



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

APR 09 2020

MCPB No. 20-021
Site Plan No. 82001022A
Olney Theatre Center
Date of Hearing: March 26, 2020

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.1, 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 May 31, 2001, the Planning Board, by Opinion mailed on July 3, 2001, approved Site Plan No. 820010220 for 30,250 square feet of theater, classroom, lobby, and office; 5,460 square feet of recital hall, and lobby; 3,000 square feet of scene shop expansion; to be added to 27,180 square feet of existing arts center including existing theater, studio¹, office, classrooms, performers' quarters, scene shop and gate house² on 10.6 acres of Planned Cultural Center (PCC) zoned-land, located at 2001 Olney-Sandy Spring Road, approximately 60 feet west of Doctor Bird Road and include Part of the Parcel A, shown on Record Plat 18989 ("Subject Property"), in the Olney Policy Area and 2005 Olney Master Plan ("Master Plan") area; and

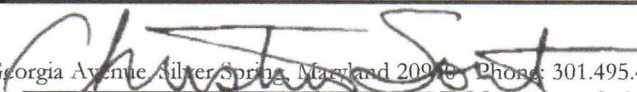
WHEREAS, on November 1, 2019, Olney Theatre Center ("Applicant") filed an application for approval of an amendment to the previously approved site plan to build a 3,393 square foot addition to the existing Multz-Gudelsky Theatre Lab on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82001022A, Olney Theatre Center ("Site Plan," "Amendment," or "Application"); and

¹ The Multz-Gudelsky Theatre Lab is referred to as Studio in prior resolutions, including Site Plan No. 820010220.

² The Gate House is also known as the Stone Cottage.

Approved as to
Legal Sufficiency


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M-NCPPC Legal Department

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 March, 13 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 26, 2020, 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. 82001022A for a 3,393 square foot addition to the Mulitz-Gudelsky Theatre Lab building by adding the following conditions:³

7. The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated January 14, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of approval.
8. Prior to approval of Certified Site Plan No. 82001022A, the Applicant must submit and receive acceptance by MNCPPC of the "B" amendment to bring the Subject Property into compliance with Site Plan No. 820010220.
9. Prior to issuance of any use-and-occupancy certificate for any building associated with Site Plan No. 82001022A, the Applicant must construct all improvements determined to be in violation of Site Plan No. 820010220, unless modified as part of a future site plan amendment.
10. Site Plan Surety and Maintenance Agreement
Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the MNCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of

³ 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.

surety in accordance with Section 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 on-site lighting, retaining walls, railings, private sidewalks, paths and associated improvements of development. The surety must be posted before issuance of any building permit 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.

11. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

12. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept exemption letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all other conditions of approval of Site Plan No. 820010220 and the Site Plan Enforcement Agreement remain in full force and effect except as modified by the conditions .

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Olney Theatre Center, Site Plan No. 82001022A, 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 plan, and all findings not specifically addressed remain in effect.*
2. *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.*

The Site Plan with the proposed amendments continues to conform to all non-illustrative elements of the Development Plan (G-630), including the minimum building setbacks, minimum green area and maximum height, enumerated in the Data Table below. There are no binding elements associated with the Development Plan.

3. *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 Subject Property is approximately 10.6 acres and is zoned PCC. The Amendments meets all of the requirements and development standards of the PCC zone, including building setbacks, building coverage, and green area. The PCC zone also requires off-street parking to be provided, as determined at Site Plan. As discussed below, and as conditioned, the non-compliant parking on-site will be corrected.

Table 1 – Data Table

Development Standard	Permitted/Required PCC zone	Approved LMA G-630	Approved Site Plan No. 820010220	Approved Site Plan No. 82001022A
Lot and Density				
Lot Area (Minimum)	5 ac		10.6 ac / 461,736 s.f.	10.6 ac / 461,736 s.f.
Setbacks and Screening				
Min. building setback - From confronting or abutting				

Development Standard	Permitted/Required PCC zone	Approved LMA G-630	Approved Site Plan No. 820010220	Approved Site Plan No. 82001022A
residential property:	100 ft.	Greater than 100 ft.	Greater than 100 ft.	Greater than 100 ft.
- From any boundary line shown on the development plan	30 ft.	Greater than 30 ft.	Greater than 30 ft.	Greater than 30 ft.
Building Height				
- Theatre Lab	50 ft. max.	50 ft. max	26 ft. or less	26 ft. or less
- Theatre and set construction building	75 ft.*	Up to 75 ft.	75 ft. or less	75 ft. or less
Coverage and Green Area				
- Max. building coverage	30% / 3.18 ac	30% / 3.18 ac	11.3%/1.2 ac	12% / 1.27 ac
- Max. parking coverage	40% / 4.24 ac	40% / 4.24 ac	28.2%/ 3.0 ac	28.2% / 3.0 ac
- Min. green area	30% / 3.18 ac	30% / 3.18 ac	60.5%/6.4 ac	60.5% / 6.4 ac

*The maximum building height is 50 feet. However, the building height may be increased 1 foot for every 2 feet of additional setback beyond the minimum required setback, up to a total building height of 75 feet.

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

Location of Buildings and Structures

The locations of the buildings and structures, both existing and as amended remain adequate, safe and efficient. The Amendment only affects one existing building, the Multz-Gudelsky Theatre Lab, also known as the studio.

An addition to the existing Theatre Lab will expand the existing building footprint to the northern and western sides of the building, which still maintains adequate setbacks from other buildings and enough room for circulation and landscaping.

The first-floor addition (3,150 square feet) will accommodate a new lobby, dressing room, green room, and flex space. The existing 2,535 square foot auditorium is being

retained, with no increase in occupancy load. The second-floor addition expands the current control room/mezzanine by 243 square feet. The addition provides much needed space for the actors and actresses to continue providing high quality performances for theatre patrons and the lobby improves the internal flow of the building. The Amendment was reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section who determined that the Property, with the Theatre Lab addition has adequate access for fire and rescue vehicles by transmittal dated January 14, 2020.

Location of Open Spaces, Landscaping and Recreation Facilities

No changes are proposed to the landscaping and lighting with the exception of wall mounted lighting fixtures that will illuminate the sidewalks. The PCC zone requires a minimum of 30% or 3.18 acres of open space on the Subject Property and the Amendment provides 60% or 6.4 acres of green area on-site, continuing to exceed minimum required in the PCC zone.

Pedestrian and Vehicular Circulation

The Amendment will continue to provide for a safe, adequate, and efficient circulation pattern on-site. Since the Amendment modifies a limited area around the Theatre Lab, few changes are proposed. The Theatre Lab will be accessible from entrances on the east and west side of the building. A deck, wood ramp and stairs are being installed on the west side of the addition, and tie into the existing pedestrian pathways that meander between buildings. A new leadwalk is being installed to connect the existing sidewalk in the rear of the Theatre Lab to the entrance on the east side of the building. A 1-foot tall retaining wall will be installed to achieve an ADA compliant slope.

Along the frontage of the Property on Olney-Sandy Spring Road and west of Doctor Bird Road, there is an existing shared use path, consistent with the 2018 Bicycle Master Plan recommendations. Along the frontage of the Property to the east of Doctor Bird Road, the Bicycle Master Plan recommends a 10-foot wide shared use path, which is currently unbuilt. These improvements will be requested as part of any future application on the Subject Property that will generate trips, present any impact to the transportation network or if a site plan is submitted under the current Zoning Ordinance, which requires finding master plan compliance as part of site plan approval.

Outstanding Issues

A Notice of Violation (NOV) was issued by MCDPS on March 12, 2020 listing a number of discrepancies between the phasing plan in the Site Plan Enforcement Agreement for Site Plan No. 820010220 as shown on the Certified Site Plan and as-built conditions, including:

1. Failure to install the minimum parking requirements per the proposed phasing plan in the Site Plan Enforcement Agreement and as shown on the Certified Site Plan phase 3.
2. Failure to install the parking lot islands as shown on the Certified Site Plan.
3. Failure to install the correct parking lot light fixtures, including the correct quantities and proposed locations as shown on the Certified Site Plan.
4. Failure to install the seat walls/trellis in phase I as shown on the Certified Site Plan.
5. Failure to install the site landscaping as shown on the Certified Site Plan.

Regarding violation item 1, the minimum parking requirements are not being met on the Subject Property. Table 2, below, summarizes the parking requirements. Currently, 232 parking spaces are available on the Subject Property, however, 241 parking spaces should have been constructed per Site Plan No. 820010220. Based on as-built conditions (which include a slight increase in seating) 247 spaces are required. Because the proposed addition to the Theatre Lab does not increase the number of employees or seating capacity, the Amendment will not add to the parking deficit.

Table 2 – Parking Requirements

Venue	Zoning Ordinance/PCC zone	Approved Site Plan No. 820010220	Existing	Approved Site Plan No. 82001022A
Original Theatre	1 sp./4 seats	110 spaces (440 seats)	118 spaces (472 seats)	118 spaces (472 seats)
Main Stage	1 sp./4 seats	109 spaces (435 seats)	107 spaces (428 seats)	107 spaces (428 seats)
Class/Office	1 sp./employee	22 spaces (22 Employees)	22 spaces (22 Employees)	22 spaces (22 Employees)
Theatre Lab ("studio")	1 sp./4 seats	38 spaces** (152 seats)	38 spaces** (152 seats)	38** spaces (152 seats)
Recital Hall (unbuilt)	1 sp./4 seats	38 spaces***	NA - Unbuild	NA - No longer proposed

				232 spaces <i>(247 spaces required based on existing seating and employees)</i>
Total		241 spaces	232 spaces	

Per the NOV requirements, the Applicant must correct the items of non-compliance within 30 days or submit for a site plan amendment. The current site plan amendment requests additional development rights, which are conditioned on the Applicant rectifying the existing non-compliant items prior to issuance of any new use and occupancy permits.

5. *Each structure and use are compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The Theatre Lab addition is compatible with the existing building on the Subject Property. The architecture is simple and modern, taking cues from the existing buildings. The exterior of the building is being updated by replacing the existing vinyl siding with fiber cement board. The existing roofline will be modified to incorporate the addition into the existing structure and large windows are being added to the pedestrian dominated sides of the building (e.g. the courtyard).

The Amendment retains the existing forest between the parking lot and the adjoining residential subdivision, which continues to provide an adequate visual buffer between the uses. The Olney Theatre is discussed on page 135 of the 2005 *Olney Master Plan*. The Master Plan recommendation is to "support the Olney Theatre's existing and future plans for potential future expansion." The Master Plan only slightly elaborates on this recommendation by stating that "[f]uture additions and improvements to the theater should be consistent with the Plan's vision of the Olney Theatre as a unique cultural facility that can co-exist in harmony with its neighbors and continue to add richness to Olney's quality of life." The proposed 3,393-square-foot expansion and 1,205 square feet of site work are in harmony with the existing theater complex and the neighborhood.

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

A Final Forest Conservation Plan was approved with Site Plan No. 820010220. This Site Plan Amendment does not alter any of the FFCP requirements established and satisfied under the original approval nor does it impact any of

the existing Category I or Category II Conservation Easements onsite. Therefore, the Planning Board finds that this Application meets 22A.

The Application has been reviewed by the MCDPS Water Resources Section who, in a letter dated October 11, 2019, determined that the Amendment is exempt from providing a Stormwater Management Concept, per Section 19-31(C) of the Montgomery County Code, because the proposed addition to the existing commercial structure results in less than 5,000 square feet of land disturbance.

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 APR 09 2020 (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 Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy, Patterson, and Verma voting in favor, and Vice Chair Fani-González absent at its regular meeting held on Thursday, March 26, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board