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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** March 2, 2022

**SITE PLAN:** **SDP-9073-2021**

**TITLE:** **Kentlands Square Shopping Center Infill Sites**

**REQUEST:** **RECOMMENDATION TO M&CC**

**ADDRESS:** Kentlands Square Shopping Center

**ZONE:** MXD (Mixed Use Development) Zone

**Applicant/  
Owner:** Vince Burke, Saul Holding Limited Partnership

**Attorney:** Matt Gordon- Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

**Engineer:** William Reed, Rodgers Consulting, Inc.

**STAFF PERSON:** **Jasmine Forbes, Planner II**

**Enclosures:**

Staff Analysis

Index of Memorandum and Exhibits (In **Bold**)

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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Jasmine Forbes, Planner II

**DATE:** March 2, 2022

**SUBJECT:** Final Staff Analysis  
SDP-9073-2021: Kentlands Square Shopping Center Infill Sites

**APPLICANT/ OWNER:**

Vince Burke  
Saul Holding Limited Partnership  
7501 Wisconsin Avenue, Suite 1500  
Bethesda, Maryland, 20814

**ATTORNEY:**

Matt Gordon  
Selzer Gurvitch Rabin Wertheimer & Polott, P.C.  
4416 East West Highway, Fourth Floor  
Bethesda, Maryland, 20814

**ENGINEER:**

William 'K.C' Reed, PE  
Rodgers Consulting, Inc.  
19847 Century Boulevard  
Germantown, Maryland, 20874

**TAX MAP REFERENCE:**

Tax Map Sheet: FS13, Block Q  
ID#: 160903203483

**REQUEST:**

Application SDP-9073-2021 has been filed requesting Schematic Development Plan (SDP) approval for three infill pad sites within the existing Kentlands Square Shopping Center. The three buildings will total 21,700 square feet and will not exceed two stories in height.

**LOCATION:**

The Subject Property is approximately 22.3 acres and contains 237,414 square feet of commercial buildings. The Kentlands Square Shopping Center is generally bounded by Great Seneca Highway to the east, Kentlands Boulevard to the south, and Booth Street to the west. The extents of the subject application are internal to the existing shopping center.



*Location Map*

## **BACKGROUND**

The Applicant, Vince Burke of Saul Holding Limited Partnership, submitted Schematic Development Plan application SDP-9073-2021 for three infill pad sites (Sites F,G,H) totaling 21,700 square feet within the Kentlands Square Shopping Center. A joint public hearing for SDP-9073-2021 was held on January 18, 2022. During the course of the public hearing the following aspects of the proposed plan were discussed:

- Parking Wavier;
- Master Plan Compliance;
- Sketch Plan Compliance;
- Drive-Through access on Site H; and
- Overall pedestrian connectivity within the shopping center.

During the joint public hearing, there was one speaker from the public. The speaker echoed Council and Planning Commission's concerns related to stacking and queuing of vehicles on the Site H drive-through and master plan/sketch plan compliance. At the conclusion of the hearing the Planning Commission announced, by motion, the closing of their record on 5 pm, February 24, 2022 with recommendation scheduled for March 2, 2022. Subsequently, the Mayor and City Council announced by motion, the closing of their record 5 pm, March 16, 2022 with policy discussion anticipated for April 4, 2022. Staff has received one outside correspondence from the public which is Exhibit #45 in the record.

In response to the comments received during the Joint Public Hearing, the Applicant has submitted a response letter and exhibits which is labeled as Exhibits #46-53 in the application packet. Information presented at the January 18, 2022 meeting, including zoning and site plan history, public facilities and the application reviewed can be found in the Preliminary Background Report in Exhibit #44.

## **SCHEMATIC DEVELOPMENT PLAN PROPOSAL**

As mentioned above, the Applicant is requesting approval for three infill pad sites (Sites F,G, and H) within the existing shopping center parking lot located adjacent to the At Home store and other commercial tenants along Main Street. The new infill buildings will total a maximum of 21,700 square feet and not exceed two stories in height. The project also includes space for outdoor seating/dining. The proposed uses include office, restaurant, retail, personal service businesses, childcare, bank and integrated light manufacturing. Infill pad sites F and G are proposed to be up to 9,100 square feet of building area. Site H is proposed to be up to 3,500 square feet of building area and also includes a double stack drive-through.

Tenants for all three sites have not been determined. The plan currently does not show final building footprints, but instead the maximum build-to-lines. This provides the Applicant flexibility for each building depending on market conditions. The Applicant is proposing to adopt and utilize the same guidelines that was approved for Sites C, D and E as part of SDP-7712-2017. The Applicant has provided renderings that shows

conceptual architecture that is envisioned for the future pad sites<sup>1</sup>. Staff does note that the final building footprints and elevations will be provided at Final Site Plan submission. The application includes additional trash enclosures for the proposed buildings. As shown on the plans, each building will have its own separate collection area. The final location of the trash enclosures will be determine at final site plan.

The plan proposes to improve the pedestrian experience along the private drive aisle (Main Street) by providing a 16-foot wide sidewalk. The sidewalk will include tree plantings and streetlights similar to the existing streetscape improvements completed along Kentlands Square Place.



Exhibit #49- Site Plan Rendering



Exhibit #50: Conceptual Architecture Rendering

<sup>1</sup> Exhibit #50

## Parking Waiver

As part of the Schematic Development application, the Applicant is requesting a parking waiver. The addition of the proposed buildings will require the shopping center to provide a total of 1,632 parking spaces and currently contains 1,796 spaces. The construction of the three infill sites will result in the loss of 386 parking spaces and bring the provided parking total of 1,410 space. This reduction creates a 221 parking space deficit. Pursuant to § 24-160D(a) of the City Code, the Council, at the time of schematic development plan review, shall determine the appropriate approximate number of spaces. At the time of final site plan approval, the Commission shall determine the final number of spaces, based on consideration of safety, convenience, pedestrian and vehicular circulation. During the public hearing, there were comments raised about the parking waiver and parking demand within the shopping center. The Applicant's traffic engineer, Wells + Associates prepared a supplemental parking and traffic information memo that evaluates the parking surplus within Lots 1 through 4 during weekday/weekend in June 2021. The analysis also included future conditions during the peak parking season in December, the anticipated increase in development within the area and the displacement of existing parking spaces<sup>2</sup>. The analysis also took into account parking spaces occupied for Lowes seasonal mulch storage on Lot 3 and 4 and spaces that were temporarily blocked in Lot 2 with construction materials. The parking assessment is based on field observations, forecasted parking occupancy and demand within the shopping center. The analysis was prepared assuming that the various infill buildings would be occupied by a mix of retail, restaurant and service tenants that are consistent with range of uses in the shopping center and the developer's strategy for the shopping center. The document included six exhibits that summarizes the parking space occupancy during the following days and times:

- Figure 1: Existing Parking Weekday Conditions- June 2021 (Peak Hour- 1:00 pm)
- Figure 2: Existing Parking Weekend Conditions- June 2021 (Peak Hour- 1:00 pm)
- Figure 3: Future Parking Weekday Conditions- Peak Month December (Peak Hour- 1:00 pm)
- Figure 4: Future Parking Weekend Conditions- Peak Month December (Peak Hour- 1:00 pm)
- Figure 5: Future Parking Weekday Conditions- Mid Year June Conditions (Peak Hour – 1:00 pm)
- Figure 6: Future Parking Weekend Conditions- Mid Year June (Peak Hour- 1:00 pm)

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<sup>2</sup> Exhibit #47

The memo concluded that during peak season (December) conditions with the buildout of the pad sites, there would be a surplus of 174 spaces on the weekend and a surplus of 282 spaces on a weekday within Lots 1 through 4. Under mid-year (June) conditions with the site buildout, there will be surplus of 449 spaces on the weekday and a surplus of 372 spaces on the weekend within Lots 1 through 4 when some portions of the parking spaces will be displaced by Lowes seasonal garden center materials. Staff notes that once a final site plan and parking wavier has been granted for the infill sites, the Lowes mulch storage will need to be reviewed by the Planning Commission. It is the Applicant's opinion that the requested 221 parking wavier will enhance the public health, safety and general welfare at the Kentlands Square Shopping Center and the greater community by providing the following:

- Allowing for the replacement of excess surface parking spaces with a pedestrian streetscape improvements that promote safe and efficient multimodal circulation options through the Property;
- Additional landscape and streetscape area, public space and stormwater management facilities; and
- Street-activating commercial uses that enhance the City's commercial tax base.

### Master Plan Compliance

The shopping center is part of the Kentlands Boulevard Commercial District Special Study Area (KBCD)<sup>3</sup>. The KBCD, adopted in 2008, established the long-term vision for this area of the Kentlands. During the public hearing, there was questions about when the developer envisioned starting establishing the recommendations within the KBCD master plan. In the Applicant's response letter, the Applicant noted that a similar question was asked during the SDP-7712-2017 hearing for infill sites C, D and E. The current SDP application is in connection with the mixed-use commercial focused vision in the 1988 and 1997 Master Plan and has vested rights under the previous Final Site Plan K-977. In Staff's Master Plan memo, it noted that a site plan is not vested under a certain Master Plan until it receives SDP and final site plan approvals<sup>4</sup>. While the KBCD established long-term vision for the Kentlands, the document also acknowledges the need of fulfilling short term needs to support the long term vision. The proposed SDP application will make the Kentlands Square Shopping Center more market-responsive and thereby enhance the developer's ability to deliver the long-term vision of the KBCD Master Plan in the future. It is the Applicant's opinion the proposed SDP application will not preclude the Applicant to establish the KBCD master plan in the future.

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<sup>3</sup> Exhibit #23

<sup>4</sup> Exhibit #28

## Sketch Plan Compliance

Similar to the Master Plan, there were comments raised about when Saul envisions to implement approved Sketch Plan SK-7503-2017. The Sketch Plan represents the first phase of the long-term redevelopment strategy to implement the KBCD master plan. As noted in the Applicant's response letter, the proposed SDP application is separate from SK-7503-2017. The Sketch Plan was filed to respond to conditions created by K-Mart vacating its location on Parcel K and Saul's participation in the long term planning efforts related to the Corridor Cities Transitway (CCT). However, after receiving Sketch Plan approval, the K-Mart space was leased to the current tenant At-Home and the funding/planning discussions for the CCT stalled. In response to questions about how the long-term vision illustrated in the Sketch Plan is compatible with the interim infill sites proposed by the current SDP application, the Applicant has provided an exhibit that overlays the Sketch Plan and SDP application<sup>5</sup>. The proposed infill building sites are integrated into the street network envisioned in the Sketch Plan. The Applicant acknowledges that the drive-through building will eventually need to be eliminated to implement the mixed-use redevelopment outline in the approved Sketch Plan. The proposed SDP will not preclude the Applicant's long term goal of implementing Sketch Plan SK-7503-2017 in the future. The Applicant further notes that the high-rise mixed use buildings envisioned by the KBCD Master Plan and Sketch Plan required enhanced construction techniques and materials, which come at great cost, particularly at this moment in time. When the market will support rents for high-rise multi-family construction that is consistent with Saul's architectural style and standards, the Applicant will pursue implementation of residential uses at the Property as shown on the approved Sketch Plan. The Applicant notes that there are multiple schematic development plan approvals for multi-family projects in the Kentlands Commercial Boulevard District and neither of those projects have moved forward to Final Site Plan submission. Thus, the lack of multi-family projects proceeding to Final Site Plan application further supports Saul's conclusion that the market does not support mixed-use, multi-family residential uses at the Property at this time.

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<sup>5</sup> Exhibit #52

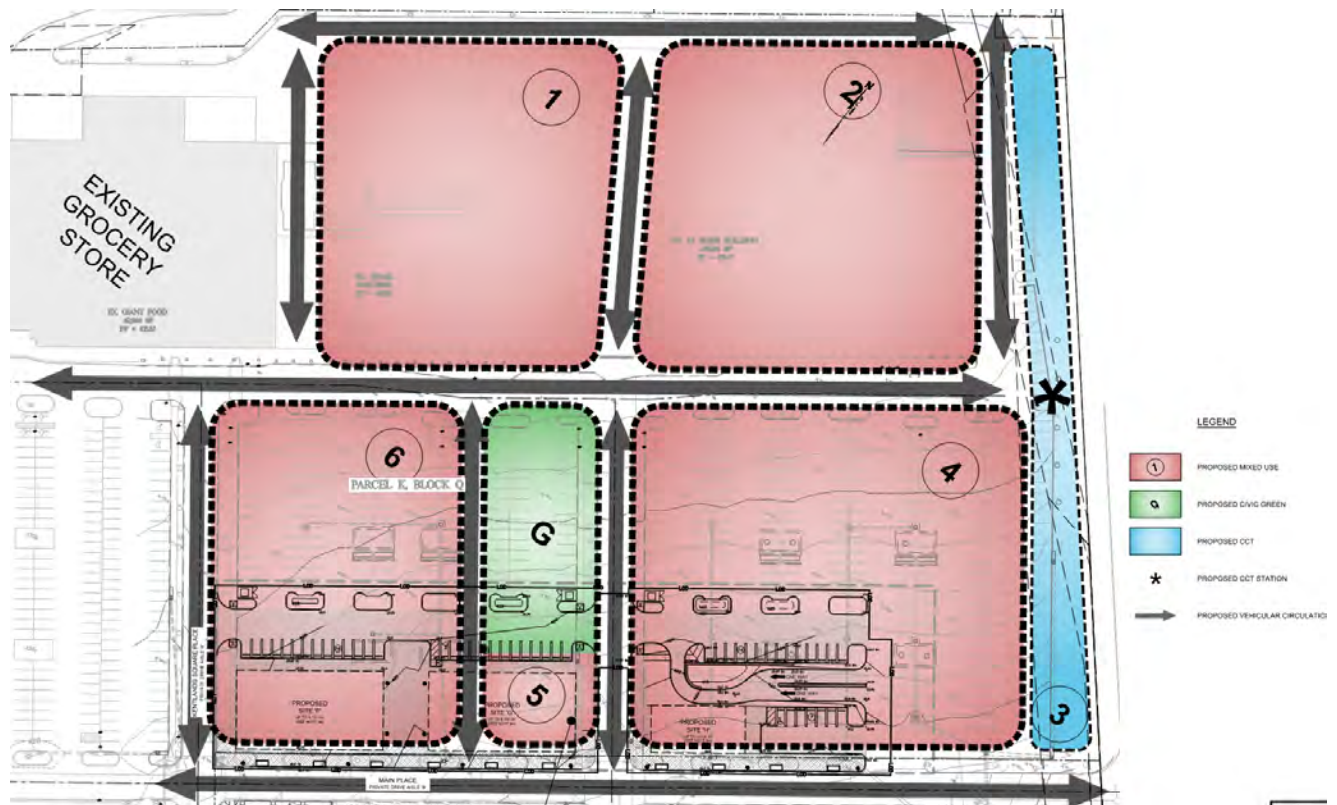
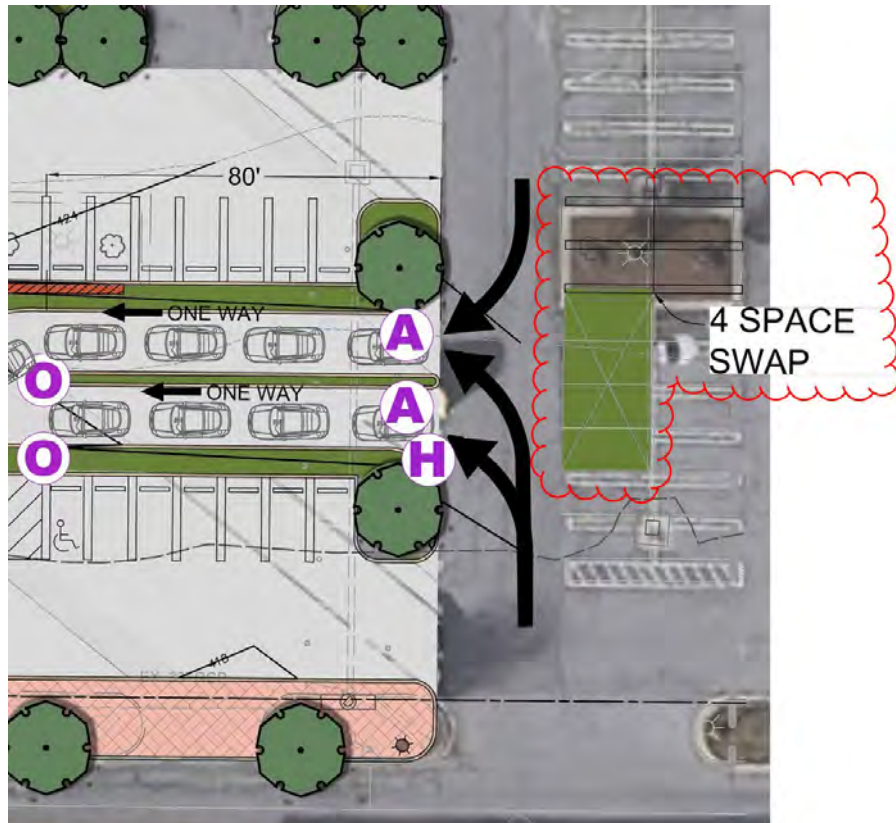


Exhibit #52- Sketch Plan/SDP Overlay

### Drive-Through access on Site H

During the public hearing, there were questions raised about the drive-through on Site H such as access and vehicle stacking concerns. As noted in the Applicant's response letter, the drive-through was conceptually designed with no specific tenant identified for Site H. Saul will be looking at several options for drive-through uses in addition to the traditional fast food or fast casual restaurants as the project moves forward. Once a tenant has been identified, the ultimate layout of the drive-through will be determine and potential adjustments made either to the building or site. Saul has seen significant market demand for drive-throughs due to resulting constraints around in-store dining by the COVID-19 pandemic. Saul believes that drive-through retail stores are an important component in serving the community and providing a varied and competitive merchandising mix for the Kentlands Square Shopping Center customers. The City's Best Practices Memo primarily focused on a drive-through with one lane. Since a tenant has not been identified, the Applicant used the largest recommended stack length for food/beverage based establishments to determine whether the proposed drive-through on Site H meets the intent of the best practices. For food/beverage based establishments the recommended stack length for a drive-through should be between 200-260 feet to allow for 10 car length of queueing. While the memo does not include a double lane option, the drive-through was designed to ensure consistency with the spirit and intent of the City's Best Practices. The Applicant notes that double lane drive-throughs are more efficient use of land and provides sufficient stacking capacity. The site plan was revised to swap four existing parking spaces and existing parking island adjacent to the drive-through entrance to further mitigate any conflicts with parked

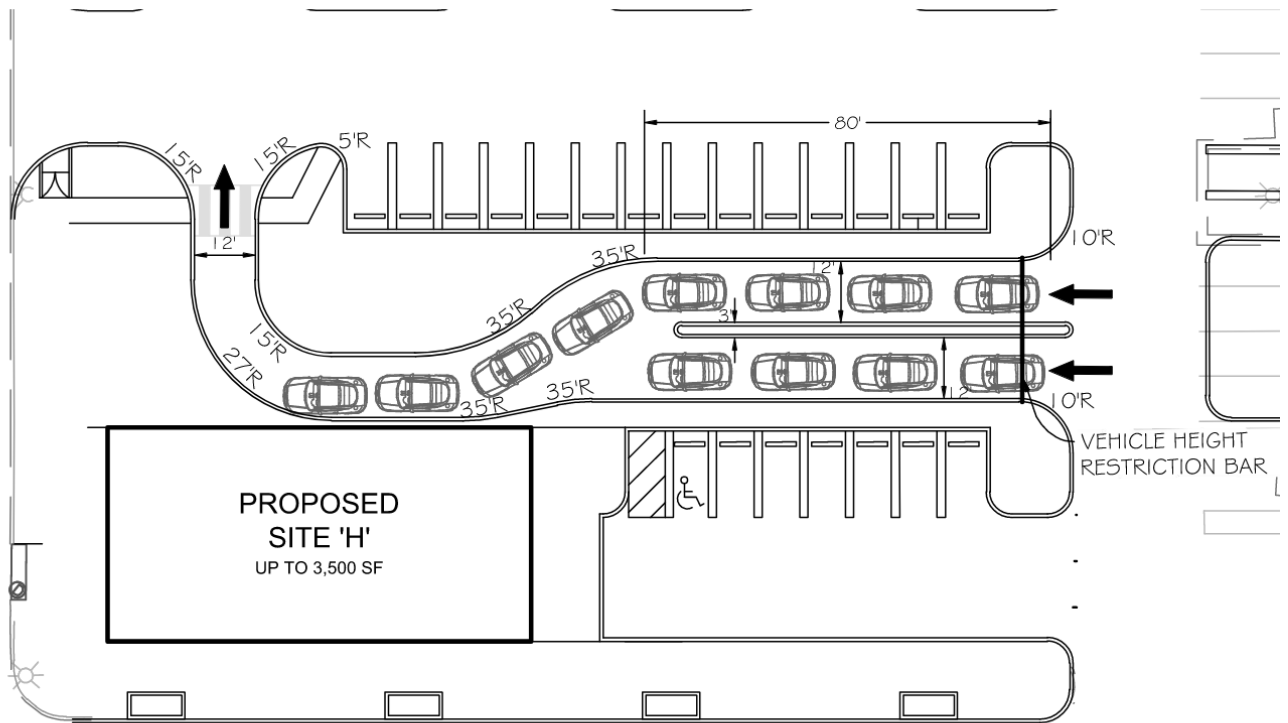
vehicles. The Applicant has also submitted an exhibit that demonstrates existing double-stack drive-throughs to support the design.



*Amendment to Site Plan to show parking space and island swap*

The Applicant notes the following that meets the City's best practices:

- Drive-through lanes incorporates approximately 240 feet of stacking length and can accommodate 12 cars within the stacking lanes. The double drive-through lane allows eight cars to stack to the order boards and four cars to stack to the pickup window. Therefore, the drive-through lanes provide stacking that is within the recommended range (200-260 feet) for food establishments;
- Drive-through lanes are located on the service side of the building such that a street edge with pedestrian walkways is created along the main private drive aisle;
- Drive-through lane entrance is located to the interior of the center with sufficient separation from all access points on adjacent public streets;
- Drive-through lanes are separated from the adjacent parking areas with curbs; and
- Pedestrian access to the building minimizes conflicts with drive-through lanes to maximum extent practicable.



## CAR STACKING DETAIL - DRIVE-THRU LANE

(APPROX. 240' COMBINED STACKING LANE)

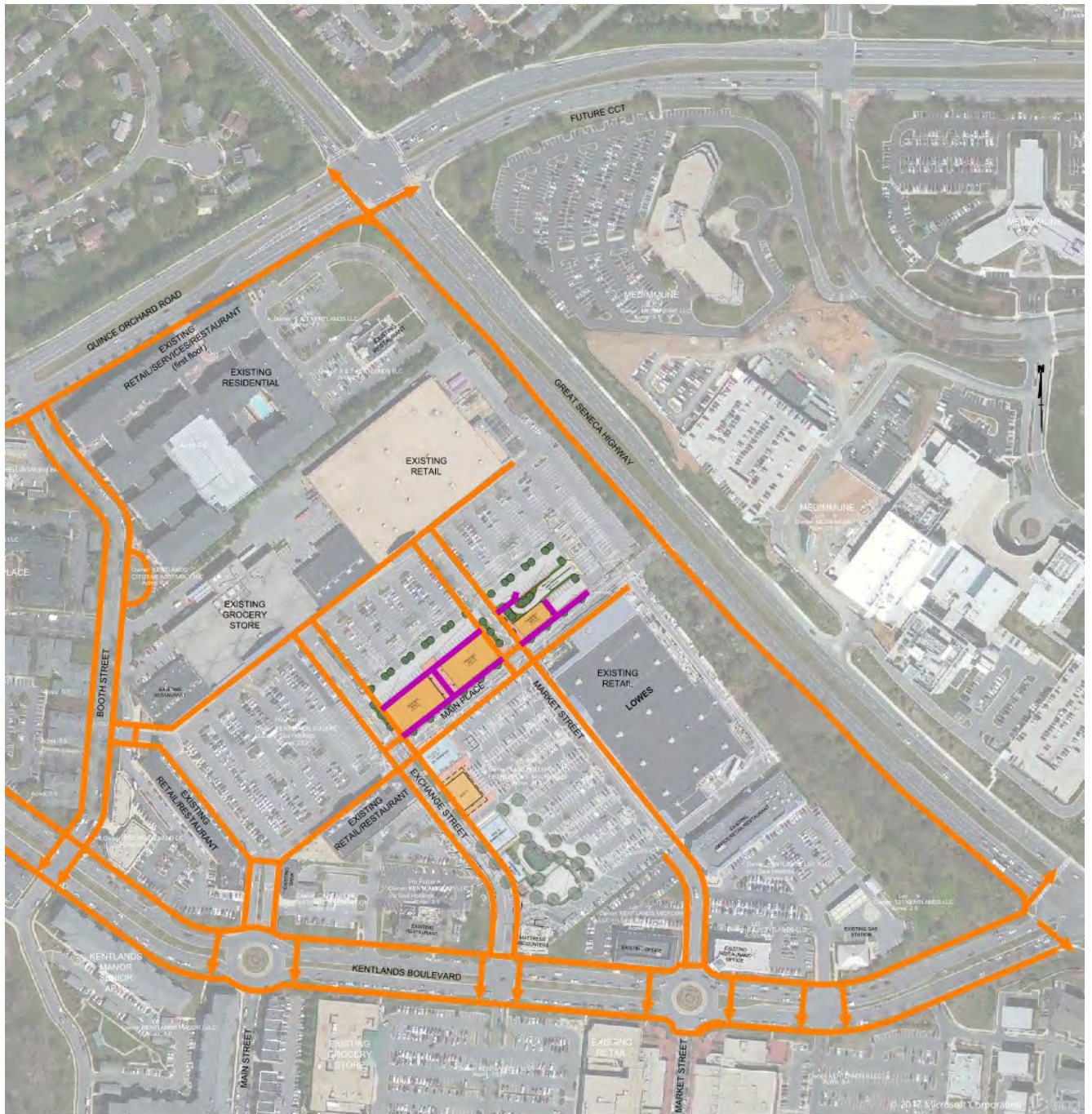
1" = 30'

*Exhibit #48: Vehicle Staking Exhibit (Sheet 4 of 7)*

### Pedestrian Connectivity

Lastly, there were comments raised about the overall pedestrian connectivity within the shopping center and the ability for customers to park their vehicles in one section of the shopping center and cross-shop at different stores safely. In response to those comments, the Applicant has provided an exhibit that shows overall pedestrian circulation within the shopping center<sup>6</sup>. The exhibit demonstrates that there is adequate pedestrian connection no matter where patrons park within the shopping center. The proposed infill building sites will incorporate sidewalks and open space that provides additional pedestrian connection within the shopping center. The streetscape improvements proposed will allow for safe and efficient pedestrian circulation from the SDP Area to other portions of Kentlands Square Shopping Center.

<sup>6</sup> Exhibit #50



*Exhibit #50: Pedestrian Connection Exhibit*

**Staff Comments**

Staff has reviewed the Applicant's letter and is of the opinion that they have adequately addressed some of the comments raised by both the Mayor and City Council and Planning Commission. The proposed infill sites will be developed within an existing shopping center which will add more marketability to the center. The Applicant has demonstrated that the proposed infill building sites will not negatively impact the existing pedestrian circulation within the shopping center. The proposed application will provide streetscape improvements that will further improve pedestrian circulation within the

shopping center. The proposed SDP application will not preclude the Kentlands Square Shopping Center from redeveloping in conformance with Sketch Plan SK-7503-2017 and the KBCD Master Plan in the future.

Staff is supportive of the parking waiver request. The Applicant has demonstrated that based on research of current and future parking occupancy that there will be a surplus of parking to support the future tenants. The proposed infill sites will remove excess surface parking spaces to provide streetscape improvements that will promote safe and efficient multimodal circulation options through the Property. As previously stated, once a final site plan has been approved for the infill sites the Lowes seasonal mulch storage will no longer be reviewed by Staff and will be reviewed by Planning Commission to ensure that it will not negatively impact the parking lot.

Staff is of the opinion that that the Applicant has not addressed the concerns of the drive-through access. While Staff understands that a tenant has not been identified and the drive-through meets the City's best practices, there will need to be changes made either to the site or building to ensure that the proposed drive-through does not cause stacking and access conflicts on the private drive aisles within the center. The drive-through comparison exhibit provided by the Applicant does not provide information on how the proposed drive-through compares to other double stack drive-throughs in other areas. With that said, Staff is supportive of a drive-through in this location. It is Staff's opinion the final design of the drive-through can be determined as part of a future final site plan submission at which time a tenant will have been selected. Staff will continue to work with the Applicant to ensure that the final design of the drive-through will provide adequate circulation and will not cause conflicts within the shopping center.

## **STAFF FINDINGS, ANALYSIS AND RECOMMENDATION**

### **FINDINGS:**

Approval of SDP-9073-2021, by the City Council is dependent upon the findings required under § 24-160D.10(b) of the City Code. The following outlines the required findings and justifications for a City Council approval of application SDP-9073-2021.

(1) The plan is substantially in accord with the approved sketch plan:

The proposed infill building sites will be in conformance with sketch plan application Z-262(A), which allowed up to 1,400,000 square feet of non-residential use in the overall Kentlands subdivision. Based on information contained in the City's records, the Kentlands subdivision currently has an estimated 1,068,572 square feet of non-residential uses. This application increases the non-residential square footage total to approximately 1,090,272 square foot, which is well below the cap established by Z-262(A).

While the SDP plans are not required to be in conformance of Sketch Plan SK-7503-2017, there are aspects of the plan that are in conformance. Sketch Plan SK-7503-2017 was approved for 784,080 square feet of commercial uses and up

to 1,450 residential multi-family units. The Sketch Plan identified the Subject Property as Block 4, 5 and 6. The proposed infill building sites are integrated into the street network envisioned in the Sketch Plan. The Applicant acknowledges that the proposed drive-through on Site H will eventually need to be eliminated to implement the mixed-use redevelopment outline in the approved Sketch Plan. The proposed SDP application will not preclude the Sketch Plan to be implemented in the future.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone:

(a) Application SDP-9073-2021 will improve the Property with infill commercial sites within an existing shopping center, which is consistent with the approved Sketch Plan Z-262(A) and 1997 Master Plan.

(b) Application SDP-9073-2021 will adopt previously approved design guidelines for infill building sites from approved SDP application SDP-7712-2017 that encourages design flexibility and coordination of architecture and signage.

(c) Application SDP-9073-2021 enhances the commercial focus of the Kentlands Shopping Center, as envisioned by the governing 1997 Master Plan and Sketch Plan Z-262(A), while retaining the ability to be redeveloped in the future as a denser mixed-use center as envisioned by the non-applicable 2008 Kentlands Boulevard Commercial District Special Study Area. The proposed plan will not preclude the implementation of the Kentlands Boulevard Commercial District Special Study Area and Sketch Plan SK-7503-2017 in the future.

(d) Application SDP-9073-2021 will further improve pedestrian connectivity by providing a new sidewalk with tree plantings and streetlights which is similar to other streetscape improvements within the shopping center.

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration:

The Subject Property was included in the 1997 Master Plan, under Neighborhood Four, Study Area 4, Map Designation 26. The master plan recommended that the Kentlands Square Shopping Center and surrounding commercial development to retain the commercial-industrial-research-office land use designation and the MXD zoning to allow for future development of the blocks of parking within shopping center and surrounding commercial development. The Subject Property was also part of the Kentlands Boulevard Commercial District Special Study Area (KBCD). The KBCD, adopted in 2008, established the long-term vision for this area of the Kentlands. The current SDP

application is consistent with the mixed-use commercial focused vision in the 1997 Master Plan and has vested rights under the previous Final Site Plan K-977. A site plan is not vested under a certain Master Plan until it receives SDP and final site plan approval. While the KBCD established long-term vision for the Kentlands, the document acknowledges the need of fulfilling short term needs to support the long term vision. The proposed SDP application will provide three commercial infill sites within an existing shopping center that will make the center more market-responsive and thereby enhancing the developer's ability to deliver the long-term vision of the KBCD Master Plan in the future. The proposed SDP application will not preclude the Applicant from establishing the KBCD master plan in the future.

- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas:

The application is compatible and harmonious within the Kentlands Square Shopping Center and overall Kentlands community. The proposed infill sites will be located within an existing shopping center and provide additional commercial uses, which will add marketability to the shopping center and Kentlands community. Granting the parking waiver request will not negatively impact the existing shopping center and Kentlands community. The removal of excess parking spaces will allow the project to provide additional sidewalk and streetscape improvements that will allow safe and efficient pedestrian circulation from the new infill sites and other parts of the shopping center.

- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan:

This application complies with the City's adequate public facilities requirements, as follows:

- 1. Traffic Impacts-** According to the submitted Traffic Impact Study, the proposed development will generate an additional 39 AM and 44 PM peak hour trips. The analysis concludes that there is sufficient transportation capacity to accommodate the proposed development and all studied intersections will continue to operate at acceptable levels. The traffic impact analysis has been reviewed and determined that the proposed development meets the adequacy criteria of the City of Gaithersburg Traffic Impact Study Standards and regulations.
- 2. Adequacy of School Capacity-** The proposed development is for commercial use and will not have impacts on the school system. Therefore, the proposed development is exempt from the City's school test.

**3. Water and Sewer Services and Public Utilities-** The Subject Property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services.

**4. Fire and Emergency Services-** The property is located within a ten-minute response time of Station 8 (Gaithersburg), Station 22 (Germantown/Kingsview), Station 31 (Rockville), and Station 32 (Travilah).

(6) That the development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development:

Application SDP-9073-2021 has adequate public facilities and private amenities to service the proposed additional commercial infill sites. The plan intends to maintain the flexibility to implement the plans in a manner that responds to market demand.

(7) That the plan, if approved, would be in the public interest:

The proposed plan will be in the public interest by providing commercial infill sites that will facilitate new businesses in the City, which will contribute to the City's overall economic health and increase market demand within the Kentlands community. The proposed plan will improve the pedestrian connection within the Kentlands Square Shopping Center by providing sidewalks and streetscape improvements. The plan will not have any adverse impacts within the shopping center. The proposed plan will make the Kentlands Square Shopping Center more market-responsive and thereby enhance the developer's ability to deliver the long-term vision of the KBCD Master Plan in the future. The associated parking waiver request will also be in the public interest because the proposed infill sites will remove excess parking spaces to activate activity along the private drive aisle and provide streetscape improvements that will promote safe and efficient pedestrian circulation within the shopping center and other areas in the community.

### **STAFF RECOMMENDATION**

Staff is supportive of the submitted Schematic Development Plan SDP-9073-2021. The plan meets and accomplished the purposes, objective and minimal standards and requirements of the MXD Zone. The proposed infill sites will be developed within an existing shopping center which will facilitate new businesses in the City, which will contribute to the City's overall economic health and increase market demand within the Kentlands community. The Applicant has demonstrated that the proposed infill building sites will not negatively impact the existing pedestrian circulation within the shopping center. The proposed SDP application will not preclude the Kentlands Square Shopping Center from redeveloping in conformance with Sketch Plan SK-7503-2017 and the

KBCD Master Plan in the future. Staff is also supportive of the parking waiver request as part of this application. The Applicant has demonstrated that based on research of current and future parking occupancy that there will be a surplus of parking to support the future tenants. The proposed infill sites will remove excess surface parking spaces to provide streetscape improvements that will promote safe and efficient multimodal circulation options through the Property.

**Staff recommends THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, RECOMMEND APPROVAL OF SDP-9073-2021, TO THE MAYOR AND CITY COUNCIL.**