



Patient First @ Milestone Shopping Center: Site Plan Amendment No. 81994029E

dj

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Staff Report Date: 8/29/18

Description

Milestone Shopping Center: Site Plan Amendment No. 81994029E

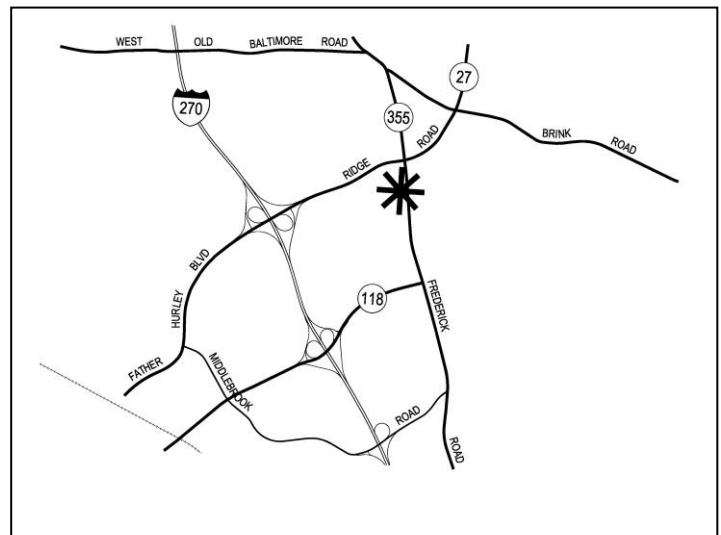
Request to convert an existing structure on site from a restaurant to a medical clinic, which results in an addition of 1,468 square feet of building area, architectural façade modifications and landscape additions. Lot 19, Block C, located at 21044 Frederick Road in the Milestone Shopping Center, 1,200 feet south of the intersection of Ridge Road (MD 27) and Frederick Road (MD 355), approximately 1.39 acres, CRT 2.0; C-0.5, R-1.5, H-65T, reviewed under the RMX-1 zone; 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with conditions

Applicant: Dean Andrews, Patient First

Acceptance Date: May 2, 2018

Review Basis: Chapter 59



Summary

The modifications proposed in this amendment are consistent with the previous findings and conditions of approval, except as described within this report. The Amendment satisfies the applicable standards for the proposed medical clinic in the RMX-1 zone, consistent with the grandfathering provisions of Section 7.7.1.B.3 of the Montgomery County Zoning Ordinance for the amendment of a plan previously approved before October 30, 2014.

- The additional 1,468 SF of gross floor area is within the commercial/retail density limit approved by the amended Project, Preliminary and Site Plans.
- The Amendment is compatible with the existing and adjacent development and meets all applicable requirements of Chapter 22A and Chapter 19 regarding forest conservation and water resource protection.
- Staff has received no community correspondence regarding this amendment as of the date of this report.

SECTION 1 – RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Site Plan Amendment No. 81994029E, Patient First @ Milestone Shopping Center with conditions. All previously approved plans, findings, and conditions of approval of Site Plan 819940290 and as amended by 81994029A, remain in full force and effect, with the following conditions:

1. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b) All onsite light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e) The height of the proposed light poles shall not exceed 30 feet as measured from finished grade.

2. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, alleys, sidewalks, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work. The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each block/phase.

3. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.

- b) The development program must provide phasing for installation of on-site landscaping and lighting associated with each parking facility or building, subject to seasonal requirements.
- c) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed subject to seasonal requirements.
- d) Pedestrian pathways and seating areas associated with each parking facility or building must be completed as construction of each parking facility or building is completed.

4. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided is subject to M-NCPPC Staff review and approval:

- a) All 4 handicap parking stalls moved to close proximity to the main entry door.
- b) Provide all necessary site lighting details on the Landscape and Lighting Plans.

SECTION 2 – LOCATION AND SITE DESCRIPTION

Vicinity

The subject property is Lot 19, Block C, 1.39 acres in size and is located at 21044 Frederick Road, approximately 1,200 feet south of the intersection of Ridge Road and Frederick Road (“Property” or “Subject Property”). It is located within the Milestone Shopping Center along the eastern edge abutting Frederick Road (MD Rt 355). It is surrounded by commercial development within the shopping center and fronts single family residential development across Frederick Road.

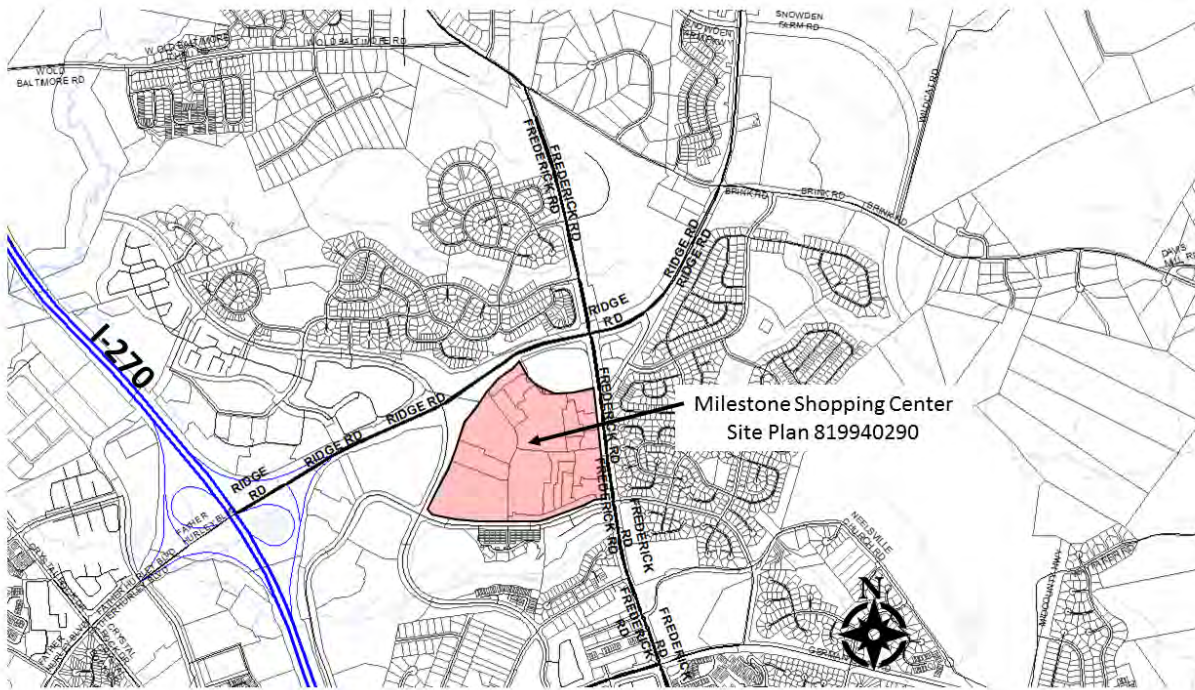


Figure 1 - Site Vicinity

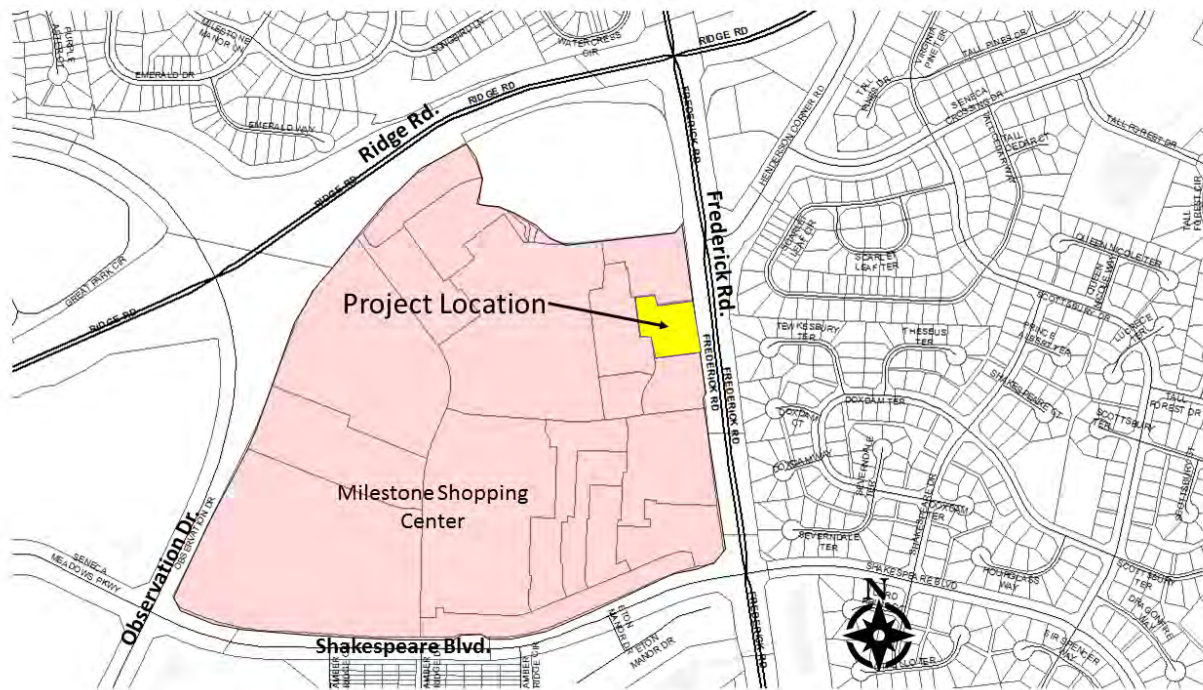


Figure 2 – Site Location Map

Site Analysis

The gross tract area of the entire Milestone Shopping Center development consists of 136.4 acres of land covered by Site Plan application No. 819940290. The Subject Property is located along the eastern edge of the overall Milestone Shopping Center approximately 1,200 feet south of the intersection of Ridge and Frederick Roads. The Subject Property is currently developed as a Bob Evans restaurant and is currently zoned CRT 2.0; C-0.5, R-1.5, H-65T. However, the Subject Property is being reviewed under the RMX-1 zone, which was the zoning of the Property on October 29, 2014 and the zoning for all previous approvals.

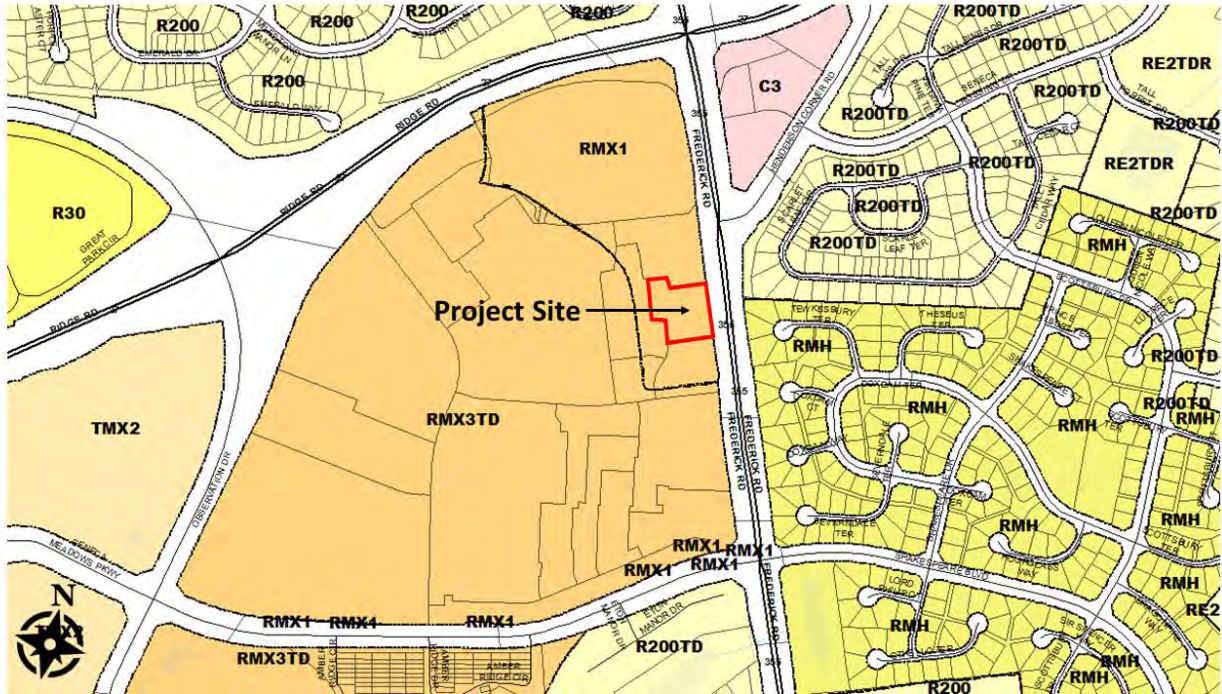


Figure 3 – Zoning, October 29, 2014

SECTION 3 – APPROVALS AND PROPOSAL

Previous Approvals

Project Plan 919930030 and Preliminary Plan 119901710

The Project Plan and the Preliminary Plan were designated Nos. 919930030 (“Project Plan”) and 119901710 (“Preliminary Plan”) respectively. Each was approved by Planning Board Resolution dated March 17, 1994. The Project Plan and the Preliminary Plan each approved a maximum of 750,000 square feet of retail and 313 multi-family residential units.

Site Plan 819940290 (as amended)

The Subject Property was first site-plan approved with Site Plan No. 819940290 by Planning Board Resolution dated August 18, 1994 (“Site Plan”) for 713,060 square feet of commercial/retail space and 191 dwelling units which included 115 single-family, 76 multi-family and 18 MPDUs on 130.3 acres. The Site Plan has been amended a total of 3 times:

81994029A – On August 7, 1995, the Planning Board approved a site plan amendment to increase the overall acreage of the development to 136.4 acres with the addition of 6.1 acres in the southeast quadrant and increased the commercial/retail space up to 800,000 square feet.

81994029B – On November 28, 1995, the Planning Board approved a site plan amendment for minor modifications to the existing sidewalks and Landscape Plans for the Target store.

81994029C – This amendment was withdrawn and the requested modifications were included as part of the D amendment.

81994029D – On April 9, 2012, the Planning Board approved a site plan amendment to expand the existing Walmart store along with modifications to the parking facilities, stormwater management, lighting and landscape plans.

Previous Approvals Data Table

Plan	Approval Date	Brief Description
Project Plan 919900060	July 26, 1991	1,200,000 sf. of commercial/retail (regional mall), 790 multi-family dwellings with 99 MPDUs. Phase I was designated not to exceed 900,000 sf. upon the approval of the Preliminary Plan 119901710.
Project Plan 919930030 (replaces Project Plan 919900060) and Preliminary Plan 119901710	March 17, 1994	750,000 sf. of retail (710,000 sf. of regional-scale commercial uses and 40,000 sf. of local commercial scale use) and 313 multi-family units on 130 acres of land zoned RMX-1 & RMX-3 (Plat #19777).
Site Plan 819940290	August 18, 1994	713,060 sf. of commercial/retail and 191 dwelling units (115 SFA, 76 MF & 18 MPDUs).
Site Plan Amendment 81994029A	August 7, 1995	Proposed to add 86,940 sf. of retail and 6.1 acres for a total of 800,000 sf. of commercial/retail, 115 townhouse units and 76 condo units (including 24 MPDUs) on 133.3 acres of land zoned RMX-1 and RMX-3. Parking was increased from 3,962 spaces to 4,376 spaces. The amended Project and Preliminary were noted as approved concurrent to this amendment on July 20, 1995.
Project Plan 919950010 (Amends 919930030) and Preliminary Plan 119901710	Preliminary Plan: August 4, 1995; Project Plan: August 7, 1995.	The total was increased to 133.3 acres. The retail density was increased to 800,000 sf. and the total number of residential units was decreased by 122 units.
Site Plan Amendment 81994029B	November 28, 1995	Minor modifications to the existing sidewalks and Landscape Plans for the Target store. The re-striping of the Toys-R-Us parking facility was also completed to meet parking requirements.
Site Plan Amendment 81994029C	Application filed September 30, 2005 and withdrawn on January 16, 2006.	Application proposed increase the building square footage of the Walmart from 149,429 sf. to 154,028 (4,599 sf. addition for storage).
Site Plan Amendment 81994029D	April 9, 2012	Application proposed to 1) increase the building square footage of the Walmart store from 149,429 SF to 165,292 SF (15,863 SF); 2) adjustments to associated parking and site tabulations; 3) modification to SWM facilities; and 4) revisions to the landscape & lighting plans.

Current Site Plan Amendment Proposal

Site Plan Amendment No. 81994029E requests the following modifications to the Site Plan (“Amendment”):

- 1- Alter the existing building use from a restaurant to a medical clinic.
- 2- Increase the gross floor area of the existing building by 1,468 square feet.
- 3- Restriping the main parking lot and relocation of handicap parking.
- 4- Modify the architectural façades.
- 5- Modify the landscaping and lighting.



Figure 4 – Site Aerial Photograph

The Amendment proposes an addition of approximately 1,468 square feet of building area and changing the land use from restaurant to medical clinic facility. The architectural modifications will be limited to removing the southern façade and existing outdoor patio, in addition to interior architectural modifications. The proposed expansion of the building will include a new entrance and façade treatment on the southern side of the building. One existing entrance on the west side of the building will be eliminated and the access sidewalk to this door will be removed as necessary. Site adjustments will be limited to relocating handicap parking within the existing parking lot, sidewalk relocations to meet ADA requirements, revised utility connections, and landscape modifications to accommodate the new building expansion area. The existing restaurant use previously required 83 parking spaces. In contrast, the proposed medical clinic requires only 35 parking spaces based on zoning code requirements. The existing and proposed plans show a total of 85 parking spaces.

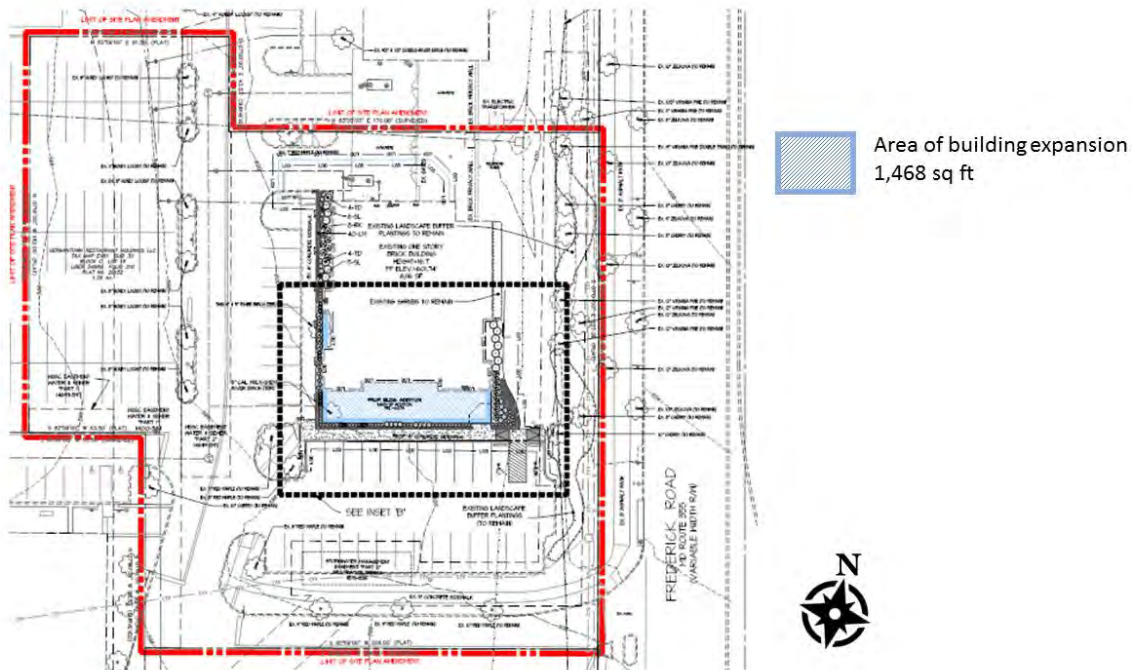


Figure 5 – Proposed Additions

SECTION 4 - FINDINGS AND ANALYSIS

The Site Plan Amendment is limited in nature and is being reviewed under the Zoning Ordinance in effect on October 29, 2014 subject to the exemption Section 59.7.7.1.B.3 of the new Zoning Ordinance which allows for an amendment of a plan approved before October 30, 2014 to continue utilizing the previous Zoning Ordinance. Therefore, the findings for review are those in Section 59-D-3.4. All previous findings remain valid with this Site Plan Amendment except as modified by the following analysis.

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Subject Property was originally approved as a small portion of the larger Milestone Shopping Center development. The original Project and Preliminary Plans were amended concurrently with the Site Plan Amendment 81994029A in 1995 for 800,000 square feet of retail use (Attachment A). The additional 1,468 SF of gross floor area proposed with this Amendment is within the commercial/retail density limit approved by the amended Project, Preliminary and Site Plans.

2. *The site plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 59.*

The Subject Property is currently zoned CRT-2.0, C-0.5, R-1.5, H-65T, but is being reviewed under the RMX-1, which was the zoning in place prior to October 30, 2014, consistent with the

grandfathering provisions of Section 7.7.1.B.3 of the Montgomery County Zoning Ordinance. In Section 59-C-10.3.2 “Land Uses” of the Montgomery County Zoning Ordinance (Old Code), the proposed “Medical Clinic” is a permitted use in the RMX-1 Zone. As demonstrated in the Project Data Table below, the Amendment will satisfy the applicable standards for the proposed medical clinic in the RMX-1 Zone.

Project Data Table for overall development¹

Development Standard	Zoning Ordinance Allowed/Required	Previously Approved Site Plan for Milestone Shopping Center (81994029A & 919950010)	Proposed for Patient First Approval (81994029E)
Property Area	N/A	133.3 acres	133.3 acres
Total Property Area		77.0 acres	77.0 acres
Retail Center			
RMX-1		5.0 acres	5.0 acres
RMX-3		72.0 acres	72.0 acres
Gross Leasable Area (RMX-1 & RMX-3 combined)	1,300,000 SF	800,000 SF	775,209 SF

Project Data Table for the RMX-1 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Allowed/Required	Previously Approved Site Plan for Milestone Shopping Center (81994029A & 919950010)	Proposed for Patient First Approval (81994029E)
Property Area	N/A	1.39 acres	1.39 acres
Building Coverage	N/A	6,116 SF	7,584 SF
Max Commercial Density	0.35 FAR	.10 FAR	0.13 FAR
Minimum Green Area	15% (9,082 SF)	23% (14,062 SF)	21% (13,101 SF)

¹ The overall development area of the Milestone Shopping Center consists of both RMX-1 and RMX-3 zoning.

Development Standard	Zoning Ordinance Allowed/Required	Previously Approved Site Plan for Milestone Shopping Center (81994029A & 919950010)	Proposed for Patient First Approval (81994029E)
Min Building Setbacks (59-C-10.3.8)			
From one-family residential zoning	100 ft	185 ft	185 ft
From residential zoning other than one-family	50 ft	N/A	N/A
From any street	25 ft	35 ft	35 ft
From abutting commercial or industrial zoning	25 ft	135 ft	135 ft
Parking Required:			
Restaurant:	83 spaces (25/1,000 SF Patron Area)	85 Spaces	N/A
Medical Clinic:	35 spaces (5/1,000 SF/Gross Floor Area)	N/A	85 Spaces
Motorcycle Parking	2 spaces (2% of automobile parking spaces for parking facilities over 50 parking spaces)	N/A	2 spaces
Bicycle Parking	5 spaces (1 bicycle parking space/20 automobile parking spaces)	N/A	6 spaces

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

Buildings and Structures

The location of the building remains safe, adequate, and efficient on the Subject Property. The 1,468 square foot building expansion is to occur in two areas. One area is a 1,408 square foot addition proposed for the southern face of the existing structure to provide a new entrance and an internal lobby area for the medical clinic. The second area is a 60 square foot addition on the western side of the building adjacent to the current access door. The expansion does not cause any negative impacts to building massing or setbacks on the Property given the small scope of the Amendment.

Landscaping and Lighting

The landscaping and lighting will remain safe, adequate and efficient. Due to the building expansion, the Amendment proposes to remove the majority of the foundation planting areas along the western, southern and eastern facades of the existing building. This will entail the removal of older shrubbery along with two 5"-caliper multi-stem River Birch (*Betula nigra*) trees, one located at the southeast corner of the project site and the other along the western face of the building. The plantings will be replaced with suitable foundation plantings that are adequate for providing visual interest and will assist in breaking up the scale of the proposed building.

The proposed building will have wall-mounted lighting units around the exterior walls of the structure providing illumination for the entry walkways and surrounding area near the building. In addition to the wall units, there will also be pole-mounted lighting units providing illumination for the entry/access drive isles and front parking area.

Pedestrian and Vehicular Circulation

Pedestrian and vehicular circulation will remain safe, adequate and efficient. Vehicular access is maintained internal to the shopping center. Pedestrian access is being adjusted to follow the revised building footprint, and safely direct pedestrians from the parking areas and sidewalk on MD Rt 355 to the new entrance of the building. The existing restaurant use previously required 83 parking spaces. In contrast, the proposed medical clinic requires only 35 parking spaces based on the previous Code requirements. The existing and proposed plans both show 85 parking spaces, therefore, the proposed site plan amendment will provide adequate parking. The Amendment proposes to retain the 4 handicap parking stalls and relocate them closer to the main entry of the medical clinic. The Amendment will provide adequate parking. In addition, the change of land use will benefit the overall parking situation in the shopping center by using less of the 85 parking spaces than the restaurant currently uses.

This project is exempt from LATR review because there will be no increase in person-trips for this amendment. The Traffic Statement submitted with this Application has confirmed that the medical clinic use will generate a net reduction of 47 A.M. and 41 P.M. peak hour person-trips from the existing restaurant use. Existing public transportation facilities are more than adequate to support and service the area for the proposed change of use.

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 compatible with the adjacent and confronting uses. The structure itself is in scale with the existing and nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Amendment meets all applicable requirements of Chapter 22A regarding forest conservation, and Chapter 19 regarding water resource protection. The Milestone Shopping Center development is exempt from the requirements of Chapter 22A (Forest Conservation Law) since the original Preliminary Plan, Plan number 119901710 had been approved prior to the adoption of the Forest Conservation Law in 1992 (Attachment B). The Applicant has filed for and

received confirmation of a Forest Conservation Exemption request, plan number 42018188E, since the proposed modifications will not remove more than 5,000 square feet of forest, do not affect any forest in a stream buffer or located on property in a special protection area, and the modifications do not require approval of a new subdivision plan (Attachment C). The Amendment is exempt from stormwater management requirements under Chapter 19, Section 19-31(c) since the overall disturbance is less than 5,000 square feet.

SECTION 5 - COMMUNITY OUTREACH

The Application has met all noticing and signage requirements. Signs were posted along the Property frontages and a notice regarding the Site Plan amendment was sent to all parties of record by the Applicant and was received on May 2, 2018. As of the writing of this report, Staff has not received any correspondence regarding the proposed amendment.

SECTION 6 - CONCLUSION

This Site Plan Amendment meets all the requirements of the RMX-1 Zone under the Zoning Code in effect on October 29, 2014 and it is consistent with the previous approvals. The change in building use from restaurant to medical clinic is minor and with the findings, as amended, the use remains safe, adequate and efficient. These changes are compatible with the existing and adjacent development and meet all applicable requirements of Chapter 22A and Chapter 19 regarding forest conservation and water resource protection, respectively. Staff recommends approval of the site plan amendment subject to the conditions outlined at the beginning of this report.

APPENDIX

- A. Resolution for Site Plan 81994029A
- B. Forest Conservation Letter dated 09/16/1993
- C. Forest Conservation Exemption Confirmation Letter dated 4/17/2018

ATTACHMENT A



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: August 7, 1995

SITE PLAN REVIEW #8-94029A

PROJECT: MILESTONE CENTER AMENDMENT

Action: Approval subject to conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Baptiste, with a vote of 4-0, Commissioners Richardson, Baptiste, Hussmann and Aron voting for. Commissioner Holmes was absent.

The date of this written opinion is August 7, 1995 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before September 6, 1995 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until April 18, 1997 (which is the date that the validity period associated with the preliminary plan is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

On July 20, 1995, Site Plan Review #8-94029A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required;
2. the Site Plan meets all of the requirements of the zone in which it is located;

3. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-94029A which consists of 800,000 square feet of retail, 115 townhouses and 76 condominiums, subject to the following conditions:

1. Unless specifically modified by the Planning Board, all terms, conditions, restrictions and requirements previously imposed on the 1994 Site Plan remain in full force and effect, except as they are necessarily modified by the proposed reconfiguration.
2. Compliance with Forest Conservation Plan including the following revisions prior to approval of signature set of site plans:
 - a. Revise Final Forest Conservation Plan so that off-site Afforestation Planting Plan includes a minimum of five tree species. Number and type of species are to be approved by staff.
 - b. Afforestation Area to be shown on Final Forest Conservation Plan as a Category I Conservation Easement and recorded as such on a Record Plat.
 - c. Required site inspections of afforestation areas by M-NCPPC enforcement staff as specified in the "Trees Technical Manual".
 - d. Submit financial security for afforestation planting prior to clearing and grading.
 - e. Maintenance agreement for reforestation areas to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
3. Applicant to address comments regarding design of the proposed infiltration trench in memo of July 13, 1995 from Coastal Environmental Services to the satisfaction of M-NCPPC and DEP staffs prior to approval of signature set of site plans.
4. Applicant to meet all terms and conditions relating to the maintenance of the Germantown Bog established in the Board's action in 1994 on Site Plan #8-94029 (Milestone Center). This

includes compliance with the Environmental Planning Division memo of August 4, 1994, the requirement to subject this property and its owners to the Declaration of Covenants associated with the Germantown Bog Conservancy, and the requirements to assist in monitoring and maintenance of the bog recharge facilities.

5. In the event that conflicts between commuters turning left from the Shakespeare park-n-ride entrance lane into the Park-n-ride lot and cars exiting the shopping center cause undue congestion in the view of MCDOT staff, applicant will work with MCDOT to reconfigure the area of conflict.
6. Revised signage concept to be reviewed by Germantown Citizens Association and staff for inclusion on signature set.

ATTACHMENT B



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 16, 1993

Mr. Mark Friis
Rodgers & Associates, Inc.
15800 Crabbs Branch Way
Rockville, Maryland 20855

Re: Forest Conservation Requirements for
the Milestone Property
Plan Nos. 1-90137, 1-90140, 1-90169,
1-90170, 1-90171, 1-89270, 1-87271,
1-87243

Dear Mark:

Per your request, this letter is to verify the status of the Milestone Property preliminary plans with regard to the requirements of the Montgomery County Forest Conservation Law. Per Chapter 22A, Section 22A-5(k) of the Montgomery County Code, any lots covered by a preliminary plan of subdivision or site plan that have not received a sediment control permit before July 1, 1991 but were approved between July 1, 1984 and July 1, 1991 are exempt from the Forest Conservation Law. This section further states that if such a plan may be revised after July 1, 1991 at the initiative of the applicant, but will not be exempt from the law if the revision results in cutting of more than 5000 additional square feet of forest.

Since the Milestone Property plans were approved during the period for which this grandfathering applies, they are exempt from the forest conservation law. Any 59-D-3 site plans which may still be required for the preliminary plans will also be exempt. Any preliminary or site plan revisions initiated by the applicant(s) for plans which are already approved will continue to be exempt provided not more than 5000 additional square feet of forest is disturbed.

Please let me know if you have any questions regarding this exemption or any other forest conservation requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine A. Conlon".

Catherine A. Conlon
Environmental Planning Division

CAC:cc

cc: Candy Bunnag
Joe Davis
Larry Ponsford
Steve Federline

ATTACHMENT C



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 17, 2018

Mr. Keith Bennett
Gutschick, Little, and Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Forest Conservation Exemption Request
#42018188E – Patient First at Milestone Center

Dear Mr. Bennett,

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on April 6, 2018 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because the site is a modification to an existing non-residential developed property:

- (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued,
- (2) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan,
- (3) the modification does not require approval of a preliminary plan of subdivision, and
- (4) the modification does not increase the developed area by more than 50% and the existing development is maintained.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please feel free to contact me at 301-495-4603 or at michael.sharp@montgomeryplanning.org.

Sincerely,

Michael J. Sharp

Michael Sharp
Senior Planner, Forest Conservation Inspector
M-NCPPC