landscape buffer along Stedwick Road and a minimum seven-foot-wide landscape buffer along Montgomery Village Avenue. By combining the six-foot-wide and seven-foot-wide buffers with the existing ten-foot-wide public utility easement, the applicant can provide the required landscaping. Landscaping is proposed within the public utility easement along Montgomery Village Avenue but no landscaping is proposed within the public utility easement along Stedwick Road. If the landscaping in the public utility

easement along Montgomery Village Avenue is to be removed, it will be removed at the expense of the applicant and replacement landscaping will be provided outside the public utility easement. The required landscaping is usually not allowed in the public utility easement. In this case, staff has recommended approval of the landscaping within the public utility easement because it is only ten feet in width.

A three-foot-high retaining wall is proposed at the corner of Stedwick Road and Montgomery Village Avenue to create a landscape buffer to preserve a 36"-wide existing oak tree.

Light poles are proposed along the property lines for adequate lighting and recessed lights are proposed for the building entrance and the drive-thru.



**PROJECT DESCRIPTION:** Prior Approvals

Zoning Application

Town Sector (T-S) Zoning was applied to the subject property with the approval of the original Zoning Application G-E848 in 1968. The Town Sector Zone is intended to apply to planned communities, to allow development of towns that will contain residential, commercial, community and industrial facilities. The subject property is located within the designated commercial/employment area as per the approved Development Plan for Montgomery Village Town Sector (Village Center).

Development Plan Amendments

Since 1968, various Development Plan amendments have been approved for changing land uses and adding land to the Town Sector Zone.

Preliminary Plan

The Preliminary Plan 119731560 for the entire village center was approved in 1973.

Previous Site Plan

The Planning Board approved Site Plan 819780050 for the Sir Walter Raleigh Inn on April 7, 1978.



**ANALYSIS:** Conformance to Development Standards

**SITE PLAN DATA TABLE (T-S Zone)**

<u>Development Standard</u>	<u>Zoning Ordinance</u>	<u>Proposed for Approval</u>
Minimum Tract Area	1,500 acres	2,434.80 acres (existing)
Minimum Lot Area	Not Specified	1.24 acres (54,052.73 sq.ft.)
Building Setback	Not Specified	From Montgomery Village Avenue – 64' From Stedwick Road – 90' From western property line – 41' From northern property line – 53'
Building Coverage	Not Specified	12,298.5 sq.ft. (22.8%)
Maximum Commercial Area	Not more than 10% of the total area for the Town Sector including parking	4.13% (100.66 acres) designated Commercial/ Employment Area  Proposal is within this designated Area
Building Height	Not specified but requires consistency with the limitations in other zones for similar uses or densities. A maximum height of 42 feet is allowed in the C-2 General Commercial Zone	32 feet (as measured from the average surface along the front of the building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof)
Open Space	Not less than 10% of the total area of the Town Sector	None approved for the Village Center
Open Space For the site	Not specified	20%
Green Area	None Specified	10,960 sq.ft or 20%
Parking		
For retail use	51 <sup>1</sup>	53
For storage	3 <sup>1</sup>	3
Total	54	56
Motor cycle parking	2 <sup>2</sup>	2
Bicycle Parking	3 <sup>3</sup>	3
Loading Spaces	1 <sup>4</sup>	1

1 Section 59-E-3.7 Parking Requirements

Five parking spaces for 1,000 square feet of gross leasable area of retail; for 10,144 square feet = 51 parking spaces

1.5 parking spaces for 1,000 square feet of storage area; for 1,758 sq.ft = 3 = 3

2 Section 59-E-2.3 Bicycle and Motorcycle Parking Requirements

Two percent of the total number of automobile parking spaces = for 56 parking spaces = 1.16 motorcycle spaces = 2 motorcycle spaces; a maximum of 2 motorcycle spaces are required

3 Section 59-E-2.3 Bicycle and Motorcycle Parking Requirements

One bicycle space for 20 automobile parking spaces = for 56 parking spaces = 3 bicycle spaces

4 Section 59-E-1.4 Off -street loading space

Adequate loading spaces shall be provided

Landscaping for Parking Facilities  
according to Div. 59-E of Montgomery County Zoning Ordinance

<u>Location of Landscaping</u>	<u>Zoning Ordinance</u>	<u>Proposed for Approval</u>
<u>Adjacent to Montgomery Village Ave<sup>1</sup></u>		
Landscape Strip Width	10 feet wide	17 feet to 21 feet wide 10 feet wide within a PUE 7 to 11 feet wide outside the PUE
Shade trees	One every 40 feet 4 for 156 feet frontage	Total 5 4 proposed One existing 36" oak tree preserved
Evergreen Hedge	Minimum three-foot high	Three-foot high at installation
<u>Adjacent to Stedwick Road<sup>1</sup></u>		
Landscape Strip Width	10 feet wide	Total 16 feet wide 10 feet wide within a PUE 6 feet wide outside the PUE
Shade trees	One every 40 feet 5 for 212 feet frontage	5
Evergreen Hedge	Minimum three-foot high	Three-foot high at installation
<u>Adjacent to Property to the North<sup>2</sup></u>		
Landscape Strip Width	4 feet wide	7.5 feet wide
Shade trees	One every 40 feet 7 for 272 feet frontage	7
Landscape Berm	if adequate space available	No landscape berm provided
<u>Internal Parking Area Landscaping<sup>3</sup></u>		
% of surface area to be landscaped	5%	6.7%
Minimum size of parking island	8.5 feet	8.5 feet
Shade Trees	Not specified	5

- 1 According to Section 59-E.2.71, Landscape strip area adjacent to street right-of-way requirements
- 2 According to Section 59-E.2.72, Perimeter landscape area adjoining property other than a street right-of-way
- 3 According to Section 59-E.2.73, Internal landscaping of surface parking facility

## **ANALYSIS:**

### Conformance to Master Plan

The subject property is located within the boundaries of the 1985 Gaithersburg Vicinity Master Plan and is zoned Town Sector (T-S), with an accompanying Development Plan G-E848. The subject site is part of the larger Village Center shopping area. The mixed-use Village Center is one of the main shopping areas in Montgomery Village and includes retail, offices, a YMCA and a post office. The Master Plan does not provide specific guidance for this property. A Development Plan Amendment is not required since the proposed use is consistent with the approved Development Plan.

The Community Planning Division has recommended approval of the site plan application (attached memo dated April 7, 2006). [APPENDIX C]

### Community Input

On September 26, 2005, staff received a letter from the Whetstone Homes Corporation. The residents had concerns about the size of the proposed building, the signage, the location of the entrance, increased traffic, adequate landscaping and the 24-hour store.

On October 11, 2005, staff received a letter from the Center Court Condominium Homeowners Association. The residents had concerns about the size of the proposed building, the location of the drive-thru, the location of the entrance, increased traffic and adequate landscaping.

On October 28, 2005, staff met with the residents of the Whetstone Homes residences in the T-S Zone located across Montgomery Village Avenue. The residents were concerned about the size of the proposed building and the increased traffic.

The applicant has substantially reduced the size of the building, changed the location of the drive-thru and entrance and increased the landscaping compared to the previous proposal.

The applicant also met with the Montgomery Village Foundation's Commercial Architectural Review Committee (CARC) and revised the drawings according to CARC's recommendations.

The Montgomery Village Foundation, Inc. Department of Architectural Standards and the Montgomery Village Foundation have recommended approval the subject proposal (attached letters dated January 12, 2006 and February 24, 2006). [APPENDIX D]

**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 subject property is located within the boundaries of the 1985 Gaithersburg Vicinity Master Plan and is zoned Town Sector (T-S), with an accompanying Development Plan. The proposed use is consistent with the approved Development Plan G-E848.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the T-S Zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings and Structures

The subject site plan proposes to replace the existing Sir Walter Ralieggh restaurant building with a 11,902-square-foot retail store and a 396.5-sq.ft. drive-thru. The proposed rectangular building will be in the same general location as the existing building in the central portion of the site. The overall design of the proposed store will be compatible with the overall design of the existing retail buildings in the Village Center. The proposed height of the building is 32 feet. The Montgomery Village Foundation, Inc. has approved the proposal and has recommended minor changes to the design of the building.

- b. Open Spaces

The T-S Zone requires 10% of the overall tract area as open space. However, no open space was required for the Village Center. Therefore, no specific open space has been provided. However, the proposed plan provides a total of 20% of the lot area (10,960 sq.ft.) as green area. The green area includes the internal landscaped islands in the parking lot and the landscape strips along the property lines.

The Department of Permitting Services has approved the stormwater management concept for the proposed development on August 15, 2005.

- c. Landscaping and Lighting

Landscaping, consisting of a combination of trees and shrubs, is proposed in the landscape buffers along Stedwick Road and Montgomery Village Avenue. There is a 10-foot-wide public utility easement along Montgomery Village Avenue and Stedwick Road. The public utility easement will also be utilized to create landscape buffers of adequate width along these roads. A three-foot-high retaining wall is proposed at the corner of Stedwick Road and Montgomery Village Avenue to create a landscape buffer to preserve a 36"-wide existing oak tree and satisfy

the landscape buffer requirements along Stedwick Road and Montgomery Village Avenue.

The proposed landscaping adequately screens the parking areas from Montgomery Village Avenue, Stedwick Road and the adjacent properties. It also preserves a significant tree specimen and the existing trees on Stedwick Road.

The applicant is proposing Visionaire Lighting for the subject site. The proposed lighting plan shows pole mounted outdoor lighting fixtures along the property lines and recessed lights for the building entrance and drive-thru. A condition of approval has been added to require the lighting poles to be a maximum of 20 feet in height. The applicant will install deflectors on the perimeter lighting fixtures to minimize potential glare or excessive illumination on adjacent properties on the north and west and the residential properties across Stedwick Road.

d. Recreation

This section is not applicable to this proposal because only retail uses are being proposed.

e. Vehicular and Pedestrian Circulation

Ingress to the property is from the existing access point to the south of the property and egress from the property is from the existing access point to the north of the property. 24-foot-wide, two-way drive aisles are proposed on the south, east and west sides of the proposed building and a one way drive aisle is proposed on the north side of the proposed building for the drive-thru and vehicles exiting the property. An entry sign is proposed along the south side of the property to direct traffic entering the property. Appropriate exit and do not enter signs are proposed on the north side of the property to direct traffic exiting the property. Parking is proposed on the north, south and east sides and along the front of the store.

The separation of the entrance and exit, the two-way and one-way drive aisles, the location of the main entrance to the building and the signs for entry and exit ensure that the vehicular circulation within the site is safe, adequate and efficient.

Two sidewalk connections are proposed from the sidewalk along Stedwick Road for pedestrian access into the property. A new sidewalk is proposed on the west side of the property along the driveway from Stedwick Road. Another sidewalk is proposed along the south and east sides of the proposed building. Four pedestrian connections are proposed to connect the new and existing sidewalks and the adjacent property to the north. A pedestrian connection is also proposed for the handicapped parking spaces along the eastern property line. Conditions of approval have been added to provide the widths of the sidewalk connections and pedestrian connections and relocate the pedestrian connection in the southwestern