



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
03/13/03
Item #3

MEMORANDUM

DATE: March 7, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning Division *JAC*
FROM: Bill Landfair, AICP, for the Department of Park and Planning *WRL*
Sue Edwards, Team Leader, I-270 Corridor *SE*

REVIEW TYPE: Schematic Development Plan Amendment
REVIEW BASIS: Chapter 59, Zoning Ordinance
APPLICANT: Roadside Development LLC
CASE NUMBER: SDPA 03-1

ZONE: C-3 (Highway Commercial)
MASTER PLAN: Germantown Master Plan
LOCATION: Northeast Quadrant of MD 355 and Middlebrook Road

FILING DATE: November 27, 2002
PLANNING BOARD: March 13, 2003
PUBLIC HEARING: April 23, 2003 (if necessary)

STAFF RECOMMENDATION

APPROVAL of Schematic Development Plan Amendment No. SDPA 03-1.

The staff notes that there is no opposition to the Schematic Development Plan at this time. For this reason, the staff does not believe it is necessary for a public hearing to be held by the Hearing Examiner prior to this case proceeding to the District Council.

INTRODUCTION

The applicant has requested a Schematic Development Plan Amendment (SDPA) to permit the development of a drug store on a 1.17 acre lot located in the northeast quadrant of the intersection of MD 355 (Frederick Road) and Middlebrook Road,

Germantown. The property is identified as Lot 1 of the Middlebrook East subdivision, in the 9th Election District. In 1996, the property and two adjacent lots were classified in the C-3 Zone by Local Map Amendment No. G-724. That application was filed under the Optional Method and included a Schematic Development Plan with restrictive covenants. Those covenants addressed development standards and limited permitted uses. The SDPA will permit the replacement of an existing 6,000 square foot restaurant with a 10,880 square foot drug store, an allowed use in the C-3 Zone but prohibited under existing covenants. All other covenants will continue to be binding on the property.

BACKGROUND

Subject Property - The subject property has approximately 220 feet of frontage with MD 355 and 240 feet of frontage with Middlebrook Road. The property is one of three lots in the Middlebrook East subdivision that comprise a total site area of 3.65 acres. In addition to the restaurant on the subject property, the other lots are improved with another restaurant (nearing completion) and a child day care center. Vehicular access is from driveways located along MD 355 and Middlebrook Road. Sidewalks are located along both roadways. Cross easements facilitate access and allow shared use of the parking spaces. A 35-foot conservation area and six-foot board fence buffer the development from the adjacent townhouse community to the east.

Surrounding Area - 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.

Proposed Development - The SDPA 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. A total of 52 parking spaces are proposed, three less than the Zoning Ordinance requirement. 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.

Additional Development Procedures - In addition to the SDPA, the development of the drug store will also require approval by the Planning Board of an amended preliminary plan and site plan to reflect the change in use of the property. The original preliminary plan (No. 1-98037) and site plan (No. 8-98017) were approved in July 1998.

Public Facilities - The subject property is served by water and sewer facilities and other public services. The site is classified under water service category W-3 and sewer category S-3.

In the vicinity of the subject property, MD 355 varies between four and six lanes and includes curbs, gutters, and sidewalks. North of the intersection with Middlebrook Road, it is generally improved to four lanes while to the south it is improved to six lanes. Middlebrook Road is improved to four lanes with a median strip as it extends past the subject property.

ANALYSIS

Zoning Issues – The SDPA will be consistent with the purpose clause of the C-3 Zone found in Section 59-C-4.36 of the Zoning Ordinance. The subject property will continue to front on and have access from a heavily traveled major highway. The existing access from MD 355 and Middlebrook Road will remain unchanged and was designed to minimize interference with through traffic movements. The internal circulation system and access will continue to be safe and adequate without the need for a new service road. The development of a drug store, as conditioned by the restrictive covenants found in the SDPA, will satisfy the elements of the purpose clause and ensure an orderly grouping and spacing of commercial uses.

The SDPA will provide a compatible land use with the adjacent townhouses as well as the commercial uses to the south. Other uses located to the west across MD 355, including the Boys and Girls Club facility, will be separated from the drug store by a substantial highway and will not be adversely affected. In terms of land use and development standards, the SDPA will be in compliance with the zone.

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. 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 will ensure that the character and scale of development remains consistent with the adjacent townhouse community.

Design Issues – There are a number of design issues that should be further addressed when the site plan is amended to improve compatibility and improve the buffer with the adjacent properties. The issue of the required parking waiver, which staff supports, will be addressed at that time as well.

Conservation Area

Additional landscaping should be installed within the existing 35-foot Conservation Area to improve the screening of the drug store from adjacent properties. The effectiveness of such screening is important with the operation of a drive-through to be operated 24-hours a day. Additional landscaping is also necessary to mitigate the view of a trash dumpster and compactor proposed east of the building.

Improved Streetscape

The four quadrants of the intersection of MD 355 and Middlebrook Road are designated for upgraded streetscape treatment in the Germantown Streetscape Concept Plan, approved in 1994. Features of the upgraded streetscape include: street lighting, sidewalk paving materials, and street furnishings such as trash receptacles. The likely increase in pedestrian traffic generated by the drug store warrants enhanced pedestrian facilities.

Signage

The Master Plan contains guidance on business signs within the planning area. The type, location, height, lighting and landscaping of signs associated with the drug store will need to be addressed.

Parking Waiver

The size of the parking waiver may have to be increased because several parking spaces proposed near the driveway entrance from Middlebrook Road are either not large enough or need to be removed to accommodate a wider landscaping strip.

Transportation – The Transportation staff has analyzed the traffic impact of a freestanding drug store in the northeast quadrant of MD 355 and Middlebrook Road in the Germantown East Policy Area. The staff concludes that the proposed development will have a minimal impact on the surrounding area and that all intersections in the area will operate within the congestion standard for the area.

The applicant prepared a traffic study to assess the impact of the change in use proposed by the Schematic Development Plan on the traffic conditions in the area. It was prepared in accordance with the Local Area Transportation Review (LATR) Guidelines established by the Planning Board. Based on a review of the traffic study, the staff will recommend the following condition at the time the preliminary plan is amended as part of the APF test for transportation requirements related to approval of the subject SDPA:

- Total development under this SDPA application is limited to 10,880 square feet of retail space.

Summary of Local Area Transportation Review

Seven intersections were defined as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether all intersections meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Germantown East Policy Area. The CLV impacts of the proposed development on critical intersections in the vicinity of the site were analyzed and are summarized in Table I.

Table I

Critical Lane Volume Analysis						
Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 355/Middlebrook Rd.	1367	1301	1459	1443	1460	1493
MD 355/Gunners Branch Road	1103	1058	1156	1126	1157	1131
MD 118/MD 355	1110	1241	1189	1361	1192	1372

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500) and the acceptable congestion standard will be maintained at all intersections under the background development (developments approved but not built) and the total development (background plus the site development) conditions.

Policy Area Transportation Review

Based on the FY 03 AGP staging ceiling capacity, there is sufficient capacity available for the employment development (1,058 jobs as of January 31, 2003) in the Germantown East Policy Area to accommodate the proposed development.

Site Access and Circulation

The vehicle access to the property consists of existing right-in/right-out driveways located along MD 355 and Middlebrook Road. The existing internal traffic circulation is deemed safe and adequate. There are sidewalks along both MD 355 and Middlebrook Road.

Pedestrian Access

Staff finds that sidewalks currently existing along both driveways leading to MD 355 and Middlebrook Road adjacent to the site are adequate and safe. Pedestrians to and from the site can safely reach the sidewalk system on the surrounding roadways.

Environment - The SDPA will have no significant impact on the environment or the existing forest conservation easement area. Environmental Planning staff will carefully assess the potential for damage to the conservation easement when amended preliminary plan and site plans are submitted. If it appears that the drug store may have a negative impact on the conservation easement area, staff will require the applicant to install a tree protection fence or root prune if necessary. If the area is damaged through the construction process, M-NCPPC staff will be able to issue citations in response to the violations.

Community Comments – The most impacted properties are the adjacent townhouses in the Villages of Brandermill adjoining the eastern boundary of the site. The 35-foot conservation area, prohibition of direct pedestrian access, and an existing six-foot board fence all were designed to help protect this community. Staff has recommended additional landscape screening within the buffer to further improve compatibility. The staff has not received any citizen comments regarding the SDPA.

Conclusion - Upon review of the SDPA the staff concludes that it generally conforms to the recommendations of the Master Plan, is consistent with the purpose clause for the C-3 Zone, and satisfies the development standards for the C-3 Zone. For these reasons, staff recommends approval of the SDPA.

Attachments

Vicinity Map
Schematic Development Plan
Schematic Development Plan Amendment
Landscaping Plan