



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

MCPB No. 18-135
Site Plan No. 81999001H
Germantown Town Center East
Date of Hearing: December 20, 2018

JAN 08 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1. B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on March 15, 1999, the Planning Board by Opinion approved Site Plan No. 819990010 for 181,900 square feet of commercial and 98,559 square feet of hotel use on 24.74 acres of TS zoned-land, located on the northeast, southeast and southwest corners of the intersection of Century Blvd and Aircraft Dr. ("Subject Property"), in the Germantown West Policy Area and the 1989 Germantown Master Plan area; and

WHEREAS, on November 13, 2006, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999001D (MCPB No. 06-102), to modify the design of a previously approved 2-story 10,100 sq. ft. building to a one-story 4,100 sq. ft. bank with drive-thru on the Subject Property; and

WHEREAS, on April 5, 2007, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999001E (MCPB No. 07-028), to increase a one-story 4,100 sq. ft. bank with drive-thru to 5,100 sq. ft. in size on the Subject Property; and

WHEREAS, on August 9, 2011, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999001F (MCPB No. 11-067), to add a 5,097 sq. ft. restaurant building on the Subject Property; and

WHEREAS, on April 26, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81999001G (MCPB No. 16-045),

Approved as to
Legal Sufficiency:

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to add 344 sq. ft. of kitchen prep area to an existing restaurant building and to supplement landscaping along the drive-thru lane on the Subject Property; and

WHEREAS, the administrative memoranda for Site Plan Nos. 81999001A (approved April 10, 2003), 81999001B (approved December 12, 2004), and 81999001C (approved December 1, 2005) were minor modifications related to the building design and landscaping as restaurant and retail tenants were finalized for previously approved commercial buildings; and

WHEREAS, on August 2, 2018, Germantown Town Center East LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to remove approximately 5.49 acres of land, 20,933 square feet of existing commercial density and 25,758 square feet of approved but unbuilt density, leaving 19.25 acres of land, 176,715 square feet of existing mixed commercial density and 31,500 square feet of unbuilt commercial density on the Subject Property, now located in the Germantown Town Center Policy Area and the 2009 Germantown Employment Area Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81999001H, Germantown Town Center East (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 7, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 20, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81999001H to remove approximately 5.49 acres of land, 20,933 square feet of existing commercial density and 25,758 square feet of approved but unbuilt density, leaving 19.25 acres of land, 176,715 square feet of existing mixed commercial density and 31,500 square feet of unbuilt commercial density on the Subject Property by adding the following condition:¹

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

18. Density on the site is limited to 208,215 square feet of development, including 60,000 square feet of hotel use, 58,782 square feet of cinema and 89,433 square feet of retail and restaurant use.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 81999001H, Germantown Town Center East, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site as revised by previous amendments, and all findings not specifically addressed remain in effect.*
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 56.*

The amendment to the Site Plan continues to meet the requirements of the TS zone which it has been reviewed under. The results of the Amendment do not alter the types of uses on the Subject Property but reduces the quantity of allowed commercial density by 46,691 square feet, and removes 5.49 acres, leaving behind a 19.25-acre Subject Property. The height and setback limits are not being changed and the existing buildings continue to conform with the new boundaries. Table 8 below illustrates the changes that are proposed to tract area, green area and most importantly the modifications to the Site Plan development density and parking calculations. The Data Table that follows is a summary of the new density and parking limitations on the Subject Property.

SITE PLAN DATA TABLE

Development Standard	Required by TS Zone	Approved with 81999001G	Provided by 81999001H
Gross Tract Area	²	24.74 acres	19.25 acres
Development Density	³		
Restaurant/Retail		136,124 sq. ft.	89,433 sq. ft.
Cinema		58,782 sq. ft.	58,782 sq. ft.
Lodging		60,000 sq. ft.	60,000 sq. ft.
Green Area	⁴	5.68 acres (22.96%)	4.03 acres (20.94%)
Parking⁵			
Weekday 6a-6p	N/A	1,462	1,160
Weekday 6p - midnight	N/A	1,662	1,355
Weekend 6a – 6p	N/A	1,637	1,355
Weekend 6p – midnight	N/A	1,637	1,355
Overnight midnight – 6a	N/A	1,637	1,355

The original Site Plan was approved utilizing the shared parking adjustments found in section 59-E-3.1 of the Zoning Code. The Applicant will continue to utilize the same parking ratios as originally approved, and the above shown parking calculations are modified based on the new Subject Property boundary and mix of uses built or approved on the site. The provided parking during the weekday 6a – 6p period is less than other periods because 175 spaces in phase block D are utilized by MCDOT for park-and-ride during weekdays but are available for general use in evenings and on weekends.

² Minimum tract area of a TS zone is 1,500 acres, however smaller projects may be approved that are adjacent to or part of a larger TS zone. The GTTCE Site Plan was part of a larger Churchill TS zone implemented in Germantown.

³ Development Density limitations are driven by LMA G-742, which was found to be conforming to the TS Zone.

⁴ Open space requirements are based on an entire TS zone area. The Churchill TS Zone is approximately 37%. The GTTCE Site Plan has always provided around 21% of the site as Green Area.

⁵ Subject to shared parking as allowed by 59-E-3.1.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 08 2019 (which is the date that this resolution 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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Patterson, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 20, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board