



MEMORANDUM

DATE: September 1, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Development Review Division
FROM: Michael Ma *Ma*
Planning Department Staff
(301) 495-4523



REVIEW TYPE: **Site Plan Amendment**
PROJECT NAME: **Aspen Hill Shopping Center – Giant Store**
CASE #: **81987009B (formerly 8-87009B)**
APPLYING FOR: Approval of site plan amendment to modify the size and footprint of the vestibules and stair shafts of the Giant Store
REVIEW BASIS: Site Plan Review required for a C-1 zoned property larger than 15 acres per Section C-4.341.2 of the Zoning Ordinance
ZONE: C-1/R-60
LOCATION: In the southeastern quadrant of the intersection of Aspen Hill Road and Connecticut Avenue
MASTER PLAN: Aspen Hill
APPLICANT: Aspen Hill Venture
FILING DATE: April 10, 2006
HEARING DATE: September 14, 2006

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 81987009A and Approval of the attached draft Planning Board Resolution for Site Plan 81987009B.

BACKGROUND

Prior Site Plan Approvals

Site Plan 19870090 (formerly 8-87009) was approved by the Planning Board with conditions on August 6, 1987, for a 30,417-square-foot addition to the 139,551-square-foot shopping center. Through the years, there were a few minor administrative modifications to the shopping center. On December 11, 2003, Site Plan amendment 81987009A (formerly 8-87009A) was approved by the Planning Board with conditions to enlarge the Giant Store by renovating the existing space and expanding into adjacent retail space.

PROPOSED AMENDMENT

The applicant filed the subject site plan amendment 81987009B on April 10, 2006. The amendment proposes the following three changes to the approved site plan 81987009A:

- 1. Redesign the interior of the Giant store to bring it into conformance with the current prototype.
- 2. Modify the footprint of the front vestibules as follows:

<u>Location</u>	<u>Prior Approval</u>	<u>Requested Modification</u>
D (Left Front)	224 Sq. Ft.	236 Sq. Ft.
C (Middle Front)	332 Sq. Ft.	369 Sq. Ft.

- 3. Modify the footprint of the two rear stair enclosures as follows:

<u>Location</u>	<u>Prior Approval</u>	<u>Requested Modification</u>
A (Left Rear)	203 Sq. Ft.	204 Sq. Ft.
E (Middle Rear)	160 Sq. Ft.	194 Sq. Ft.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the applicant on April 13, 2006 (Attachment D). It gave the interested parties 30 days to review and comment on the amended site plan. Staff did not receive any inquiry or comment regarding this amendment.

STAFF REVIEW AND RECOMMENDATION

The proposed modifications to the Giant Store are either internal to the building or for minor adjustments to the design of the store vestibules and stair shafts. They do not alter the overall site design character of the shopping center, and do not affect the compatibility of the center with adjacent residential properties. Staff recommends approval of the site plan amendment 81987009B.

ATTACHMENT

- A. Draft Planning Resolution
- B. Vicinity Map
- C. Public Notice

MCPB No. XX-XX
Site Plan No. 81987009B
Project Name: Aspen Hill Shopping Center – Giant
Hearing Date: September 14, 2006

DRAFT

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board (“Planning Board”) is required to review amendments to approved site plans; and

WHEREAS, on April 10, 2006, Aspen Hill Venture (“Applicant”), filed a site plan amendment application designated Site Plan No. 81987009B (“Amendment”) for approval of the following modifications:

1. Redesign the interior of the Giant store to bring it into conformance with the current prototype.
2. Modify the footprint of the front vestibules as follows:

<u>Location</u>	<u>Prior Approval</u>	<u>Requested Modification</u>
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and

WHEREAS, following review and analysis of the Amendment by Planning Board staff (“Staff”) and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated September 1, 2006, setting forth its analysis and recommendation for approval of the Amendment (“Staff Report”); and

WHEREAS, on September 14, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the “Hearing”); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff’s recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81987009B; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

Site Vicinity

The site contains 15.43 acres of C-1 zoned land. It is located in the southeastern quadrant of the intersection of Aspen Hill Road and Connecticut Avenue. The site is bounded by R-60 zoned Harmony Hills Subdivision and St. Mary Magdalene Episcopal Church to the east, and a C-T zoned office development to the south. Across Aspen Hill Road from the site to the north is Northgate Shopping Center.

The site is currently developed with a 174,013-square-foot shopping center including a Giant grocery store at the northern end of the main building and two freestanding buildings near Connecticut Avenue for a bank and a fast food restaurant. The main shopping center building is sited along the east property line with its loading areas located behind the building. There is a retaining wall along the east property line. The wall is approximately eight feet high at the northern end and tapers to three feet just north of the Palmira Lane stub in the Harmony Hills Subdivision. There are sections of fences and mature trees between the wall and the property line. Vehicular access to the shopping center is via two driveways off Connecticut Avenue and two off Aspen Hill Road.



**LINOWES
AND BLOCHER LLP**
ATTORNEYS AT LAW

April 13, 2006

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**NOTICE TO ADJOINING AND CONFRONTING
PROPERTY OWNERS OF MINOR
SITE PLAN AMENDMENT APPLICATION**

Name of Plan	<u>Aspen Hill Shopping Center/Giant Food, Inc.</u>
Plan Number	<u>8-1987009B (previously 8-87009A)</u>
Current Zoning	<u>C-1</u>
Gross Lot Area	<u>±15.42 acres</u>
Geographical Location	<u>Southeast quadrant of the intersection of Connecticut Avenue and Aspen Hill Road</u>

On April 10, 2006, the above-referenced application was filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code. Attached is a copy of the cover letter describing the requested amendment and copies of the plans showing the proposed changes.

If you have any comments or questions, please contact M-NCPPC staff Robert Kronenberg at 301.495.2187 by Monday, May 15, 2006. You may also send written comments to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910. If staff receives no comments by Monday, May 15, 2006 (30 days from the date of this letter), the requested amendment will be approved by the Director of the Planning Department.

Sincerely,

LINOWES AND BLOCHER LLP


Emily J. Vaia

RECEIVED

cc: Mr. Robert Kronenberg, MNCPPC
Mr. David Patalita
Mr. Peter Melmed
Mr. David Weber

APR 14 2006

GUTSCHICK, LITTLE & WEBER, P.A.

LAE #1130-10000-0004