97	(B) any of the commercial uses allowed under 59-C-6.22(d);
98	([B] <u>C</u>) the following service uses <u>allowed under</u> 59-C-6.22(e):
99	appliance repair shop[s];
100	banking and financial institution[s];
101	barber and beauty shop[s];
102	child day care facility;
103	clinic
104	dry cleaning and laundry pickup station[s];
105	duplicati[on]ng service[s];
106	educational institution, private
107	<u>health club</u>
108	photographic studio[s];
109	self-service laundromat;
110	shoe repair shop[s];
111	tailoring or dressmaking shop[s]; or
112	([C] <u>D</u>)[the following] <u>all</u> cultural, entertainment and recreational uses
113	[from subsection] allowed under 59-C-6.22(f) as well as art galleries
114	which are permitted as specialty shops under 59-C-6.22(d).[:]
115	[billiard parlors;
116	bowling alleys;

117		commercial recreational or entertainment establishments;
118		indoor theater;
119		libraries and museums.]
120	(2)	In any new buildings constructed after July 16, 1990, all street level
121		[retail] uses must be directly accessible from a sidewalk, plaza, or other
122		public space.
123	[(3)) Windows and apertures cover occupy at least 50 percent of the street-
124		level exterior wall area that fronts on sidewalks, plazas, or other public
125		open spaces.]
126	59-C-18.3	103. Procedure for application and approval.
127	(a) Sta	ndard Method of Development: If required, [A] a site plan for [any]
128	dev	velopment in the Wheaton Retail Preservation Overlay Zone must be
129	app	proved under [the provisions of] Division 59-D-3. Development subject
130	to s	site plan approval [includes] is limited to the following:
131	[(a)] (<u>1</u>)	construction of new buildings that include more than 20,000 square feet
132		of floor area or exceed 42 feet in height; and
133	[(b)] <u>(2)</u>	additions and other exterior improvements to existing buildings that
134		cumulatively increase the total amount of [development] floor area on a
135		site to more than 20,000 square feet or increase the building height to
136		more than 42 feet[;]. [and]
137	[(c)	addition of off-street parking spaces or revisions to parking facilities
138		that require the approval of a new parking facilities plan under Section
139		59-E-4.1.]

140	<u>(b)</u>	<u>Opti</u>	onal Method of Development:
141		<u>(1)</u>	For projects that are subject to subdivision or resubdivision under
142			Chapter 50, a Division 59-D-2 Project Plan is not required. In order
143			to approve the preliminary plan of subdivision, the Planning Board
144			must find that the proposed subdivision will include public facilities.
145			amenities and design features that will create an environment capable
146			of supporting the greater densities and intensities permitted by the
147			limited optional method of development allowed in this Overlay Zone.
148		<u>(2)</u>	For projects that are not subject to subdivision or resubdivision, under
149			the provisions of Chapter 50, a project plan must be submitted and
150			approved in accordance with the procedures of Division 59-D-2.
151	For	anv c	optional method of development proposal in the Wheaton Retail
152			n Overlay Zone, a Division 59-D-3 Site Plan must be submitted and
153			y the Planning Board, in accordance with the provisions of Division 59-
154	<u>D-3.</u>		
155	59-C	-18.10	4. Site plan contents and exemptions.
156	(a	,	ons 59-D-3.22 and 59-D-3.23 do not apply in the Wheaton CBD
157			ay zone for standard method of development projects that require site
158		plan	approval.
159	(b) A sit	e plan for a standard method of development project in the Wheaton
160		CBD	overlay zone must include:
161		(1)	the location, height, ground coverage, and use of all structures;

161

162 163 164	(2)	for each residential building, the number and type of dwelling units, classified by the number of bedrooms, and the total floor area, if any, to be used for commercial purposes;
165 166	(3)	the floor areas of all nonresidential buildings and the proposed use of each;
167	(4)	the location of recreational and green areas and other open spaces;
168 169	(5)	calculations of building coverage, density, green area, number of parking spaces, and areas of land use;
170 171 172	(6)	the location and dimensions of all roads, streets and driveways, parking facilities, loading areas, points of access to surrounding streets, and pedestrian walks;
173 174 175	(7)	a landscaping plan (or final forest conservation plan, if required under Chapter 22A), showing all man-made features and the location, height or caliper, and species of all plant materials;
176 177 178 179	(8)	an exterior lighting plan, including all parking areas, driveways and pedestrian ways, <u>alleys</u> , <u>building security lights</u> , and the height, number, and type of fixtures with a diagram showing their light distribution characteristics; and
180 181 182 183	(9)	a development program with the sequence in which all structures, open spaces, vehicular and pedestrian circulation systems, landscaping, and recreational facilities are to be developed. The applicant must designate the point in the development program sequence when the applicant will ask the Planning Board to inspect[ion] for compliance
185		with the approved site plan.

186	<u>(10)</u>	a streetscape plan prepared in accordance with the Wheaton Central
187		Business District Streetscape Standards adopted by Executive
188		Regulation. The required streetscape must be provided before the
189		issuance of the final use and occupancy permit by the Department of
190		Permitting Services.
191	59-C-18	.105. [Planning Board] [a]Approval Requirements for All
192	37-0-10	Projects In the Wheaton Retail Preservation Overlay Zone.
		1 Tojects III the Wheaton Retail 1 Teser vation Sveria, 250nc.
193	[(a)]	[The Board must find that] [a]At least 50 percent of the street level
194		exterior wall area, fronting on sidewalks, plazas, or other public open
195		spaces, [has] must contain windows and apertures [before approving a
196		site plan for the Wheaton CBD overlay zone].
197	[(b)	The procedures for Planning Board approval under Section 59-D-3.4
198	I(O)	are modified for this overlay zone to require the following findings:
190		are modified for this overlay zone to require the following midnigs.
199		(1) the site plan does not conflict with the recommendations in the
200		Wheaton CBD Sector Plan;
201		(2) the site plan meets all of the requirements of this overlay zone as
202		well as the applicable requirements of the underlying zone; and
202		went as the applicable requirements of the underlying zone, and
203		(3) each structure and use is compatible with other uses and other
204		site plans and with existing and proposed adjacent
205		development.]

Zoning Text Amendment 06-11

206	Sec. 3. Effective date. This ordinance becomes effective 20 days after the
207	date of Council adoption.
208	
209	This is a correct copy of Council action.
210	
211	
212	
213	
214	Linda M. Lauer, Clerk of the Council

APPENDIX B



DEPARTMENT OF PERMITTING SERVICES

Oouglas M. Duncan
County Executive

August 15, 2005

Robert C. Hubbard

Mr. Yuning Qu Patton Harris Rust & Associates, PC 12850 Middlebrook Road, Suite 200 Germantown, MD 20876

Re:

Stormwater Management CONCEPT Request

for Montgomery Village Center (CVS)

Preliminary Plan #: N/A

SM File #: 219346

Tract Size/Zone: 1.24 acres/TS Total Concept Area: 1.24 acres Watershed: Great Seneca Creek

Dear Mr. Qu:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via an Aqua Filter and pre-treatment via an Aqua Shield or an approved equal. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. Since this site is considered redevelopment recharge is not required.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

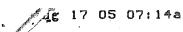
- Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
- 2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 3. An engineered sediment control plan must be submitted for this development.
- All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
- Water quality control must be flow-split to the treatment structures.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way





unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Blair Lough at 240-777-6335.

Richard R. Brush, Manager Water Resources Section

Division of Land Development Services

RRB:dm bll

cc:

R. Weaver S. Federlino SM File # 219346

QN -not required; Acres: 1.24 QL - on; Acres: 1.24 Recharge is not provided

APPENDIX C

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

April 7, 2006

MEMORANDUM

TO:

Laxmi Srinivas, Site Plan Reviewer

Development Review Division

VIA:

Sue Edwards, Team Leader, I-270 Corridor Team SUL

Community-Based Planning Division

FROM:

Nancy Sturgeon, Planner Coordinator

Community-Based Planning Division

SUBJECT:

Site Plan 8-06009: Montgomery Village CVS

Site Plan 8-06009 involves a property located in Montgomery Village, on the northwest corner of Montgomery Village Avenue and Stedwick Road. The subject property is within the boundaries of the 1985 Gaithersburg Vicinity Master Plan and is zoned Town Sector (T-S), which has an accompanying Development Plan. This 1.2-acre corner site is part of the larger Village Center shopping area. The mixed-use Village Center is one of the main shopping areas in Montgomery Village and includes retail, offices, a YMCA, and a post office.

The 1985 Master Plan does not provide specific recommendations for this property. The Development Plan identifies the 58-acre Village Center as the block surrounded by Montgomery Village Avenue on the east, Stedwick Road on the south, Watkins Mill Road on the west, and Club House Road on the north. No change to the Development Plan is proposed. A Development Plan Amendment is not required since the proposed use is consistent with the approved Development Plan.

Project Description

The subject site is located on the southeast corner of the Village Center at the southern gateway, or approach, to the Center. The premise address is 19100 Montgomery Village Avenue. Uses surrounding the site include residential condominiums to the south, across Stedwick Road and green space to the east, across Montgomery Village Avenue. Surface parking for the Village Center surrounds the site to the immediate north and west.

The site currently contains a 7,830 square-foot, two-story restaurant with second story office space. The applicant proposes to remove the existing building (which was previously occupied by the Sir Walter Raleigh Restaurant and is now vacant) and replace it with a newly constructed CVS retail store. CVS currently operates an in-line store in the Village Center. The new, freestanding CVS is planned as a one-story, 11,970 square foot building to be located in the center of the parcel. The building will be surrounded by a two-way drive aisle, 57 parking spaces, loading area, and a double drive-through window that will be located on the shopping center side of the building. CVS intends to operate the new store 24 hours a day, which are the same hours as the existing store in the shopping center. The drive-through window is for dropping off and picking up pharmacy orders only and the window will operate the same hours as the pharmacy, which is not open 24 hours a day.

Community Input

The applicant met with the Montgomery Village Foundation's Commercial Architectural Review Committee (CARC) several times to review the CVS site plan. The Committee requested a number of changes to the plan and the applicant accommodated many of these requests. The CARC reviewed and approved the final revisions to the CVS site plan, which were accepted by the Foundation's Board of Directors. Some of the revisions the applicant has made in response to issues raised by both staff and the CARC include:

- Reduced the building footprint from 12,900 to 11,970 square feet.
- Relocated the CVS entrance to face Montgomery Village Avenue.
- Relocated the drive-through to the interior (shopping center side) of the site, away from the residential community to the south.
- Reconfigured the parking lot so the drive aisle accommodates two-way rather than one-way traffic flow.
- Provided landscaping along Stedwick Road and Montgomery Village Avenue that had not been installed under the previous development approvals.
- Minimized the prototypical CVS signage and changed building materials to make the project more compatible with its surroundings.

Conclusion

Community-Based Planning staff notes the willingness of the applicant to work with staff, the Montgomery Village Foundation, its CARC, and the surrounding community. The applicant accommodated several requested changes to the site plan. As a result of these revisions, the site plan will be better integrated into the Village Center and have less of an impact on adjacent residents to the south. Staff recommends approval of the site plan with the conditions cited by the Site Plan Reviewer.

APPENDIX D



MONTGOMERY VILLAGE FOUNDATION, INC.

DEPARTMENT OF ARCHITECTURAL STANDARDS

10120 APPLE RIDGE ROAD MONTGOMERY VILLAGE, MARYLAND 20886-1000

(301) 948-0110 FAX (301) 990-7071 www.mvf.org

MAR 2 2006

February 24, 2006

Mr. Laxmi Srinivas
Development Review Division
Department of Park and Planning
8787 Georgia Ave.
Silver Spring, MD 20910

Dear Mr. Srinivas:

The Montgomery Village Foundation, Inc., through its established comprehensive due diligence process with the Commercial Architectural Review Committee (CARC) and its Architectural Standards Department, has reviewed and approved the final revisions to the CVS project including the movement of the trash compactor to the dumpster area and the addition of a ramp for access to the service entrance into the building. The CARC's proceedings, as reported in its minutes, have been accepted by the Foundation Board of Directors.

This should complete the Foundation's review of the architectural, landscaping, lighting and signage plans.

Respectfully yours.

John Zakian, Executive Vice President Montgomery Village Foundation, Inc.

cc: Stacy Silber, Holland + Knight LLP



MONTGOMERY VILLAGE FOUNDATION, INC.

DEPARTMENT OF ARCHITECTURAL STANDARDS

10120 APPLE RIDGE ROAD MONTGOMERY VILLAGE, MARYLAND 20886-1000

(301) 948-0110 FAX (301) 990-7071 <u>www.mvf.org</u>

January 12, 2006

Holland + Knight LLP Attn: Stacy P. Silber

3 Bethesda Metro Center - Suite 800

Bethesda, MD 20814

Re: CVS project in Montgomery Village

Dear Ms. Silber:

As stated in the December 20, 2005 letter, the Commercial Architectural Review Committee (CARC) approved the revised plans submitted by CVS at the December 16, 2005 meeting. To finalize the review of the proposed project, however, several items still needed to be addressed.

Mr. John Mack met with Mr. George Smith, MVF Design Consultant and a member of the CARC Committee, and me today in response to recommendations and specific requirements made by the Committee to address these remaining items.

As a result of our meeting, the following decisions were made:

- Instead of the proposed black window framing, a dark bronze frame would be used on all windows.
- o The false windows would have frosted or translucent glass in order to reduce any glare that could emanate from the glass.
- The mortar to be used on the brick of the building would be close to the building's limestone base color.
- o The left and right elevations would have banding above the windows to maintain consistency of appearance on the three sides.
- The rear elevation would be modified to include pllasters and brick patterning so it would be more animated in appearance and would maintain this same consistency in appearance with the other elevations.

The selection of brick to be used on the building was not finalized at this meeting. Although a particular brick was selected, Belden "Belcrest 500", a larger brick sample needs to be provided to show any ranges of color within the brick before a definitive answer can be given.

Although this last additional submission is still required, the Montgomery Village Foundation again thanks CVS for its continued cooperation. We look forward to a good working relationship with CVS in the future.

Respectfully yours,

Diane B. Staslewicz, Director

Derie B. Starieures

MVF Department of Architectural Standards

APPENDIX E



FIRE MARSHAL COMMENTS

DATE:____3-29-06

TO:

PLANNING BOARD, MONTGOMERY COUNTY

VIA:

FROM:

CAPTAIN JOHN FEISSNER 240 777 2436

RE:

APPROVAL OF ~ CVS MONTGOMERY VILLAGE-#8-06009

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 3-29-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

MCDPWT DRC Notes for September 26, 2005

8-06009 MONTGOMERY VILLAGE CVS

- Need S.D. adequacy.
 Leadwalk on the corner of Montgomery Village Ave for details coordinate with MNCPPC.
- 3. 6' Sidewalk on Montgomery village ave.
- 4. Coordinate bus stop facilities with Jeff Dunckle.

Sep 23 05 05:42p



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION WATERSHED MANAGEMENT DIVISION

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166 Telephone No. 240-777-7700 - FAX No. 240-777-7715

SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC) Comprehensive Water Supply and Sewerage Systems Plan Issues

MNCPPC File Number: 8-06010

DRC Meeting Date: 09/26/2005

Subdivison Plan Name: Montgomery Village CVS

Proposed Development: 12900 SF retail

Watershed: Great Seneca Creek

Zoning: TS

Planning Area: Gaithersburg Vicinity

Site Area: 1.24 ac

Sewer: S - 1

Location: Montgomery Village Ave

Engineer: Patton Harris Rust & Associates 703-273-8700

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Community (public) WATER system

Community (public) SEWER system

Existing Service Area Categories: Water: W - 1

Water/Sewer Plan Map Amendment:

Water Supply Comments:

Sewerage System Comments:

Yes; the water supply system is consistent with the existing

water service area category

Yes; the sewerage system is consistent with the existing sewer service area category

*Additional Comments:

Prepared by: Shelley Janashek

no comments

WSSC Comments on Items for September 26, 2005 Development Review Committee Meeting

File Number	Project Name	Substantial Comments
8-06009	MONTGOMERY	WATER AND SEWER AVAILABLE
	VILLAGE CVS	An existing 16-inch water main in Stedwick Road and an existing 24-inch water main in Montgomery Village Avenue abut the subject property. Also, an existing 8-inch sanitary sewer main in Montgomery Village Avenue abuts the subject property. Possibility of using existing connections or building new connections to obtain water and sewer service.
		PAY SERVICE CONNECTION AND APPLICABLE FEES AND CHARGES
		Submit Connection application form to WSSC's One-Stop-Shop and settle all fee requirements if new connections will be installed.
		For connection information, it will be necessary for you to contact the Permit Services Unit at (301) 206-4003 or visit our One-Stop Shop located on the lobby level of our Consolidated Office Building at 14501 Sweitzer Lane, Laurel, Maryland 20707.
		If existing connections will be used, coordinate with the Permit Service Unit on obtaining an existing fixture count before existing building is razed. The existing fixture count will be applied as a fixture credit to the system development charge.
· · ·		ABANDON EXISTING SERVICE CONNECTION
		The existing water and sewer connections must be abandoned if they are not to be used for the new development. You must absorb the abandonment cost.
		SUBMIT ON-SITE PLAN
: 		Submit on-site plans for water lines greater than 2 inches or sewer lines greater than 4 inches (to the One-Stop-Shop). A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.
		HYDRAULIC INFORMATION REQUIRED
		For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Re:

September 22, 2005

Ms. Cathy Conlon Supervisor, Development Review Subdivision Division Maryland National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, MD 20910-3760 Montgomery County MD 124 General

Montgomery Village CVS

File No. 8-06009

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the site plan application for the Montgomery Village CVS. We have completed our review and have no comments at this time. Please note that this section of Montgomery Village Avenue is owned and maintained by Montgomery County.

If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Gregory Cooke at 410-545-5602, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5602 for Greg, x-5595 for John). You may also Email Greg at gcooke@sha.state.md.us or John at jborkowski@sha.state.md.us. Thank you for your cooperation.

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

SDF/jb

cc:

Mr. Darrell Mobley (Via E-mail)

Mr. Augustine Rebish (Via E-mail)

Mr. Richard Weaver, M-NCPPC (Via E-mail)

EPD Recommendation to Dev Rev Div: Approve

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Laxmi Srinivas

Development Review Division

SUBJECT:

Plan # 8-06009, Name Montgomery Village CVS

DRC date: Monday, September 26, 2005

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEOUACY

Plan is complete. (NRI/FSD 4-05315E approved on July 5, 2005)

EPD RECOMMENDATIONS:

Approval.

This plan is not subject to a tree save plan, though the applicant should install tree protection fencing to protect the 21 inch oak trees in the public right of way.

DATE: September 23, 2005

SIGNATURE:

Environmental Planning

Countywide Planning Division

cc: PHRA

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.

Put the Plan numbers on your cover/transmittal sheets.

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

April 14, 2006

Memorandum

To:

Laxmi Srinivas,

From:

Sharon K. Suarez, AICP, Housing Coordinator, 301-495-1312

Re:

Summary of Housing Issues for 8-06009

BACKGROUND

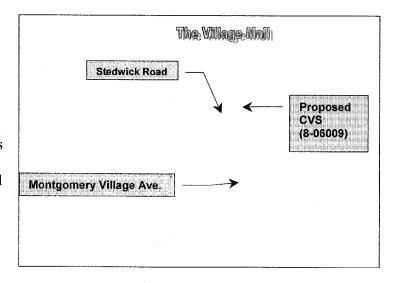
The applicant seeks to construct a pharmacy at the northwest quadrant of Montgomery Village Avenue and Stedwick Road in the Town Sector zone of Montgomery Village.

RECOMMENDATION

Approval.

DISCUSSION

Staff could not find any adverse housing issues associated with this application. The proposed project site is located within the Village Mall area of Montgomery Village. The subject site is bounded by retail and office uses to the north and west. To the east and south, across Montgomery Village and Stedwick Road, respectively, are community open spaces.



Srinivas, Laxmi

From:

Sent:

Powell, Doug Friday, April 14, 2006 12:38 PM Srinivas, Laxmi CVS

To:

Subject:

PPRA has no park issues involved in project 8-06009, CVS Montgomery Village Doug

Srinivas, Laxmi

From:

Oaks, Michele

Sent:

Friday, April 14, 2006 12:14 PM

To:

Srinivas, Laxmi

Subject:

#8-06009 Montgomery Village CVS

Laximi,

I have reviewed the subject project and found it not to impact any identified historic resources.

Sincerely,

Michele Oaks

Michele Oaks, Senior Planner
Historic Preservation Office
Montgomery County Department of Park and Planning
1109 Spring Street, Suite 801
Silver Spring, MD 20910
(301) 563-3400 (phone)
(301) 563-3412 (fax)
michele.oaks@mncppc-mc.org
www.mncppc.org