



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

ITEM # \_\_\_\_\_  
 MCPB 4/26/07

**MEMORANDUM**

DATE: April 3, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*  
 Robert Kronenberg, Supervisor  
 Development Review Division

FROM: Joshua C. Sloan, ASLA *JCS*  
 Development Review Division  
 (301) 495-4597



REVIEW TYPE: Limited Site Plan Amendment  
 CASE #: 81985066C  
 PROJECT NAME: Germantown Commons

APPLYING FOR: Approval of the demolition of an existing bank and construction of a new freestanding bank and corrections to the site data from the original site plan approval.

REVIEW BASIS: Montgomery County Zoning Ordinance Section 59-D-3.7.

ZONE: Town Sector Zone  
 LOCATION: NW Quadrant of Germantown Road (MD 118) and Middlebrook Road  
 MASTER PLAN: Germantown

APPLICANT: Edens & Avant  
 FILING DATE: December 7, 2006  
 HEARING DATE: April 26, 2007

**STAFF RECOMMENDATION:** Approval of the proposed amendments to Site Plan 81985066B. All prior conditions of approval shall remain in full force and effect unless expressly modified through this amendment.

## **BACKGROUND**

### **1. Original Site Plan Approval**

Site Plan 819850660, which was an amendment to Site Plan 819790370, was approved by the Planning Board with conditions on August 8, 1985 for a mix of retail, theater, restaurant, and parking facilities on several TS zoned parcels.

### **2. Site Plan Amendment A**

In 2001, Stomad Centers Germantown Commons, LLC purchased the property (now owned by Edens & Avant) and worked for approximately two years to find tenants to lease space before determining that the shopping center needed to be redeveloped in accordance with modern design and to integrate the space with neighboring uses and the Town Center. Site Plan 8-85066A was approved by the Planning Board with conditions on October 15, 2003 for a total of 199,529 square feet of commercial space for retail use and the renovation of the entire southern section of the landscaping and lighting along the internal driveways and parking areas. The landscaping, lighting, and streetscape improvements for the southern section of the shopping center have been completed.

### **3. Site Plan Amendment B**

Site Plan Amendment B was approved by the Planning Board on November 14, 2006. This amendment fulfilled the requirement for a submittal of landscape and lighting plans required by Condition 9 of the approved Site Plan 81985066A. A requested extension of the deadline for completing these improvements until November 16, 2007 was also approved by Site Plan Amendment 81985066B.

## **PROPOSED AMENDMENT**

The subject site plan amendment (81985066C) proposes to demolish an existing freestanding bank and replace it with a larger, more functional bank. The new bank will be 3,700 square feet, 1,940 square feet larger than the existing bank. During this demolition the applicant will take advantage of the opportunity to site the bank along the adjacent road, add landscaping around the bank, and construct the bank according to LEED Certification standards. No lighting will be changed as a result of this plan.

The subject site plan amendment also corrects the following items in the data table that were incorrectly recorded as of the original approval. Because the project is located in the Town Sector Zone, these standards are set at the time of site plan approval and the amended figures are now accurate and complete.

<u>Standard</u>	<u>Previously Approved</u>	<u>Amended</u>
Building Coverage (square feet)	204,746*	206,686
FAR – Overall Site	0.22	0.23
FAR – w/o Government Center	0.23	0.24
Green Area (%)	20	21
Internal Green Area (%)	7	9
Setbacks (feet)		
Building – from R.O.W.	22.9	19
Parking – side & rear	10.3	10
Parking	1426	1409**

\*The original approval from October 15, 2003 incorrectly recorded the building coverage as 199,529 square feet. A more accurate site survey has provided the applicant with the correct site data that reflects the approved site plan that was before the Planning Board.

\*\*1278 parking spaces are required based on the Shared Parking Tabulation.

## **PUBLIC NOTICE**

Notice of a community meeting was sent on December 4, 2006 and the applicant held a community meeting on December 14, 2006 (Attachment B). Nobody attended the meeting.

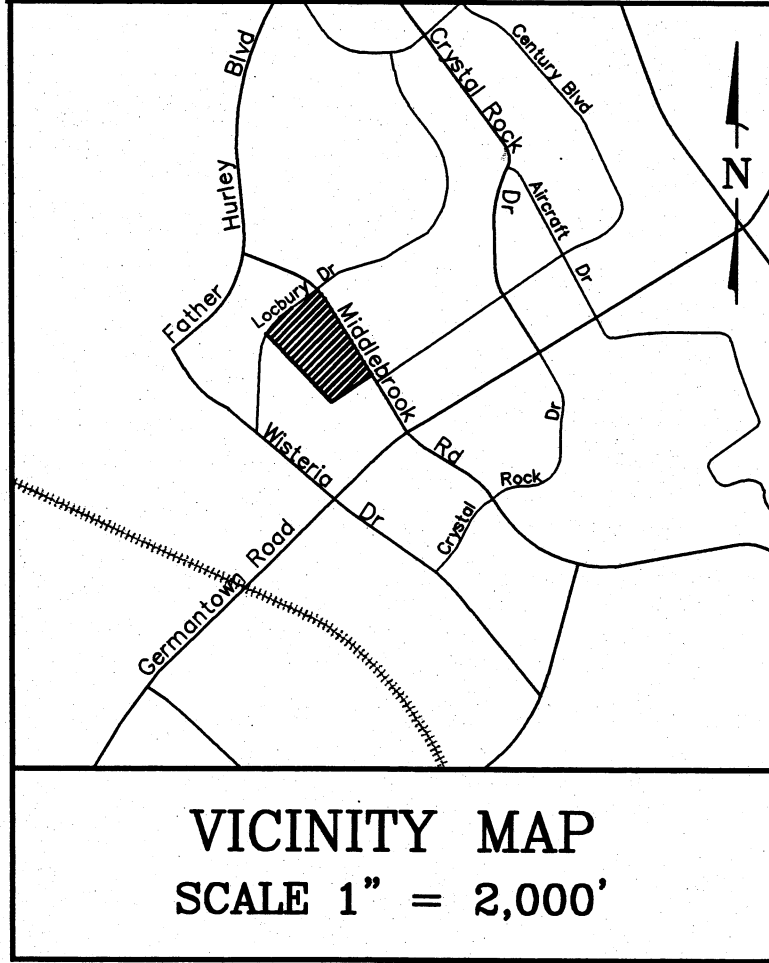
A notice regarding the subject site plan amendment was sent to all parties of record by the applicant on August December 29, 2006 (Attachment C). Staff has received no comments on the subject site plan amendment.

## **STAFF REVIEW AND RECOMMENDATION**

The proposed structure will enhance the character of the development while increasing green space and landscaping and will help create a more environmentally sustainable development. The landscape and façade adjacent to the road will enhance the visual quality of the site and allow for better use and enjoyment by the public. Staff, therefore, recommends **approval** of the site plan amendment 81985066C.

## **ATTACHMENTS**

- A. Vicinity Map
- B. Affidavit
- C. Notice

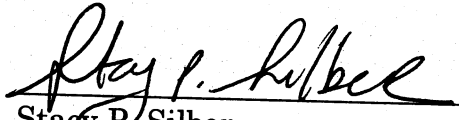


VICINITY MAP  
SCALE 1" = 2,000'

**AFFIDAVIT**

I, STACY SILBER, on behalf of EDENS AND AVANT, the owner of Germantown Commons ("Applicant"), being duly sworn depose and say:

1. In preparation for the filing of the Site Plan Application amendment, Applicant held a meeting on December 14, 2006, at 7:00 p.m. at the Up County Regional Center;
2. Invitees included all adjacent property owners and civic associations within a one-mile radius as set forth on Exhibit "A";
3. Representatives of the Applicant included Stacy Silber of Holland & Knight LLP, and Paul Newman and Tim Hoffman of Macris Hendricks and Glascock.

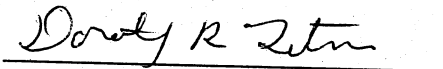
  
 Stacy P. Silber

STATE OF MARYLAND

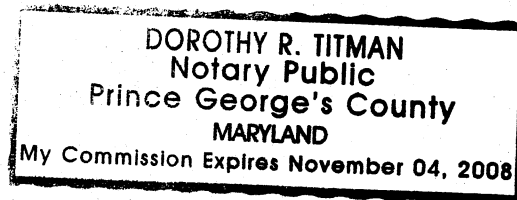
COUNTY OF MONTGOMERY, to wit:

I hereby certify that on 12-19-06, before the undersigned officer, a notary public in and for the State of Maryland, personally appeared STACY P. SILBER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

  
 \_\_\_\_\_  
 Notary Public  
 My commission expires:

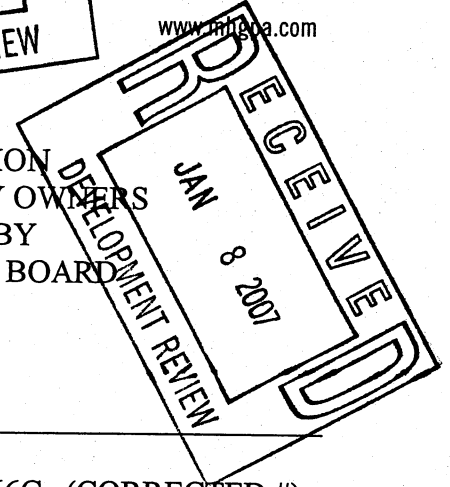
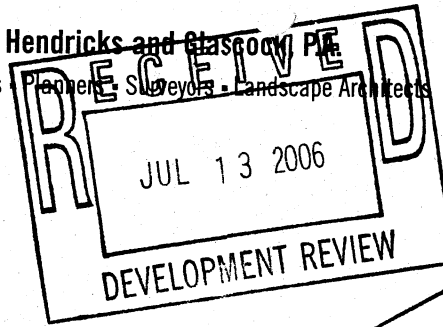
# 4258465\_v1



ATTACHMENT C

Macris, Hendricks and Glasgow, P.A.  
Engineers - Planners - Surveyors - Landscape Architects

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279  
Phone 301.670.0840  
Fax 301.948.0693  
www.mhgpa.com



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

December 29, 2006

Name of Plan Germantown Commons  
Site Plan Amendment Number 81985066C (CORRECTED #)  
Current Zoning Town Sector Zone  
Number of Proposed Lots/Area Included 3 Parcels/19.57 Acres  
Geographical Locations Northwest Quadrant of Germantown  
Road and Middlebrook Road.

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

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

Sincerely,

Paul J. Newman  
Principal