



MEMORANDUM

DATE: September 15, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Development Review Division
Michael Ma, Supervisor *Ma*
Site Plan Review
FROM: Joshua Sloan, Doug Johnsen *JS*
Planning Department Staff
(301) 495-4597



REVIEW TYPE: Site Plan Amendment
PROJECT NAME: Westech Village Corner, Pad 7, IHOP
Restaurant
CASE #: 82005022C (formerly 8-05022C)

APPLYING FOR: Site plan amendment to construct a 4,976 square foot restaurant.
REVIEW BASIS: Div. 59-D-3, Montgomery County Zoning Ordinance for Site Plan

ZONE: I-1 (8.54 acres) and RE-2 (0.35 acres) with U.S. 29/Cherry Hill
Overlay Zone

LOCATION: East side of the intersection of Tech Road and Prosperity Drive

MASTER PLAN: Fairland

APPLICANT: Duncake, Inc. A Maryland Corporation

FILING DATE: December 16, 2005

HEARING DATE: September 28, 2006

STAFF RECOMMENDATION: Approval of the proposed amendments to Site Plan 82005022A and approval of the attached draft Planning Board Resolution for Site Plan 82005022C.

BACKGROUND

Original Site Plan Approval

Site Plan 82005022 for Westech Village Corner was approved with conditions by the Planning Board on June 2, 2005. The approved plan proposes a retail/commercial

development on 8.54 acres of land. The total gross building area for the proposed development is 86,700 square feet. Of this total square footage approximately 24,000 square feet is dedicated to restaurant space, 15,000 square feet to casual retail space, 5,000 square feet to a bank with a drive-through, and the remainder is commercial space. All of these uses are contained within seven freestanding buildings. Small plazas with trees and sitting areas are interspersed throughout the site, which is tied together with a "main street" pedestrian sidewalk along all of the restaurant and retail buildings. Vehicular access is provided at four points: two entrances from Broadbirch Drive and one entrance each from Tech Road and Prosperity Drive. Pedestrian connections are provided from each public street and adjacent sidewalks. The development is currently under construction.

Site Plan Amendments

As a condition of the original site plan approval, Condition 11b, the applicant is required to submit a site plan amendment for each of the individual buildings on the approved site plan.

Site Plan 82005022A was approved on August 9, 2005, for minor revisions to a bank building footprint, canopy, and landscaping on Pad Site 1.

Site Plan 82005022B was submitted on December 16, 2005, for a freestanding restaurant building and is still under review.

PROPOSED AMENDMENTS

The current applicant, Duncake, Inc. A Maryland Corporation, filed the subject site plan amendment 82005022C on December 20, 2005. The amendment proposes the construction of an IHOP Restaurant located at pad site 7. The proposed amendment requests the following modifications:

1. Alteration of the building footprint from the originally approved site plan.

A small building cut-out has been added to the northern corner of the structure to accommodate two added seating benches and make allowable room for the handicap curb ramp. Also, the main entry bump-out has been lengthened. The net result of this modification has resulted in the building footprint decreasing by 24 square feet.

2. Alteration of the paved walkway surrounding the building.

Concrete walkways have been added on all sides of the building to increase ease of ingress and egress from the structure. This alteration has increased paved surface by 844 square feet.

3. Addition of pad site landscaping.

Provided landscaping around the building not shown on the originally approved site plan and plantings to accommodate IHOP standards.

4. Addition of loading dock/trash enclosure area.

The loading dock and trash enclosure area were added; they were not shown on the original site plan. The addition of the loading dock/trash enclosure has resulted in the removal of nine (9) Yews from the originally approved site plan.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on September 8, 2006 (Attachment C). The notice gave the interested parties 15 days to review and comment on the amended site plan as per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff did not receive any inquiry or comment regarding this amendment.

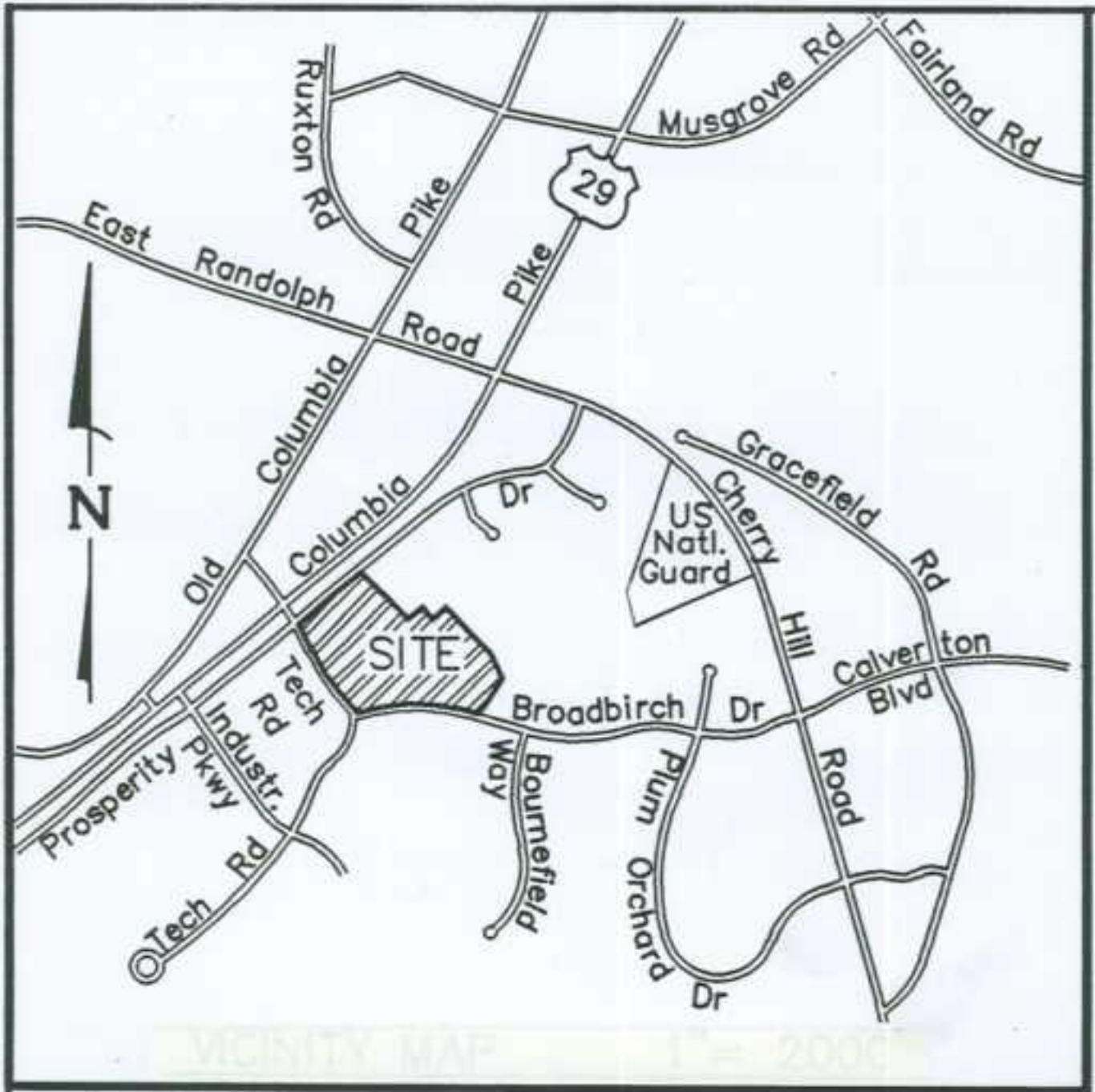
STAFF RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives or requirements expressed or imposed by the Planning Board for the originally approved site plan. Staff recommends **APPROVAL** of the Site Plan Amendment for the WesTech Village Corner (Site Plan No. 82005022C) for modifications to the approved site plan.

ATTACHMENTS:

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

Attachment A: Vicinity Map





**NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD**

September 8, 2006

(To be sent by the applicant, on his/her letterhead, copies of which are filed with M-NCPPC.)

PRE-PRELIMINARY PLAN _____
PRELIMINARY PLAN _____
PROJECT PLAN _____
SITE PLAN 8-2005022C

Name of Plan: WesTech Village Corner, Pad 7
IHOP Restaurant
Plan Number: 8-2005022C
Current Zoning I-1, US-29/Cherry Hill Road Overlay Zone
Number of Proposed Lots/Area Included: 1 Lot / 8.54 Acres
Geographical Location:
North Quadrant of Tech Road and Broadbirch Drive

The above referenced plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

A copy of the proposed plan is enclosed. This plan may change because of specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have any comments, please send them to the Development Review Division, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland 20910-3760.

The Montgomery County Planning Board will hold a public hearing on the above referenced plan application to obtain public comment. Written notification of the public hearing date will be sent to you no later than ten days before the hearing.

Once notified, you will have fifteen (15) days from the receipt of this letter to contact Park and Planning for more information.

If you have any questions, please contact the Park and Planning Commission's Development Review Division at (301) 495-4595.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Newman", with a long horizontal flourish extending to the right.

Paul J. Newman
Principal

MCPB No. _____
Site Plan No. 82005022C
Project Name: Westech Village Corner, Pad 7, IHOP Restaurant
Hearing Date: September 28, 2006

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 December 20, 2005, Duncake, Inc. A Maryland Corporation ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005022C ("Amendment") for approval of the following modifications:

1. Alteration of the building footprint from the originally approved site plan,
2. Alteration of the paved walkway surrounding the building,
3. Addition of pad site landscaping,
4. Addition of loading dock/trash enclosure area; 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 15, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 28, 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. 82005022C; 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).

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