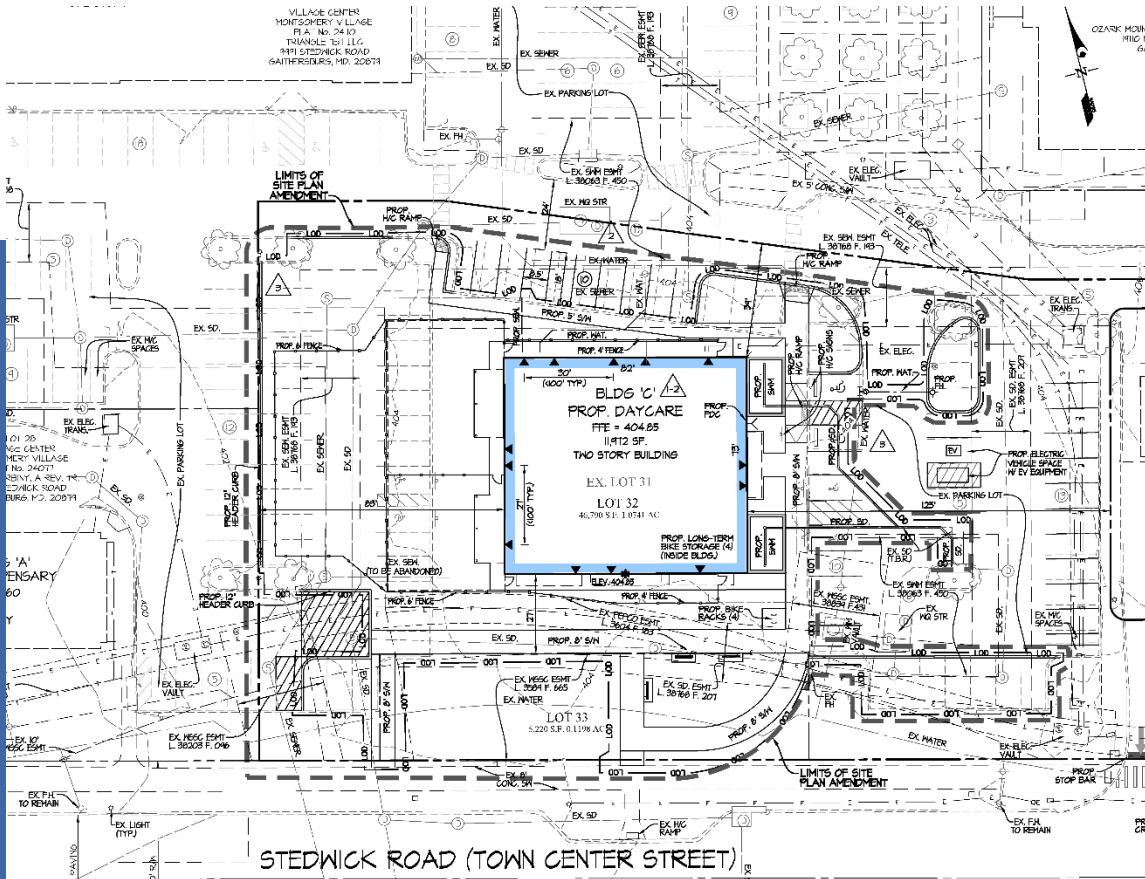


# MONTGOMERY VILLAGE MARKETPLACE PRELIMINARY PLAN AMENDMENT NO. 12009009A SITE PLAN AMENDMENT NO. 82009006A



## Description

Request to subdivide existing Lot 31 into one (1) lot to accommodate a change in use from commercial to civic/ institutional for a Day Care Center with up to 171 students and one (1) separate open space parcel located adjacent to Stedwick Road. The proposed Day Care Center is a two-story, approximately 12,000 square foot building with surface parking. The Subject Property is 1.94 acres of the 3.32-acre Overall Site which is an existing strip shopping center with retail, services, and food establishments, and surface parking.

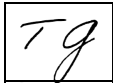
Nos. 12009009A & 82009006A

Completed: 9-18-2023

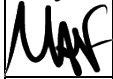
MCPB  
Item No. 5  
9-28-2023

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


## Planning Staff



Tamika Graham, Planner III, Midcounty Planning, Tamika.Graham@montgomeryplanning.org, (301) 495-4551



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



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



### Summary:

- Staff recommends **approval** of the Preliminary Plan Amendment and Site Plan Amendment with conditions.
- The Planning Board approved Preliminary Plan No. 120090090 and Site Plan No. 820090060 concurrently for this Site per MCPB Resolution No. 09-124 dated September 17, 2009.
- The initial Preliminary and Site Plans were approved under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The Property has since been rezoned to CRT. The current Plan Amendments are being reviewed under the current Zoning Ordinance and include modifications to the surface parking count, on-site landscaping, entrance modification, and a transparency waiver request.
- A change in use and deviation from a condition of approval qualifies as a major amendment. Lot 31 was previously approved for a one-story 8,800-square foot building. The Applicant seeks approval for a change of use from commercial to a civic/institutional use to accommodate a Day Care Center with up to 171 children, 26 teachers, and 2 administrative staff.
- The Applicant proposes to subdivide Lot 31 for a Day Care Center (Lot 32) and land and improvements for public open space located adjacent to Stedwick Road (Lot 33).
- The Applicant requests to eliminate Preliminary Plan Condition No. 3 for retrofitting the Theater Pond and Condition No. 8 regarding the second right turn lane eastbound at Stedwick Road and Montgomery Village Avenue.
- Forest Conservation Exemption Request No. 42023149E for the Day Care Center is confirmed and the Existing Conditions Plan has been approved.
- No additional public correspondence has been received as of the date of this Staff Report.

#### LOCATION/ADDRESS

10001 Stedwick Road, Gaithersburg, 20886

#### MASTER PLAN

2016 *Montgomery Village Master Plan*

#### ZONE

CRT-1.5, C-0.75, R-1, H-75

#### PROPERTY SIZE

1.94 acres

#### APPLICANT

Ganges Gaithersburg, LLC

#### ACCEPTANCE DATE

May 31, 2023

#### REVIEW BASIS

Subdivision – Chapter 50

Zoning – Chapter 59 in effect October 30, 2014

Forest Conservation – Chapter 22A

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN 12009009A

Staff recommends approval with conditions of the Preliminary Plan Amendment to subdivide existing Lot 31 into one (1) new lot for civic/institutional use (Day Care Center) and one (1) new open space parcel. All site development elements shown on the latest electronic version of the Preliminary Plan No. 12009009A as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions. The following deletes the previous Conditions No. 3 and 8, and the new conditions are in addition to all other existing conditions, which remain in full force and effect:

#### Modified Conditions

Condition Nos. 3 and 8 of Preliminary Plan No. 120090090 will be deleted):

~~3. Prior to issuance of final use and occupancy permit for the third building, the Applicant must complete improvements to the Theater Pond. These improvements must be approved by Maryland Department of the Environment and/or MCDPS with input from the Department of Environmental Protection.~~

~~8. The Applicant must satisfy Local Area Transportation Review (LATR) by providing a second right-turn lane on the eastbound Stedwick Road approaching its intersection with Montgomery Village Avenue. This additional lane will be provided by restriping and widening the eastbound approach at the intersection by approximately 6.5 feet on the north side and approximately 2.5 feet on the south side with an approximate 120-foot long taper to the west. The intersection improvement plan must be approved by the Montgomery County Department of Transportation (MCDOT). The permits and bonds must be approved by the Montgomery County Department of Permitting Services (DPS) prior to site plan certification.~~

#### New Conditions

The below conditions continue the numbering from the prior approval.

#### GENERAL APPROVAL

14. This Preliminary Plan Amendment is limited to (1) one 46,790-square foot lot (known as Lot 32) for civic/institutional use with a maximum of 171 students, 26 instructors, and 2 administrative staff, and one (1) 5,220-square foot open space parcel (known as Lot 33).



## ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

15. The Adequate Public Facilities (“APF”) review for the Preliminary Plan Amendment will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

## PLAN VALIDITY PERIOD

16. The Preliminary Plan Amendment will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

## OUTSIDE AGENCIES

17. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 21, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
18. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements (i.e. apply for the roadway improvement permit and post the bond for the project cost).
19. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated July 26, 2023, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
20. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated July 11, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

## OTHER APPROVALS

21. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks and bike facilities is determined through site plan review and approval.

22. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

## TRANSPORTATION

### Off-Site Improvements/LATR

23. Before the issuance of the first above grade building permit or right-of-way permit (whichever comes first), the following off-site improvements must be permitted and bonded (to ensure construction) pursuant to MCDOT requirements:
  - a) Add Detectable Warning Surface (DWS) to the east side of the driveway ADA crossing ramp located immediately to the east of the Subject Property and the west ADA ramp at the eastern entrance to the Montgomery Village Marketplace.
  - b) Reconstruction of the east ADA ramp at the eastern entrance to the Montgomery Village Marketplace.
24. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report that is of similar value, and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted and shown on a revised Certified Preliminary Plan.
25. Before issuance of the first above-grade building permit or right-of-way permit (whichever comes first), the Applicant must make a payment of \$1,981.72 to the Montgomery County Department of Transportation Sidewalk Capital Improvements Program for the construction of pedestrian improvements in the Montgomery Village/Airpark policy area or as determined by MCDOT. The payment will be indexed to the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

## RECORD PLATS

26. There shall be no clearing or grading of the site before recordation of plat(s).

### Easements

27. The record plat must show necessary easements.
28. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
29. At the time of recordation of the plat for Lot 33, the Applicant must record a public use easement for the 5,220-square foot (0.1198-acre) public open space green as shown on the

Certified Preliminary Plan and reference the easement being recorded contemporaneously on the plat.

#### Notes and Labels

30. The record plat must reflect all areas under common ownership.

#### CERTIFIED PRELIMINARY PLAN

31. The Certified Preliminary Plan must contain the following notes:

a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

32. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

a) Show resolutions and approval letters on the certified set.

b) Update the plans to show the internal sidewalk on the south side of the property connects to the west parking lot with an ADA ramp.

## SITE PLAN 82009006A

Staff recommends approval of Site Plan Amendment No. 82009006A, for the construction of a Day Care Center on the new lot and associated amenities on the open space parcel. The development must comply with any applicable binding elements of the Development Plan Amendment DPA 02-2 as approved by the District Council on July 1, 2003, and later corrected on April 7, 2006 and comply with the conditions of approval for Site Plan No. 820090060 as listed in the MCPB Resolution No. 09-124 dated September 17, 2009, not modified by the Board. 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.<sup>1</sup> The following conditions are in addition to all other existing conditions, which remain in full force and effect:

### Modified Conditions

Condition Nos. 6, 9, 10, 14 Site Plan No. 820090060, as modified herein (the deleted text is in strikethrough, new text is underlined):

#### 6. Architecture

~~The final design of the building façade must substantially conform to the architectural renderings received by MNCPPC on August 10, 2009, including fenestration, rooflines and materials labeled.~~

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet SA-1.2 of the submitted architectural drawings, as determined by M-NCPPC Staff.

#### 9. Lighting

~~a) On-site street and parking lot down lighting fixtures must be full cut-off fixtures;~~

~~b) Deflectors must be installed on all up lighting fixtures causing potential glare or excess illumination;~~

~~c) Illumination levels, excluding Streetscape: light fixtures, must not exceed 0.5 footcandles (fc) at any property line abutting county roads.~~

~~d) The height of the light poles shall not exceed 20 feet excluding the mounting base.~~

a) Before approval of the 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)

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<sup>1</sup> 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.

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, rooftop light poles, and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

10. Performance Bond and Agreement Site Plan Surety and Maintenance Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a) The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b) The Applicant must submit a Performance Bond or other satisfactory form of Surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings as shown and described in the cost estimate.
- c) The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d) The Bond must be submitted along with the agreement prior to the release of the first building permit.

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 receptables, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, 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.

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.

#### 14. 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, Development Program, Inspection Schedule, and Site Plan Resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Provide a list of equivalent trees to be approved by Site Plan Review Staff, and add the note "In the event that any of the species listed in the plant schedule are not available, select species from the alternative plant list. Contractor to ensure that the replacements are of equivalent sizes."
- d) Show at-grade pedestrian crosswalk on Stedwick Road to reflect final approval from Montgomery County Department of Transportation.
- e) Modify data table to reflect all development standards enumerated in the Staff report and approved by the Planning Board.
- f) Provide details of all light fixtures proposed showing full cut-off devices.
- g) Provide details of new design for the open space in the northeast corner ("grove area") including selection of hardscape materials, if applicable.
- h) Show zone of influence for each building on the plans.
- i) Provide detail of railings proposed on top of the retaining wall.
- j) Label materials of retaining wall to match materials used on building facades.
- k) Minor revisions to landscape and paving details.
- l) Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- m) 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.”

- n) Fire and Rescue Access plan should be included in the Certified Site Plan.
- o) Ensure consistency of all details and layout between Site and Landscape plans.
- p) Update the parking data table to show the required and proposed long-term bicycle parking.
- q) Update the plans to show the internal sidewalk on the south side of the Property connects to the west parking lot with an ADA ramp.

## **New Conditions**

The below conditions continue the numbering from the prior approval.

### **DENSITY & HEIGHT**

#### **15. Density**

The Site Plan for Lot 32 is limited to a maximum of 11,972 square feet of total development for a Day Care Facility with up to 171 students, 26 instructors, and 2 administrative staff, or other use classification from the zoning code<sup>2</sup> civic/institutional uses.

#### **16. Height**

The development for Lot 32 is limited to a maximum height of 32 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

### **OPEN SPACE, FACILITIES AND AMENITIES**

#### **17. Public Open Space, Facilities, and Amenities**

- a) The Applicant must provide a minimum of 5,220 square feet of public open space on Lot 33 (10% of Site area of former Lot 31).
- b) Before the issuance of the final use and occupancy certificate for the two-story building on Lot 32, all public open space areas on Lot 33 of the Subject Property must be completed.

#### **18. Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian paths, benches, trash receptacles, and bicycle racks.

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<sup>2</sup> The day care center use space can be changed to other Civic/Institutional uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

## TRANSPORTATION & CIRCULATION

### 19. 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 June 12, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### 20. Bicycle Circulation

- a) The Applicant must provide four (4) long-term and four (4) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.

### 21. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 26, 2009 and amended on July 11, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.



## SECTION 2: SITE DESCRIPTION

### VICINITY

The 3.32-acre Overall Site (or “Site”), outlined in blue in Figures 1 and 2, known as the Montgomery Village Marketplace (existing Lot 31), is located on the north side of Stedwick Road between the shopping center’s driveway (opposite Mills Choice Road) and Montgomery Village Avenue. The Site is surrounded by other commercial uses within the Commercial Residential Town (CRT) zone and some residential uses. Abutting the Site to the north is Montgomery Village Center which is a large shopping center with surface parking. Confronting the Site to the south, across Stedwick Road, is the Heron Cove Condominiums which is zoned R-200. Immediately to the east are commercial uses - specifically Sandy Spring Bank and CVS. Immediately to the west is Curaleaf MD, a licensed medical marijuana dispensary (also known as Building A or Lot 28) and the U.S. Post Office. The abutting and confronting properties are all within the Montgomery Village Overlay Zone. The Site is accessed via a private driveway north of Mills Choice Road and an access point along Stedwick Road between the Sandy Spring Bank and CVS.

The Overall Site, owned by JDC Village Development LLC, consists of Buildings A, B, and C and open spaces that were delineated in the approved Preliminary Plan No. 120090090 and Site Plan No. 820090060. Building A is located at the corner of Stedwick Road and the private drive for Montgomery Village Marketplace. The one-story building was previously developed for a bank with drive-thru tellers but is now occupied by the Curaleaf dispensary, which utilizes the former bank’s drive-thru.

Building B is located at the northwest corner of the Site and developed with a one-story strip shopping center with multiple retail, service, and eating establishments.

Building C, the Subject Property, is undeveloped. The Applicant and contract purchaser for the Subject Property is Ganges Gaithersburg, LLC.

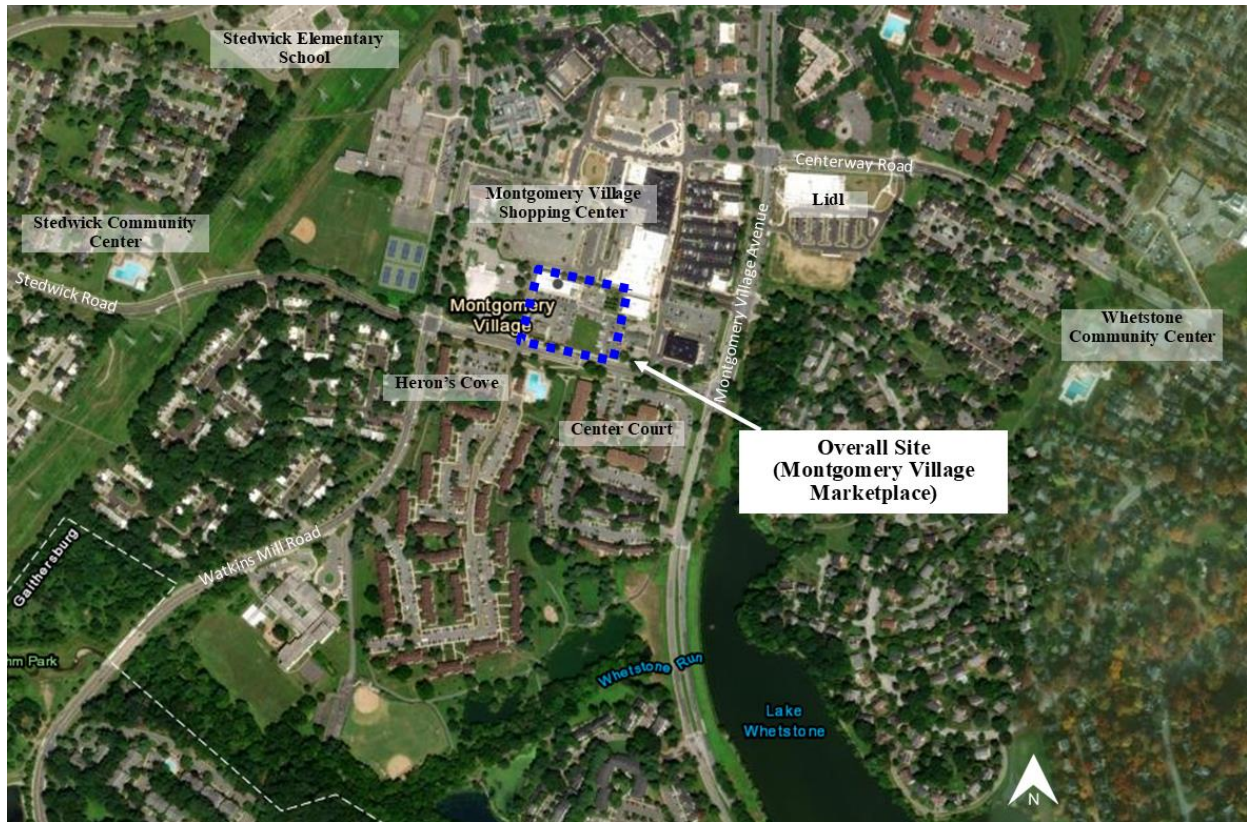


Figure 1: Vicinity Map

## PROPERTY DESCRIPTION

The Subject Property (or “Property” or “the Project”, or “Building C<sup>3</sup>”), outlined in red below, is 52,010 square feet or 1.94 acres of the 3.32-acre Overall Site and the Property is at the southern edge of the Montgomery Village Marketplace, shown in Figure 2, which is an existing retail and commercial shopping center with surface parking and drive aisles. The Property is addressed at 10001 Stedwick Road and located approximately 410 feet west of Montgomery Village Avenue. The Property is currently known as Lot 31 of “Subdivision Record Plat Lots 30 & 31 Village Center Montgomery Village, being a resubdivision of Lot 29, “Village Center Montgomery Village Per Plat No. 24077, as recorded in the Montgomery County Land Records as Plat No. 24110.

The Property is zoned CRT-1.5, C-0.75, R-1.0, H-75 and within the Montgomery Village Overlay Zone of the 2016 *Montgomery Village Master Plan*.

The Property is a vacant lot with some surface parking and does not include any structures. However, the Property is encumbered by a variety of easements including a private driveway ingress egress

<sup>3</sup> Buildings A, B, and C were designated in the initial Preliminary and Site Plan Applications.



easement, storm drain easement, a stormwater management easement, private sewer easement, and public utility easements. There are no environmental features on the Property.

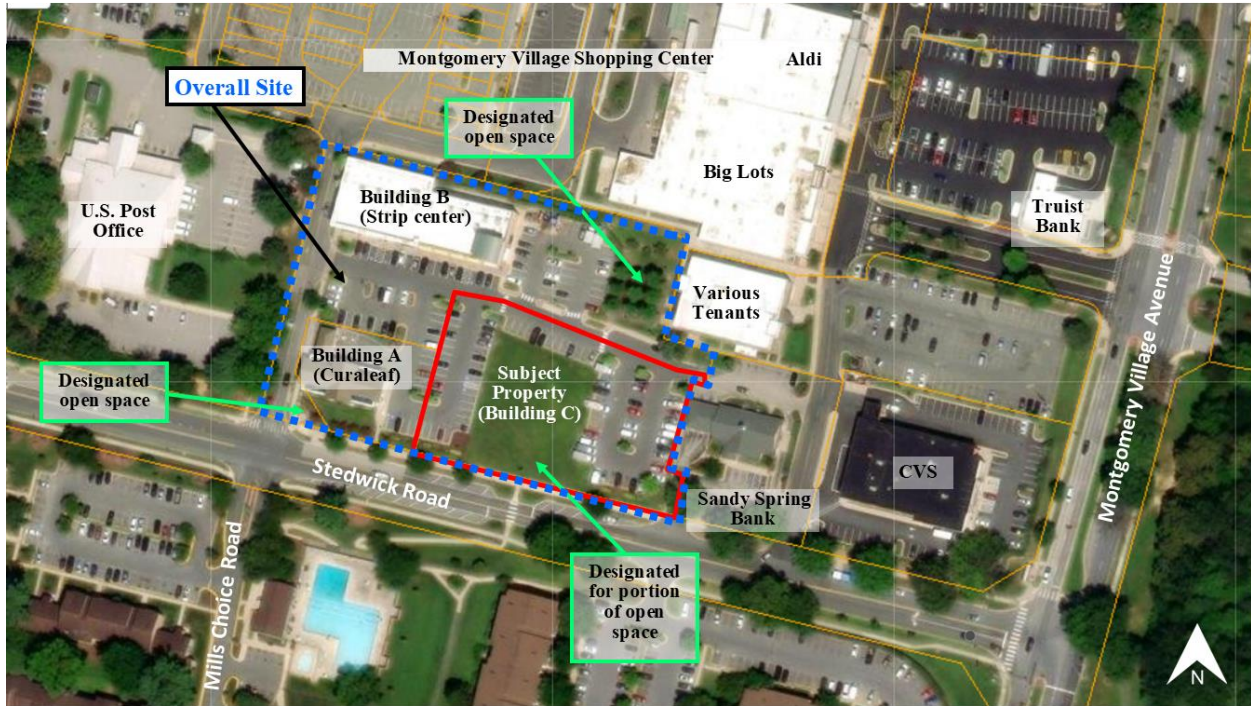


Figure 2: Overall Site (outlined in blue dash) and Subject Property (outlined in red)



Figure 3: Confronting and Abutting Zoning Districts (Overall Site in blue dash)

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### (NRI/FSD) No. 420080960

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Montgomery Village Marketplace was approved on December 17, 2007. The Property does not contain streams, wetlands, 100-year floodplain, environmental buffers, steep slopes, highly erodible soils, or specimen trees.

#### Forest Conservation Plan No. 42008123E

A Forest Conservation Plan Exemption No. 42008123E was approved on February 7, 2008. The site qualified for an exemption under Chapter 22A-5(1) of the Montgomery County Code, which states that a site is exempt from Article II of the forest conservation law if "any planned unit development for which a project plan was approved by the Planning Board before January 1, 1992 and which received site plan approval before July 1, 1992 for the tract." Under the same exemption, "a development plan or project plan amendment approved after January 1, 1992, is not exempt if it results in the cutting of more than 5,000 additional square feet of forest." Parcel 387 was part of Development Plan No. E848; Lot 15 was covered under Site Plan No. 819860270; and Lot 19 part of Site Plan No. 819810150.

#### Development Plan Amendment No. DPA 02-2

Following the initial zoning case E-848 for Montgomery Village, which was approved in August of 1968, various modifications required development plan amendments to be approved. The most recent Development Plan Amendment No. DPA 02-2 was approved by the District Council on July 1, 2003, signed on August 14, 2003, and later corrected on April 7, 2006.

#### Preliminary Plan No. 120090090

The Preliminary Plan was submitted concurrently with a Site Plan. Per the MCPB Resolution 09-124 dated September 17, 2009, the Planning Board approved Preliminary Plan No. 120090090 and its associated Site Plan No. 820090060.

### Site Plans, 1981- 2009

On April 21, 1981, the Planning Board approved Site Plan No. 819810150 for the Montgomery Village Visitors Center and parking lot, located on Lot 19.

On May 22, 1986, the Planning Board approved Site Plan No. 819860270 for the former YMCA building on Lot 15 with parking on Parcel 387.

On July 23, 2009, the Planning Board supported approval of the abandonment of the pedestrian underpass/tunnel under Stedwick Road, case AB 724. The Montgomery County Council made the final decision to close the tunnel before approval of the certified Site Plan No. 820090060.

On September 17, 2009, JDC Village Development, LLC received Site Plan approval per MCPB Resolution No. 09-124 for a 3,172-square foot bank with three drive thru lanes, 21,696 square feet of retail and restaurant uses in two buildings and a parking waiver of approximately 8 percent on 3.32 acres of Town Sector-zoned land (Figure 4). Per Section 59.7.7.1.B.3 of the Zoning Ordinance, the Site Plan was reviewed under the standards and procedures of the TS-M zone pursuant to the Zoning Ordinance in effect on October 29, 2014.



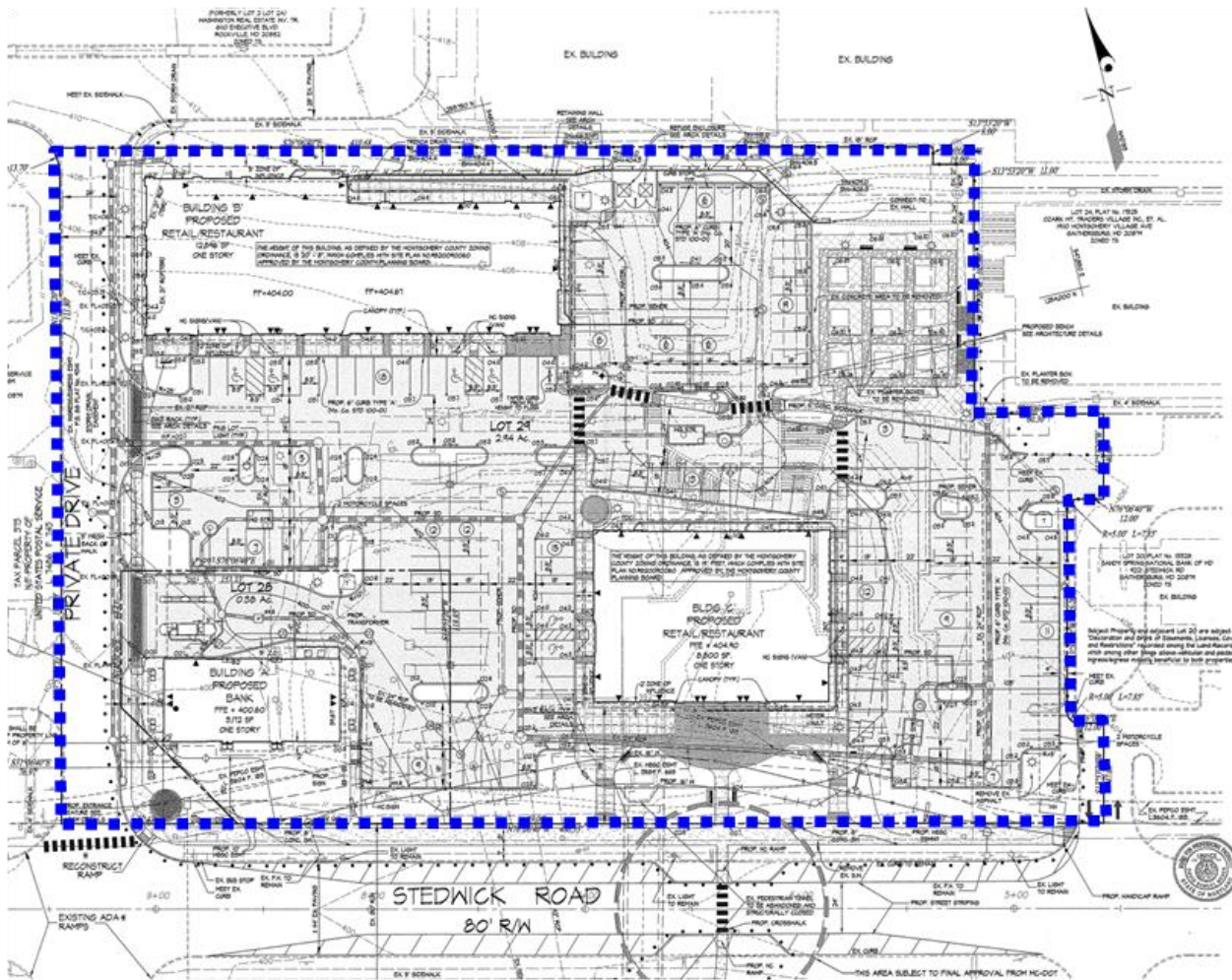


Figure 4: Approved Site Plan No. 82090060

## PROPOSAL

Per Section 59.7.7.1.B.3 of the Zoning Ordinance, the initial Preliminary and Site Plans were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 and under the Town Sector (TS) Zone. Subsequently, the Property was rezoned. These Amendment Applications are being reviewed under the Zoning Code in effect on October 30, 2014, under the Commercial Residential Town (CRT) Zone.

The Subject Preliminary Plan and Site Plan Amendment Applications seek to implement prior plan approvals by constructing additional open space improvements and developing the last remaining undeveloped lot within the Montgomery Village Marketplace.

## CHANGE OF USE AND SUBDIVISION

As previously noted, the Subject Property received past approval for 8,800 square feet of non-residential/ commercial development within a one-story building. The Applicant is proposing a change of use from the previously approved Commercial use category to the Civic/Institutional use category to allow for a Day Care Center. A Day Care Center, defined as having 30+ persons<sup>4</sup>, is a limited use in the Commercial Residential Town (CRT) zoning district<sup>5</sup>.

The Applicant proposes to subdivide existing Lot 31 (52,010 square feet or 1.194-acre) into one (1) lot and one (1) open space parcel. Proposed Lot 32 (46,790 square feet or 1.0741 acre) would accommodate improvements for the Day Care Center whereas Proposed Lot 33 (5,220 square feet or 0.1198 acre) would retain the land and improvements for the open space located adjacent to Stedwick Road. No new access points will be created with this resubdivision. Consistent with the existing subdivision record plat, no additional vehicular access will be granted along Stedwick Road.

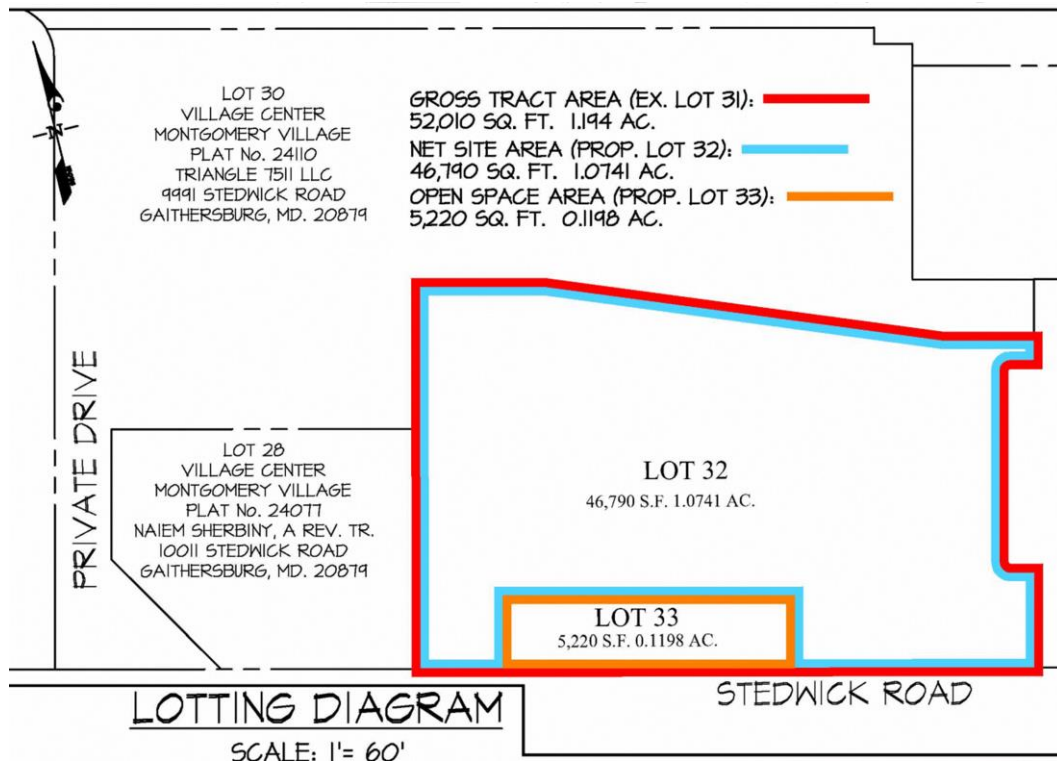


Figure 5: Proposed Lotting Plan

<sup>4</sup> Per Section 59.3.4.4.F, where a Day Care Center (Over 30 Persons) is allowed as a limited use, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.

<sup>5</sup> Under the Site's former TS-M zone, a child day care center is listed as a Special Exception. The Applicant opted to proceed with the change of use and development under the Site's new CRT zone. Per Section 59.3.4.4.F, a Site Plan is required.

Additionally, as part of the Preliminary Plan Amendment, the Applicant requests approval to eliminate two existing conditions of approval – Conditions No. 3 (and the related Site Plan condition) and No. 8. Condition No. 3 requires the Applicant to complete improvements to the Theater Pond prior to the issuance of the final use and occupancy permit for the third building on the Site (Building C which is the Subject Property). Condition No. 8 requires a second right turn lane at Stedwick Road onto Montgomery Village Avenue.

Additional discussion of these conditions is provided in the subsequent Preliminary Plan Findings and Analysis section (page 31 and page 38). The MCDPS agency letter dated July 3, 2023 and the MCDOT agency letter dated August 21, 2023 address the merits of the elimination of conditions No. 3 and No. 8, respectively (Attachment C).

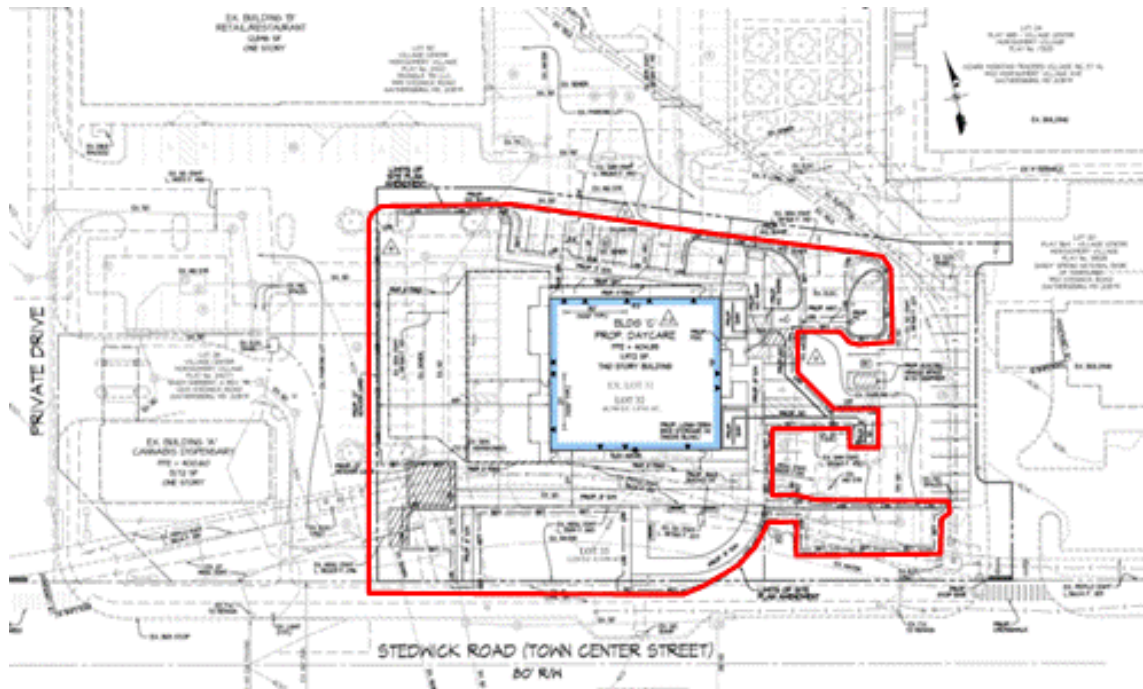
#### SITE PLAN AMENDMENT

Per Section 59.3.4.4.F of the Zoning Code, where a Day Care Center (Over 30 Persons) is allowed as a limited use in any Commercial/Residential or Employment Zone, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use (refer to Figure 3), site plan approval is required under Section 59.7.3.4.

More specifically in Section 59.7.3.4.8., a site plan is required under standard method development in the C/R or Employment zones for any new construction or expansion of an existing structure regardless of the proposed intensity (units, gross floor area in square feet, or building height in feet).

Proceeding under the Standard Method of development, the Applicant proposes to utilize 0.19 FAR to construct a two-story building for a Day Care Center known as The Learning Center Academy for Early Education. The proposed Center will have a total gross floor area of 11,972 square feet with surface parking to the east of the building. A total of up to 171 students, 26 instructors, and 2 administrative staff are anticipated.





*Figure 6: Proposed Limits of the Site Plan Amendment (highlighted in red)*

The Center will feature an outdoor play area that is approximately 3,100 square feet on the west side of the building with water fountains and playground equipment.

Due to the nature of the proposed use, perimeter fencing is proposed. Six-foot-high opaque fencing is proposed to surround the outdoor play area that faces the abutting Curaleaf licensed medical marijuana facility and associated parking. Four-foot-high fencing with permeable views is proposed along the north façade and the south façade to create a delineation between the private and development and the public open space fronting onto Stedwick Road. A short pathway from the doors on the south fenced facade connects to the fenced area on the western façade.

The six-foot-high opaque fencing along the perimeter of the outdoor play area on the west side is aimed at providing privacy and security for the children and its height blocks views of the first-floor level where less transparency is proposed.

The Applicant requests a modification to the transparency requirement, as further described in the subsequent report section.

Additional Site Plan improvements include landscape modifications and parking changes, which are described below.

## BUILDING/ARCHITECTURE

The Day Care Center design incorporates the materials used for the existing retail building to the north, noted as “Building B.” The proposed Day Care Center materials list modular brick, stone, and fiber cement siding. Due to the proposed building’s smaller footprint, the Applicant proposes a roof line and materials construction suitable for the Day Care Center’s scale and overall design while aiming for complementary design elements of the nearby existing structures. The two-story building is proposed to be 31.5 feet tall. The elevations below (Figures 7 & 8) show the east elevation that is the main entrance to the building from the eastern parking lot and the south elevation that faces the open space fronting onto Stedwick Road.

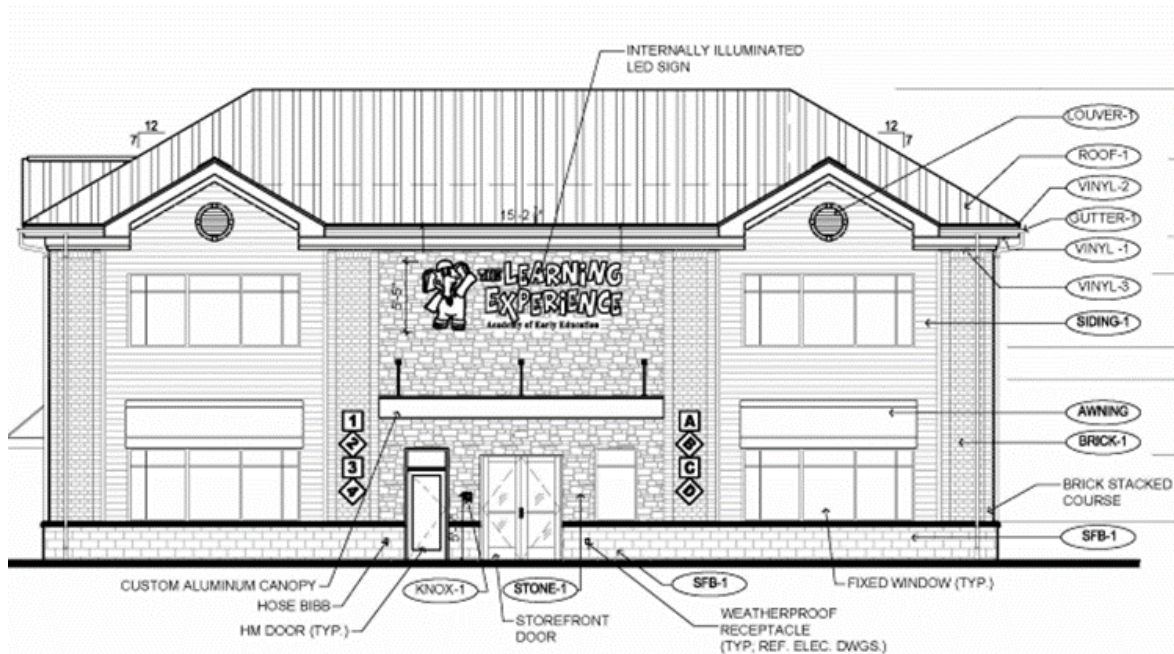


Figure 7: Proposed Building East Elevation



*Figure 8: Proposed Building South Elevation*

The Applicant anticipates including building-mounted signs for the east and south facades and ground mounted signs, which are proposed as illustrative and subject to a separate review and approval by the Montgomery County Department of Permitting Services.

#### OPEN SPACE

According to prior regulatory approvals, a total of three (3) open spaces were planned for the 3.32-acre Overall Site. Two of the three open spaces are already developed as previously shown in Figure 2. One open space area is located to the east of the strip center in the northeast corner of the Overall Site and the other is located at the corner of Stedwick Road and the westerly private driveway (in front of Curaleaf).

The Project proposes to subdivide existing Lot 31 where new Lot 33 will be improved as a 5,220-square foot or 0.1198-acre landscaped plaza between Building C (the day care center) and Stedwick Road. The location of this proposed open space in relationship to the proposed lot and building footprint reflects the easement encumbrances on the Property. The Property's underground utilities located adjacent to Stedwick Road limit the ability to locate the building adjacent to Stedwick Road.

The Application proposes to provide the open space as a passive community gathering space with walking routes that connect to the main sidewalk on Stedwick Road, seating, bicycle racks, and trash receptables. The existing mid-block crosswalk with chokers on Stedwick Road is aligned with the proposed landscaped plaza.

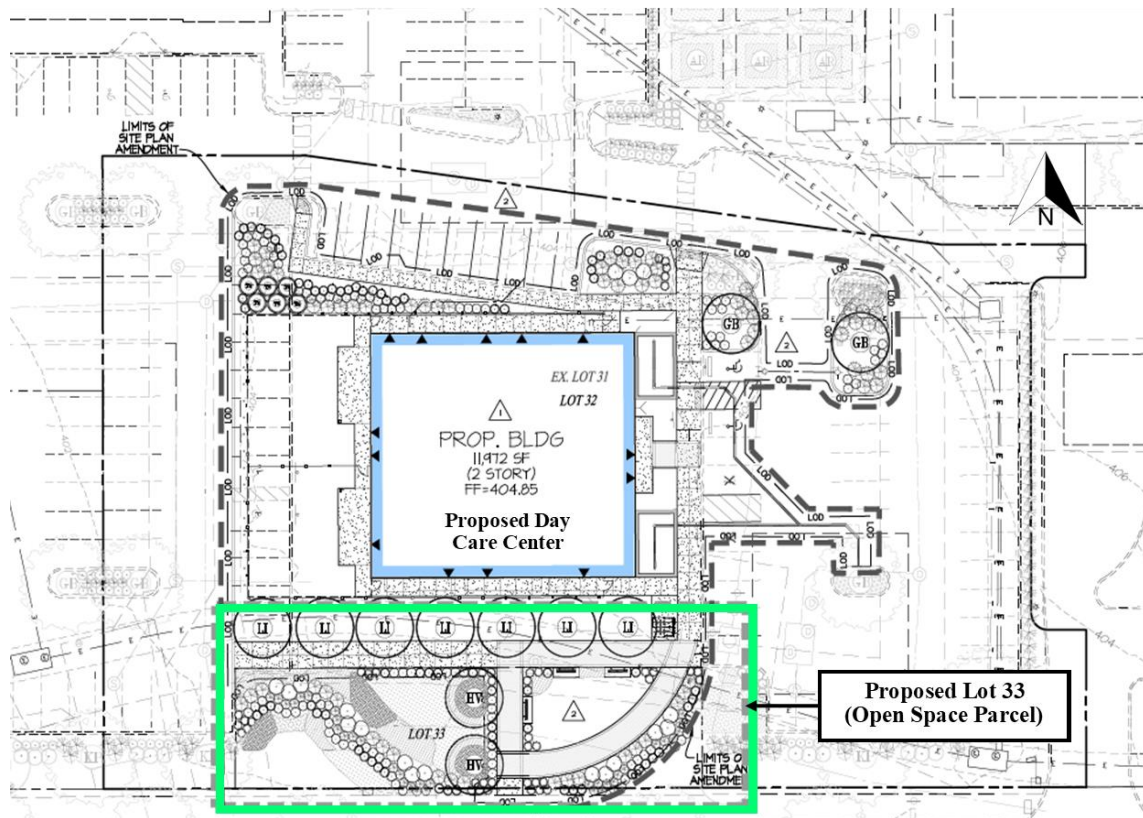


Figure 9: Proposed Open Space (Lot 33) & Landscaping Plan

## TRANSPORTATION

Vehicular access to the Site is proposed off Stedwick Road via existing private drives located on the east side and west side of the Montgomery Village Marketplace shopping center. A private driveway that serves the Sandy Spring Bank is located between the two private drives and can also be used to access the Site. However, this access primarily serves existing bank employees and customers.

Pedestrian access is primarily provided off the frontage on Stedwick Road. No modifications to the existing conditions on Stedwick Road are proposed.





*Figure 10: Stedwick Road Subject Property Existing Frontage (view looking east)*

A proposed eight-foot brick paver sidewalk will connect to the existing public sidewalk to the building entrance. Additionally, a new stretch of sidewalk connecting the west parking lot will run along the building frontage, providing access from the parking lot to the building entrance. A sidewalk is also proposed along the north side of the Property, allowing for those parking at that location to easily access the building entrance.



*Figure 11: Existing ADA Mid-Block Crossing of Stedwick Road (view looking south from Subject Property)*

Parking will be provided along the west, north, and east side of the proposed Day Care Center building. The existing parking in the remainder of the shopping center will not be modified. The entrance to the building is proposed to face the parking area on the east side of the building. Long-term bicycle parking will be provided within the building on the first floor, while short-term bicycle parking is located at the southeast corner of the building, near the main entrance, and easily accessible from the public open space.

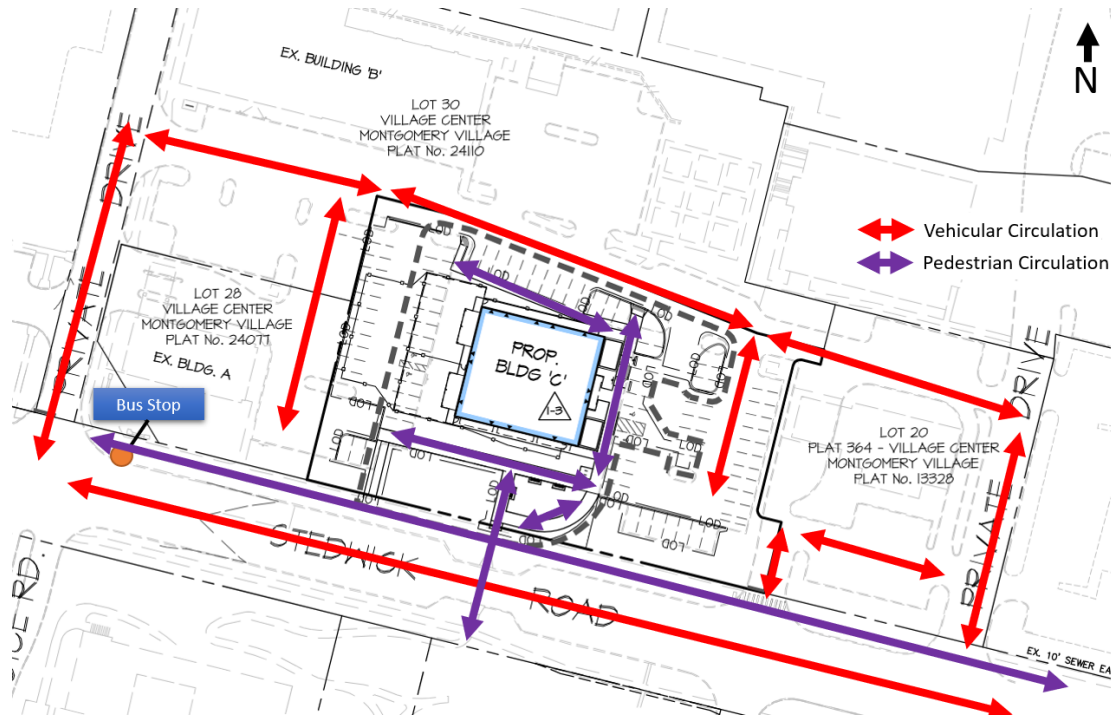


Figure 12: Site Circulation

## ENVIRONMENT

### Forest Conservation

The Amended Applications include a confirmed Forest Conservation Exemption dated February 24, 2023. The Project is exempt from Article II of the County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(1) because the activity occurring is on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. There are no environmentally sensitive areas on the Overall Site or Subject Property and no significant or specimen trees will be cleared. The Applications are in conformance with the Planning Board's Environmental Guidelines.

### *Stormwater Management*

The Subject Property must comply with Chapter 19 of the Montgomery County Code for Erosion, Sediment Control, and Stormwater Management. The initial stormwater management concept for the Montgomery Village Marketplace was approved by the Montgomery County Department of Permitting Services (MCDPS) on April 14, 2008, and reconfirmed on June 26, 2009.

The Preliminary and Site Plan Amendment Applications include environmental site design (“ESD”) techniques that will filter and retain stormwater on-site primarily through two (2) micro-bioretenion facilities along the building’s eastern facade. Plantings approved by MCDPS will also be used in ESD’s to the greatest extent practicable. The Stormwater Management Concept Plan File No. 289185 has been reviewed and approved with conditions on July 26, 2023, by MCDPS. Full stormwater management compliance for the Project could not be provided due to site constraints from numerous existing easement encumbrances. All stormwater management structures must be located outside of easement areas and public rights-of-way. Therefore, MCDPS granted approval of the Applicant’s request for a partial stormwater compliance waiver.

## SECTION 4: PRELIMINARY PLAN 12009009A FINDINGS AND ANALYSIS

Preliminary Plan Amendment No. 12009009A requests to subdivide an existing lot to create one (1) lot and one (1) open space parcel. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

***a) The Lot(s) and Use comply with the basic requirements of Chapter 59***

The Preliminary Plan Amendment would create one (1) lot for a civic/institutional use and one (1) parcel for open space. The Preliminary Plan Amendment meets the dimensional requirements for the CRT zone as specified in the Zoning Ordinance and as shown in Table 1 below, in relation to maximum density, height, and minimum open space. Additionally, the Application must provide the minimum required amount of parking spaces associated with the proposed use. The final number, configuration, and location of parking spaces will be approved with the concurrent Site Plan based on requirements for the Day Care Center. Further discussion on parking is provided in the subsequent report section.



*Table 1: Montgomery Village Marketplace Preliminary and Site Plan  
Data Table for CRT Zone, Standard Method*

<b>Development Standard</b>	<b>Permitted/ Required (under CRT Zone<sup>6</sup>)</b>	<b>Previously Approved (under TS-M Zone)</b>	<b>Proposed with Amendment</b>
<b>Overall Site Area</b>	n/a	144,736 sq/ ft. (3.32 acres)	144,736 sq/ ft. (3.32 acres)
<b>Tract Area – Lot 31</b>	n/a		52,010 sq. ft. (1.19 ac.)
<b>Prior Dedication</b>	n/a		n/a
<b>Proposed Dedication</b>	n/a		n/a
<b>Site Area – Lot 32</b>	n/a		46,790 sq. ft (1.07 ac.)
<b>Public Open Space (min) – Lot 33</b>	10% (5,201 sq. ft., 0.11 ac.)	N/A	10% (5,201 sq. ft., 0.11 ac.)
<b>Maximum Density of Development (GFA/FAR) Non-Residential (GFA/FAR)</b>	108,552 sq. ft. (0.75 FAR)	24,868 sq. ft. <sup>7</sup>	28,040 sq. ft. <sup>8</sup> (0.19 FAR)
<b>Building Height (Building C)</b>	75 feet	40 feet	31.5 feet
<b>Public Open Space (min) – Lot 33</b>	10% (5,201 sq. ft.)	N/A	10% (5,201 sq. ft.)
<b>Frontage on street/ open space</b>	Required	N/A	Provided
<b>Entrance Spacing</b>	100 feet max.	N/A	Complies
<b>Minimum Setbacks (ft)</b>			
<b>Front</b>	0 feet	0 feet	0 feet
<b>Side</b>	0 feet	0 feet	0 feet
<b>Rear</b>	0 feet	0 feet	0 feet

**2. The Preliminary Plan substantially conforms to the Master Plan.**

The Preliminary Plan Amendment substantially conforms to the recommendations within the 2016 Montgomery Village Master Plan (“Master Plan”), as discussed below.

<sup>6</sup> The full data table from the previous Site Plan No. 820090060 under the TS-M Zone can be found in Attachment B.

<sup>7</sup> A total of 24,868 sq. ft of development reflects 3,172 square feet for Building A (office/bank), 12,896 square feet for Building B (retail/restaurant), and 8,800 square feet for Building C (retail/restaurant).

<sup>8</sup> A total of 28,040 square feet of development reflects 16,068 square feet of existing non-residential development on the Site and the proposed 11,972 square feet of non-residential development (day care center) on proposed Lot 32 of the Subject Property through these Amendment Applications.

## **a) Land Use**

### *Land Use & Zoning*

One of the major recommendations of the Master Plan pertains to an overlay zone to address concerns about the consequences of large-scale rezoning. The Montgomery Village Overlay Zone is intended to preserve the unique Village character, protect existing open space and conservation areas, and ensure a compatible relationship between new and existing development. The Subject Property is within the Overlay Zone and the proposed change of use and the infill development meets the intent of both the underlying and overlay zones. The Plan also recommends the creation of attractive mixed-use areas during redevelopment opportunities. The Preliminary and Site Plan Amendments support combining civic/institutional uses with existing retail, personal services, and eating/drinking establishments. The Project contributes to the vision of walkable village centers that have a diversity of land uses.

### *Density & Height*

Under the CRT-1.5 zoning designation, the Overall Site is limited to a density of 0.75 FAR or 108,552 square feet of non-residential uses. The Proposal for the Subject Property encompasses 0.19 FAR or 28,040 square feet of non-residential uses. The 0.19 FAR reflects 16,068 square feet of existing non-residential development on the Overall Site and the proposed 11,972 square feet of non-residential development (day care center) on proposed Lot 32 of the Subject Property through these Amendment Applications.

The proposed height of the two-story Day Care Center is within the 75-foot height limit prescribed by the zoning district and will not exceed the heights of any existing structure on the Montgomery Village Marketplace Site or those abutting or confronting the Property. The two-story building height is compatible in scale and density to confronting existing residential communities to the south.

### *Open Space*

The Master Plan strongly recommends that recreation and open spaces be maintained and preserved. It states that when new development or redevelopment occurs, developers should emulate the Kettlers' town planning principles to provide ample green spaces, vistas and recreational opportunities. The Project proposes to complete the last identified open space area associated with the Montgomery Village Marketplace. The Master Plan recommends that open spaces utilize combinations of hardscape and landscaped areas, which the Project proposes to deliver with Lot 33. The new parcel will enhance the publicly accessible green space within the Village and provide a small area of respite for visitors to the shopping center. The proposed open space parcel is also tied to a connected system of existing sidewalks. Also, orienting the new building to front onto open space will preserve the existing character of the village centers which prioritize open space.

## *Urban Form*

The Master Plan anticipates the provision of compact, mixed-use development patterns that have short blocks and building frontages close to the street to create an inviting and safe public realm. The Amendment shifting from a commercial use in a one-story format to a civic/institutional use in two-stories results in a more compact building footprint. The proposed Day Care Center will have a total gross floor area of 11,972 square feet; therefore, its building footprint is approximately 5,986 square feet compared to the approved single-story commercial structure of approximately 8,800 square feet of gross floor area.

While pulling the proposed building up to the street is ideal for a walkable and pedestrian-scale environment, the existing conditions on the Property make that difficult. The Subject Property is encumbered by several easements that run along the Stedwick Road frontage. Therefore, the Plan prioritizes enhancing the open space parcel facing the south façade of the building to create an inviting public realm. Additionally, a proposed pedestrian path runs parallel to the northside of the open space to create additional porosity in the pedestrian network to provide access to various uses within the shopping center.

### ***b) Environment***

The overall environmental goal for the Master Plan is to allow limited redevelopment to occur without compromising the environmental quality of this area (pg. 38). It states that redevelopment should respect and incorporate the natural environment and maintain the Village's existing open spaces. The Plan recommends the consideration of incorporating existing environmental features (stream areas, tree clusters) into new development. As previously noted, the Site does not have existing environmentally sensitive features, including forest or protected specimen trees. With the forest conservation plan exemption granted for this Project, the Property is not subject to any afforestation requirements. However, the Project proposes to provide landscaping and new shade and ornamental trees within the open space area and within spots along the building's periphery. Together, the new building and the open space parcel create a balance between the built environment and a natural setting, as envisioned by the Master Plan.

### ***c) Transportation***

The Preliminary Plan Amendment substantially conforms with the *2016 Montgomery Village Master Plan*, *2018 Bicycle Master Plan*, and the *2021 Complete Streets Design Guide*.

## ***3. Public facilities will be adequate to support and service the area of the subdivision.***

### ***a) Roads and other Transportation Facilities***

#### ***i. Existing Facilities***

The Property is served by access from adjacent major roadways, Montgomery Village Avenue, Stedwick Road, and Watkins Mill Road. The Property fronts onto Stedwick Road which has a Town Center Street designation with a width of 80 feet. It currently has one travel lane in each direction. Sidewalks are present on both sides of the roadway. The sidewalk on the Subject Property frontage is eight-feet-wide and there is a six-foot-wide landscape buffer separating the sidewalk from traffic.

The Montgomery Village Marketplace has one existing bus stop located on the southwest corner of the Site which is served by four (4) Montgomery County Ride On bus routes.

- Ride On route 59 provides service between Rockville Station and Montgomery Village Center. This route operates every day of the week.
- Ride On route 60 provides service between Shady Grove Station and Montgomery Village Center. This route operates Monday through Friday during peak hours only.
- Ride On route 64 provides service between Shady Grove Station and Montgomery Village Center. This service operates every day of the week.
- Ride On route 65 provides service between Shady Grove Station and Montgomery Village Center. This route operates Monday through Friday during peak hours only.

ii. ***Proposed public transportation infrastructure***

No new public transportation infrastructure, such as new roads or dedications, will be constructed as part of this Project.

***Prior Condition No. 8***

However, the previous Preliminary Plan No. 120090090 Condition of approval No. 8 included the installation of a second right turn lane at Stedwick Road onto Montgomery Village Avenue, located to the east of the Site. However, based on the Motor Vehicle Adequacy Test results, the second right turn lane is no longer necessary to satisfy the Local Area Transportation Review. Traffic volumes have decreased since the previous Preliminary Plan conditions were established, likely attributable to the I-270 / Watkins Mill interchange that was not open at the time of the previously approved Preliminary Plan. Additionally, widening the intersection would reduce the pedestrian level of comfort and safety, and conflicts with the County's Vision Zero Initiative, adopted in 2017. Therefore, a second turn lane at the intersection of Stedwick Road and Montgomery Village will not be required or constructed.

iii. **Proposed private transportation infrastructure**

No new private transportation infrastructure will be constructed as part of this Project.

**b) Local Area Transportation Review (LATR)**

As a proposed development with 171 daycare students as well as the existing 12,696 square feet of retail and a 3,172-square foot licensed medical marijuana dispensary, both of which are less than 12 years old, the Project is estimated to generate 246 total peak hour person trips in the morning and 364 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the previously approved 24,868 square feet of retail on the Site, (115 morning peak hour person trips and 268 evening peak hour person trips), the Project is estimated to generate 131 net new morning peak hour person trips and 96 net new evening peak hour person trips. As a result of the estimated transportation impact, the Project must submit a Transportation Impact Study (TIS) with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

*Table 2: Montgomery Village Marketplace Estimated Person Trip Generation*

<b>Land Uses</b>	<b>Square Feet/Units</b>	<b>Morning Peak Hour</b>	<b>Evening Peak Hour</b>
<b>Existing (credit)</b>			
Strip Retail (<40k)	21,696 sq. ft.	70	186
Medical Marijuana Dispensary	3,172 sq. ft.	45	82
<b>Total Person Trips</b>		<b>115</b>	<b>268</b>
<b>Proposed</b>			
Day Care Center	171 students	160	154
Strip Retail (<40k)	21,696 sq. ft.	41	128
Medical Marijuana Dispensary	3,172 sq. ft.	45	82
<b>Total Person Trips</b>		<b>246</b>	<b>364</b>
<b>Net Increase in Peak-Hour Person Trips</b>		<b>+131</b>	<b>+96</b>

*Source: Transportation Impact Study by Wells & Associates dated July 24, 2023, and as amended by Planning Staff*

**Travel Mode Adequacy Test**

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The mode split of the total person trips for the Project are summarized by travel mode in Table 3. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate all four travel mode adequacy tests.

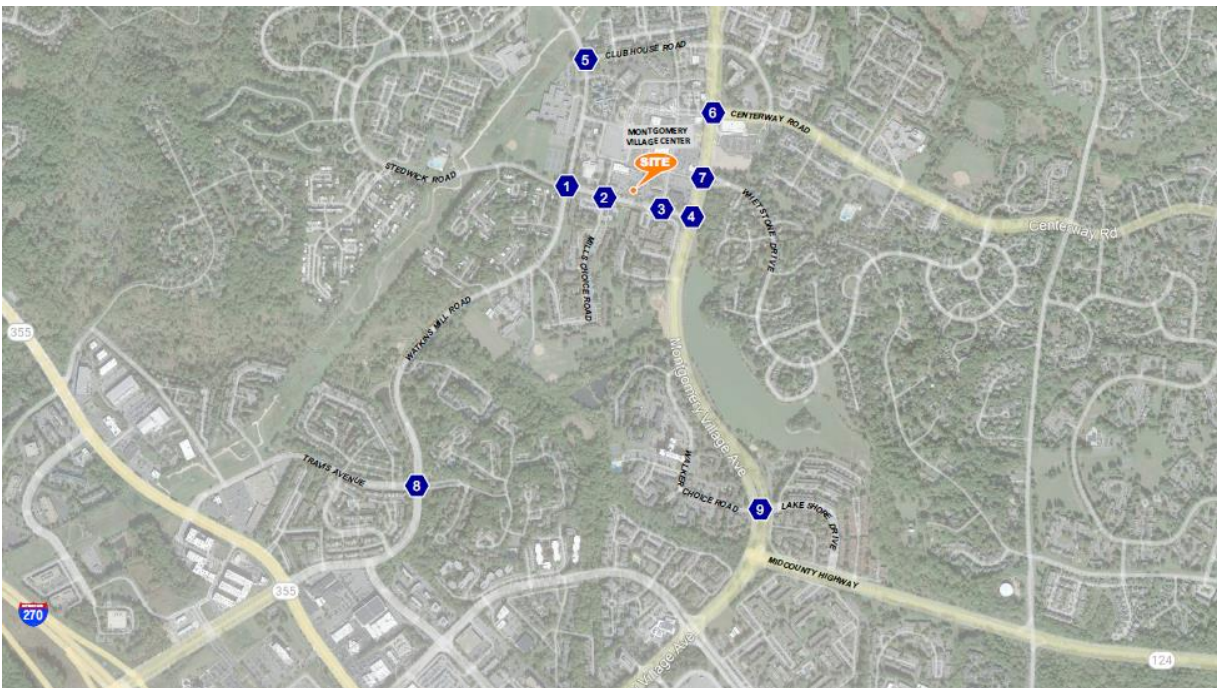


*Table 3: Montgomery Village Marketplace Trip Estimate by Mode*

	Total Person-Trips	Auto-Driver	Transit	Pedestrian <sup>9</sup>	Bicycle
Morning Peak Hour	246	182	6	18	12
Evening Peak Hour	364	262	8	26	19

*Source: Transportation Impact Study by Wells & Associates dated July 24, 2023, and as amended by Planning Staff*

- Motor vehicle system adequacy was evaluated for the intersections enumerated below and shown in Figure 13. Intersections exceeding the policy area congestion standards must be mitigated.
  1. Watkins Mill Road / Stedwick Road
  2. Stedwick Road / Mills Choice Road
  3. Stedwick Road / Site Access Driveway East
  4. Montgomery Village Avenue / Stedwick Road
  5. Watkins Mill Road / Club House Road
  6. Montgomery Village Avenue / Centerway Road
  7. Montgomery Village Avenue / Whetstone Drive
  8. Watkins Mill Road / Travis Avenue
  9. Montgomery Village Avenue / Lake Shore Drive



*Figure 13: Intersection Analysis Map*

<sup>9</sup> Pedestrian trips are calculated by adding non-motorized and transit trips.

The Site is in the Montgomery Village/Airpark Policy Area, which is designated as a Yellow Policy Area by the 2021-2024 Growth and Infrastructure policy. Traffic congestion in Yellow Policy Areas is measured using the Critical Lane Volume (CLV) level of service standard for study intersections with a CLV of 1,350 or less. Highway Capacity Manual (HCM) delay-based level of service standards apply to study intersections with CLV of more than 1,350.

Planning and MCDOT staff reviewed the TIS that included CLV analysis for each intersection under existing conditions, background conditions, and future conditions, which includes the proposed development project. As summarized in Table 4, all intersections are below the 1,350 CLV standard in each scenario. Therefore, the Subject Application satisfies the vehicle adequacy test.

*Table 4: Intersection Level of Service Critical Lane Volume (CLV) Methodology*

Intersection	Congestion Standard (Critical Lane Volume)	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
1. Watkins Mill Road / Stedwick Road	1,350	746	816	787	871	824	896
2. Stedwick Road / Mills Choice Road	1,350	444	573	450	593	484	640
3. Stedwick Road / Site Access Driveway East	1,350	402	500	411	503	473	543
4. Montgomery Village Avenue / Stedwick Road	1,350	943	866	1016	920	1062	963
5. Watkins Mill Road / Club House Road	1,350	784	763	808	814	811	818
6. Montgomery Village Avenue / Centerway Road	1,350	634	714	708	786	713	790
7. Montgomery Village Avenue / Whetstone Drive	1,350	661	793	743	852	741	856

8. Watkins Mill Road / Travis Avenue	1,350	652	809	678	821	681	825
9. Montgomery Village Avenue / Lake Shore Drive	1,350	976	857	1,050	888	1,050	892

- Transit system adequacy was evaluated by inventorying three (3) bus stops located within 1,500 feet of the Property. Where bus shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT. Most of the bus stops in the study are simple flag stops and do not include shelters or other amenities such as trash cans, seating, etc.
- Pedestrian system adequacy was evaluated within 600 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) of Somewhat Comfortable or better, and/or deficiencies identified for streetlamps within the scoped boundary. Sidewalks within the buffer have a PLOC of somewhat comfortable or very comfortable but there are several locations that were noted as uncomfortable or very uncomfortable largely due to street buffer widths smaller than 5 feet. All crosswalks in the study area were identified as being somewhat comfortable or very comfortable. Several streetlamp outages were noted along Montgomery Village Avenue, but spacing and location was not identified as an issue.

Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 300 feet of the Property. Of 18 ADA ramps in the study area, three were identified as not having detectable warning strips. These were all located along Stedwick Road. In addition, two ADA ramps exceed the 2% crossing slope requirements.

- Bicycle system adequacy was evaluated by analyzing bikeways within 600 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Countywide Bicycle Master Plan. Montgomery Village Avenue north of Stedwick Road, Stedwick Road west of Mills Choice Road, and Watkins Mill Road north and south of Stedwick Road are rated with high and moderate stress levels. Sidepaths that provide additional separation between bicyclists and vehicles would improve the level of traffic stress to low or very low.

Under Section 8 of the 2022 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 11,972 square feet for a Day Care Center is not to exceed \$5,387 based on the proportionality guide below and the following calculation: ( $\$5,387 = (11,972 \text{ square feet}) (\$1.50 (30\%))$ ).



$$LATR \text{ Proportionality Guide} = \left( \frac{\text{Extent of Development}}{\text{Development}} \right) \times \left( \frac{LATR \text{ Proportionality Guide Rate}}{\text{Proportionality Guide Rate}} \right) \times \left( \frac{LATR \text{ Proportionality Guide Adjustment Factor}}{\text{Proportionality Guide Adjustment Factor}} \right)$$

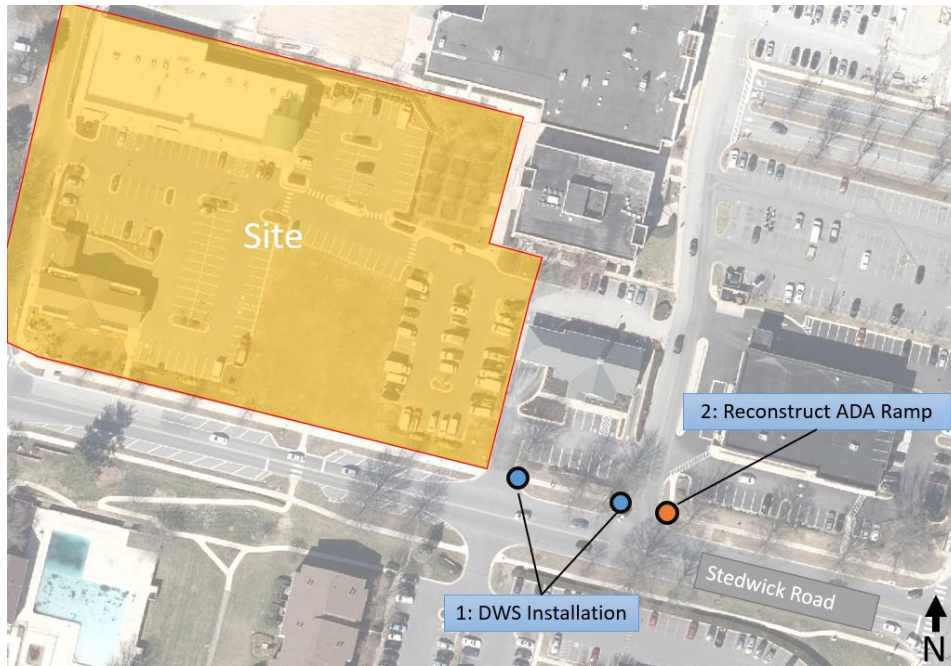
(Source: Page 54 of the 2022 LATR)

For the Subject Preliminary Plan, the cost of construction and/or mitigation payments for mitigation project is not to exceed \$5,387. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Staff for review. In compliance with the 2023 LATR Guidelines, the final list of two prioritized projects was finalized by the reviewing agencies and are conditioned for approval of the Preliminary Plan. The table below identifies those projects which could be feasibly constructed. Several other deficiencies that were identified cannot be addressed without exceeding the maximum. Therefore, the Applicant has proposed a mitigation payment to reach the maximum. The final list of projects is included in Table 5 and a corresponding map of the projects is provided on Figure 14 below.

*Table 5: Montgomery Village Marketplace LATR Mitigation Project List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
1	East side of the driveway ADA crossing ramp located immediately to the east of the Subject Property and west ADA ramp at the eastern entrance to the Montgomery Village Marketplace	Add Detectable Warning Surface (DWS) – 2 ramps	Construct	\$746.01
2	East ADA ramp at the eastern entrance to the Montgomery Village Marketplace.	Reconstruction of the east ADA ramp	Construct	\$2,659.27
Construction Subtotal				\$3,405.28
Mitigation Payment Subtotal				\$1,981.72
<b>Total</b>				<b>\$5,387.00</b>
Proportionality Guide				\$5,387.00

(Source: The Applicant's LATR prepared by Wells & Associates)



*Figure 14: Map of Off-site LATR Mitigation Projects*

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery County Planning and MCDOT Staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

**c) Schools**

The Day Care Center is a non-residential use; therefore, the Preliminary Plan Amendment is not subject to the County’s annual school test.

**d) Other Public Facilities and Services**

The Subject Property is located within the W-1 and S-1 water and sewer categories and will be served by public infrastructure. Therefore, there are adequate water and sewerage facilities to serve the Project. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

**4. All Forest Conservation Law, Chapter 22A requirements are satisfied.**

**a) Forest Conservation Plan/Exemption**

A Forest Conservation Exemption was previously granted with the initial development applications and re-submitted and re-evaluated for the concurrently submitted Amendments. The Amended

Applications include a confirmed Forest Conservation Exemption dated February 24, 2023. The Project is exempt from Article II of the County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(1) because the activity occurring is on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. There are no environmentally sensitive areas on the Overall Site or Subject Property and no significant or specimen trees will be cleared. The Applications are in conformance with the Planning Board's Environmental Guidelines.

***b) Variance Findings***

The Applications are not proposing to remove specimen trees.

***5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

The MCDPS reviewed and approved with conditions a Stormwater Management Concept Plan File No. 289185 on July 26, 2023. The Plan proposes to meet required stormwater management goals via environmental site design (“ESD”) techniques that will filter and retain stormwater on-site primarily through two (2) micro-bioretenion facilities along the building’s eastern facade. Plantings approved by MCDPS will also be used in ESD’s to the greatest extent practicable. Full stormwater management compliance for the Project could not be provided due to site constraints from numerous existing easement encumbrances. All stormwater management structures must be located outside of easement areas and public rights-of-way. Therefore, MCDPS granted approval of the Applicant’s request for a partial stormwater compliance waiver.

***Prior Condition No. 3***

The initial Preliminary Plan approval was contingent upon the Property Owner establishing an agreement with the Montgomery Village Foundation (MVF) to use an existing stormwater management pond facility south of the Property, known as the Theater Pond (Condition No 3). The Theater Pond is an outfall point for stormwater runoff from approximately 40 acres of adjoining properties. Currently, the Site’s stormwater outfall flows to the Theater Pond and the proposed Project anticipates the stormwater outfall to continue to flow to the Theater Pond. The Montgomery Village Foundation has undertaken the retrofit of the Theater Pond, and the Property Owner contributed \$100,000 to the MVF towards the retrofit and through two executed agreements filed in the land records. The Applicant may use this existing stormwater management pond facility, therefore, satisfying Condition No. 3 is no longer applicable and as confirmed in the MCDPS letter dated July 3, 2023 (Attachment C).

***6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Overall Site nor the Subject Property is not included in the Montgomery County Inventory.

- 7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.**

No other provisions apply to the subdivision.

## SECTION 5: SITE PLAN 82009006A FINDINGS AND ANALYSIS

The Planning Board approved Site Plan No. 820090060 per MCPB Resolution No. 09-124 for a 3,172-square foot bank with three drive thru lanes, 21,696 square feet of retail and restaurant uses in two buildings and a parking waiver of approximately 8 percent on 3.32 acres of Town Sector-zoned land. The initial Site Plan was reviewed and granted approval under the Old Code. The current Amendment is being reviewed under the New Code in effect on October 30, 2014.

Site Plan Amendment No. 82009006A requests approval to construct a two-story building for a Day Care Center with a total gross floor area of 11,972 square feet with surface parking on a subdivided lot. The proposed Site Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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

The findings herein apply only to the Subject Property.

- 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 Application meets all the binding elements and conditions of approval of Preliminary Plan No. 120090090 and Site Plan No. 820090060, except as modified herein.

- 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;***

**i. *CRT Zone***

The proposed daycare use is a limited use in the CRT Zone and the Site Plan fulfills the general purposes of the zone. Please refer to the Preliminary/Site Plan data table in the above Report Section.

*Limited Use Findings for Day Care Center in CRT*

Per Section 59.3.4.4.F of the Zoning Code, where a Day Care Center (Over 30 Persons) is allowed as a limited use in any Commercial/Residential or Employment Zone, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 59.7.3.4 regardless of the proposed intensity (units, gross floor area in square feet, or building height in feet). The Applicant's submission of a Site Plan for the Day Care Center satisfies the limited use requirements and development standards.

*Building Orientation & Entrance*

Per Section 59.4.5.3.C.5. of the Zoning Code regarding building orientation, the entrance must face a street or open space. In this instance, orienting the main building entrance to Stedwick Road or the open space fronting the building is not practical considering the relationship of the building to the open space and circulation of traffic on the Site.

The Project proposes to locate the building entrance on the east façade to face the parking area to facilitate safe pick-up and drop-offs of up to 171 children at the Day Care Center.

In lieu of an entrance, the south façade facing the open space and Stedwick Road, includes enhanced architectural features, lighting, and landscaping to improve the view and the pedestrian experience along Stedwick Road. Additionally, the south façade will have a finished façade and will have the look and feel of an entrance, including fenestration.

Staff supports the Applicant's request of the Planning Board to grant a modification from the standard of having the main entrance facing a street or open space to allow the entrance to be on the east façade facing the pick-up and drop-off and parking area for safe and efficient circulation.

*Transparency for Building Walls*

The Applicant must also comply with zoning requirements for building walls that face a street or open space. Per Section 59.4.5.3.C.5 of the Zoning Code, the Applicant requests approval of a modification from the Planning Board where the transparency for the building walls requirement is not met for the ground story of the proposed building, as demonstrated in Table 6 below. The upper stories of the building will meet the transparency requirements.

*Table 6: Transparency for Building Walls*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed (Lot 32)</b>
<b>South Elevation, Front</b>		
Ground story (min.)	40%	26%*
Upper story (min.)	20%	35.8%
<b>East Elevation, Side</b>		
Ground story, side (min)	25%	23.1%*
Upper story (min.)	20%	20.8%
<b>West Elevation, Side</b>		
Ground story (min.)	25%	20%*
Upper story (min.)	20%	24.6%
<b>North Elevation, Rear</b>		
Ground story (min.)	25%	23%*
Upper story (min.)	20%	21.3%
<b>Blank Wall, Front (max.)</b>	35 ft.	35 ft.
<b>Blank Wall, Side/Rear (max.)</b>	35 ft.	35 ft.

*\*Transparency modification requested.*

The Applicant’s request for the ground floor transparency modification is based on the nature of the land use and the unique context of the surrounding setting. The Applicant’s statement of justification explains that maximizing views into the building with larger windows of a Day Care Center pose a privacy and security issue. Further, the south façade faces a public open space and the west façade’s ground floor directly faces a parking area serving the adjoining use to the west, a licensed medical marijuana dispensary, Curaleaf.

Therefore, the proposed design reduces the transparency on the ground floor while still engaging the open space, providing architectural building elements, and meeting the requirement to avoid blank walls. The upper stories on all four facades have been designed to exceed the minimum Code requirements and therefore contribute to the building providing adequate air, natural light, and a sense of openness.

Given the nature of the proposed use and the transparency off-set on the upper stories, Staff supports the Applicant’s request for approval from the Planning Board for the de minimis deviation of the ground floor transparency requirements. The general purpose and intent of the standard is met and



without this relief from strict compliance would cause undue hardship because of the existing surrounding uses and the nature of this development. Any future change in use from the civic/institutional use would require a re-evaluation of transparency standards for building walls.

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

***(1) Division 6.1 Site Access***

Vehicular access occurs via the private drive access to the east and the west of the Site utilizing Stedwick Road, which runs east-west on the south side of the Site. A private driveway that serves the Sandy Spring Bank is located between the two private drives and can also be used to access the site. However, this access primarily serves existing bank employees and customers. Internal circulation is provided through drive aisles. Existing vehicular access to the Site and Subject Property will not be modified.

Pedestrian and bicycle access is primarily provided off the frontage on Stedwick Road. The sidewalk on the Subject Property frontage is eight-feet-wide with a six-foot-wide landscape buffer. The existing at-grade mid-block crossing located directly south of the Subject Property will be maintained. A proposed eight-foot brick paver sidewalk will connect to the existing public sidewalk to the building entrance. Additionally, a new stretch of sidewalk connecting the west parking lot will run along the building frontage, providing access from the parking lot to the building entrance. A new segment of sidewalk is also proposed along the north side of the Property, allowing for those parking at that location to easily access the building entrance.

An uncovered bus stop is located at the southwest corner of the Subject Property frontage, in front of Curaleaf. It is served by four (4) Montgomery County Ride On routes (59, 60, 64, and 65). No modifications will be made to this existing bus stop.

***(2) Division 6.2 Parking, Queuing and Loading***

Parking is provided along the west, north, and east side of the proposed building for the Day Care Center. The existing parking in the remainder of the Montgomery Village Marketplace shopping center, under a reciprocal easement for cross access between the properties (Buildings A, B, and C) within the Montgomery Village Marketplace shopping center, will not be modified. Internal circulation is provided through drive aisles. The entrance to the proposed day care center will face the parking area on the east side of the building, allowing for safe and efficient pick-up and drop-off operations.

A total of 152 parking spaces will be provided, as shown in Table 7. This includes 7 standard ADA spaces, 6 van accessible ADA spaces, 4 motorcycle spaces, and 1 electric vehicle ready space. The proposed parking is above the minimum requirement of 82 spaces and exceeds the maximum parking requirement of 146 spaces. However, per Section 59.6.2.3.H.2.b. of the Zoning Code, an applicant may provide more parking spaces than allowed by the maximum if all the parking spaces provided in excess of the maximum number allowed are made available to the public and are not reserved.

Additionally, the existing parking was constructed under the previous Zoning Code and only the parking associated with the day care center is being modified. Per Section 59.6.2.8 of the Zoning Code, off-street loading is not required for the proposed use.

*Table 7: Required and Proposed Vehicle Parking*

<b>Use</b>	<b>Metric</b>	<b>Minimum Required</b>	<b>Maximum Required</b>	<b>Proposed</b>
Day Care Center (11,972 sq. ft.)	Min: 3 sp./ 1,000 SF of GFA Max: 4 sp./1,000 SF of GFA	36	48	38
Retail (8,491 sq. ft.)	Min: 3.5 sp./ 1,000 SF of GFA Max: 6 sp./ 1,000 SF of GFA	31	52	114 <sup>10</sup>
Restaurant (patron area) (3,789 sq. ft.)	Min: 4 sp./ 1,000 SF of GFA Max: 12 sp./ 1,000 SF of GFA	16	46	
	TOTAL	83	146	152

Four (4) long-term bicycle parking spaces are required and will be provided within the building on the first floor. Required short-term bicycle parking is located outside the building at the southeast corner, adjacent to the sidewalk leading to the building entrance. Bicycle parking requirements were only calculated for the new Day Care Center use since the existing retail and restaurant uses were developed under the previous zoning code.

**(3) Division 6.3 Open Space and Recreation**

Per Section 59.6.3.1 of the Zoning Code, open space must provide adequate light, air, circulation, and recreation and encourages preservation and enhancement of natural resources, including improvement of water and air quality. As required, the Applicant is providing public open space exclusively associated with proposed Lot 33. This provision of open space also addresses the initial regulatory approvals for three (3) separate public open spaces spread across the 3.32-acre Montgomery Village Marketplace property. Two open space areas were previously provided, and this Project, as amended, will deliver the last of the three open spaces in conformance with the Zoning Ordinance requirements.

The Property is not subject to Section 59.6.3.9.C of the Zoning Code which requires that any development of a property with more than 19 residential units offer recreational facilities in accordance with M-NCPPC’s *Recreation Guidelines*.

**(4) Division 6.4 General Landscaping and Outdoor lighting**

Division 6.4 of Chapter 59 of the Zoning Code provides minimum standards for quantity, size, location, and installation of general landscaping and outdoor lighting on private property. These standards

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<sup>10</sup> The existing retail/service establishments and restaurant uses are not being modified therefore the existing parking will remain.



intend to preserve property values, strengthen the character of communities, and improve water and air quality. The proposed modifications to landscaping and lighting satisfy all applicable recommendations of the Master Plan which prioritize exceptional site design and adequate lighting.

All proposed trees and plant materials meet the minimum required caliper and height at the time of planting, and some of the site landscaping elements may contribute to stormwater management measures (where approved by MCDPS).

The Property's illumination levels, energy efficiency, and pedestrian scale lighting height meets the minimum standards to ensure visibility and public safety and enhance the building's architecture and pedestrian and bicycle usage. The Project will provide lighting along the building entrance and the perimeter of the property, including the southern façade. Light illumination on the southern façade will improve the safety, view, and experience of pedestrians traversing the sidewalk between the new building and the new open space parcel. Pole mounted lighting is also provided within the parking areas.

#### ***(5) Division 6.5 Screening***

Per Section 59.6.5.2.C.2 of the Zoning Code, within the Commercial/Residential zoning districts, any use in a townhouse, apartment, multi-use, or general building type must provide screening as defined under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use. Further, per Section 59.6.5.3.A, screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use.

The Subject Project proposes a general building type with a non-industrial use (day care center), which abuts properties to the west, east, and north that are commercial uses and located within the same CRT-1.5 zoning district as the Property.

While properties to the south of the Subject Property are residential uses and within the R-200 zoning district, these properties are confronting and not abutting and separated from the proposed civic/institutional use (day care center) by the Stedwick Road 80-foot-wide road right-of-way. In this instance, additional screening is not required. Therefore, the Site Plan Amendment complies with the Zoning Ordinance regarding screening beyond the standard landscaping requirements.

#### ***e) Satisfies the applicable requirements of:***

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

The Preliminary Plan received an approved stormwater concept plan with a partial waiver from the Montgomery County Department of Permitting Services, Water Resources Section dated July 26, 2023 (Attachment C). The Application will meet stormwater management goals using micro-bioretenion facilities along the building's eastern facade.

ii. **Chapter 22A, Forest Conservation.**

The previous Preliminary Plan section outlined the applicability of the Forest Conservation Law to the Project. The Project conforms to the Environmental Guidelines and meets all the necessary requirements for a forest conservation plan exemption.

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

As previously outlined, the Project will provide safe, efficient, and integrated off-street parking to serve the proposed land use, will construct the final of 3 required open spaces anticipated for the Overall Site, and will deliver a compact footprint and a lower building height than the maximum permitted to reduce the bulk of the building from the street view. One of the main parking areas is proposed to the east of the building façade and behind the front building line. Internal circulation is provided by circulation aisles. There is perpendicular parking and adequate areas for dropping off and picking up the children.

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

As previously outlined, both Applications conform with the major recommendations of the 2016 *Montgomery Village Master Plan* and other county-wide policy documents such as the *Countywide Bicycle Master Plan* and the 2050 *Thrive Montgomery General Plan*.

**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;**

As stated in the Preliminary Plan analysis, the Project will be served by adequate public facilities (APF), including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

This is not applicable as the Property is within the CRT Zone.

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

The proposed infill development of the vacant Subject Property into a civic/institutional use is in substantial conformance with the recommendations of the 2016 *Montgomery Village Master Plan* as well as compatible with the adjacent and confronting uses. There are no pending developments under review within a one-mile radius of the Property.

As previously noted in the Preliminary Plan findings, the proposed Day Care Center will: 1) contribute to the mix of uses by adding an important community service to the existing retail, personal services, and eating establishments and is within walking distance to nearby neighborhoods; 2) establish a compatible relationship with the nearby existing structures, including residential uses due to a lower building height; and 3) provide necessary buffering via Stedwick Road, landscaping, and separation via opaque fencing between the proposed use and the use to the west, further ensuring compatibility between the uses.

The Montgomery County Zoning Code does not impose distance standards between a marijuana dispensary establishment and school/educational facilities. Therefore, the siting of the day care center is not within any restrictive geographic boundaries. The Planning Board's support of the Applicant's modification request for transparency for building walls on the ground floor also further ensures compatibility between the uses.

## SECTION 6: COMMUNITY OUTREACH

The Applicant has complied with all proper signage, noticing, and other pre-submission meeting requirements. The Applicant advertised and held the required pre-submission meeting with the surrounding community on January 23, 2023 at the North Creek Community Center located at 20125 Arrowhead Road, Montgomery Village, Gaithersburg, MD 20886. The Applicant provided notice for the pre-submission community meeting in accordance with the requirements set forth in the Administrative Procedures for Development Review and the Zoning Ordinance. A total of three (3) members of the community and interested stakeholders were in attendance representing the Montgomery Village Foundation, the Whetstone Community, and the Montgomery County Upcounty Citizens Advisory Board.

Below is a summary of questions, issues or concerns raised by attendees to the Applicant:

- The intersection congestion at Montgomery Village Avenue and Whetstone Drive and whether a traffic light warrant study will be conducted.
- The hours of operation of the day care center.
- Access to and from the site from the alley to the north.
- Proximity to the Maryland licensed marijuana dispensary.
- The timing of the review of the applications.

Following the scheduled meeting, presentation materials were made available by email request and via the Preliminary Plan and Site Plan Amendment Applications found on the Planning Department's website.

As of date of this Staff Report, no additional public correspondence has been received.

## SECTION 7: CONCLUSION

The Preliminary and Site Plan Amendment Applications meet all the applicable requirements established in the Montgomery County Code Chapter 50, Chapter 59, Montgomery County Zoning Ordinance in effect on October 30, 2014 applicable to the CRT-Zone, and Chapter 22A, Forest Conservation Law, and substantially conforms with the recommendations of the 2016 *Montgomery Village Master Plan*. These Applications have been reviewed by other applicable County agencies, all of which have recommended approval of the Applications with conditions. Staff recommends approval of the Preliminary Plan Amendment No. 12009009A and Site Plan Amendment No. 82009006A with the conditions listed at the beginning of the Staff Report.

### ATTACHMENTS

*Attachment A: Preliminary/Site Plan Amendments*

*Attachment B: Prior Approvals*

*Attachment C: Agency Letters*