

ROCK CREEK VILLAGE SHOPPING CENTER SITE PLAN AMENDMENT NO. 82020019A



Description

Request to convert an existing 2,425-square foot bank into a 2,470-square foot restaurant with a drive-thru.

No. 82020019A

Completed: 6-29-2023

MCPB

Item No.
7-13-2023

Montgomery County
Planning Board
2425 Reddie Drive, Floor 14
Wheaton, MD 20902

Planning Staff

TL

Troy Leftwich, Planner III, Midcounty Planning, Troy.Leftwich@montgomeryplanning.org, (301) 495-4553

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, (301) 495-4539

CS

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

LOCATION/ADDRESS

Within the Rock Creek Village Shopping Center on the south side of Norbeck Road (MD 28), between Baltimore Road and Bauer Drive

MASTER PLAN

The 1994 Aspen Hill Master Plan

ZONE

NR-0.75, H-45

PROPERTY SIZE

9.39 acres (overall)

0.40 acres approximate (Site Plan limits)

APPLICANT

Rock Creek Village, LLC

ACCEPTANCE DATE

February 24, 2023

REVIEW BASIS

Chapter 59, Chapter 22A



Summary:

- Staff recommends approval with conditions of the Site Plan Amendment.
- Site Plan No. 820200190, Thrive Veterinary Clinic was approved on July 27, 2021, which converted 1,782 square feet of commercial space in the shopping center to a veterinary office/hospital use. The current application is in a separate location in the same shopping center.
- This Application is limited to the area immediately surrounding the existing bank, as needed for the proposed improvements associated with the drive-thru restaurant conversion.
- Staff received community correspondence regarding traffic concerns, which are addressed in the report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
SITE PLAN 82020019A.....	3
SECTION 2: SITE DESCRIPTION.....	6
VICINITY.....	6
SECTION 3: PROJECT DESCRIPTION.....	8
PREVIOUS APPROVALS.....	8
PROPOSAL.....	8
SECTION 4: SITE PLAN 82020019A FINDINGS AND ANALYSIS.....	13
SECTION 5: COMMUNITY OUTREACH	20
SECTION 6: CONCLUSION	21
ATTACHMENTS.....	21

SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN 82020019A

Staff recommends approval of Site Plan No. 82020019A, to convert an existing 2,425-square foot bank with three drive-thru lanes to a 2,470-square foot drive-thru restaurant. The development must comply with the conditions of approval for Preliminary Plan No. 119990550 as listed in the MCPB Resolution No. 1-99055 dated April 22, 1999. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.¹ These conditions are a separate site area than the original veterinary clinic approval and do not supersede the prior approval. These conditions are new and are applicable to the drive-thru restaurant use.

DENSITY, HEIGHT & HOUSING

5. Density

The Site Plan Amendment is limited to a maximum of 2,470 square feet of drive-thru restaurant use for the total development on the Subject Property.

6. Height

The development is limited to a maximum height of 20 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES

7. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated February 27, 2023, and incorporates the recommendations as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

¹ For the purposes 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.

SITE PLAN

8. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet Perspective 1-5 of the submitted architectural drawings, as determined by M-NCPPC Staff.

9. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

10. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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 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, site furniture, trash enclosures, fences, railings, private sidewalks, private utilities, storm drainage facilities, street trees, and street lights. 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 before 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 approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- 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.
- e) Provide approved schematic elevations shown on Sheets “Perspective 1-5”.
- f) Add Site Plan Limits to plan area for the drive-thru restaurant use.
- g) Add Open Space plan to plan set.

SECTION 2: SITE DESCRIPTION

VICINITY

The 9.39-acre Subject Property (or the Property) is improved with the Rock Creek Village Shopping Center, which has operated on the Property since it was constructed in the 1960s and is bounded by Norbeck Road (MD 28) to the north, Bauer Drive to the east, and Baltimore Road to the west. Figure 1 depicts the entire Subject Property (in yellow), current Site Plan Amendment Area limits approximate 0.40 acres (in red) and the prior Site Plan approval for the Veterinary Clinic (in blue).



Figure 1 – Vicinity Map

The area surrounding the Subject Property is predominately residential. To the south and west, the Property is adjacent to multi-family buildings (zoned R-30 and R-20, respectively). To the east, across Bauer Drive, the Property confronts multi-family buildings (zoned R-90). An area of single family detached residential development (zoned R-90 and R-200) exists across Norbeck Road to the north. The Property is within the 1994 *Aspen Hill Master Plan* area and the Property is zoned NR-0.75, H-45. Across Bauer Drive, to the east of the Property, is the Bauer Drive Community Recreation Center, Earle B. Wood Middle School, Earle B. Wood Park, and further east Lucy V. Barnsley Elementary School. To the west of the Property is Rock Creek Stream Valley Park and its associated trail network, and to the southwest along Baltimore Road is Rockville High School.

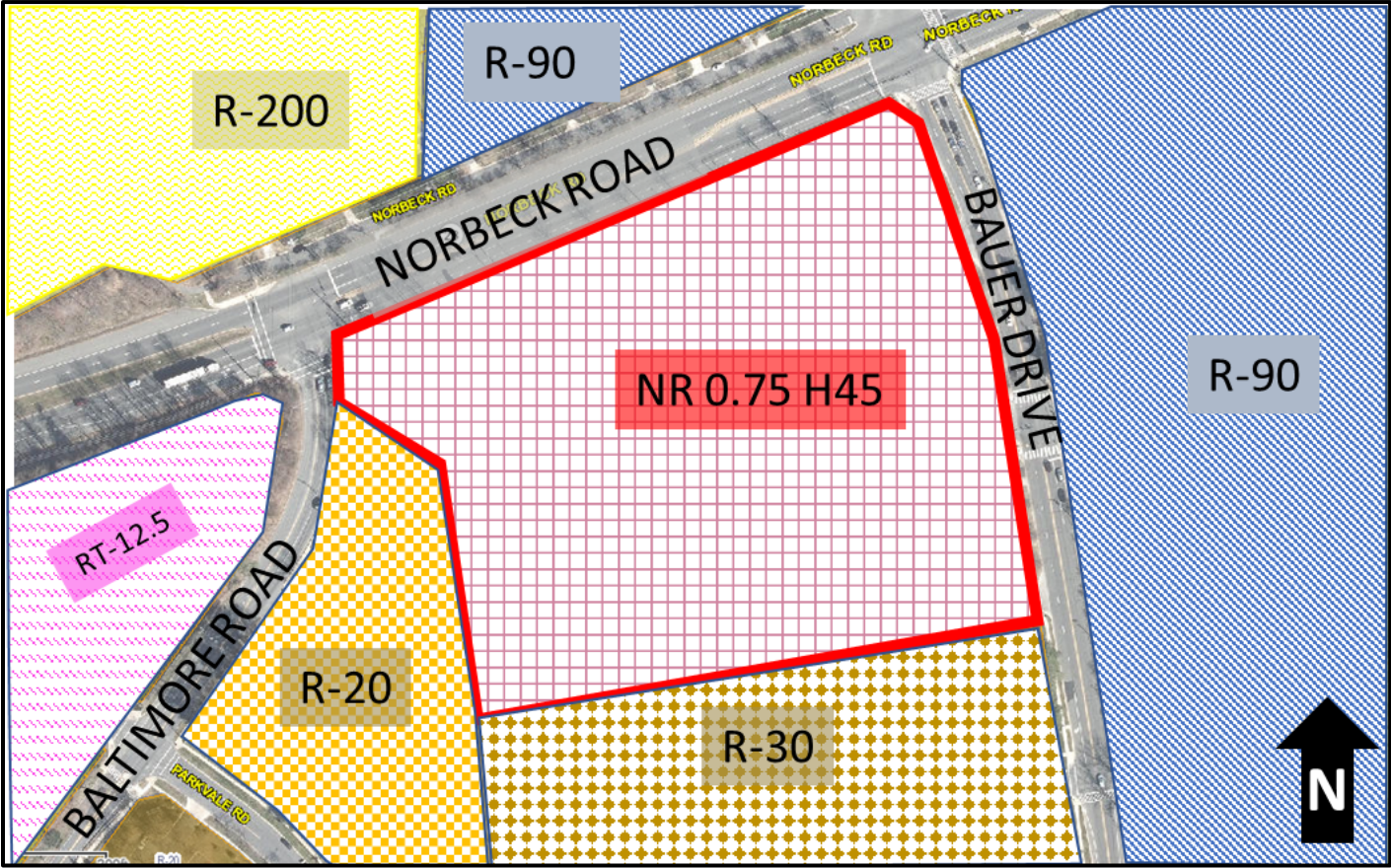


Figure 2 – Subject Property (in red)

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 119990550, Rock Creek Manor on April 7, 1999 (Resolution No. 1-99055) approved the one lot for 91,363 square feet of retail shopping facility on 9.38 acres of land.

Site Plan No. 820200190, Thrive Veterinary Clinic on July 27, 2021 (Resolution No. MCPB No. 21-006) approved the conversion of approximately 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area.

PROPOSAL

The Site Plan Amendment proposes to convert an existing 2,425-square foot bank with drive-thru pad site to a 2,470-square foot drive-thru restaurant. The existing bank building is located on the north side of the shopping center, overlooking Norbeck Road (MD 28). The remainder of the shopping center site is improved with a row of retail shops and restaurants and an automobile filling station.

The Applicant proposes to renovate and repurpose the existing bank building for use as a restaurant with a drive-thru (Chipotle). As stated in the Application, the restaurant use will operate with a preorder meal pick-up operation enabled through a mobile ordering application for the drive-thru. It will also provide a dine-in option (55 interior and 26 outside, total 81 seats) to service walk-in or non-preorder customers. Alterations to the building to effectuate the change of use will mostly be internal with a small building addition of 45 square feet to accommodate the service window. The Application also proposes minor branding updates to the building's façade to meet the standard of the Chipotle franchise.

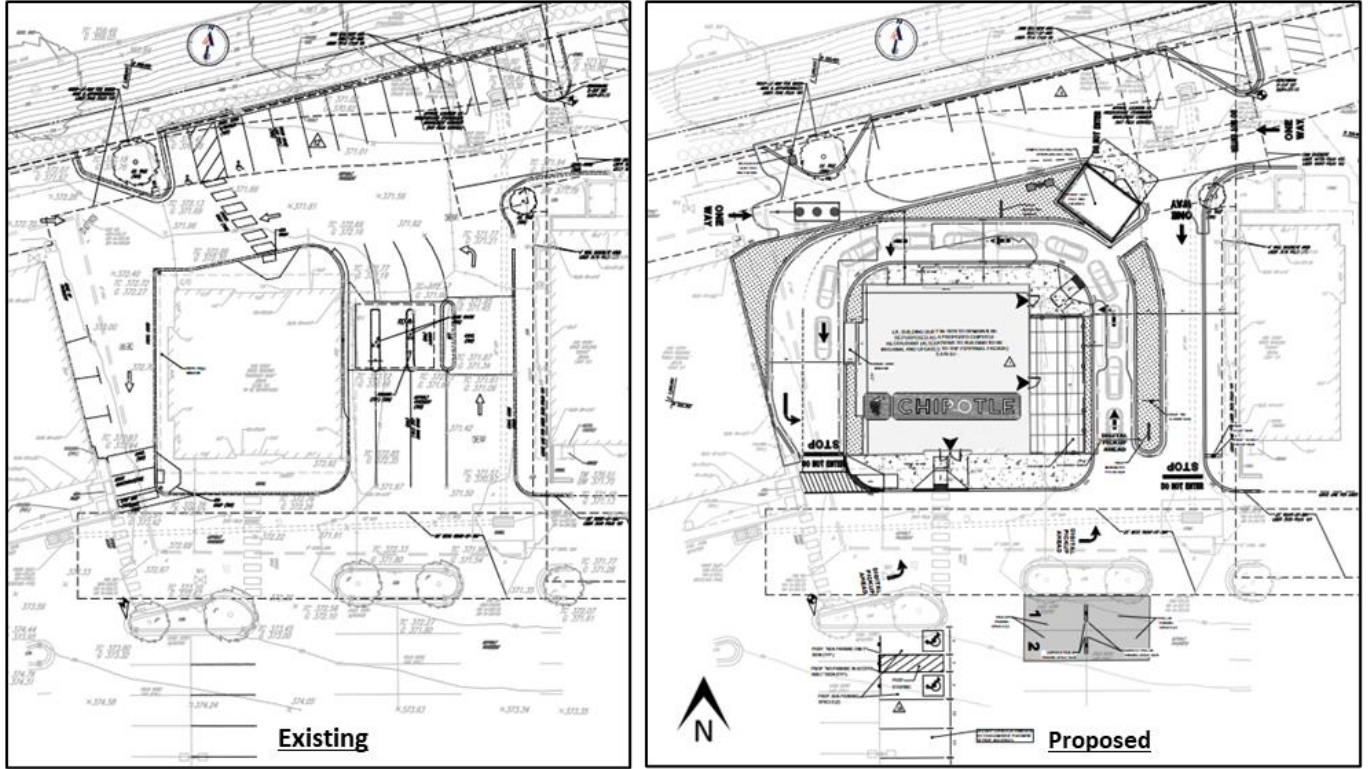
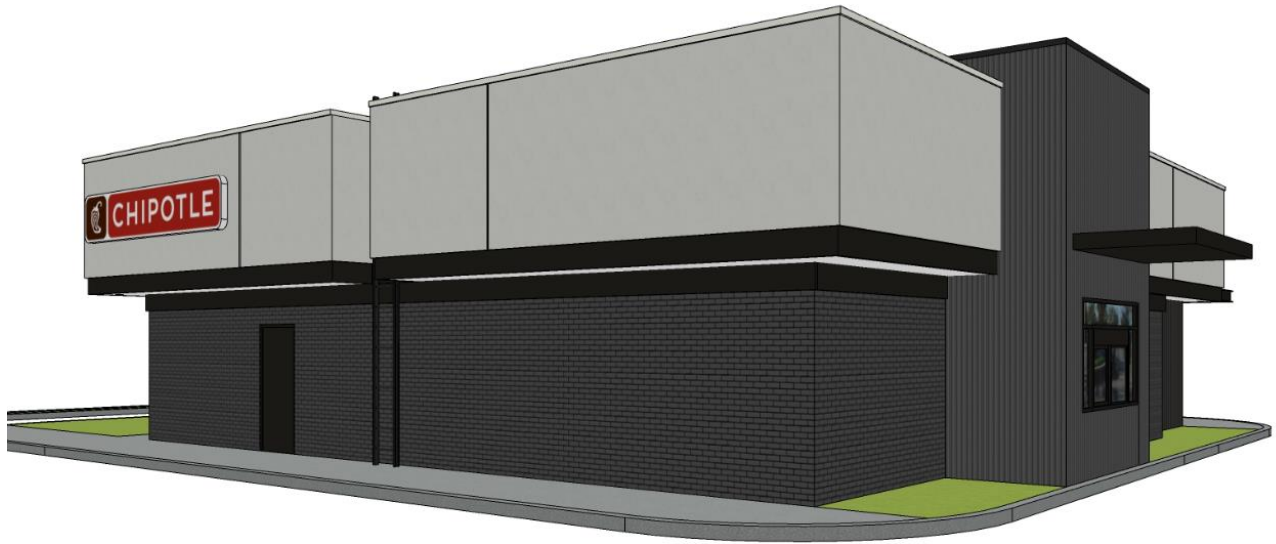


Figure 3 –Existing Bank and Proposed Restaurant Comparison



Figure 4 – Rendering of Southern Elevation
(Facing the Existing Surface Parking Lot and Retail Center)



*Figure 5 – Rendering of Northern Elevation
(Facing Norbeck Road)*

TRANSPORTATION

Vehicular access to the Site is provided via Bauer Drive through existing driveway access points that serve the shopping center. Once inside the shopping center parking lot, motorists visiting the proposed restaurant will navigate the existing internal drive aisles to access either the parking lot or proposed drive-thru restaurant.



Figure 6 – Access driveways from Bauer Drive

Parking is provided through an existing surface parking lot to the south of the subject building. A small number of parallel parking spaces will also be provided to the north of the restaurant building. The Project is removing 13 parking spaces, which will reduce the overall site parking supply from 606 to 593 (minimum requirement 510 spaces). This reduction will provide better circulation at the rear of the Project and change the parking orientation of some spaces from perpendicular to parallel spaces. In addition, the project provides a new ADA space at the main entrance of the Project.

The existing drive-thru lanes associated with the bank will be reduced from three lanes to a single drive-thru lane. The proposed restaurant drive-thru will operate in a counterclockwise direction, with the pick-up window located on the west side of the building. There is sufficient space for up to 11 vehicles to queue within the drive-thru. Vehicular circulation around the proposed restaurant building will also include a shorter second lane, located on the west side of the building, that will function as a bypass lane for the proposed restaurant. This second lane is not included in the determination of the number of vehicle queuing spaces. Vehicles exiting from the drive-thru will be permitted to turn either

right or left out of the drive-thru and will be directed to circulate within the parking lot drive aisles back to Bauer Drive.

It should be noted that there is no menu board or order window included in the drive-thru design as the proposed restaurant will operate as a “digital kitchen.” In this operational format, customers do not place an order at the drive-thru when they arrive at the restaurant, as is the practice at most other fast-food establishments. All orders must be made in advance via a mobile application or website and the drive-thru lane used to pick-up orders only.

Service and loading will occur via the northern driveway access. Trucks will enter the site from the east and use the one-way north to south drive lane adjacent to the drive-thru to make necessary turning movements.

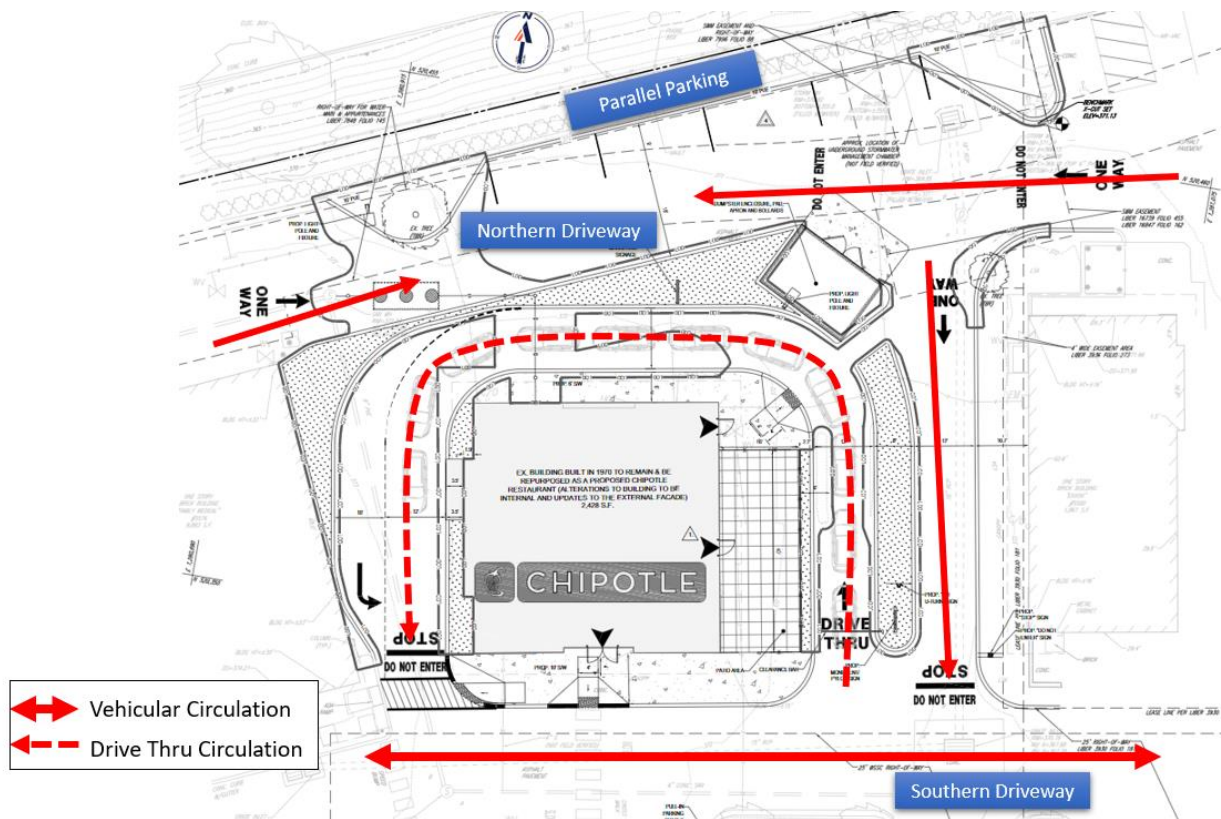


Figure 7 – Site Circulation

SECTION 4: SITE PLAN 82020019A FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820200190, MCPB No. 21-006, to convert 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area on the Subject Property with conditions.

Site Plan Amendment 82020019A requests to convert an existing 2,425-square foot pad site bank with drive-thru lanes to a 2,470 drive-thru restaurant. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable to the veterinary office/hospital use approved on the Subject Property. Findings made in support of Site Plan Amendment 82020019A are limited to the scope of the improvements associated with the proposed drive-thru restaurant use.

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Site Plan Amendment Area of the Subject Property for the proposed Restaurant Use.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:***

- a) satisfies any previous approval that applies to the site;***

The Subject Property is covered by Preliminary Plan 119990550, of which the approval conditions do not conflict with this site plan proposal. Site Plan No. 820200190 only governs the area associated with 1,782 square feet Veterinary Clinic and outdoor animal relief area. This application does not conflict nor supersede the original approval and is in addition to the original approval.

- b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***

Section 59.3.5.14.E.2.a (Drive-Thru: Use Standards) lists the following standards that must be satisfied in a site plan amendment application when the Drive-Thru is allowed as a limited use:

a. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:

i. A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.

- The proposed drive-thru is more than 100 feet from an improved residential use property in the Agricultural, Rural Residential, or Residential Detached zones. The closest property is more than 200 feet located across Norbeck Road to the north.

ii. For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.

- The proposed restaurant with a drive-thru will not access from a residential street. It will access from the existing shopping center drive lanes within the Rock Creek Village Shopping Center.

iii. A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.

- The drive-thru service window, drive aisle, or queuing area is located in the existing shopping center and is mostly at the rear of the existing shopping center. The portion of the drive-thru is place adjacent to Norbeck Road, but there is a large grade change from the shopping center to the road. Also, the location has parking spaces, a parking lot drive aisle, and a proposed new green space/landscaping between the drive-thru and Norbeck Road. Staff recommend the proposed location meets the requirement.

iv. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3-foot-high wall or fence.

- The project is not located on a corner lot and the drive-thru service window, drive aisle, or stacking area is not located between the street and the side wall of the main building.

Table 1: Rock Creek Village Shopping Center Site Plan Data Table for NR - 0.75 H-45 Zone

Development Standard	Permitted/ Required	Approved 820200190	Proposed 82020019A
Site Area	n/a	9.39 Acres	9.39 Acres
Mapped Density			
NR - 0.75 H-45	.75 FAR	101,980 sf (.25 FAR)	102,025 sf (.25 FAR)
Veterinary Office		1,782 sf	1,782 sf
Existing Bank	2,425 sf	2,425 sf	0 sf
Proposed Drive-Thru Restaurant			2,470 sf
Existing Commercial		97,773 sf	97,773 sf
Building Height (ft)		n/a	20 ft
Public Open Space (%)	10%	11.6%	11.6%
Parking (Min)	510	606	593

i. **Division 59-6 General Development Standards**

(1) Division 6.1 Site Access

Site access will remain similar to existing conditions. Vehicles will access the site via the southern and northern driveways. The existing drive-thru, which includes three lanes and an adjacent south to north running bypass lane, will be reconfigured to have one drive-thru lane and a north to south running lane separated from the drive-thru lane with a landscape buffer.

(2) Division 6.2 Parking, Queuing and Loading

Parking at the rear of the Site will be reduced and reconfigured to parallel parking spaces. The number of surface parking stalls available within the shopping center remain adequate with 593 spaces. Loading will occur using the northern access and the one-way north to south drive lane located adjacent to the drive-thru lane will be utilized for loading/turning movements.

The counterclockwise layout of the drive-thru allows for 11 queueing spaces, which is over the required 5 queueing spaces required for a one lane drive-thru required by section 6.2.7 of the Zoning Code.

(3) Division 6.3 Open Space and Recreation

There are no changes to the Public Use Spaces requirement for providing 10 percent. The project will maintain the 11.6 percent established within the existing shopping center by the outdoor seating area at the center of the L-shaped shopping center.

(4) Division 6.4 General Landscaping and Outdoor lighting

The restaurant will provide updated landscaping associated with restaurant site improvements to include tree plantings, shrubs, and ground cover planting. New site lighting will be added and will meet the required standards as conditioned.

e) Satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

This activity on site involves less than 5,000 square feet of disturbance and does not require any permits under Chapter 19.

ii. Chapter 22A, Forest Conservation.

Environmental Guidelines

The Site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property.

Forest Conservation

The Project is exempt from submitting a forest conservation plan as a modification to an existing developed property. An Exemption, designated No. 42023094E, was approved on December 30, 2022. As submitted, the Site Plan is in conformance with the Environmental Guidelines and complies with Chapter 22A, the Forest Conservation Law.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project meets the requirement for parking by providing 593 spaces. The circulation of the existing shopping center is maintained within this proposal. The building mass, open space, and site amenities are unchanged with this amendment.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The 1994 *Aspen Hill Master Plan* (“Master Plan”) identifies the location and purpose of the Rock Creek Village Shopping Center but makes no recommendations that are inconsistent with this subject application. The Master Plan designates the Rock Creek Village Shopping Center as a “significant parcel”. Page 81 reads:

“New uses could be incorporated into shopping center locations that would make them community serving as well as commercial centers. Some of the new or additional uses could be branch post offices, community meeting facilities, and a mix of housing, medical and family services in addition to shopping.”

Rock Creek Village Shopping Center conforms to this recommendation by adding new use to a retail space that is current vacant and keeping shopping an asset to the community. This application is consistent with an overall goal of the Master Plan to protect and preserve locally oriented retail centers that efficiently provide goods and services needed by the surrounding residential neighborhoods.

h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The proposed development will be served by public water and sewer systems. There is no change to the existing Fire and Rescue access with this application. Other public facilities and services including police stations and health care will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available.

Adequate Public Facilities

The Site Plan amendment converts the existing 2,428-square foot drive-thru bank land use to a 2,485-²square foot drive-thru restaurant land use. Based on the ITE Trip Generation Manual, 11th Edition, and LATR guidelines for the Aspen Hill Transportation Policy Area, this increase generates less than 50 person trips during peak hours, as shown in Table 2. Therefore, LATR adequacy testing and a transportation impact study are not required.

Table 2: Trip Generation Comparison

Land Use	Quantity	PM Peak Hour Person Trips¹
Drive-in Bank (ITE Code 912)	2,428 SF	70
Fast-Food Restaurant with Drive-Through (ITE Code 934)	2,485 SF	113
	Net Trip Difference	+43

¹Only evening peak trips were analyzed because the proposed land use would not operate during the AM peak period.

Source: Applicant’s Traffic Statement dated November 28, 2002, prepared by Kimley-Horn; Revised by M-NCPPC Staff 3/8/2023.

² The Traffic Statement was assessed at large square feet (2,485 sf) than what the applicant is requesting for the Site Plan Amendment (2,470 sf)

- i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

Not applicable, the Subject Property is zoned NR.

- j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

The Rock Creek Village Shopping Center has been in existence for many years and has been a valuable and attractive community resource in the Bauer Drive area. The proposed conversion of a former bank to a restaurant will not compromise the compatibility of the Center with its residential surroundings and is a permitted use within the NR zone.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.***

While there are several drive-thru restaurants to the west along the Rockville Pike corridor and to the southeast at the intersection of Connecticut Avenue and Georgia Avenue, they are all at least 2 miles and at least 6 minutes driving time away from the subject property. There are no other drive-thru restaurants within the existing shopping center.

To the east, there is only one competitive restaurant within the defined market area³ and that is a Burger King drive-thru restaurant located in the Leisure World Plaza Shopping Center on the east side of Georgia Avenue (MD 97) south of the intersection of Norbeck Road (MD 28) and Georgia Avenue (2.6 miles, 6 minutes driving time from the Subject Property.) To the southeast, around the intersection of Georgia Avenue and Connecticut Avenue (Aspen Hill), there are four drive-thru restaurants that are at the outer limits of the preferred driving range for fast food customers.

Competitive restaurants with drive-thru functions are quite distant from the subject property, are located in different transportation corridors and do not provide the unique service and efficiency proposed for this Chipotle restaurant.

There is substantial local residential population in close proximity to the Subject Project and the proposed Chipotle restaurant can conveniently satisfy those residents' need for fast food service.

Similarly, the high volume of pass by vehicle traffic can be efficiently served by the proposed restaurant and there is no other drive-thru restaurant in the east-west MD 28 extended corridor (12 miles, 20 minutes driving time).

³ The defined market area has been established by the needs study provided by the applicant and accepted by Planning Staff within Attachment E.

There are no other restaurants with drive-thru windows within 2 miles and 6 minutes of driving time from the Rock Creek Village Shopping Center. While clustered along Rockville Pike and the intersection of Georgia Avenue and Connecticut Avenue, there are several drive-thru restaurants but they are well distant from the Subject Property so the proposed Chipotle restaurant does not contribute to a "multiplicity or saturation of similar uses in the same general neighborhood."

In conclusion, the proposed Chipotle restaurant to be located in the Rock Creek Village Shopping Center complies with Section 59.7.3.4.E.3 of the Montgomery County Zoning Ordinance. (See Attachment E.)

Staff recommends approval of the Site Plan for a Restaurant with a Drive-Thru

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.***

The Subject Property was zoned C-1 on October 29, 2014 but does not include less gross floor area for Retail/Service Establishment uses than the existing development This application maintains the Retail/Service Establishment and replaces a vacant bank with new drive-thru restaurant.

SECTION 5: COMMUNITY OUTREACH

The Applicant was not required to hold a pre-submittal public meeting. The project met the noticing requirements per Section 7.5.1. Staff received letters of correspondence throughout the review of the Project (see Attachment D). Staff also held a virtual community meeting with Manor Lake Civic Association (MLCA) on June 14, 2023.

Staff received letters requesting a traffic study due to existing traffic concerns for the existing shopping center. The residents have concerns that this project will add to existing traffic volumes. As stated in the transportation section of this report, the LATR adequacy testing and a transportation study are not required as the change in use is estimated to generate less than 50-person trips. Also, this project reduces the drive-thru lanes from three to one with the conversion from the bank to the restaurant. As stated, the proposed drive-thru is for pick-up activities only and will not have an order window. This will limit vehicle queueing, which allows for fast access in and out of the shopping center.

Additional concerns include the following:

- *Our concern for the traffic flow egresses from the main Rock Creek Village Center lot back onto Bauer Drive.*
- *Our concern for pedestrian safety – particularly minors.*

Staff's Response:

Staff acknowledges the existing concerns regarding the traffic flow within and around the shopping center. Staff expressed, due to the scope of the site plan application, the Applicant is not required to do a traffic study or roadway improvements, as stated within this report.

While the Applicant is proposing changes to the circulation around the proposed drive-thru restaurant, this does not change the traffic patterns to and within the shopping center. Staff has determined within the scope of the site plan amendment area that it provides safe, well-integrated parking, circulation patterns as stated within the findings.

Regarding the concerns of traffic flow, safe pedestrian crossings, and timing of traffic lights within the right-of-way of Bauer Drive, staff recommended these concerns be assessed by Montgomery County Department of Transportation (MCDOT) Traffic Engineering and Operations. They determine if there are inefficiencies within the right-of-way and make appropriate improvements. This assessment can occur outside of the entitlement process of this application, since the issues are present under existing conditions and not as a result of this application.

Also, within the existing shopping center there seems to be underutilized parking located at the western rear of the building. This parking lot is only accessible on the northern and southern drive aisle with entrances located at Bauer Drive. These access points are not noticeable and could be more

identified with signage and advertisement by the existing business owners, property management, and shopping center owners. Since this neighborhood shopping center has a lot of repeat customers, making visitors aware of this parking could limit the congestion that occurs from everyone parking in the middle parking lot and using the two main access points onto Bauer Drive. Staff recommended this improvement to the owner of the shopping center which can be implemented outside of the entitlement process of this application, since this is an existing condition.

Also, Staff acknowledges the concerns from the community regarding “piecemealing” these improvements. However, these traffic concerns are existing to the current shopping center and not a result of the application. They can be improved or assessed now based on Staff’s recommendations.

SECTION 6: CONCLUSION

As conditioned, the Rock Creek Village Shopping Center Site Plan Amendment No. 82020019A satisfies the findings under Sections 59.7.3.4 and 59-3.5.14.E , as well as other applicable standards of the Zoning Ordinance, and substantially conforms to the recommendations of the 1994 *Aspen Hill Master Plan*. Therefore, Staff recommends approval of the Site Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

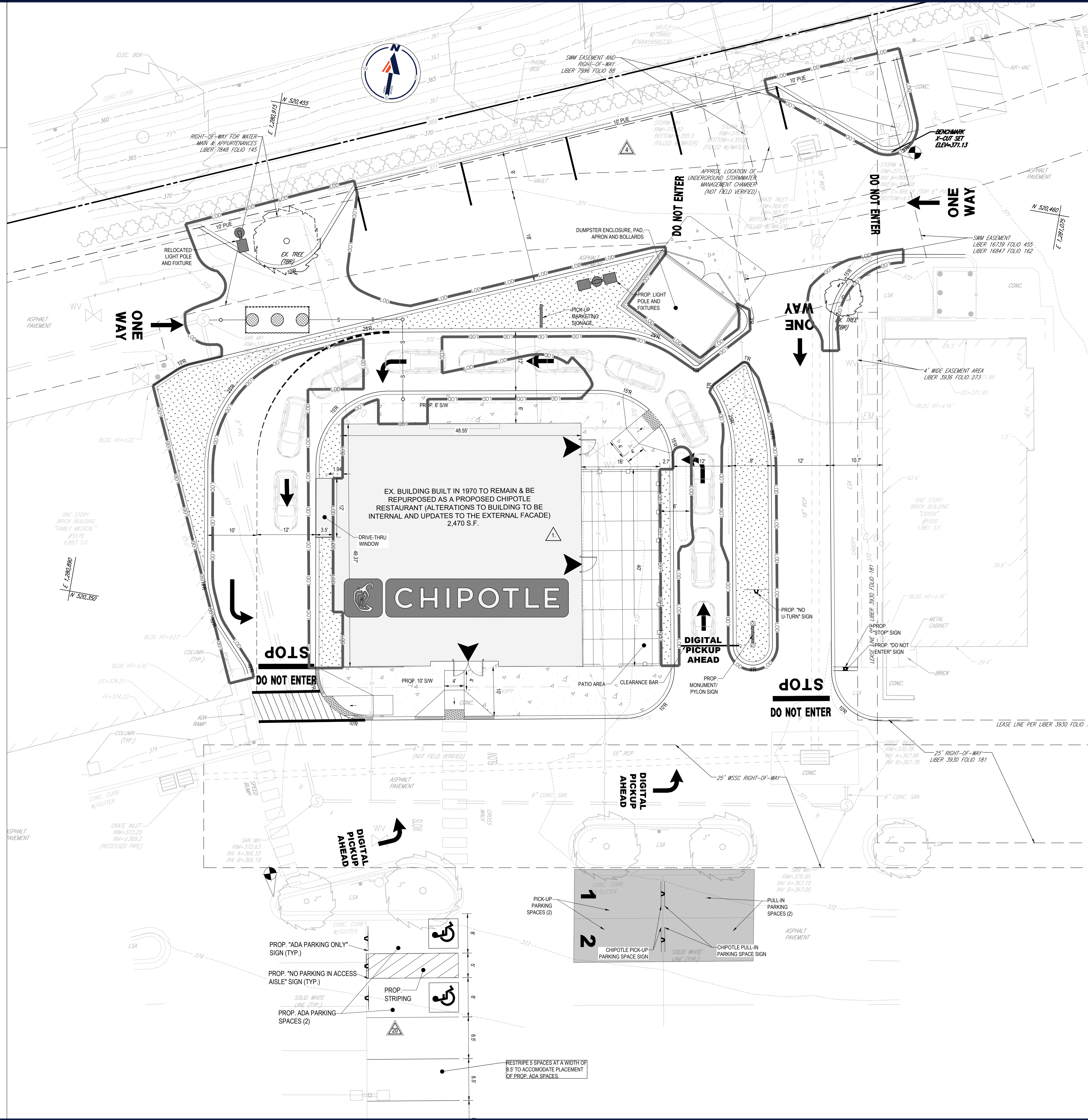
Attachment A: Site Plan

Attachment B: Prior Approvals

Attachment C: Agency Letters

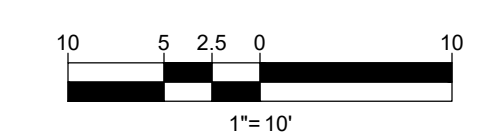
Attachment D: Community Correspondence

Attachment E: Drive-Thru Needs Study



LIST OF AMENDMENT ITEMS
 CHANGE OF USE TO CONVERT AN EXISTING DRIVE-THRU BANK TO A DRIVE-THRU RESTAURANT.

Developer's Certificate
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 820200190A including Approval Conditions, Development Program, and Certified Site Plan.
 Developer: Rappaport Company
 Contact Person: Larry M. Spott
 Address: 8405 Greenboro Drive, 8th Floor, McLean, VA 22102-5121
 Phone: 571-382-1230
 Signature: [Signature]



BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY

811
 Know what's below.
 Call before you dig.
 ALWAYS CALL 811
 It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MDR220065.00
 DRAWN BY: JIE
 CHECKED BY: MJ
 DATE: 01/05/2023
 CAD ID: AMSP

PROJECT:
MAJOR SITE PLAN AMENDMENT NO. 82020019A
 FOR
CHIPOTLE
 PROPOSED DEVELOPMENT
 ROCK CREEK VILLAGE SHOPPING CENTER
 5504 NORBECK ROAD
 MONTGOMERY COUNTY
 ROCKVILLE, MARYLAND 20853
 PARCEL: A & BLOCK: 23

BOHLER
 16701 MELFORD BLVD., SUITE 310
 BOWIE, MARYLAND 20715
 Phone: (301) 809-4500
 Fax: (301) 809-4501
 MD@BohlerEng.com

M. K. JONES
 PROFESSIONAL ENGINEER
 PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE JURE OF THE ENGINEERING BOARD UNDER THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF MARYLAND LICENSE NO. 3949, EXPIRATION DATE 02/15/2025

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C-301

ORG. DATE - 05/17/2023

Attachment B



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

MCPB No. 21-066
Site Plan No. 820200190
Thrive Veterinary Clinic
Date of Hearing: July 22, 2021

JUL 27 2021

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, on May 17, 2021, Rock Creek Village LLC (“Applicant”) filed an application for approval of a site plan for conversion of approximately 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area on 9.39 acres of NR-0.75, H-45 zoned-land, located within the Rock Creek Village Shopping Center on the south side of Norbeck Road (MD-28), between Baltimore Road and Bauer Drive (“Subject Property”), in the Aspen Hill Policy Area and the 1994 Aspen Hill Master Plan (“Master Plan”) area; and the applicant was required to submit a site plan application because the property confronts a residential detached zone, R-90, that is improved with a residential use across Bauer Drive, per Zoning Ordinance Section 59.3.5.1.C.2.a.iii.

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820200190, Thrive Veterinary Clinic (“Site Plan” 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 July 9, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 22, 2021, the Planning Board held a public hearing at which it heard testimony and received evidence 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.

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

Attachment B

MCPB No. 21-066
Site Plan No. 820200190
Thrive Veterinary Clinic
Page 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200190 for conversion of approximately 1,782 square feet of commercial space in an existing shopping center to a veterinary office/hospital use with an outdoor animal relief area, the Subject Property, subject to the following conditions:¹

1. The veterinary office/hospital use hours of operation are limited to Monday through Saturday, 8:00 A.M. to 6:00 P.M.
2. The outdoor animal relief area must be fenced and located a minimum of 50 feet away from any residentially zoned property.
3. Animals will not be boarded overnight at the Subject Property, except as needed as a result of recuperation after surgery or for observation after other medical treatment.
4. The subject retail bay must be adequately soundproofed so that noise will not violate County Noise regulations, nor will it cause any disturbance in adjacent units. The building shell must attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Thrive Veterinary Clinic, 820200190, 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 as set forth in the Staff Report, which the 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. *The development satisfies any previous approval that applies to the site.*

Not applicable. The subject Property is not covered by any other land use approval except Preliminary Plan 119990550, of which the approval conditions do not conflict with this site plan proposal.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

Not applicable.

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.

Attachment B

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

Not applicable.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

The new use, a veterinary office/ hospital, is allowed as a limited use in the NR zone and the setting and proposal meet all of the limited use requirements as well as the development standards for the NR zone.

b. Development Standards

The Subject Property includes approximately 9.39 acres zoned NR-0.75, H-45. The Application satisfies the applicable development standards as shown in the following data table:

Table 1: Site Plan Data Table

NR-.75 Zone	Required/Permitted	Approved (as existing)
Lot Area		
Lot (min)	n/a	9.39 acres
Density (max)	.75 FAR	103,200 sf (.25 FAR)
Public Use Space (min)		
Percentage	10%	11.60%
Square footage	40,902 sf	47,570 sf
Parking (min)	516 spaces	606 spaces
Parking for Veterinary Office/Hospital	11 spaces (2x2.5 for veterinarians, 6x1.0 for staff)	Provided within existing parking

The Project does not involve any changes to development density and does not propose any changes to the existing shopping center except the addition of the outdoor animal relief area. The existing shopping center conforms to the development standards and general requirements of the Zoning Ordinance.

Attachment B

MCPB No. 21-066
Site Plan No. 820200190
Thrive Veterinary Clinic
Page 4

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

There are no structural, landscape, or hardscape changes proposed as part of this Site Plan except the addition of a fence around the proposed outdoor animal relief area. This activity on site involves less than 5,000 square feet of disturbance and does not require any permits under Chapter 19.

b. Chapter 22A, Forest Conservation

Environmental Guidelines

The Site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property.

Forest Conservation

The Project is exempt from submitting a forest conservation plan as a modification to an existing developed property. An Exemption, designated No. 42020210E, was approved on May 5, 2021. As submitted, the Site Plan is in conformance with the Environmental Guidelines and complies with Chapter 22A, the Forest Conservation Law.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Applicant's proposal is to add a unique tenant in an existing building in a mature shopping center that historically has operated in a safe and efficient manner. Parking is readily available in front of the proposed location and in the larger parking field in the center of the "U" shaped center. Access to the outdoor exercise/ animal relief area will be through a rear parking lot which is primarily used by employees (rather than patrons) of the shopping center, so the parking vehicles are not often moved during the workday and vehicle traffic within this parking area is light. Since the Subject Application does not change any external physical feature of the shopping center (aside from the addition of an outdoor animal relief area), the shopping center is expected to continue to operate in a safe and efficient manner.

Attachment B

MCPB No. 21-066

Site Plan No. 820200190

Thrive Veterinary Clinic

Page 5

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The master plan covering this Property, the 1994 *Aspen Hill Master Plan*, designates the Rock Creek Village Shopping Center as a "significant parcel". Text in the plan on page 81 reads:

"New uses could be incorporated into shopping center locations that would make them community serving as well as commercial centers. Some of the new or additional uses could be branch post offices, community meeting facilities, and a mix of housing, medical and family services in addition to shopping."

Rock Creek Village Shopping Center has pursued conformance of the above granted text from the Master Plan with such clever and unique community services facilities as an important and much used kidney dialysis center. Introduction of a veterinary hospital into the center would provide another service that would be valuable for the surrounding community.

- 8. The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

This proposal does not change the nature, character or intensity of the shopping center. Today, the shopping center is served by an adequate transportation network and other public services, both utilitarian and emergency in nature. Those conditions will not change as a result of a retail bay in the center now being occupied by a veterinary office/ hospital use. Police, fire protection, water, sanitary sewer, public roads and storm drainage will remain adequate.

- 9. The development is compatible with existing and approved or pending adjacent development.*

The Property is compatible with existing and approved or pending adjacent development. The proposed veterinary office/hospital use is converted from a former retail space and does not constitute a substantial change to the existing compatibility of the Project within the shopping center.

Rock Creek Village Center is a high quality, mature, neighborhood oriented commercial center. Having been in operation since the late 1960s, the center is assimilated into its surrounding neighborhood and operates compatibly with its adjacent development. The introduction of a veterinary office/ hospital use into

Attachment B

MCPB No. 21-066
Site Plan No. 820200190
Thrive Veterinary Clinic
Page 6

the shopping center will result in no physical changes to the center (except for installation of a fence around the animal exercise and relief area and a new wall sign to be located at the front entrance) and will not alter the intensity of the existing use.

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 § 59-7.3.4.H; 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 JUL 27 2021 (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 Vice Chair Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, July 22, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

Attachment C

DPS-ROW CONDITIONS OF APPROVAL

February 27, 2023

82020019A Rock Creek Village Shopping Center

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-RSITE-82020019A-004.pdf” uploaded on/ dated **“1/5/2023”**.

As there seems to be minimal impact to the County ROW, we do not have any comment at this point.

Attachment D

To: The Montgomery County Planning Board
From: Manor Lake Civic Association
Re: New Establishment at Rock Creek Village Center

Dear Planning Board,

On behalf of the Manor Lake Civic Association (MLCA), our board has some concerns over the establishment of a fast casual drive through restaurant in place of the former SunTrust Bank in the Rock Creek Village Center. The MLCA had a meeting with Troy Leftwich and Richard Brockmyer on June 14, 2023, after that conversation, it is our understanding that:

- The applicant proposes that the net increase of cars in their location will be less than 50 cars during peak hours.
- The transportation coordinator, we understand that he has completed his assessment using the Institute of Transportation Engineers (ITE) data set and agrees with the proposal.
- Based on the current policy, a net increase of greater than 50 trips would trigger a traffic study.

MLCA would appreciate it if the Planning Board would reconsider their decision to forgo a traffic study at the Rock Creek Village Center for the following reasons:

1. Our concern for the potential for increase in traffic in the main Rock Creek Village Center lot.
 - a. Currently, the application site produces 0 (zero) person trips, as it has been closed for years. During peak hours, the Rock Creek Village Center lot in front of the proposed business is close to capacity. While the proposed new business would not likely require significant parking allocation, it speaks to the high traffic capacity already within an area looking to add a drive-through.
 - b. This shopping center was designed decades ago when fewer people lived and traveled in this area. And while there have been tenant changes, none of those individual tenant changes has generated a trip increase threshold to warrant traffic study. The cumulative increases, especially considering the addition of this application could exceed the threshold handedly, and the shopping center's traffic capacity and current challenges as they are now (detailed below), should be considered.
2. Our concern for the traffic flow egresses from the main Rock Creek Village Center lot back onto Bauer drive.
 - a. There are two main entrances/exits to the main surface lot of the Rock Creek Village Center. An uncontrolled (no light) entrance/exit just south of the Exxon and a controlled (light) entrance/exit just North of the Safeway. The proposal utilizes the uncontrolled entrance/exit for the drive through lane traffic.
 - b. Left turns at the uncontrolled intersection are difficult, and near impossible during busy hours, due to:
 - i. Bauer traffic makes left hand turns difficult.
 - ii. Traffic queuing on Bauer at the traffic signal (Bauer/Norbeck) does not provide space to enter the roadway.
 - iii. Due to elevation differences, there is limited sight of traffic turning right onto Bauer from Norbeck and traffic heading north on Bauer towards Norbeck.

Attachment D

- iv. Due to the proposed business drive-through, cars could back up and prohibit entering using this entrance.
 - c. At the controlled entrance/exit left hand turns are also complicated:
 - i. The green light to allow traffic to egress from the Rock Creek Village Center is short, allowing only a few cars through each cycle.
 - ii. The cars queued up waiting to turn left at the light block egress from the parking lot lanes and block traffic flow for those looking for parking or looking to join the que to turn left at the light.
3. Our concern for pedestrian safety – particularly minors.
- a. The Rock Creek Village Center is within walking distance of both the Earle B. Wood Middle School (across Bauer Dr. from the shopping center) and Rockville High School. Many students from Manor Lake and Aspen Hill, who are required to walk to school, visit the center when school is released.
 - b. The controlled entrance to the shopping center is a protected pedestrian crosswalk, where traffic is stopped in all directions while pedestrians are given the signal to cross. This is an important safety feature but complicates the egress out of the main Rock Creek Village Center parking lot as mentioned above.
 - c. Pedestrians going between their vehicles and Safeway need to move amongst the queued cars waiting for the light at the protected entrance/exit. We fear distracted and/or hurried drivers trying to make a short light will not take pedestrians' right of way into account and this increased traffic flow from the new establishment could increase that threat.
 - d. Multiple bus stops on Bauer and Norbeck, by the Rock Creek Village Center already increase pedestrian traffic and any new establishment would increase that.
 - e. There is an egress from the Bauer Park Apartments across from this uncontrolled entrance/exit, further complicating the traffic pattern.
 - f. There is a pedestrian crosswalk at the uncontrolled entrance/exit, but shrubbery makes it difficult to see pedestrians prior to almost being in the crosswalk.

We disagree with a decision to approve the application as-is and have the local government attempt to adjust conditions after the fact, in a “piecemeal fashion” as was suggested during our meeting with the county representatives. Certain improvements may need the cooperation of the owner and after the approval of this application, incentive to engage with needed improvements diminishes. A full traffic study to collect actual data of this specific environment would be useful for planning effective long-term strategies for improved land utilization and safety.

We have taken a lot of time studying the documentation and meeting with representatives and we would like to ask for a traffic study to be conducted before access is given to this establishment to come into the shopping center.

Thank you for your time and consideration,
The Manor Lake Civic Association

Attachment D

From: [Brockmyer, Richard](#)
To: [Michael Wolf](#)
Cc: [Folden, Matthew](#); [Leftwich, Troy](#)
Subject: RE: Application #82020019A Rock Creek Village Shopping Center
Date: Wednesday, June 21, 2023 4:39:09 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)

Mike,

Troy and I have discussed your questions and I wanted to provide you with responses prior to the staff report being finalized/posted and the upcoming Planning Board hearing scheduled for July 13th. Let me know if you have any further questions about any of my responses.

Question/Comment: Can you explain the basis of the 70 weekday peak-hour person trips for the bank scenario? Is that based on site-specific measurements, or as I suspect, a "standard" or "typical" bank with drive-thru, or based on standards when the original site plans when the shopping center was built in the late 1960s/early 70s?. My concern is that, based on my local observations, over the past 10+ years, well prior to this bank's closure and before covid's impacts on traffic, the daily traffic to that bank was extremely low and far less than 70, likely due to online banking. I rarely saw more than 2-3 cars at the bank even during evening rush hour (and I realize that is purely anecdotal/limited data). I think it's safe to assume that this bank branch was one of the locations selected for closure following the recent SunTrust/BB&T merger due to low customer use.

RESPONSE: The Institute of Transportation Engineers (ITE) Trip Generation Manual is used as the foundation for determining trip generation. This is an industry standard approach to developing trip generation for transportation analysis as it uses survey data of similar land uses across the country to provide trip generation rate calculations. Per the [Local Area Transportation Review \(LATR\) Guidelines](#), trip generation rates are adjusted based on the policy area where a project is located. In this case, an adjustment is made for the Aspen Hill policy area. A separate mode split assumption is also made based on the policy area. These modifications and factors are meant to better reflect trip making behavior of the specific area where a project is located. Please note that the 70 trips you reference are person-trips, not just vehicle trips. The LATR guidance is written to focus on in person trips, not just vehicle trips. So, this includes auto, non-motorized, and transit trips. To have a standard and predictable development review process, we use this method to analyze trip generation for all development projects.

Question/Comment: Likewise, I don't understand the basis of the estimated 113 weekday peak-hour person trips for the proposed Chipotle scenario? As I recall the application mentioned several examples in Ohio for this new drive-thru concept, and referenced traffic counts at those sites. I am highly skeptical that traffic at those locations is anywhere close to the traffic at this location, and therefore those examples seem to be irrelevant.

RESPONSE: While the applicant's transportation statement did cite other examples, we did an independent review of the trip generation. In this case, we did not use any of the examples provided by the applicant's study. Rather, like the drive-through bank use, we used the industry standard ITE trip generation rate for a drive-through restaurant and the LATR factors to determine the trip generation for the new use.

Question/Comment: I believe the application downplays the expected number of peak-hour trips for this location. Although the applicant claims that because orders must be placed online via app, and paid in the same fashion, and there will be no onsite ordering, customers will not be making "last minute" or spontaneous trips to the restaurant. I think that is a simplistic and unrealistic assumption, as it is easy for vehicle passengers (unfortunately, easy even for drivers) to decide spontaneously on the commute home to order dinner online, when a few minutes from the restaurant. When traffic is backed up on Norbeck during evening rush hour, orders can (and will) be placed spontaneously. Therefore, the estimated 43 added peak hour trips is likely significantly low.

RESPONSE: Our independent trip generation analysis confirmed that the project trip generation would be below the threshold that requires a full TIS. That threshold is a net increase of 50 person trips or more. The analysis showed a net increase of 43 person trips. I would also note that in our analysis we treated the land use like any other drive-through restaurant, we did not make any adjustments based on the type of ordering the applicant is proposing.

Question/Comment: Traffic at the Norbeck/Bauer intersection is always extremely heavy. There are routinely backups when turning from Norbeck onto Bauer both from the north and south, compounded when vehicles are pulling into the Exxon Station entrance, and when Ride-on buses are turning at that tight corner and for passenger pickups/drop-offs at the shopping center. There are frequent accidents at the intersection. There are also many pedestrians crossing that dangerous intersection, including elderly and disabled residents from the HOC apartments across the street and children crossing from Manor Lake (including during peak hours after school activities).

RESPONSE: We understand the concern about heavy traffic and safety concerns at this location. However, per the development review requirements and guidance that we must follow, the project does not produce the number of person trips that would require a TIS. Given that many of the concerns you note are based on existing conditions I would suggest reaching out to the MCDOT Division of Traffic Engineering and Operations (contact info below) to share this information.

Division of Traffic Engineering and Operations
100 Edison Park Dr 4th Floor
Gaithersburg, MD 20878
Telephone: 240-777-2190
<https://www.montgomerycountymd.gov/dot-traffic/>

Question/Comment: I believe that a traffic count and formal study will confirm my observations that the intersection and the streets adjoining the shopping center are already at or above capacity, and that even 43 added trips per peak hour (which as discussed above I believe is a significantly low estimate) will cause additional accidents and backups. If the actual number of added trips turns out to be 80-100, which I predict, the traffic situation will be untenable and the driveways/parking areas in that portion of the shopping center, combined with the gas station traffic, will be hazardous.

Attachment D

RESPONSE: Per the development review process, policy, and guidance a TIS is not required for this project. The applicant is below the 50-person trip threshold and therefore we cannot require that a TIS be completed.

Again, please let me know if you have any questions about my responses or need anything further. As a reminder, the full staff report will be posted on June 29th and the Planning Board Hearing will be on July 13th, although a specific time for this item hasn't been identified yet.

Thanks,



Richard Brockmyer, AICP
Transportation Planner III

Montgomery County Planning Department
2425 Reedie Drive, Floor 13, Wheaton, MD 20902
richard.brockmyer@montgomeryplanning.org
o: 301-495-4526



From: Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Sent: Thursday, June 8, 2023 11:40 AM
To: Michael Wolf <mikewolf5510@gmail.com>
Cc: Brockmyer, Richard <Richard.Brockmyer@montgomeryplanning.org>; Folden, Matthew <matthew.folden@montgomeryplanning.org>
Subject: RE: Application #82020019A Rock Creek Village Shopping Center

Hi Mike,

Thanks for reaching out! There is a hearing date scheduled for July 13th. Planning Staff's report will post on Friday 6/30. The item was extended addition month from the original date because items were delay from the applicant. I will response to your email within the next few weeks as well. Once the report is posted you can use this link to sign up to testify or submit testimony:

<https://montgomeryplanningboard.org/meetings/signup-to-testify/>

Thanks,



Troy Leftwich
Planner III

Midcounty Planning Division
Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
troy.leftwich@montgomeryplanning.org
o: 301.495.4553



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Michael Wolf <mikewolf5510@gmail.com>
Sent: Thursday, June 8, 2023 11:30 AM
To: Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Cc: Brockmyer, Richard <Richard.Brockmyer@montgomeryplanning.org>; Folden, Matthew <matthew.folden@montgomeryplanning.org>
Subject: Re: Application #82020019A Rock Creek Village Shopping Center

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Troy, hope all is well. Just touching base on this project and whether a hearing date has been set. I don't see much new in the documents posted since we corresponded last, other than a few conceptual drawings and Chipotle's Needs Study. I see that the project tracker shows the predicted Planning Board decision is in late July so hoping a hearing date is soon.

Any updates you can provide would be greatly appreciated.

Mike

On Wed, Mar 29, 2023 at 3:10 PM Michael Wolf <mikewolf5510@gmail.com> wrote:

Thank you for your detailed response, Troy.

Can you explain the basis of the 70 weekday peak-hour person trips for the bank scenario? Is that based on site-specific measurements, or as I suspect, a "standard" or "typical" bank with drive-thru, or based on standards when the original site plans when the shopping center was built in the late 1960s/early 70s?. My concern is that, based on my local observations, over the past 10+ years, well prior to this bank's closure and before covid's impacts on traffic, the daily traffic to that bank was extremely low and far less than 70, likely due to online banking. I rarely saw more than 2-3 cars at the bank even during evening rush hour (and I realize that is purely anecdotal/limited data). I think it's safe to assume that this bank branch was one of the locations selected for closure following

Attachment D

the recent SunTrust/BB&T merger due to low customer use.

Likewise, I don't understand the basis of the estimated 113 weekday peak-hour person trips for the proposed Chipotle scenario? As I recall the application mentioned several examples in Ohio for this new drive-thru concept, and referenced traffic counts at those sites. I am highly sceptical that traffic at those locations is anywhere close to the traffic at this location, and therefore those examples seem to be irrelevant.

I believe the application downplays the expected number of peak-hour trips for this location. Although the applicant claims that because orders must be placed online via app, and paid in the same fashion, and there will be no onsite ordering, customers will not be making "last minute" or spontaneous trips to the restaurant. I think that is a simplistic and unrealistic assumption, as it is easy for vehicle passengers (unfortunately, easy even for drivers) to decide spontaneously on the commute home to order dinner online, when a few minutes from the restaurant. When traffic is backed up on Norbeck during evening rush hour, orders can (and will) be placed spontaneously. Therefore, the estimated 43 added peak hour trips is likely significantly low.

Traffic at the Norbeck/Bauer intersection is always extremely heavy. There are routinely backups when turning from Norbeck onto Bauer both from the north and south, compounded when vehicles are pulling into the Exxon Station entrance, and when Ride-on buses are turning at that tight corner and for passenger pickups/drop-offs at the shopping center. There are frequent accidents at the intersection. There are also many pedestrians crossing that dangerous intersection, including elderly and disabled residents from the HOC apartments across the street and children crossing from Manor Lake (including during peak hours after school activities).

I believe that a traffic count and formal study will confirm my observations that the intersection and the streets adjoining the shopping center are already at or above capacity, and that even 43 added trips per peak hour (which as discussed above I believe is a significantly low estimate) will cause additional accidents and backups. If the actual number of added trips turns out to be 80-100, which I predict, the traffic situation will be untenable and the driveways/parking areas in that portion of the shopping center, combined with the gas station traffic, will be hazardous.

I urge the Planning Department to require a traffic count of existing traffic, and a formal study for the proposed drive-thru so that more realistic added traffic volumes can be determined.

I look forward to further information on this matter and the future hearing.

Kind regards,

Mike Wolf

On Wed, Mar 29, 2023 at 11:50 AM Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org> wrote:

Hi Mike Wolf,

Per your email regarding if a Traffic Study would be required, please see our response below:

Please note this project is still under review and the final response will be provided within a Staff Report, prior to the Hearing.

Planning Staff reviews development projects using the Local Area Transportation Review Guidelines (LATR) to evaluate the need for a transportation study (see links below). The net increase in peak hour person trips is used. The net peak hour person trips are calculated by subtracting the peak hour person trips generated by the existing use from the peak hour person trips generated by the proposed use as long as the proposed use replaces an existing land use that was occupied for more than 12 years. LATR, which includes transportation study, is applied to development projects that generate at least 50 total net new weekday peak-hour person trips. Projects that produce fewer than 50 total net new weekday peak hour person trips must prepare a transportation study exemption statement describing the basis for any exemption from LATR. The table below provides a summary of the existing and proposed land use trip generation calculations using the LATR guidance. The proposed land use would not operate during the AM peak hour so only the PM peak hour was analyzed. As shown, the proposed land use results in a net increase in peak hour person trips of 43, which is below the 50-trip threshold that would require a Transportation Study.

ITE Land Use	Description	ksgft	PM Peak-Hour Trips	Aspen Hill ITE Adjustment Factor From Table 1a	Adjusted ITE Estimate of Site-Generated Vehicle Trips	Aspen Hill Mode Split Assumption From Table 1b	Final Person Trips
912	Drive-in Bank	2.43	51	99%	50.49	72.1%	70
934	Drive through Restaurant	2.49	82	99%	81.18	72.1%	113

43 Trip Difference

The existing use of a "Drive-in Bank" and the proposed new use of a "Drive through Restaurant" does not merit a traffic study because the trips generated by the new use is under 50 person trips, based on the information stated.

Please let me know if you have any questions regarding the information I have provided and the links provided below. I will keep you posted regarding the Hearing date (tentatively late June). I will include your concerns within the staff report and you will still have the opportunity to present your concerns to the Planning Board via testimony or written statement.

Please see resource links below:

LATR guidelines: https://montgomeryplanning.org/wp-content/uploads/2022/09/LATR-Guidelines-Update-FINAL-2022_09_26.pdf

Transportation Development Review website:

<https://montgomeryplanning.org/planning/transportation/transportation-development-review/>

Planning Board Website:

<https://montgomeryplanningboard.org/>

Thanks,

Troy Leftwich
Planner III

Attachment D



Midcounty Planning Division
Montgomery County Planning Department
2425 Reedie Drive, Wheaton, MD 20902
troy.leftwich@montgomeryplanning.org
or 301.495.4553



WE'VE MOVED!

THE NEW PARK AND PLANNING HEADQUARTERS IS NOW LOCATED AT
2425 REEDIE DRIVE, WHEATON, MD 20902

From: Michael Wolf <mikewolf5510@gmail.com>
Sent: Monday, March 20, 2023 4:03 PM
To: Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Subject: Application #82020019A Rock Creek Village Shopping Center

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Mr.Leftwich, will there be a public meeting for this application, or other opportunities to submit comments? As a nearby resident I have concerns regarding the assumptions in the rationale provided for exemption from a traffic study, and would like those comments to be taken into account during the review.

Regards,

Mike Wolf

Attachment E

SITE PLAN NEEDS STUDY

ROCK CREEK VILLAGE SHOPPING CENTER



Prepared for:

Rock Creek Village Shopping Center

c/o Rappaport

8405 Greensboro Drive

8th Floor

McLean, Virginia 22102

Attachment E

TABLE OF CONTENTS

- I. Introduction
- II. Applicant's Proposal
 - A. Applicable Zoning Regulations
 - B. Definition of "Drive – Thru" restaurant
 - C. Chipotle proposed dining reservation system
 - D. Research Sources
- III. Site Location Information
 - A. Site Description
 - B. Site Access
 - C. Surrounding Land Uses
 - D. Aspen Hill Master Plan
 - E. Summary
- IV. Market Area
 - A. Location
 - B. Definition of Market Area
- V. Need Analysis
 - A. Local Demand
 - B. Transient Demand
 - C. Competition
 - 1. Other Drive – Thru Restaurants
- VI. Conclusions

FIGURES

- 1. Zoning Vicinity Map
- 2. Aerial Photo of Center (With Directional Arrows)
- 3. Chipotle Site Plan
- 4. Shopping Center Tenant Map
- 5. Area Map
- 6. Market Area
- 7. Competition Map

Attachment E

I. INTRODUCTION

Rappaport, property managers of the Rock Creek Village Shopping Center located at the intersection of Norbeck Road (Maryland Route 28) and Bauer Drive, Rockville, on behalf of the owner of the subject community shopping center, Rock Creek Village, LLC, has filed a site plan application with Maryland – National Capital Park & Planning Commission (Application No. 82020019A) seeking to remodel a former bank building with drive thru lanes to function as a 2,544 square foot Chipotle restaurant with a unique drive – thru service operation

Section 59.7.3.4.E.3 of the Montgomery County Zoning Ordinance states:

“To approve a site plan for a restaurant with a drive – thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.”

This study evaluates the need for this particular type of drive – thru restaurant at this location in the context of the two “needs” criteria set forth in Section 59.7.3.4.E.3 of the County Zoning Ordinance, that is:

- Needs of the current population in the market area surrounding the Rock Creek Village Shopping Center; and
- The supply of similar restaurants in the market area.

II. APPLICANT’S PROPOSAL

Rappaport will lease a currently vacant building to Chipotle which will operate a Chipotle restaurant on the site. Under the Montgomery County Zoning Ordinance, a restaurant with a drive thru function is defined as:

“Drive – Thru means a facility where the customer is served while sitting in a vehicle. Drive – Thru includes drive – thru restaurants, banks, and pharmacies, but does not include Filling Station (see Section 3.5.13.C, Filling Station)”

Chipotle restaurants do, and the proposed restaurant in fact will, provide accommodations for seated dining but inclusion of a drive – thru function puts the use into the category of review for a “drive – thru restaurant” using the unique feature described in industry verbiage as “chipotlanes.”

What is unique about this proposed Chipotle restaurant is that the drive – thru operation operates in a manner that exceeds drive – thru restaurant standards for efficiency and service. That is, there will only be one window on the north side of the restaurant building and that window will be exclusively for pickup and payment of pre – ordered food. There will be no stopping position at an order board and then a second stop at a pickup window. Chipotle accomplishes this efficient goal by having food orders placed through an app from which the customer orders his or her meal and is advised when the meal will be ready for pickup. The driver then simply drives up to the pickup window, pays for the meal and then immediately departs with the meal in hand.

Attachment E

This expedited operation substantially reduces the ordering, queuing and pickup operation for the meal from several minutes to, generally, less than a minute and stacking of vehicles is virtually eliminated. In fact, a typical Chipotle drive thru operation takes less than 30 seconds and is remarkably faster than the industry average running from 220 seconds (Taco Bell) to 325 seconds (Chick – fil – A). The Chipotle pick up service model has become so popular, and so respected industry wide, that it has earned its own moniker – “Chipotlane.”

The purpose of this study is to show how the proposed Chipotle restaurant will comply with the “Needs” tests set forth in Section 59.7.3.4.E.3 of the County Zoning Ordinance. The information used in this study was obtained from the following sources:

- US Census Bureau
- Maryland – National Capital Park and Planning Development Finder
- Maryland Department of Transportation, State Highway Administration Traffic Volume Information
- Industry publications on trends and sales at drive – thru restaurants
- Field investigation to determine the location, distance, drive time and features of other drive in restaurants within the market area

III. SITE LOCATION INFORMATION A. SITE DESCRIPTION

The proposed Chipotle restaurant with drive – thru will be located in a former drive – thru bank pad site building within the Rock Creek Village Shopping Center. (Figure 1, “Existing Conditions”)

The Center is situated on the south side of Norbeck Road in the southwest quadrant of the intersection of Route 28 (Norbeck Road) and Bauer Drive. The Shopping Center itself is 9.388 acres in size and is zoned in the NR – 0.75, H-45 (Neighborhood Residential) zone (See Figure 2) in which drive thru restaurants are allowed as “limited uses” under certain circumstances, but that a site plan is required under Section 59.7.3.4 of the Zoning Ordinance. The Shopping Center is already covered by a site plan (approved in conjunction with an in – line veterinary clinic – Case No 8 – 20200190). Therefore the subject application seeks to amend the previous site plan granted on July 27, 2021 to allow for the proposed Chipotle restaurant.

B. SITE ACCESS

The Rock Creek Village Shopping Center has frontage on the south side (eastbound lanes) of Norbeck Road (Maryland Route 28). The Center has no access directly to Norbeck Road.

Norbeck Road is classified in the applicable area Master Plan (Aspen Hill Master Plan, 1994) as a principal arterial roadway and is a divided highway with two travel lanes, and turning lanes, in each direction. Norbeck Road is reported to carry an average annual daily volume of 44, 361 vehicles.

There is a signalized intersection at Bauer Drive and Norbeck Road. Vehicles can enter the Shopping Center from two driveways connecting to Bauer Drive.

The driveway closest to the Norbeck Road / Bauer intersection leads cars directly into the Center along a drive lane that will almost immediately (beyond an existing Exxon gas station)

Attachment E

connect to the entrance lane to the proposed Chipotle restaurant (see Figure 3). A drive around the restaurant building with a stop at the pick up window, returns the vehicle to the Center drive lane which in turn leads back to the Bauer Drive entrance / exit. Site access is therefore very simple and very efficient and has a minimal effect on vehicle circulation within the Shopping Center.

C. SURROUNDING LAND USES

The Rock Creek Village Shopping Center is zoned in the NR (Neighborhood Retail) classification having been originally zoned in the C – 1 (Local Commercial) zone. The Shopping Center was constructed in the early 1970's and has evolved to become a 103,070 square foot neighborhood center anchored by a Safeway grocery store and a CVS pharmacy. There are numerous in – line stores, a small veterinary clinic, a kidney dialysis center, numerous restaurants and a free – standing, three pump island Exxon automobile filling station (See Figure 4)

Confronting the Center, across Norbeck Road are single family detached houses in the R – 90 and R – 200 zones (See Figure 2). To both the east and the west of the Shopping Center are multi – family buildings in the R – 20 and R – 90 zone. Immediately to the west of the Center, across Old Baltimore Road is a townhouse community in the RT 12.5 zone. To the rear (to the south) is a mixed residential community of townhouses and garden apartments in the R – 30 Zone. Additionally, east of the Center, across Bauer Drive, is the Bauer Drive Community Center and the Housing Opportunities Commission Bauer Park apartment building. Southeast of the shopping center is the Earle B. Wood Middle School.

D. ASPEN HILL MASTER PLAN

The Master Plan covering this property, the 1994 Aspen Hill Master Plan, designates the Rock Creek Village Shopping Center as a “significant parcel.” Text on Page 81 of the Plan reads: “New uses could be incorporated into shopping center locations that would make them community serving as well as commercial centers. Some of the new or additional uses could be branch post offices, community meeting facilities and a mix of housing, medical and family services in addition to shopping.” This Chipotle proposal will introduce a new and unique dining option which will provide extremely efficient fast food service that will benefit the shoppers visiting the center, the large number of residents living close to the Center and the heavy volume of vehicle drivers who regularly pass the Center on their commutes to and from work.

E. SUMMARY

In summary, the subject property is located in a mature, successful community oriented shopping center along a major east – west transportation conduit.

IV. MARKET AREA

A. LOCATION

The proposed Chipotle drive – thru restaurant site is to be located in a former bank pad site building within the Rock Creek Village Shopping Center. Rock Creek Village Shopping Center is centrally located between the north – south transportation corridors of Rockville Pike and Georgia Avenue (See Figure 5). While there are several sit down restaurants (e.g; Villa Maya, Creek Lodge, Subway, Moko Sushi, etc.) in the Rock Creek Village Shopping Center, there are no quick service dining options within the Center.

Attachment E

B. DEFINITION OF MARKET AREA

A 2016 survey of consumers found that most people will travel up to eight (8) minutes for a desired fast food purchase. The boundaries of the theoretical market area are superimposed on the Area Map shown as Figure 6 below.

IV. NEED ANALYSIS

A. LOCAL DEMAND

As described in Section III. C of this Study, the population density in close proximity to the Rock Creek Village Shopping Center is generally higher in the number of residents than are found in traditional single family detached neighborhoods in the R – 90 and R – 200 zoning classifications. The Rock Creek Center is surrounded on three sides by multi – family development at densities as high as 14.75 dwelling units per acre (R – 30 Zone) and even 21.7 DUs per acre (R – 20 zone) while there is also a confronting town house community developed at a density of 12.5 attached units per acre. There are 600 dwelling units in just the multi – family and attached dwelling units abutting the Center. Census information indicates that there are almost 10,000 residents living within one mile of the Center.

Accordingly, the resident population that is most likely to take advantage of this proposed attractive drive – thru dining option is quite substantial and is deemed adequate itself to support the restaurant’s operations.

B. TRANSIENT DEMAND

As stated earlier in this Report, Norbeck Road is a major east – west transportation corridor and carries an average daily volume of 44,000+ vehicle trips past the Center. Because of the absence of any other drive – thru restaurant competition within a 12 mile stretch of Norbeck Road and its extensions (from the intersection of Falls Road and Wootton Parkway, Potomac, to the intersection of Norbeck Road and New Hampshire Avenue, this dining option is very attractive and is extremely convenient for transient vehicle travelers.

C. COMPETITION

1. OTHER DRIVE – THRU RESTAURANTS

Figure 7 shows the location of restaurants with drive – thru windows within the subject market area. Although there are several of drive – thru restaurants to the west along the north – south Rockville Pike corridor and to the southeast at the confluence of Connecticut Avenue and Georgia Avenue, they are all at least 2± miles and at least 6 minutes driving time away from the subject property and involve travel complications associated with vehicle traffic on these major north-south transportation corridors.

To the east, there is only one competitive restaurant within the defined market area and that is a Burger King drive – thru restaurant located in the Leisure World Plaza Shopping Center on the east side of Georgia Avenue (Route 27) south of the intersection of Norbeck Road (Route 28) and Georgia Avenue (2.6 miles ±, 6 ± minutes driving time from the subject property.) To the southeast, around the intersection of Georgia Avenue and Connecticut Avenue (Aspen Hill), there are four drive – in restaurants that are at the outer limits of the preferred driving range for fast food customers.

Attachment E

It is important to note that while there are two Chipotle restaurants within the defined Market Area, neither of them has a “Chipotlane” drive – thru service. As explained at the beginning of this Study, the proposed Chipotle drive – thru restaurant will operate with pre – ordered meal program so that there will be a minimum of time spent on queuing and pick up at the transaction window. This unique service feature makes the Chipotle restaurant a much more convenient and more attractive dining option and distinguishes it from all other competitors in the Market Area.

V. CONCLUSIONS

Section 59.7.3.4.E.3 requires a site plan applicant to demonstrate the following:

“[A] need exists for the proposed use due to an insufficient number of similar users presently setting existing population concentrations in the County...”

As has been shown in this study, competitive restaurants with drive – thru functions are a) quite distant from the subject property, b) are located in different transportation corridors and c) do not provide the unique service and efficiency proposed for this Chipotle restaurant.

As shown on Figure 2, there is substantial local residential population in close proximity to the subject location and the proposed Chipotle restaurant can conveniently satisfy those residents’ need for fast food service. Similarly, the high volume of pass by vehicle traffic can be efficiently served by the proposed restaurant and there is no other drive – thru restaurant in the east – west Route 28 extended corridor (12 ± miles, 20 ± minutes driving time).

“[T]he uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.”

As shown on Figure 7, there is no other restaurants with drive – thru windows within 2± miles and 6 minutes of driving time from the Rock Creek Village Shopping Center. While clustered along Rockville Pike and the intersection of Georgia Avenue and Connecticut Avenue, there are several drive – thru restaurants but they are well distant from the subject property so the proposed Chipotle restaurant does not contribute to a “multiplicity or saturation of similar uses in the same general neighborhood.”

In conclusion, the proposed Chipotle restaurant to be located in the Rock Creek Village Shopping Center complies with Section 59.7.3.4.E.3 of the Montgomery County Zoning Ordinance.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

JSK:bdn

Attachment E

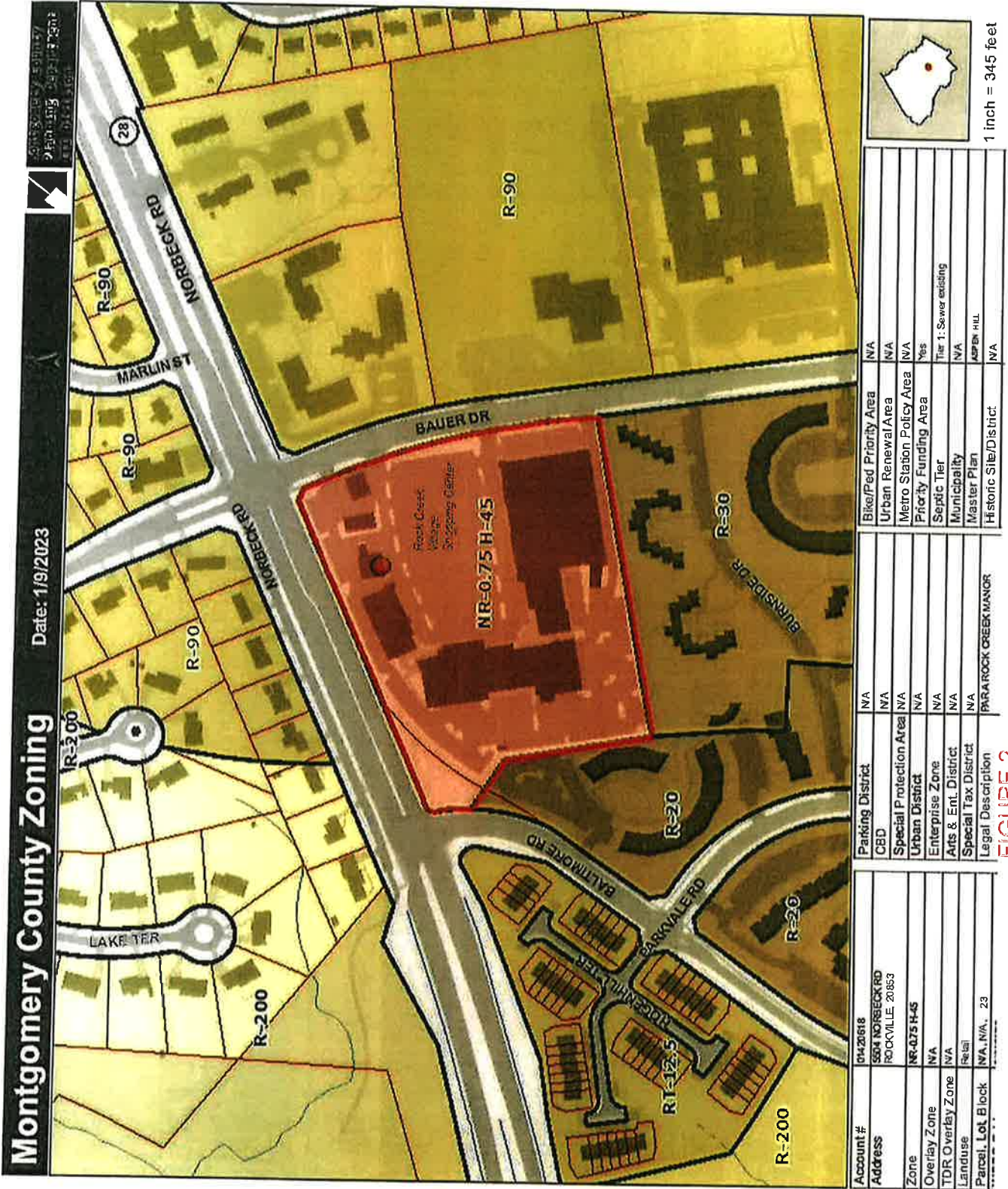


FIGURE 2

Attachment E



FIGURE 4

Attachment E



FIGURE 5

Attachment E

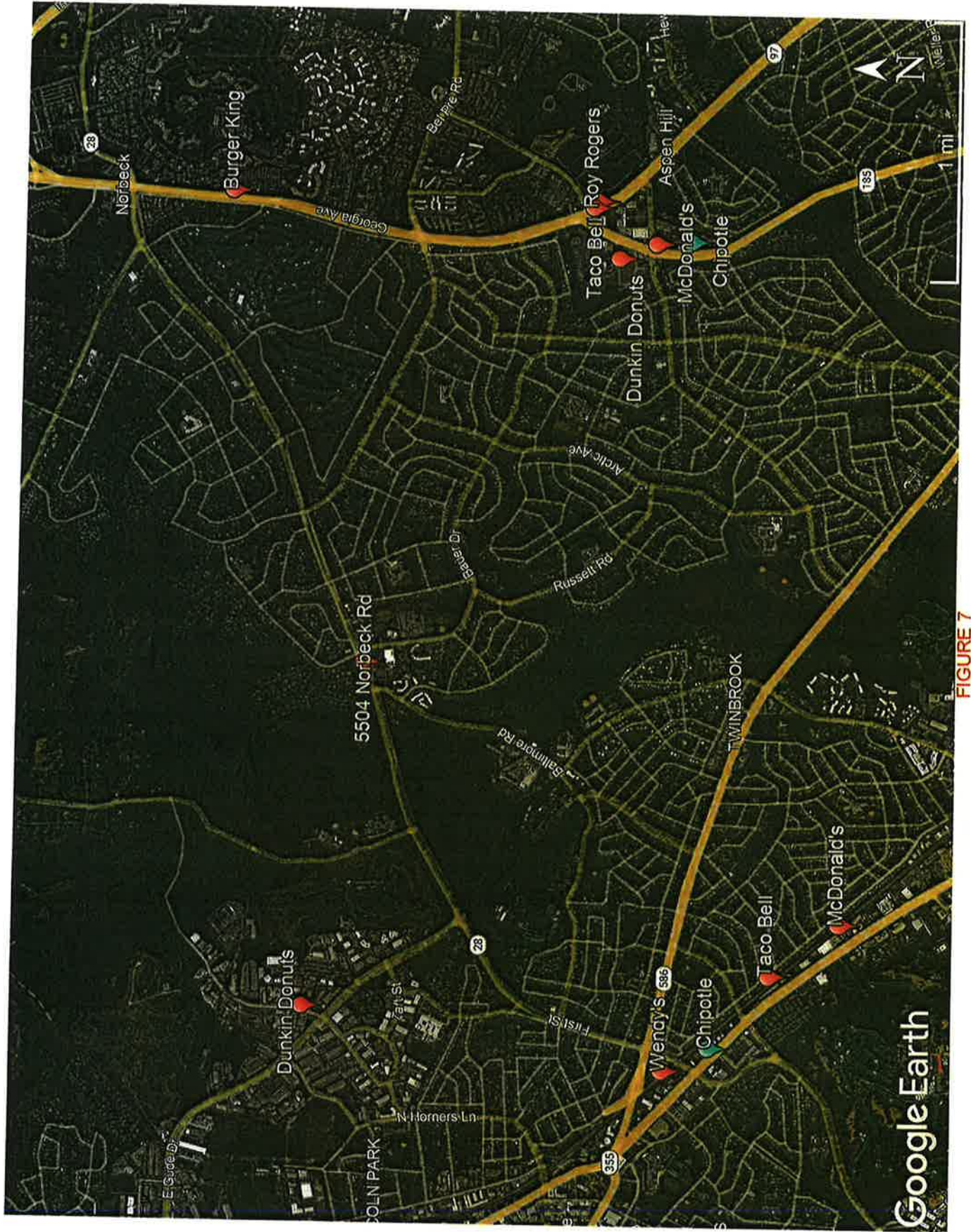


FIGURE 7