TITLE: Silver Diner at Westview South MXD (Saul Center)

FILE NUMBER: SP-98-36, AP #15556, SWM #15557, APFO #15558, FRO #15559

REQUEST: Site Development Plan
The Applicant is requesting Site Development Plan approval for replacement of an existing restaurant with a new 5,815 sf restaurant to be constructed on the site (Lot 100) of the existing Mimi’s Café in the Westview South MXD (Saul Center).

PROJECT INFORMATION:
LOCATION: Located on west side of Buckeystown Pike (MD 85), at its intersection with the entrance roadway serving the Westview Promenade and Westview Village commercial centers; South of Shockley Dr./Crestwood Blvd.
TAX MAP/PARCEL: Tax Map 86, Parcel 269, Lot 100
COMP. PLAN/LAND USE: Mixed Use Development (MXD)
ZONE: Office/Research/Industrial (ORI)
REGION: Frederick
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:
APPLICANT: Silver Diner Development, Inc
OWNER: Westview Village Ctr., LLC
ENGINEER: Bohler Engineering
ARCHITECT: Light+Form Architecture
ATTORNEY: Not Listed

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

Attachments:
Exhibit #1-Site Plan - Rendering
Exhibit #2 – Silver Diner (Frederick) - Exterior Materials Illustration
ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for replacement of an existing restaurant with a new 5,815 sf Silver Diner restaurant to be constructed on the site of the existing Mimi’s Café in the Westview South MXD (Saul Center). The proposed redevelopment of this portion of the Westview Village commercial site would see the replacement of the existing 7,469 sf structure with the new restaurant building while maintaining or updating most of the surrounding site improvements including parking & vehicular access, pedestrian pathways, and landscaped areas.

With the proposal for a smaller structure to enclose a use of less intensity on this site, most site plan standards are previously satisfied and the Applicant primarily seeks Planning Commission approval of the design of the structure and site in compliance with the Mixed Use District rezoning conditions (#R-00-02; Ordinance # 01-15-289) as well as the standards established in the Zoning Ordinance for activity in the Mixed Use District.
BACKGROUND

Development History

The subject site was originally rezoned to MXD by the BoCC in 1994 as the Westview MXD in adopted Ordinance # 94-14-109. A subsequent revision to the MXD, approved by the BoCC in June 2001 (Ordinance # 01-15-289) as the Westview South MXD split off a 200-acre portion of a the Westview MXD, with the most significant change being the removal of the residential land use component from the approved land use mixture. In 2013, another rezoning was approved by the Board of County Commissioners that resulted in the reintroduction of a residential land use component to the Westview South MXD.

While three commercial ‘pad’ sites remain undeveloped (one bank site and two restaurant sites shown as Buildings 4, 5, and 6 on the Overall Site Plan), the balance of the Westview Village commercial area has been approved and constructed.

The existing Mimi’s Café restaurant was approved initially as part of the overall site plan for Westview Village in September 2005 (SP-98-36; AP 3686).
Existing Site Characteristics

The subject site is occupied by an existing 7,469 sf restaurant structure – the former Mimi’s Café – and is bound on all sides by previous site improvements (parking, landscaped areas), the primary entry drive into the Westview Promenade/Westview Village commercial/retail centers, as well as the Buckeystown Pike (MD 85) corridor.

While the existing improved site is relatively flat, a vegetated berm is situated on the building’s north side along the entry drive immediately adjacent to the restaurant site. No significant regrading of the site is proposed. Most of the existing landscaping material in the immediate vicinity of the existing building (area within the LOD) will be removed as part of the redevelopment process. A new landscape plan that identifies these changes is provided as sheet 20 of the Plan set.

An existing network of sidewalks and crosswalks feeds the site from all directions providing pedestrian access along and across Buckeystown Pike. The existing commercial and office areas developed as part of the Westview MXD projects are connected to the site via this sidewalk system.

Surrounding land uses include:

North – The area directly across the private entry drive is occupied by the Westview Promenade, a retail and entertainment center including several developed restaurant pad sites, shops, and a movie theater.

West – The main structures comprising the two Westview commercial centers are situated northwest and southwest of the proposed restaurant.

South – The remaining undeveloped commercial pad sites of the Westview Village center are located south of the proposed Silver Diner.

East – The western side of MD 85 includes the Maryland SHA District office complex and the Monocacy Business Center light industrial park.

Land Use
The proposed construction of the Silver Diner restaurant – at 5,815 sf in size – represents a net decrease in the building area on Lot 100. No change in use is proposed and Staff finds that the redevelopment activity will result in no intensification of land uses on Lot 100 or adjacent lands subject to the approved Site Plan (SP 98-36).

The proposed restaurant will continue to provide a land use consistent with the provision of a mix of lands uses as approved in the initial and subsequent rezonings of the property to MXD.
Frederick County Comprehensive Plan

The area is designated ‘Office Research Industrial (ORI)’ on the Comprehensive Plan Land Use Plan map and occurs within the Ballenger Creek Community Growth Area. No county, community, or corridor plan has been adopted for the Buckeystown Pike corridor or the growth areas south of Frederick. Generally, the proposal demonstrates adherence to the general principles for compact development outlined in the County’s Comprehensive Plan through the continuation of a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas served by public infrastructure and facilities.

Zoning

The site is currently zoned ‘Mixed Use Development (MXD)’. Most land immediately surrounding the site on the west and south is zoned Mixed Use Development (MXD), with the areas north and east zoned Office Research Industrial (ORI), General Commercial (GC), and Limited Industrial (LI). Uses in the vicinity remain highly segregated with few residential structures in the immediate vicinity.

Conditions of Approval

Rezoning of the Westview South MXD (#R-00-02) occurred on June 28, 2001 and included conditions relevant to the review of architectural and site design elements of this Site Development Plan application. These conditions of approval can be found on Sheet 1 of the Plan set. Since the proposed development does not increase density or intensity when compared to the existing development, the project remains subject to the MXD Code requirements and conditions in effect at the time of approval. Therefore, the project has been reviewed to ensure consistency with the MXD district provisions in section 1-19-324 of the Zoning Ordinance, the rezoning conditions of approval, and applicable design requirements.

Rezoning Conditions:

Condition #4. “The office/accessory retail area shown on the land use plan attached to Ordinance No. 94-14-109 as Exhibit A shall be developed so as to minimize strip commercial appearance on Maryland Route 85.”

Staff Finding: While the placement of commercial pad sites along Buckeystown Pike – without the density of building mass necessary to establish a more continuous building frontage along the west side of the corridor – may reflect some elements of ‘strip commercial appearance’, it is clear that the intention of the original layout for the Westview Village was to create a dual-layered and more internally-oriented commercial retail center than is typical for post-war commercial strip development in the region. The provision of a sidewalk along MD 85 helps to reduce the appearance of highway-oriented development at the center. The architectural form of the Silver Diner itself borrows more from the pre-war diner buildings that appeared from the 1920’s through 1940’s in American downtowns, industrial areas, and streetcar suburbs than from the strip commercial buildings that emerged in great numbers beginning in the late 1950’s and 1960’s as a result the massive suburban expansion fueled by the development of the interstate system. Staff finds the proposed site plan minimizes strip commercial appearance on Maryland 85 as much as is possible given existing arrangement of the commercial center. With a similar building footprint, location and layout there is no significant difference between the existing structure and the proposed structure as they relate to strip commercial appearance along MD 85.

Condition #7. “Architectural review of the commercial office areas shall be required by the Planning Commission at the time of site plan approval. This architectural review shall be to ensure compatibility with the existing and surrounding neighborhood and for compliance with the purpose and objectives of this ordinance and mixed use development district as stated in Sec. 1-19-324 of the Frederick County Code.”

Staff Finding: Section 1-19-324 (2) (c) of the Mixed Use Development regulations, as it was stated in the pre-2008 code and referenced in the above rezoning condition, noted an objective of the MXD district to be “Creating open spaces, civic buildings and/or architectural treatments that act as landmarks, symbols...
and activity centers that provide a strong sense of identity and uniqueness.”. This language states clearly an intention that mixed use centers within the County provide unique design elements that will serve as visual catalysts for intensive levels of human activity best accommodated in visually interesting environments. The use of the traditional American diner form provides a strong sense of identity and uniqueness that, given its location at the entry drive, will provide an easily recognizable architectural landmark for drivers and pedestrians in the vicinity.

**Condition F.** “The Frederick County Planning Commission as part of the site plan approval in order to ensure that the objectives of the MXD zoning district are met must approve the type of commercial retail uses.”

Staff Finding: There is no change of use proposed as part of the development application. The restaurant use that is the subject of this Site Development Plan application has been approved previously by the Planning Commission.

**Condition G.** “The architectural design theme of the commercial retail area must be submitted to Frederick County Planning Commission for review and approval concurrent with any site plan approval.”

Staff Finding: The ‘architectural design theme’ of the commercial center was submitted to, and approved by, the Planning Commission in September 2005. (see Sheets 14, 15, 17 and 18). Architectural elevations for the free-standing structures were not provided at the time, presumably to allow for some flexibility in the development of autonomous restaurant sites. The Applicant has provided documentation (see Figures 2 & 3 - Silver Diner Frederick Exterior Elevations below) that demonstrates a subtle local adaptation of the color palette and utilizes some material elements present in the existing attached structures of the retail/office portion of the center, without diminishing the strength or iconic architectural DNA of the American diner form. The use of the buff-colored brick along the rear service area screen wall and along the low bench seating wall at the front of the restaurant replicates a material in use on the existing commercial center. The burgundy metal panels (“Russet Mica”) flanking the entrance to the diner reflect the use of conventional red brick in the commercial center while the use of frosted cylindrical wall sconces on the face of the diner closely resemble those in use along the façade of the existing structures. The buff-colored brick, three of the colored metal panel variants, as well as the beige ceramic tile and glass tiles are utilized in a manner that draws from the color palette of the existing commercial structures in a way that is complementary to the architectural finishes within the MXD while also remaining respectful of the diner’s distinct architectural heritage. The use of alternating height along the façade of the commercial center is deployed as a design strategy to disguise the horizontal mass of the two large structures. The diner accomplishes this same goal with its offset vertical entrance bay. This entrance feature also projects beyond the primary façade of the diner – toward the Buckeystown Pike street frontage – allowing the building to be read visually as something more than a simple rectangular box.

The use of steel panels, horizontal window bands, architectural lighting, and signature vertical design elements work in concert to emphasize the architectural form and articulation of an American diner. Undifferentiated facades and long plain wall sections are not present in this design. The Applicant’s design for the new restaurant successfully utilizes several features linking the building to the human scale as much of the architectural articulation is accomplished at or below human eye-level taking full advantage of the more expensive and attractive materials and features.

Staff Finding: Without simply replicating the architectural design of the existing commercial center at Westview Village, the proposal for the Silver Diner draws colors, textures, and human-scale building elements together into a distinctive architectural form that complements the previous designs with presenting a monotonous extension of those designs. Staff finds that the architectural design of the proposed diner is compatible with the architectural theme of the existing center by borrowing elements of...
the color palette, building materials, and architectural elements used in the existing structures and by utilizing significant and recognizable components of traditional twentieth century commercial architecture and presenting them within the contemporary context of this mixed use development.

Figure 2 - Exterior Elevations and Material Usage
Figure 3 - Exterior Elevations with Compatible Elements Detail
ANALYSIS

Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:
- Compliance with the MXD rezoning conditions
- Continued compliance with general site plan standards in the Zoning Ordinance while acknowledging the status of the existing approved Site Plan # SP 98-36 (June 2009)
- Providing any necessary alterations or improvements to the site due to its redevelopment

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

**Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards:** The Planning Commission has previously established the setback and building height requirements in the Westview South MXD. These dimensional standards have been based upon building type, building density, surrounding development, topographical or other site constraints, and application of appropriate urban design
principles.

The Applicant is proposing to site the new building so as to meet the established setback requirements generally summarized as follows:

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<tr>
<td>Front Yards:</td>
<td>25'</td>
<td>28'</td>
</tr>
<tr>
<td>Side Yards:</td>
<td>15'</td>
<td>29.5'</td>
</tr>
<tr>
<td>Rear Yards:</td>
<td>NA</td>
<td>&gt;15' (no rear yard for Building 3)</td>
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Maximum Building Height (MXD): 60 feet
Maximum Building Height (Silver Diner): 35 feet

The proposed Building Restriction Lines (BRL’s) generally allow for the proposed building to occupy the front portion of the site along the entry drive and Buckeystown Pike frontages while maintaining vehicular and service areas to the rear and south side of the structure. The pattern previously established in the approval or development of the previous ten (10) commercial pad sites along the perimeter of the Westview commercial centers is maintained by this approach.

2. **Signage §1-19-6.300**: The Applicant is proposing a signage as follows:

Permitted signage (total for Bldg 3/Silver Diner site): 99.49 sf

Permitted signage calculation: (Square Root of Bldg Frontage) x 10 = Sign area

Buckeystown Pike Building Frontage: 99 feet

(9.949) x 10 = 99.49 sf permitted sign area

Proposed signage (total for Silver Diner site): 98.81 sf

The existing approved Sign Allocation Table (Sheet 17) allowed for a combined total of 210 sf of signage for Buildings 3-5, or 70 sf per commercial pad site. This represents a portion of the total sign allotment for the Westview Village center. The Applicant, with the agreement of the property owner, seeks permission to increase the signage allotment for Building 3 (Silver Diner) to 99.49 sf. This calculation would leave approximately 110 sf for the two undeveloped commercial pad sites which are currently approved as smaller structures of 4,531 sf and 3,500 sf respectively. The revised sign allocation table would reflect new maximum allotments of approximately 55 sf for each of Buildings 4 and 5.

Due to the wide variance in the use of commercial signage, the reduction in signage allocated to the remaining commercial pad sites does not appreciably diminish the ability of future users to access full commercial use of their leased sites. Staff has no objection to the Applicant’s revised signage proposal.
3. **Landscaping §1-19-6.400:** The landscaping plan contains a variety of plant species, which provides screening, shade, and a delineation of public and private spaces on the site. Parking area landscaping/street tree requirements were met with the approval of the existing site plan, #SP 98-36 and those standards are maintained in this redevelopment of the Site. The planting schedule follows the standard plant varieties and sizes that have been previously approved by the Planning Commission. The Applicant has proposed selective foundation screening of building sides where they face the public and private street network without obscuring the colors and textures of the building’s unique finish materials. Shade trees are placed in such a way as to shade parking spaces, the loading area, and the rear service areas of the building.

The placement of the non-native, but otherwise environmentally-appropriate, Green Vase Zelkova shade tree on the southwest corner of the building is necessitated by the Applicant’s proposed pedestrian path connecting areas of existing parking spaces to the perimeter sidewalk serving the restaurant. The existing tree at this location will be removed and replaced with the new specimen after construction of the short sidewalk link.

A proposed short wall and bench seating area is proposed on the southeast corner of the building. This landscape feature is screened by a proposed row of perennial plants. Approximately ten plants (Apple Blossom Carpet Rose) are illustrated within the perimeter pavement adjacent to the service doors on the south and west sides of the building. These plants should be removed from the plan or planted elsewhere on the site.

Staff finds the proposed landscape plan to be consistent with the maintenance of the existing approved landscape plan for the area immediately surrounding the building site as well as consistent with standards established in Section 1-19-6.400.
4. **Lighting §1-19-6.500:** The lighting plan previously approved for the site has been slightly modified by the Applicant to demonstrate compliance with Frederick County lighting standards. The proposed lighting plan is used primarily to provide illumination of the internal pedestrian circulation network and service areas in this site redevelopment proposal. Architectural lighting is provided as well to enhance the appearance of the structure. As required in the Zoning Ordinance, proposed illumination levels at the property boundary will remain below the 0.5 fc level.

Staff finds the revised lighting plan to be consistent with the requirements of the Zoning Ordinance.

**Transportation and Parking §1-19-3.300.4 (B):** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

1. **Access/Circulation:** Access to and from the Silver Diner site will remain unchanged with the proposed replacement of the existing restaurant. Vehicular access will remain in place immediately south and west of the building and will not significantly alter either the parking arrangement or the location and functionality of the loading space and service area. Multiple access routes into the Westview Village development are available via Westview Drive (north, west, and south); MD 80 at Pegasus Court (south); MD 80 at Westview entry drive (immediately north of the restaurant); and through the Westview Promenade center via internal drive aisles (north).

2. **Public Transit:** The #10 Mall-to-Mall Connector TransIt bus route serves the adjacent Westview Promenade shopping area with a bus stop located less than 1,000 feet from the proposed Silver Diner restaurant. Buses serve the Westview location between the hours of 6:15AM and 9:25PM on weekdays, and between the hours of 8:00AM and 9:45PM on Saturdays. Should service be extended to the Westview Village area, this Site is well situated to take advantage of safe and convenient pedestrian access between the existing commercial buildings and the proposed restaurant.

3. **Parking:** The reduction in the size of the customer service area proposed for the new restaurant structure effectively reduces the parking requirement for this redevelopment site (Bldg 3). Due to the mixed use nature of the Westview Village center and the development of multiple structures on the single Lot 100, the parking requirements of Sp 98-36 were aggregated and listed on Sheet 1 of the approved Site Plan. Despite the reduction in building size, there is no proposed reduction in the number of spaces and all existing spaces will remain after redevelopment of the Site. Similarly, the calculation of the number of required loading spaces was determined during the approval of the initial Site Plan. The existing loading space is being modified slightly to accommodate the new structure. However the reconfigured loading space will continue to meet the original standard approved in 2001 and reiterated with the 2009 approval.
The Applicant is proposing modifications to the Parking Summary Table (Sheet 1) to reflect the new parking standards established in Section 1-19-6.220 of the Zoning Ordinance. Although the parking requirement diminishes slightly to 600, the number of spaces actually provided remains at 641.

While Staff generally urges Applicants to reduce unneeded parking spaces, the general arrangement and layout of this parking area serving the shared mixed use development at Westview Village is adequate as designed and built. Staff finds that the development standards for parking and loading spaces have been met with this proposal.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** 5 ft. wide sidewalks (or larger) are proposed for those perimeter pedestrian routes along the perimeter of the proposed building. A demarcated pedestrian crossing area is provided to link the proposed perimeter sidewalk to the existing sidewalk connection linking this site to the existing commercial structures in Westview Village. Additionally, a short segment of sidewalk has been added on the southwestern corner of the building to provide a pedestrian landing area for customers moving between the parking areas south and west of the restaurant and the building’s customer entrance.
5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided for bicycle parking as follows in accordance with the Zoning Ordinance:

Commercial use: (1 rack per 20 required parking spaces)
Required: 4 bike racks PROVIDED: 4 bike racks (spaces for 8 bicycles)

**Public Utilities §1-19-3.300.4 (C):** Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

**Findings/Conclusions**

1. **Public Water and Sewer:** The site is currently served by public water and sewer although it is classified W-3/S-3 in the Frederick County Water and Sewer Plan. Private utility lines are already in place on the site. No new connections to the public systems are required as part of this Site Plan.

**Natural features §1-19-3.300.4 (D):** Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.
Findings/Conclusions

1. **Natural Features:** This application is limited to an area that has been previously developed.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area/Open Space:** Open space requirements for the development of this existing MXD have been addressed in the previous Site Plan approvals.

   No changes are proposed other than the installation of the small bench seating area adjacent on the southeast corner of the restaurant near the main entrance to the building.

Other Applicable Regulations

**Adequate Public Facilities Ordinance (APFO) – Chapter 1-20**
This section of the MXD is subject to APFO road improvement agreements that have been previously executed. No amendments to the existing APFO-LOU are required since the redevelopment represents no change, expansion, or intensification of the land use. An APFO exemption has been granted to this Applicant.

**Forest Resource Ordinance (FRO) – Chapter 1-21**
A FRO exemption was granted for this previously developed Site.

**Stormwater Management (SWM) – Chapter 1-15**
This Application includes an approved Concept Stormwater Management plan. Final construction details will be reviewed upon submission of improvement plans for the Site.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process.
### Summary of Agency Comments

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### Findings/Conclusions

The Applicant must address these other applicable regulations as part of the standard approval process after this Site Plan has been approved or approved with conditions.

### FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff has no objection to conditional approval of the site development plan if the Applicant can successfully address the recommended conditions listed below.

Staff notes that if the Planning Commission conditionally approves the site development plan, the plan will be valid for a period of three (3) years from the date of Planning Commission approval.
RECOMMENDATION

If the Planning Commission finds that the rezoning conditions have been met and conditionally approves this Site Development Plan SP-98-36 (AP #15556, SWM #15557, APFO #15558, & FRO #15559) for the proposed Silver Diner Restaurant at Westview South MXD (Saul Center) Staff recommends the motion include the following items:

1. Site plan approval for a period of three (3) years from approval date.
2. Approval of the revised Sign Allocation Table (Sheet 18) reallocating permitted sign area for each of the three specified commercial pad sites (Buildings 3, 4, and 5).
3. Approval of the revised Parking Summary Table (Sheet 1) indicating amended parking requirements for the Westview Village center.
4. Adjust location and number of plantings on the Landscape Plan to reflect extension of perimeter pavement at service doors (west and south sides of building).
5. Address all agency comments as the plan proceeds through completion.

PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission APPROVE Site Plan SP-98-36 (AP 15556) with conditions as listed in the staff report for the proposed Silver Diner Restaurant at Westview South MXD (Saul Center), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Figure 8 - Aerial View of Westview Entry Drive (Mimi's Cafe building on lower left)

Figure 9 - Aerial View from the North (Silver Diner site at top center of image)
Figure 12 - Mimi's Cafe Building (wall facing existing commercial center)

Figure 13 - Mimi's Cafe Building (Md 85 Facade)