

portion of the property so that it is not within the driveway entrance area to the site.

The location of sidewalks and proposed access points into the site provide for pedestrian circulation that will be safe, adequate and efficient.

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

The proposed use is consistent with the approved Development Plan and will be compatible with the existing retail uses in the Village Center. The overall design of the proposed CVS store will be compatible with the design of the existing retail structures in the Village Center. The proposed parking improvements will provide adequate parking and safe and efficient vehicular and pedestrian circulation. The proposed landscaping will adequately screen the parking lot from the adjacent properties and the adjacent streets. The proposed lighting will ensure that the parking areas and the pedestrian circulation areas are well-lit.

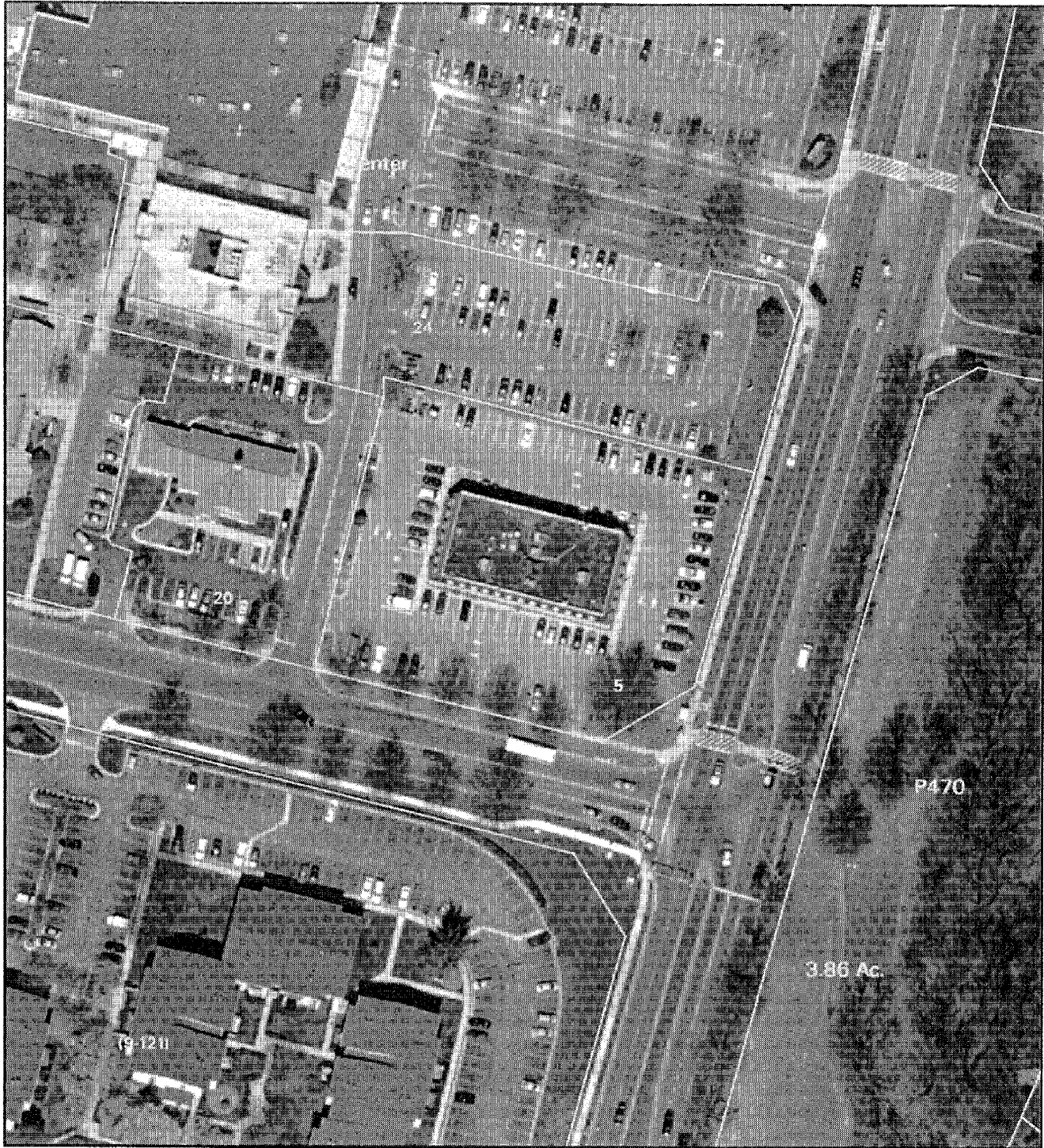
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site is exempt from forest conservation requirements according to NRI/FSD #4-05315E approved on July 5, 2005. The site is less than or equal to 1.5 acres in size where there is no existing forest, no afforestation requirements greater than 10,000 square feet and no specimen or champion trees that will be disturbed. Therefore, there are no forest conservation requirements for this application.

## APPENDIX

- A. Vicinity Map
- B. Site Plan Checklist
- C. Appendix A – Memorandum from Transportation Planning Section
- D. Appendix B – Memorandum from DPS
- E. Appendix C – Memorandum from Community Planning Division
- F. Appendix D – Letters from Montgomery Village Foundation
- G. Appendix E – Memorandum from Other Agencies

# CVS (8-06009)



Map compiled on January 18, 2006 at 10:23 AM | Site located on base sheet no - 228NW10 | Date of Orthophotos - April 2004 | Orthophoto Images Licensed from VARGIS LLC.

## NOTICE

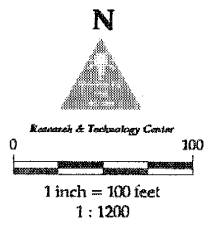
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3750

Key Map





**CHECKLIST Site Plan / Project Plan Review**

Plan # 82006009 Name: MONTGOMERY VILLAGE CUS  
 Zone: T-S Tract Area: 1.24 ACRES Proposed Use: RETAIL  
 Number of Units: NA Square Footage: 12,298.5 SQ. FT.  
 Development Method: STANDARD Other: \_\_\_\_\_

**Referral Comments:**

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	<u>EA</u>	<u>04/10/06</u>	SHA	<u>SF</u>	<u>09/22/05</u>
Environmental	<u>MP</u>	<u>09/23/05</u>	DPS (SWM)	<u>RB</u>	<u>08/15/05</u>
Community Planning	<u>NS</u>	<u>04/07/05</u>	DPS (Traffic)	<u>SN</u>	<u>09/26/05</u>
Historic Planning	<u>MA</u>	<u>04/14/05</u>	Public School	<u>NA</u>	
Park Planning	<u>DP</u>	<u>04/14/05</u>	Utility		<u>09/26/05</u>
Research/Housing	<u>SS</u>	<u>04/14/05</u>	Fire & Rescue	<u>JF</u>	<u>03/29/05</u>
			DPW & T	<u>NA</u>	

**Development Standards / Requirements**

- Zoning Requirements
- Development Data Table
- Recreation Calculation
- MPDU Calculation
- TDR Calculation
- Timing/Phasing Conditions
- Building Restriction Lines
- Building Height
- Master Plan Conformance

**Prior Approvals**

- Development Plan
- Record Plat
- Preliminary Plan
- Prior Site Plan Approvals

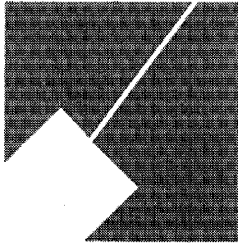
**Community Input**

- Civic Association MONTGOMERY VILLAGE FOUNDATION
- Individuals CENTER COURT CONDOMINIUM & WHETSTONE HOMES

Supervisor Review 04/10/06 \_\_\_\_\_  
 Chief Review 04/10/06 \_\_\_\_\_

# APPENDIX A

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](http://www.mncppc.org)

April 10, 2006

**MEMORANDUM**

TO: Laxmi Srinivas, Senior Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Ed Axler, Coordinator/Planner  
Transportation Planning

SUBJECT: Adequate Public Facilities Review for the Future Building Permit and  
Site Plan No. 820060090, Montgomery CVS  
Montgomery Village/Airpark Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the future building permit as a non-residential development on recorded Lot 5 as part of the subject site plan review. The CVS pharmacy is proposing to relocate within the same Village Shopping Center and to add a drive-through window.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to this site plan and the future building permit.

1. Limit the future site plan and the building permit to a total of 12,298.5 square feet pharmacy with a drive-through window to replace the existing smaller-sized building.
2. Provide a safer pedestrian crossing in the southwestern corner of the site by directly connecting to the building's perimeter sidewalk, a protected pedestrian refuge area along the western lot line.
3. Provide a third inverted U-bike bicycle rack and three bicycle racks evenly spaced at store's main entrance along the building's eastern side.

## DISCUSSION

### Site Location and Vehicular Site Access Points

The subject site is located on the northwest quadrant of Montgomery Village Avenue and Stedwick Lane. The two vehicular access points to the site are located along the western side of the Village Center's internal north-south drive aisle. Motorists enter and exit the Village Center site via this north-south drive aisle onto Stedwick Road or a central east-west drive aisle onto Montgomery Village Avenue.

### Pedestrian and Bicycle Facilities

Pedestrian facilities would not be adversely impacted by the proposed redevelopment. An existing five-foot-wide sidewalk exists along Montgomery Village Avenue and Stedwick Road and will be enhanced with more street trees. The applicant is providing a lead-in sidewalk from Stedwick Road to the main entrance. Installation of bicycle racks is recommended as described in Recommendation No. 3.

### Public Transit Availability

Ride-On route 58 operates along the entire length of Montgomery Village Avenue while Ride-On routes 59, 60, 64, and 65 operates along segments of Montgomery Village Avenue, Stedwick Road, Watkins Mill Road, and Centerway Road.

### Master-Planned Roadways and Bikeways

In accordance with the *Gaithersburg Vicinity Master Plan*, the master-planned roadways and bikeways that are adjacent to the Village Center are as follows:

1. Montgomery Village Avenue is designated as a major highway, M-24, with a 100-foot right-of-way and a bikeway, E-16.
2. Stedwick Road is designated as an arterial, A-276, with an 80-foot right-of-way.
3. Watkins Mill Road is designated as an arterial, A-17, with an 80-foot right-of-way. The *Countywide Bikeway Functional Master Plan* recommends a dual bikeway, DB-27.
4. Centerway Road is designated as an arterial, A-275, with an 80-foot right-of-way and a bikeway, S-82.
5. Clubhouse Road is designated as a primary residential street, P-21, with a 70-foot right-of-way.

Site-Generated Vehicular Trips

The 12,298.5 square-foot pharmacy with a drive-through window is proposed to replace a quality restaurant of 15,600 square feet. The peak-hour vehicular trips during the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and evening peak period (4:00 p.m. to 7:00 p.m.) are as follows:

Land Use	Square Feet	Weekday Morning Peak Hour		Weekday Evening Peak Hour	
		New Trips	Total Trips	New Trips	Total Trips
Proposed Land Use: Pharmacy with a Drive Through Window	12,298.5	20	33	64	106
Prior Land Use: Quality Restaurant	15,600	0 Closed	0 Closed	67	117
Net Change	- 3,630	+ 20	+ 33	- 3	- 11

Adequate Public Facilities/Local Area Transportation Review Test

Although the proposed land use generates a total of 30 or more peak-hour trips during the weekday morning and evening peak hour, a traffic study is not required to satisfy the Adequate Public Facilities/Local Area Transportation Review test because of the recently enacted Montgomery County Council Bill 28-05, Building Permits – Adequate Public Facilities (Attached). The Montgomery County Council enacted Bill 28-05 on March 21, 2006, has amended Sections 8-30 through 8-36 of Article IV, *Timely Adequate Public Facilities Determination*. Specific to this site plan and future building permit for a non-residential development on recorded Lot 5, this bill defines the “Development” to include the replacement of existing buildings and to permit an increase of less than 1,000 square feet more than the size of the existing building. This bill’s applicable language appears in Lines 10 to 23 and Lines 418 to 425 that redefines “Development” as follows:

“Sec. 2. Transition. Any replacement building for which a site plan application was accepted by the Planning Board before this Act became law need not comply with the requirements of Section 8-31, as amended by Section 1 of this Act, for a timely adequate public facilities determination if:

- (a) the building was not required to obtain that determination before this Act took effect; and
- (b) the replacement building would be less than 1,000 square feet larger than the building it would replace.”

EA:gw  
Attachment

cc: Chuck Kines  
Ivy Leung  
Stacy Silber

mno to Srinivas re Montgomery CVS 806009

Zoning Text Amendment No: 06-11  
Concerning: Amendment to the Wheaton  
Retail Preservation Overlay Zone  
Draft No. & Date: 2 – 03/29/06  
Introduced: April 4, 2006  
Public Hearing: June 13, 2006; 1:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Perez and Praisner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- promoting higher density mixed-use development in close proximity to the Wheaton Metro Station through limited application of the optional method of development;
- revitalizing and retaining the existing street level retail area in the Wheaton Central Business District as a major marketplace;
- amending the standards and approval procedures for optional and standard method of development projects under the Wheaton Overlay zone; and
- generally amending the Wheaton Retail Preservation Overlay zone.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-18	“OVERLAY ZONES”
Section 59-C-18.10	“Retail Preservation Overlay Zone for the Wheaton Central Business District”
Section 59-C-18.101	“Purpose”
Section 59-C-18.102	“Regulations”
Section 59-C-18.103	“Procedures for application and approval”
Section 59-C-18.104	“Site plan contents and exemptions”
Section 59-C-18.105	“Planning Board approval”



*EXPLANATION: **Boldface** indicates a heading or a defined term.*

*Underlining indicates text that is added to existing laws by the original text amendment.*

*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*

*Double underlining indicates text that is added to the text amendment by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

#### *ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-C-18 is amended as follows:**

2   **DIVISION 59-C-18. OVERLAY ZONE**

3   \* \* \*

4   **59-C-18.10. Retail preservation overlay zone for the Wheaton Central**  
5   **Business District.**

6       **59-C-18.101. Purpose.**

7   It is the purpose of this overlay zone to:

- 8       (a) Retain a [the existing scale of development and] mix of retail and service  
9           uses within the Wheaton Central Business District.
- 10       (b) [~~Regulate development to preserve~~] Provide opportunities to retain a variety  
11           of small businesses, retail uses and services in the Wheaton Central  
12           Business District and to encourage new businesses to meet the needs of  
13           workers, shoppers, visitors and residents.
- 14       (c) Encourage building designs [to make new buildings] compatible with the  
15           existing [~~buildings~~] character of street level uses found within and adjacent  
16           to the overlay zone.
- 17       (d) Provide flexible standards to implement public objectives such as retention  
18           of the small business character that exists in downtown Wheaton.
- 19       (e) Encourage higher-density, mixed-use, transit oriented development located  
20           in close proximity to the Wheaton Transit Station, with an emphasis on  
21           housing, office uses, commercial services, and arts and entertainment  
22           establishments.

23 (f) Encourage both standard method of development and optional method of  
24 development projects to include small, street level businesses to help retain  
25 a small business identity.

26 **59-C-18.102. Regulations.**

27 (a) **[Restriction on use of o] Optional method of development.** [In the  
28 Wheaton Retail Preservation Overlay Zone, the optional method of  
29 development is prohibited.] The optional method of development  
30 procedure may be used if authorized in the underlying zone. Use of the  
31 optional method of development procedure is intended to promote higher  
32 density mixed-use development in close proximity to the Wheaton Metro  
33 Station and to revitalize and retain the existing retail area in Wheaton as a  
34 major marketplace.

35 **(1) Optional Method of Development Standards.**

36 (A) The maximum height for any CBD-2 or CBD-3 zoned optional  
37 method of development project located south of Ennals  
38 Avenue, south of Price Avenue and west of Fern Street is 125  
39 feet. The maximum building height for any CBD-2 or CBD-3  
40 zoned optional method of development project located north of  
41 Ennals Avenue, north of Price Avenue and east of Fern Street is  
42 100 feet.

43 (B) Any optional method of development project must provide at  
44 least 45 percent of the street level retail space for use by small  
45 businesses with less than 3,000 gross square feet of floor space  
46 and restaurants with less than 5,000 square feet of gross floor  
47 space. The space must be restricted to such small business use

48 for a period of ten years after the issuance of the initial use and  
49 occupancy permit. The ten year time period is binding upon  
50 future owners and successors in title and must be stated as a  
51 condition of any site plan approved by the Planning Board.

52 (C) The maximum FAR allowed in the underlying zone may be  
53 increased by an amount equal to 15 percent of the street level  
54 space if a total of 60 percent of the street level space is devoted  
55 to small business use as described in subsection (B) above.

56 (D) At least one-half of the public use space required under 59-C-  
57 6.233 must be green area and include landscape features that  
58 will serve to enhance the amenity of the development.

59 (E) The Planning Board may allow any public use space  
60 requirement under Sec. 59-C-6.233 that is less than 1,800  
61 square feet to be provided off-site within the Wheaton CBD as  
62 either public use space or streetscape on a one-for-one square  
63 foot basis.

64 (b) **Standard Method of Development**

65 (1) For any standard method of development project that provides at least  
66 30 percent of the street level retail floor space for use by businesses  
67 with less than 3,000 gross square feet of floor space and restaurants  
68 with less than 5,000 square feet of gross floor space, 30 percent of the  
69 street level floor space must not be included in the maximum FAR  
70 calculation allowed under the base zone. Space provided for small  
71 business use must be maintained for small business use for a period of  
72 ten years after the issuance of the initial use and occupancy permit.

73 The ten year time period is binding upon future owners and successors  
74 in title and must be stated as a condition in any site plan approved by  
75 the Planning Board.

76 (2) The maximum building coverage under Section 59-C-6.232, may be  
77 increased from 75 percent to 85 percent for any standard method of  
78 development project that provides street level retail space for use by  
79 businesses with less than 3,000 gross square feet of floor space and  
80 restaurants with less than 5,000 square feet of gross floor space, in the  
81 amounts required in subsection (1) above.

82 (3) As part of the approval of a site plan for a standard method of  
83 development project, the Planning Board may allow any public use  
84 space requirement under Sec. 59-C-6.233 that is less than 1,800 square  
85 feet to be provided off-site within the Wheaton Central Business  
86 District as either public use space or streetscape on a one-for-one  
87 square foot basis.

88 [(b)](c) **Land uses.** All permitted [or] and special exception uses allowed under the  
89 standard method of development and the optional method of development  
90 [in] of the underlying CBD Zone, are allowed in the Wheaton CBD overlay  
91 zone, except that:

92 (1) [In new buildings over one story in height built after July 16, 1990,  
93 the street level leasable space must be used for:] In any building  
94 constructed after July 16, 1990, the street level leasable space must be  
95 used only for the following purposes:

96 (A) hotel