



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB 10-30-2008  
 CONSENT ITEM

**Staff Report: Adequate Public Facilities finding for the Wachovia Bank Building, Building Permit number 490040 at 13920 Georgia Avenue (MD 97), Aspen Hill**

**CONSENT ITEM #:** 3

**MCPB HEARING DATE:** October 30, 2008

**REPORT DATE:** October 16, 2008

**TO:** Montgomery County Planning Board

**VIA:** Daniel K. Hardy, Acting Chief  
 Shahriar Etemadi, Supervisor  
 Transportation Planning

**FROM:** David Paine, Planner Coordinator  
 Transportation Planning  
 301.495.4525



**APPLICATIONS DESCRIPTION:** Adequate Public Facilities (APF) finding for one (1) building permit application to construct a bank building of 4,000 square feet with three drive-in bays which is located in the southwest quadrant of the intersection of Georgia Avenue and Connecticut Avenue in the *Aspen Hill Master Plan* in the CBD-2 zone.

**APPLICANT:** Wachovia Bank

**FILING DATE:** Commercial Building Permit filed on July 1, 2008

**RECOMMENDATION:** Approval of the Adequate Public Facilities finding for the transportation-related requirements for M-NCPPC release of one (1) building permit application to the Montgomery County Department of Permitting Services, contribution to the general fund, and approval of the attached draft Planning Board Resolution for the approval of the transportation APF finding.

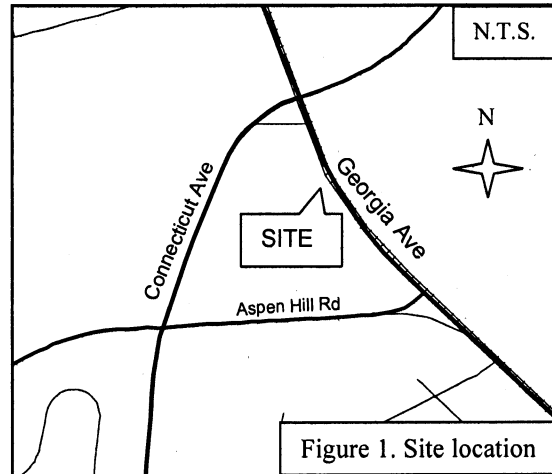
**EXECUTIVE SUMMARY:** This Consent Agenda item is the APF finding for Building Permit No. 490040 located at 13920 Georgia Avenue (MD 97), Silver Spring. This application has been reviewed by Planning Board staff, who have collectively responded in support of this amendment.

## SITE VICINITY

The site is located in the southwest quadrant of the intersection of Georgia Avenue and Connecticut Avenue in Silver Spring. The property is included within the *Aspen Hill Master Plan* (refer to Figure 1).

The property, Parcel F, is zoned C-2 and is 684,704 square feet or 15.7186 Acres in size. Parcel F was recorded in the land records as Record Plat No. 19944 in 1995 (refer to a copy of this plat on Attachment A).

The general character of the site and the surrounding built environment is a suburban commercial business district. The site was recently occupied by a restaurant which now stands vacant.



## PROJECT DESCRIPTION

### Proposed Development

The applicant, Wachovia Bank, is proposing to construct 4,000 square feet of commercial bank space with four drive-in bays on a portion of Parcel F of the Northgate – Aspen Hill Shopping Center in the *Aspen Hill Master Plan* and Policy Area (refer to the building permit site plan on Attachment B). The proposed 4,000 square feet of bank space would replace a 3,950 square feet restaurant. The subject site is located 13920 Georgia Avenue (MD 97), approximately 300 feet South of Connecticut Avenue (MD 185) as shown in Figure 1. The applicant is proposing to construct a drive-through bank (Attachment 2, site plan).

### ASPEN HILL MASTER PLAN

In accordance with the *Aspen Hill Master Plan* and *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways are as follows:

Georgia Avenue (MD 97) is designated as a six-lane divided major highway, M-8, with a 150-foot right-of-way along the frontage of the site, the Georgia Avenue Busway, and a shared use path SP-29 on the west side of the road.

Connecticut Avenue (MD 185) is designated as a six-lane divided major highway, M-7, with a 150-foot right-of-way and a shared use path SP-27 on the east side of the road.

Aspen Hill Road is designated as a four-lane arterial road, with an 80-foot right of way.

## ADEQUATE PUBLIC FACILITIES FINDING

### Local Area Transportation Review (LATR)

The proposed development of the subject site would generate a net decrease of 20 peak hour trips in the weekday morning peak (6:30 to 9:30 a.m.), but an increase of 33 trips in the peak hour of the weekday

evening peak (4:00 to 7:00 p.m.) period. The number of peak hour trips generated by the proposed development and credit from existing development are shown in the following table:

Table 1: Trips Generated.

Land Use	Size	Weekday Peak Hour	
		AM	PM
Drive-in Bank	4,000 S.F.	50 (62% pass by and diverted)	183 (62% pass by and diverted)
Drive-in Bank ( <i>primary</i> ) trips		19	70
Restaurant	3,950 S.F.	(46) (15% pass by)	(44) (15% pass by)
Restaurant ( <i>primary</i> ) trips		(39)	(37)
Total (Net) New Trips		(20)	33

Table 2: Result of critical lane volume (CLV) analysis.

Intersection	Weekday Peak Period	Traffic Condition			
		Existing	Background	Total	Total w/Improvement
Georgia Avenue/Connecticut Avenue	AM	876	876	881	-
	PM	1,248	1,248	1,254	-
Georgia Avenue/Aspen Hill Road	AM	1,191	1,191	1,220	-
	PM	1,238	1,238	1,251	-
Connecticut Avenue/Aspen Hill Road	AM	<b>1,529</b>	<b>1,529</b>	<b>1,532</b>	1,364
	PM	1,145	1,145	1,167	1,167

According to the submitted traffic study, all but one of the CLV values at the intersection are projected to be within the 1,475 congestion standard. The intersection of Connecticut Avenue an Aspen Hill Road, however, is projected to not pass the congestion standard. The Study identifies an improvement for the intersection - constructing a southbound right turn lane that would allow the intersection to operate within the congestion standard. This improvement would also mitigate 150% of the attributable CLVs to the intersection. However, the scale of the improvement is beyond the financial ability of this small development, and the applicant is proposing to instead contribute an additional payment equal to 50% of their transportation impact tax in order to meet LATR (total 150% of transportation impact tax to be paid). This action is only available to small developments that generate 30-49 new weekday peak hour trips to meet LATR. **We recommend that Prior to the release of a building permit, the applicant must pay 150% of the relevant transportation impact fee to DPS to meet LATR requirements.**

### Policy Area Mobility Review

Under the current 2007-2009 Growth Policy, the PAMR test is required because the proposed retail development generates over three (3) peak-hour trips within the weekday morning and evening peak periods. For developments located within the Aspen Hill Policy Area, the applicant must mitigate 20% of the new peak-hour trips generated within the weekday morning and evening peak periods by the proposed use.

For the proposed development, this is shown in the traffic study calculated as 0 AM peak hour and 6.6 PM peak hour trips. Due to the small size of the application, a traffic mitigation agreement would be

unfeasible, as would purchasing a Metro Bus. Therefore the applicant has proposed to install non-automobile facilities to mitigate their trips as follows:

1. Constructing approximately 105' feet of shared use bike path offset from the travel lanes by a landscape panel, and two accessible ramps along Georgia Avenue (MD 97) along the site frontage (4.5 credits).
2. Constructing an ADA ramp and 15' of shared use bike path along the west side of Georgia Avenue (MD 97) approximately 315 feet north of the intersection with Aspen Hill Road (2.1 credits).

As these improvements are on a state roadway, Georgia Avenue (MD 97), the cost of these improvements should be in addition to the additional 50% transportation impact tax to meet LATR, and therefore not credited towards the impact tax. However, the Planning Board does not have the authority to determine what can and cannot be credited towards the transportation impact tax. That authority lies with the Montgomery County Department of Transportation under Executive Regulation 17-08. **We recommend that the applicant construct the planned shared use path and ADA ramps at the locations stated to implement the master plan as well as bring these locations into compliance with ADA best practices, to satisfy the PAMR requirement.**

#### **Other Development Review Issues**

The proposed development is exempt from Forest Conservation and no tree save plan was required.

#### **PUBLIC NOTICE**

Notice of this hearing was sent to nearby neighborhood and community associations as well as adjacent and confronting property owners on October 15, 2008.

#### **RECOMMENDATIONS**

We recommend a finding of adequate public facilities for the proposed 4,000 square-foot retail bank with four drive-through bays on parcel F subject to the following conditions:

1. Prior to the release of a building permit, the applicant must pay an additional 50% of the relevant transportation impact fee, for a total of 150% transportation impact fee paid, to the Department of Permitting Services to meet LATR requirements.
2. Prior to the release of a building permit, the applicant must supply a copy of a DPS and/or SHA permit for construction within the ROW to the building permit coordinator for the following to meet the PAMR requirements:
  - a. Construct approximately 105' of shared use bike path offset from the travel lanes by a landscape panel, and two accessible ramps along Georgia Avenue (MD 97) along the site frontage.
  - b. Construct an ADA ramp and 15' of shared use bike path along the west side of Georgia Avenue (MD 97) approximately 315 feet north of the intersection with Aspen Hill Road.
3. M-NCPPC's release to the Montgomery County Department of Permitting Services of Building Permit No. 490040.

4. Approval of the Planning Board Resolution for Building Permit No. 490040 (Attachment C).

This Adequate Public Facilities (APF) approval shall be valid for sixty (60) months from the date the Planning Board's resolution is mailed.

**APPENDICES**

- A. Record Plat 19944
- B. Site Development Plan submitted for the Wachovia Northgate Financial Center Building Permit
- C. Montgomery County Planning Board's Adequate Public Facilities Finding for Building Permit Resolution, October 30, 2008

DP:tc

mmo to MCPB re bp 490040 Wachovia v2.doc

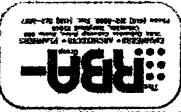


490040



Wachovia Bank Corporation  
1051 East Cary Street  
Raleigh, VA 27601  
(919) 497-7659  
Contact: Barry Swartzentruber

PLANS PREPARED FOR:  
WACHOVIA

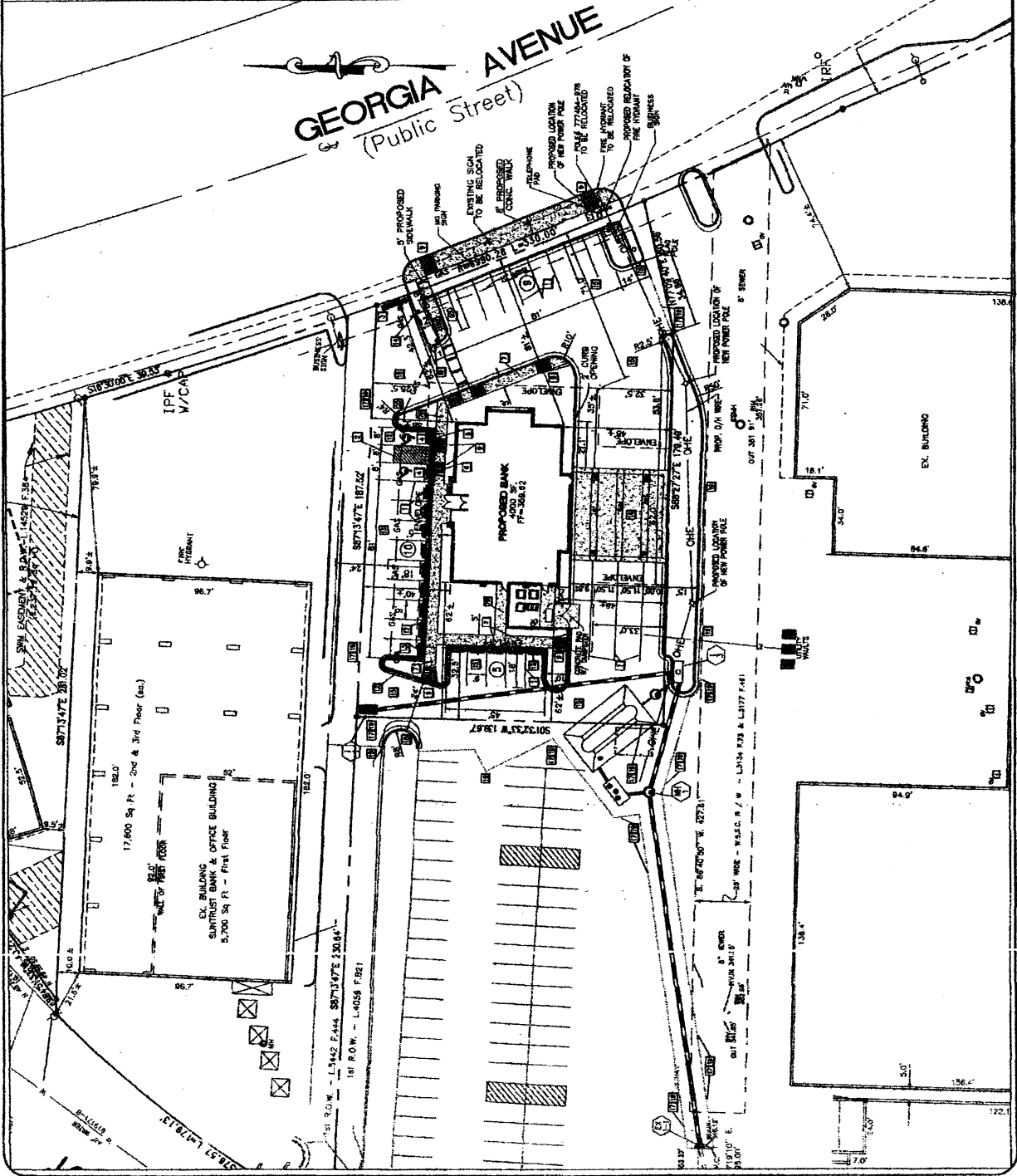


Wachovia Mortgage Financial Center  
1370 Georgia Avenue  
Silver Spring, Maryland 20906

DATE	02-28-02
BY	W. J. BROWN
CHECKED	W. J. BROWN
SCALE	AS SHOWN
PROJECT NO.	490040
SHEET NO.	1
TOTAL SHEETS	1

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

**Attachment C: Montgomery County Planning Board’s Adequate Public Facilities Finding for Building Permits Resolution, October 30, 2008**

**MCPB No. 08-130**  
**Adequate Public Facilities Finding for Building Permit**  
**Project Name: Wachovia Northgate Financial Center Building Permit No. 490040**  
**Hearing Date: October 30, 2008**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 8, Article IV, the Montgomery County Planning Board (“Planning Board” or “Board”) is vested with the authority to determine Adequate Public Facilities (“APF”) at the time of building permit review; and

WHEREAS, July 1, 2008, HBA Group (“Applicant”), filed application for a determination of APF for the release of Building Permit No. 490040 located at 13920 Georgia Avenue, Silver Spring (“Application”) for Wachovia Bank; approved as Record Plat No. 19944 for “Parcel F, Aspen Hill Shopping Center”; and

WHEREAS, following review and analysis of the Applications by Planning Board staff (“Staff”) and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 16, 2008, setting forth its analysis and recommendation for approval of the Applications (“Staff Report”); and

WHEREAS, on October 30, 2008, the Planning Board held a public hearing on the Applications (“Hearing”); and

<sup>1</sup> This Resolution constitutes the written decision of the Planning Board in this matter and satisfies any requirement under the Montgomery County Code for a written decision.

APPROVED AS TO LEGAL SUFFICIENCY  
*Christina Sorrento* 10/16/08  
 M-NCPPC LEGAL DEPARTMENT



WHEREAS, at the Hearing, the Planning Board received evidence for the record on the Applications; and

WHEREAS, on October 30, 2008, at the Hearing, the Planning Board found the Applications to satisfy APF requirements, and APPROVED the Applications and authorized transmittal of this finding to both the Director of Montgomery County Department of Permitting Services (DPS) and the Director of Montgomery County Department of Transportation (MCDOT), subject to certain conditions, on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with a vote of **(X-X)** Commissioners **(list in alphabetical order)** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ voting in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 8, Article IV, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and APPROVES the Applicant's APF for transportation-related requirements for the proposed bank space of up to 4,000 square feet with four drive-in bays, Wachovia Northgate Financial Center, on Parcel F subject to the Applicant contributing 150% of their transportation impact Tax to the Department of Permitting Services in order to meet LATR, and supplying a bonded permit for construction to the MNCPPC Building Coordinator for improvements within the right of way. Other improvements must include construction of 105 linear feet of shared use bike path offset from the travel lanes by a landscape panel and two handicapped ramps on the project frontage of Georgia Avenue, and construction of 15 linear feet of shared use bike path on the west side of Georgia Avenue with an additional handicapped ramp located approximately 315 feet north of the intersection with Aspen Hill Road to meet PAMR.

BE IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and shall be valid for sixty (60) months from the date the Planning Board's opinion is mailed; and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).