

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mailing Date:

December 20, 2023

MCPB No. 23-114  
Site Plan No. 82001022E  
Olney Theater Center  
Date of Hearing: November 9, 2023

## **RESOLUTION**

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

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

WHEREAS, on March 26, 2020, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001022A (MCPB No. 20-021), to build a 3,393 square foot addition to the existing Mulitz-Gudelsky Theatre Lab on the Subject Property; and

WHEREAS, on August 18, 2020, the Planning Director approved Site Plan No. 82001022B to install site elements and construct a parking lot on the Subject Property; and

WHEREAS, by resolution dated February 23, 2021, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82001022C (MCPB No. 21-007), for a maximum of 17,622 square feet of development on the Subject Property, including a 5,273 education wing, a 3,152 square foot addition to the original theatre, an 8,243 square foot production building, and a 954 square foot storage building; and

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, on July 1, 2022, the Planning Director approved Site Plan Amendment No. 82001022D to modify the location and design of the Root Family Stage, add an ADA-compliant sidewalk, and amend the Final Forest Conservation Plan; and

WHEREAS, on July 7, 2023, Olney Theatre Center (“Applicant”) filed an application for approval of an amendment to the previously approved site plan(s) to reconfigure the square footages of the approved theater buildings, modify the 10-foot-wide sidepath, install geothermal wells in the parking lot, reconfigure stormwater management facilities, and modify previously approved conditions on the Subject Property, and an accompanying Forest Conservation Plan Amendment No. F2023004A; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82001022E, Olney Theater Center (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 27, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 9, 2023 the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor with Commissioner Bartley being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82001022E to reconfigure the square footages of the approved theater buildings, modify the 10-foot-wide sidepath, install geothermal wells in the parking lot, and reconfigure stormwater management facilities, subject to the following conditions which supersede and replace in their entirety all prior conditions:<sup>1</sup>

1. Density

The Site Plan Amendment is limited to a maximum of 17,097 square feet of development on the Subject Property, including: a 13,516 square foot Production Building; a 2,427 square foot office addition to the Original Theatre; and a 1,154 square foot Storage Building.

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

2. Height

The Amendment is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan (“CSP”).

3. Phasing

Prior to Use and Occupancy Certificate for any building in the first phase of construction, the Applicant must install the internal crosswalk striping and sidewalk connections depicted on the Phasing Plan.

Site Plan

4. Site Design

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

5. Lighting

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

Transportation & Circulation

6. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 8 short-term bicycle parking spaces.
- b) The short-term spaces must be inverted-U racks (or Staff approved equivalent) installed (weather protected preferred). A minimum of 4 short-term spaces must be located in

- close proximity to the main entrance/ front lobby. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c) Prior to issuance of a Use and Occupancy Certificate for any building in the first phase of construction, the Applicant must dedicate a minimum of 10 feet of right-of-way from the existing property line on the frontage of MD 108, as shown on the Certified Site Plan. The area of dedication must provide adequate land to accommodate a 10-foot-wide shared-use-path.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities. The exact location, design and construction must comply with requirements set forth by the Montgomery County Department of Transportation (“MCDOT”), Division of Transportation Engineering and/or Maryland State Highway Administration:
- i. Before approval of Certified Site Plan, the Applicant must revise the proposed sidepath between the signalized intersection of MD 108/Dr. Bird Road to the eastern property line to provide a continuous 10-foot-wide bikeable connection, specifically replacing the existing sidewalk between the landing area of the Doctor Bird Road intersection and the new proposed sidepath with a 10-foot-wide asphalt sidepath. The design plans must provide the following details: grading, clearing, 10-foot-wide public utility easement (“PUE”), and utility relocation if needed. The design plans must receive approval from M-NCPPC staff, MCDOT and the Maryland State Highway Administration (“MDSHA”).
  - ii. Olney Sandy Spring Road: Before issuance of any Use and Occupancy Certificate for the second phase of development, the Applicant must construct the sidepath as shown on the Certified Site Plan.
7. The Planning Board accepts the recommendations of the MDSHA in its correspondence dated December 16, 2020, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. 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 correspondence dated October 17, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

9. Right-of-Way

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Right-of-Way Section in its letter dated January 5, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

10. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Water Resources Section in its stormwater management concept letter dated September 26, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, for each Phase of development, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, sidewalks, paths and associated improvements of development, including sidewalks, bikeways, and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

12. Development Program

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

13. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Ensure Green Area calculations in the Site Plan Data Table are accurate per the amendment.
- c) Amend the phasing plan to clearly identify the internal crosswalk striping and sidewalk connections depicted on the Phasing Plan, which must be constructed in the first phase of development.
- d) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- e) Add a note stating that "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."
- f) Modify data table to reflect development standards approved by the Planning Board.
- g) Ensure consistency of all details and layout between Site and Landscape plans.
- h) Add a note to the Site Plan stating that "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."
- i) Add a note to the Site Plan stating that "Specified plant material may be substituted with equivalent alternatives, through coordination with Planning Department staff, without requiring a site plan amendment."
- j) Revise the proposed sidepath to accommodate a continuous minimum width of 10 ft from the intersection of Doctor Bird Road to the eastern property line and improve the landing area of eastern side of the intersection to provide a minimum of 10 feet of clearance for both legs to accommodate bicycle movement. The design shall be approved by staff of Montgomery Planning and MDSHA.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Olney Theater Center Site Plan No. 82001022E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

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

- 1. 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;***

As modified herein, the proposed development will continue to satisfy all previous approvals.

- 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;***

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

- 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;***

The PCC (Planned Cultural Center) Zone under Section 59.8.3.6.C.2.b requires that a minimum of 30%, or 3.18 acres, of the total site area included in the Development Plan be maintained as green area. The Amendment provides 54.3% or 5.70 acres of green area on-site, continuing to exceed the minimum required in the PCC Zone.

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

The Subject Property is approximately 10.5 acres and is zoned PCC. The PCC zone creates appropriate locations for the development of planned cultural centers within the county. The zone uses a more flexible approach to the comprehensive design and development of cultural centers than the procedures and regulations applicable under more traditional zoning categories and other PD zones. The Amendment meets all of the requirements and development standards of the PCC Zone, including building setbacks, building coverage, and green area. The PCC Zone also requires off-street parking to be provided, as determined at Site Plan, which the Application provides.

***i. Division 59.8.3.6.C.2.b***

Table 1: Site Plan Data Table for PCC Zone, Standard Method, Section 59.4.

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved in Site Plan Amendment 82001022C</b>	<b>Proposed in Site Plan Amendment 82001022E</b>
<b>Lot and Density</b>			
<b>Lot area (min)</b>	5 acres	10.5 acres	10.5 acres
<b>Net Tract area</b>		10.59 acres	10.59 acres
<b>Buildings GFA</b>			
Education Wing		5,273 sf	Remove 5,273 sf, added to Production Building
Production Building Addition		8,243 sf	Add 5,273 sf for total of 13,516 sf
Original Theater Office Addition		2,427 sf	2,427 sf (unchanged)
Original Theater Lobby Addition		725 sf	Removed
Storage Building		954 sf	Add 200 sf for total of 1,154 sf

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved in Site Plan Amendment 82001022C</b>	<b>Proposed in Site Plan Amendment 82001022E</b>
Total		17,622 sf	17,097 sf
<b>Setbacks</b>			
<b>Building setback from confronting or abutting residential property</b>	100 ft min.	284 ft min.	284 ft min.
<b>Building setback from any boundary line shown on the development plan</b>	30 ft min.	76 ft min.	76 ft min.
<b>Building Height</b>			
Education Wing	45 ft max	40 ft	Removed
Production Building	45 ft max	45 ft	45 ft
Original Theater Office	45 ft max	40 ft	40 ft
Original Theater Lobby	45 ft max	40 ft	Removed
Storage Building	45 ft max		20 ft
<b>Coverage and Green Area</b>			
Building Coverage (max)	30%	13.4%	13.8%
Parking Coverage (max)	40%	31.9%	31.9%
Green Area (min)	30%	54.7%	54.3%

ii. ***Division 59-6 General Development Standards***  
***(1) Division 6.1 Site Access***

The Amendment will continue to provide a safe, adequate and efficient site access and circulation pattern on-site. The revisions proposed by this Amendment do not alter the placement of existing site access points or vehicular circulation patterns. Internal pedestrian access is adjusted slightly but not meaningfully altered from the prior approval and continues to be adequate.

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

Parking, queuing and loading will not be altered by this Application and will continue to be adequate for the proposed use. The number of parking lot spaces will not be changed by the installation of geothermal wells within the parking lot pavement.

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

Open space and recreation will not be altered by this Application and will continue to be adequate for the proposed use.

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

The Application is proposing to improve the approved and existing landscaping across the property by providing additional trees internal to the site, between the theater buildings, and around the storage trailers to the west of the buildings. The stormwater management facility to the north of the buildings, as well as the expansion of some of the theater buildings, requires removal of existing trees. The Applicant is planting twenty-six new trees, including serviceberry, redbud, and flowering dogwood. The Applicant is also adding shrubs, groundcovers, perennials, and grasses for landscaping.

The Applicant is proposing additional light fixtures internal to the site, between the buildings of the Theater. The additional lighting includes mounted tree, wall, canopy, and bench lights. The lights are designed to match existing Theater lights. The lights will offer discrete lighting along the walkways between buildings.

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

There are storage trailers on the western side of the Property that will be screened from the Root Stage and plaza area with a row of sweet bay magnolia trees.

*e) Satisfies the applicable requirements of:*

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

DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on September 26, 2023. The plan proposes to meet required stormwater management goals via micro-bioretenion and bio-swale.

*ii. Chapter 22A, Forest Conservation.*

The Applicant filed Forest Conservation Plan Amendment No. F2023004A, with this Application. The Board approved the FCP at the same time as the Site Plan by a separate resolution and finds that the FCP as conditioned complies with the Forest Conservation Law.

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

*i. Parking and circulation*

The installation of geothermal wells in the parking area will not alter parking and circulation through this application. Parking and circulation will continue to be adequate for the proposed use.

*ii. Building Massing*

The new additions to the Production Building and Storage Area tie into the surrounding landscaping, frame the northern part of the courtyard, and enhance the architecture of the existing buildings. The location and orientation of the new building additions and the existing buildings remain adequate, safe, and efficient.

*iii. Open space and site amenities*

Changes to the open space include minor landscaping revisions largely internal to the site, between the buildings, as well as for screening of the storage trailers to the west of the buildings.

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

***h) 2005 Olney Master Plan***

The Olney Theatre is discussed on page 135 of the 2005 *Olney Master Plan*. The Master Plan recommendation is to “support the Olney Theatre’s existing and future plans for potential future expansion.” The Master Plan elaborates on this recommendation by stating that “[f]uture additions and improvements to the theater should be consistent with the Plan’s vision of the Olney Theatre as a unique cultural facility that can co-exist in harmony with its neighbors and continue to add richness to Olney’s quality of life.”

The proposed changes are reconfigurations of previously approved modifications and are in harmony with the existing theater complex and the neighborhood. The Application substantially conforms to the 2005 *Olney Master Plan*.

The Subject Property is located within the Patuxent Primary Management Area (“PMA”) and is in compliance with the 1993 *Functional Master Plan for the Patuxent River Watershed*. Under normal circumstances there is a 10% impervious cap within the Transition Area of the PMA. However, in this case, the Subject Property is considered to be an existing area in non-conformance with the PMA Guidelines as outlined in Sec. VII.D.1.d of the Environmental Guidelines and the impervious cap does not apply.

The original Olney Theatre layout was approved by Preliminary Plan 119900120 and Site Plan 820010220. At that time, the Subject Property was not within the PMA. It was not until a new Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”), Plan No. 420200650, identified a previously categorized ephemeral stream as an intermittent stream with a stream buffer that the Subject Property was placed within the PMA. At the time, the new NRI/FSD had been approved, the vast majority of the Olney Theatre had been built and each Site Plan Amendment had made minor modifications to the site but were still in keeping with the approval of the Preliminary Plan. Thus, the impervious surfaces within the PMA were previously existing before the placement of the PMA on the Subject Property. As a result, under Sec. VII.D of the Environmental Guidelines, enforcement of the impervious surface limits for the Subject Project would be deemed an unreasonable hardship since the majority of the Subject Property would be restricted by the 10% impervious surface cap within the Transition Area of the PMA. Under Sec. VII.D.1.d of the Environmental Guidelines, the Subject Property is considered to be an existing area that is in non-conformance to the Environmental Guidelines because the density for this property is greater than the density under the RE-2 zone. In this case, the Environmental Guidelines deem the Subject Property to be an existing area that is in non-conformance with the PMA guidelines. Given the above reasons of pre-existing impervious surfaces and zoning density, Sec. VII.D.1.d of the Environmental Guidelines is applicable and the non-conformance requirements for the Subject

Property will consist of stormwater management and best management practices applied to the property that will minimize the impacts of higher density, particularly higher levels of imperviousness, on water quality.

### **2018 Master Plan of Highways and Transitways and 2021 Complete Streets Design Guide**

The Complete Streets Design Guide (CSDG) identifies Olney Sandy Spring Road (MD 108) as a Boulevard west of the Dr. Bird Drive intersection, with the Master Plan of Highways recommending a 150-foot right-of-way. To the east of the intersection, Olney Sandy Spring Road is identified as a Neighborhood Connector, with the Master Plan of Highways recommending an 80-foot right-of-way. The Applicant has dedicated all necessary right-of-way along both segments of road; therefore, no additional dedication is necessary.

### **2018 Bicycle Master Plan**

The Plan recommends a sidepath along the north side of Olney Sandy Spring Rd. This section of road is within a section of a series of public bikeway projects that are planned and/or funded to be constructed to form a continuous bikeway system from Derwood (Rockville) in the west, run through Olney, and extend to Ashton Village in the east, for approximately 10 miles.

When complete, this network will be among the longest continuous routes in the county, providing a vital east-west link connecting these communities, as well as providing access to Shady Grove Metro and the extensive Rock Creek trail network that runs to and through downtown DC. As the application frontage is part of this network, Staff has placed high priority in ensuring the path is built to meet design standards used through the remaining areas of the network and in line with design recommendations from the Bicycle Master Plan and Complete Streets Design Guide.

An existing 8-foot wide sidepath runs from the intersection of Dr. Bird Road to the western edge of the Property. This portion of frontage is not proposed to be altered with this Amendment, though future amendments may be required to improve the path to current standards. Instead, priority has been given to the portion of frontage to the east of the intersection, where an approximately 420-foot long, 10-foot wide new sidepath will be constructed. As conditioned in the C Amendment, 30% design plans were approved to provide an approximate alignment of this path, with the understanding that additional refinements may be necessary to finalize the design.

As conditioned with this Amendment, a small portion of the path is to be revised to address current standards. In particular, a stretch of approximately 15 feet of existing sidewalk is to be replaced with a 10-foot-wide asphalt sidepath. Additionally, the intersection landing area is to be expanded. This revision is necessary to accommodate safe, comfortable, and efficient bike movement from the intersection landing area to the path. The expansion of the path and landing area into the existing driveway will provide the secondary benefit of reducing the size of the driveway, which presently results in an uncomfortable 60-foot-wide crossing for bicyclists and pedestrians. This location additionally serves as an important junction with the terminus of the proposed Heritage Triangle bike system, which terminates at this location at the intersection of Dr. Bird Road. Without the conditioned revision, the reduced width would result in an uncomfortable and potentially hazardous biking condition that would jeopardize the utility and continuity of the bike system at large. This would additionally impose additional cost to the county as this deficiency would need to be addressed as part of the construction of these public projects.

- i) 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;*

**a) Roads and other Transportation Facilities**

**i. Existing Facilities**

Olney Sandy Spring Road is constructed as a four-lane boulevard in this location. Three existing access points along the road will remain for vehicular access. An existing 8-foot wide asphalt sidepath runs from the western edge of the site to the intersection with Dr. Bird Road. Dedication is adequate to support all proposed uses.

**ii. Proposed public transportation infrastructure**

The existing sidepath will be extended as a 10-foot-wide asphalt sidepath from Dr. Bird Road to the eastern property line. As described in the

Master Plan section, a condition of approval will result in revisions to the path to ensure the full length is 10 feet wide and the landing area at the intersection is adequate for bike and pedestrian passage.

iii. **Proposed private transportation infrastructure**

Limited revisions are proposed to the internal pedestrian network, in particular between proposed new structures. These revisions are minimal and do not meaningfully alter pedestrian movement, which will continue to be adequate.

**b) Local Area Transportation Review**

As outlined in the Transportation Exemption Statement submitted with the Application, the proposal largely relocates previously approved floorspace. The Application does not result in any net-new person trips and is therefore exempt from additional LATR review.

**c) Schools**

Not applicable to this Site Plan Amendment.

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

Not applicable, this Site Plan is not on a property in a Rural Residential or Residential zone.

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

The proposed additions and renovations are compatible with the existing building on the Subject Property. The architecture is simple and modern. The three buildings being constructed/modified are 40-45 feet tall, below the maximum limit in the Development Plan and the existing buildings on-site. The new additions tie into the existing structures in a contextual manner that enhances the pedestrian experience and function of the facility.

The proposed building additions and their respective architectural elevations are in keeping with the existing architecture of the theater.

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

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

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

Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

December 20, 2023

(which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1, Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, December 7, 2023, in Wheaton, Maryland and via video conference.



\_\_\_\_\_  
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