



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

**Staff Report: Preliminary Plan Amendment 11999100A: Chevy Chase Bank at Cloverly
 Site Plan 820080200: Chevy Chase Bank at Cloverly**

ITEM #: _____

MCPB HEARING DATE: March 19, 2009

REPORT DATE: March 5, 2009

TO: Montgomery County Planning Board

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APPLICATION DESCRIPTION:

Proposal for a Preliminary Plan Amendment and Site Plan to create one 34,104 square foot (0.78 acres) lot for a 3,172 square foot bank with drive-thru, in the C-1 Zone; located on New Hampshire Avenue (MD 650) approximately 220 feet northeast of the intersection with Cloverly Street within the Cloverly Master Plan Area.

APPLICANT: Chevy Chase Bank, FSB

FILING DATE: Preliminary Plan: March 13, 2008
 Site Plan: March 13, 2008

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY:

The proposed development would consist of one lot for the purpose of constructing a 3,172 square foot bank with drive-thru for Chevy Chase Bank, FSB. The adjacent Se Me Hahn Presbyterian Church site has an access easement across the Subject Property to New Hampshire Avenue, which was recorded as part of the previously approved preliminary plan. The proposed application requires a preliminary plan amendment due to the change in use and square footage of the proposed building. The APF approval of the previous plan is no longer valid, and therefore requires preliminary and site plan review and approval by the Planning Board.

TABLE OF CONTENTS

SECTION 1: CONTEXT & PROPOSAL	3
Site Description	3
Vicinity	3
Site Analysis	4
Project Description	5
Previous approvals	5
Proposal	5
Community Outreach	6
SECTION 2: PRELIMINARY PLAN REVIEW	7
Analysis and Findings	7
Master Plan	7
Adequate Public Facilities	8
Roads and Transportation Facilities	8
Other Public Facilities	9
Environment	9
Compliance with the Zoning Ordinance and Subdivision Regulations	10
Recommendation and Conditions	10
SECTION 3: SITE PLAN REVIEW	11
Development Standards	11
Data Table	12
Findings	13
Recommendation and Conditions	16
APPENDICES	17

ILLUSTRATIONS & TABLES

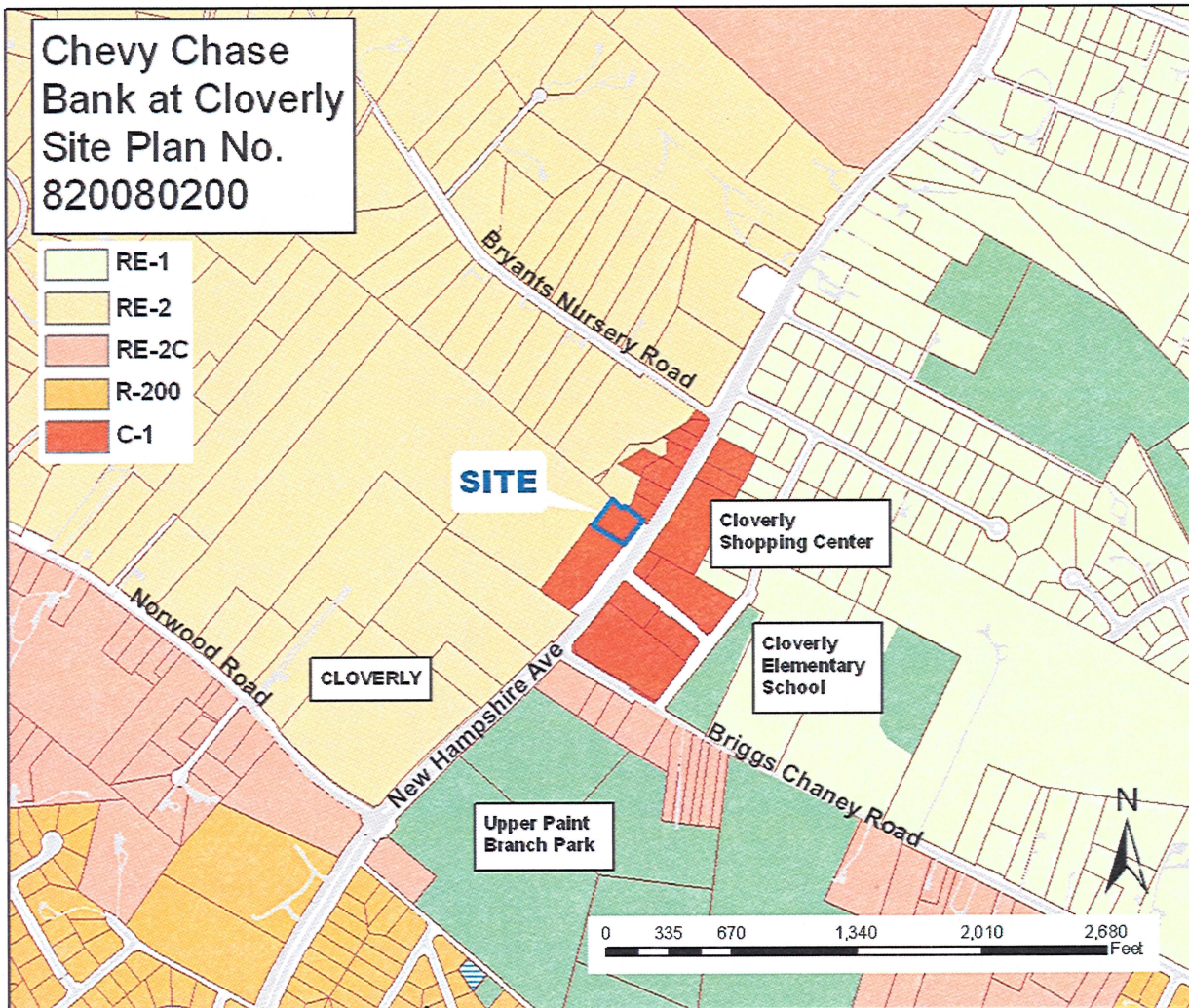
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Preliminary/Site Plan</i>	6
<i>Project Data Table</i>	12

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject site is located along the west side of New Hampshire Avenue (MD 650), south of Bryant's Nursery Road, within the Cloverly Master Plan Area. The site abuts the Cloverly Village Center to the southwest (Lot 1, Block D), and a vacant parcel to the northeast, both of which are zoned C-1. The site abuts a property in the RE-2 zone (Lot 3, Block D), which supports a facility owned and operated by a religious entity, the Se Me Hahn Presbyterian Church ("Church Property"), and a regional storm water management facility owned by the State Highway Administration. Across New Hampshire Avenue to the east are additional commercial establishments, some of which are referred to as the Cloverly Shopping Center or the Cloverly Town Center.



Vicinity Map

Site Analysis

The subject property, shown below, consists of one lot (Lot 4, Block D of Cloverly) totaling 34,104 square feet (0.78 acres) per Plat 22805. The site is currently occupied by an abandoned house and gravel driveway. The property is rectangular in shape, with an irregular northern property line that wraps the boundaries of the adjacent SHA stormwater management facility. The lot itself features approximately 166 feet of frontage along the west side of New Hampshire Avenue; the lot extends approximately 200 feet back from the street frontage. The topography drops at a consistent 5 percent slope from the street to the northwest corner of the site.

The subject site is within the Northwest Branch Watershed (Use IV streams). There are no regulated environmental features on-site such as streams, wetlands, 100-year floodplain, environmental buffers, or steep and severe slopes. There is no forest onsite; however, stands of individual trees exist on the site, including a specimen silver maple in fair/poor condition. There are no known historic properties or features on site.



Aerial Photo with approximate site boundary outlined in blue

PROJECT DESCRIPTION

Previous Approvals

On September 23, 1999, the Planning Board approved Preliminary Plan No. 11999100 (Resolution dated October 4, 1999) for the creation of one lot for a maximum of 7,800 square feet of general retail space [Appendix A]. This approval was followed by three extensions of the preliminary plan validity period by the Planning Board because of delays associated with the Applicant obtaining an easement agreement in cooperation with the adjoining property owner for storm water management facility access. The record plat was recorded in February, 2004.

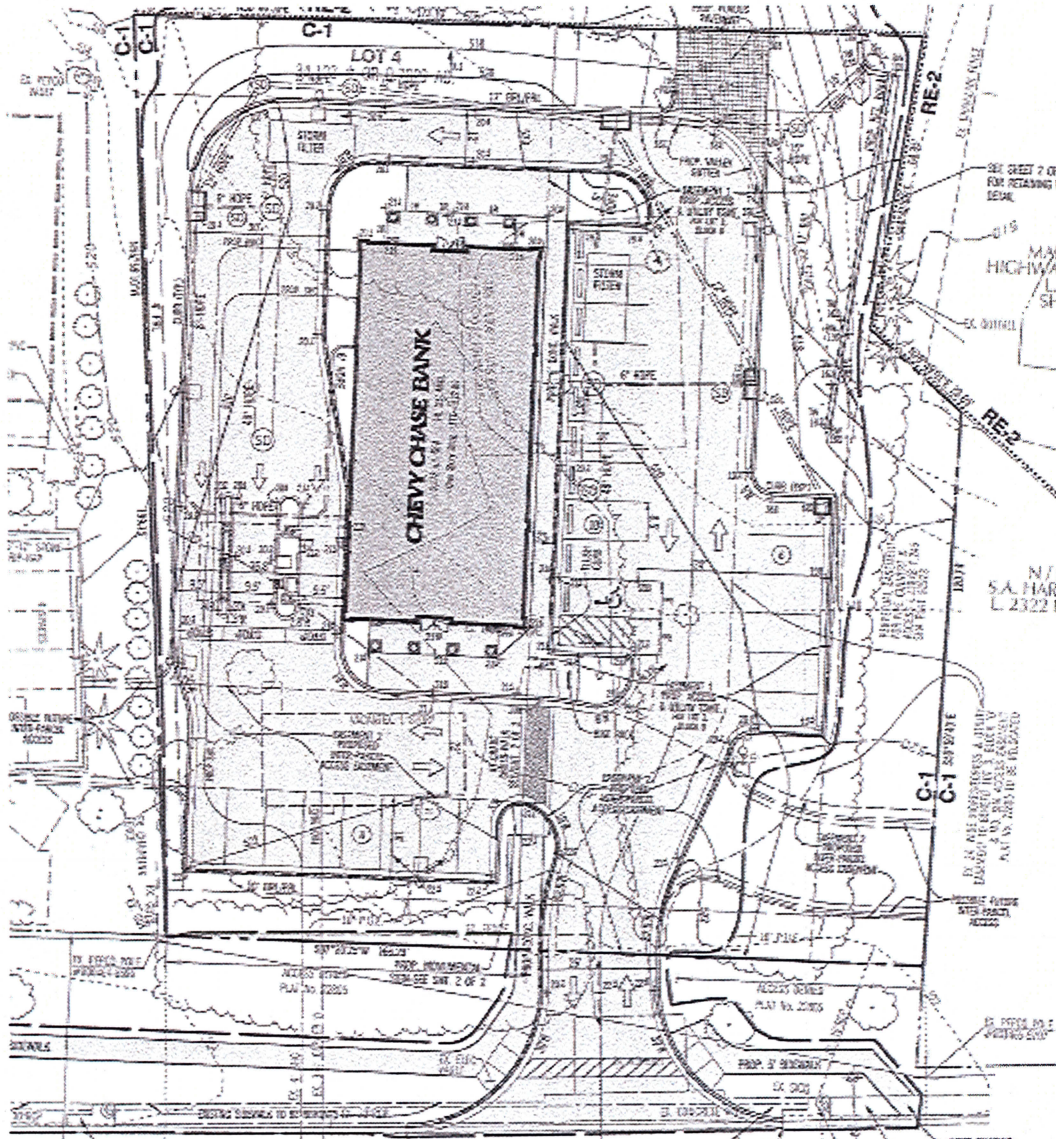
A Preliminary Plan amendment is required because the original APF review and Planning Board approval limited the use to a maximum of 7,800 square feet of general retail space (See Attached Resolution, Appendix A). Furthermore, the Applicant was required to have building permits issued within two years of recordation of the associated plat. No building permits associated with the previous approval have been issued, and the validity period of the previous approval has now expired.

On November 6, 2003, the Planning Board approved Site Plan No. 82003010 which consists of 7,600 square feet of commercial retail space on 0.78 acres.

The current proposal required a new Site Plan rather than a Site Plan amendment due to the change in use, square footage of the proposed building, and significant changes to the site layout.

Proposal

The proposed development would create a 3,172 square foot bank on a 0.78 acre site that is accessed from New Hampshire Avenue (MD 650). This proposal retains and enlarges an access and utility easement for the Church Property (Lot 3, Block D) to allow vehicular access from New Hampshire Avenue through the subject commercial site. Vehicular circulation onsite loops around the bank building with a drive-thru, and parking is provided along the front and northeast sides of the property. This layout also accounts for possible future inter-parcel connections through a new access easement that extends from the eastern to the western property edge. Sidewalk improvements on the New Hampshire Avenue right-of-way will create a 15-foot green panel with trees that will connect to the internal sidewalk system leading up to the Bank and create a safer pedestrian connection to the adjacent shopping center.



Illustrative Plan

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and pre-submission meeting requirements. Staff has received correspondence from the adjoining property owners of the Cloverly Village Center (Lot 1, Block D) dated March 27, 2008 [Appendix B]. On August 5, 2008, Staff was approached by the same adjoining property owners, who expressed opposition to a potential inter-parcel connection between the subject site and their property. The main concerns were that bank users would potentially park on their site to attend to their business at the bank and that stacking problems would arise due to the short distance to the intersection. Staff reassured them that the Bank cannot provide an inter-parcel connection without their consent, however, an easement on the subject property is provided for a future potential inter-parcel connection, as recommended in the Cloverly Master Plan. Staff also informed the adjacent Cloverly Village Center owners that in the future, if their property ever comes in for redevelopment, it is likely that the inter-parcel connection

will be requested. In January 2009, Staff contacted these adjoining property owners to inform them that, as part of the conditions of approval for the subject application, the sidewalk along New Hampshire Avenue extending from the Bank's property to their driveway entrance was recommended to be relocated further away from the curb to create a green panel and thus improve pedestrian safety. Although the adjacent center owners said they would contact Staff to discuss these matters further, this has not happened.

Staff also received correspondence from the owners of the Church property agreeing to the proposed site layout and alignment for the access and utilities easement [Appendix B].

SECTION 2: PRELIMINARY PLAN REVIEW

ANAYSIS AND FINDINGS

Master Plan Compliance

The subject site is located within the Cloverly Master Plan area. The property is part of the Cloverly Commercial Area identified on pages 24 through 27. The Master Plan recommendations that are applicable to the proposed plan include:

1. "Locate parking areas to the side or rear of the buildings to minimize views of parking lots.
2. Provide vehicular and pedestrian connections with adjacent properties to interconnect parking areas, minimize the number of driveway entrances, and minimize traffic congestion along New Hampshire Avenue. If a connection is not possible because an adjacent property has not developed, design parking, access, and pedestrian connections that will allow future interconnection.
3. Provide access to the land-locked property (P845 – Church Property) through N915 (Subject Property). Encourage shared access, if possible, for N915, P859, P869, and the SHA stormwater management facility.
4. Locate buildings a minimum of 15 feet from the right-of-way for sidewalks, streetscape treatment, and a compatible building line. Achieve a street-oriented form of development with entrances facing New Hampshire Avenue.
5. Provide streetscape in conformance with Master Plan recommendations.
6. Provide extensive landscaping to create an attractive commercial area and reduce the impacts of any large paved areas.
7. Locate signage on the buildings. Avoid tall, highway-oriented, pole mounted signs."

The application meets the applicable recommendations of the Master Plan listed above, except for items 1, and 4. Although the bank's front entrance is facing New Hampshire Avenue, it is not possible to both provide the interconnection to adjacent commercial properties and create a street-oriented building. The adjoining commercial property is currently developed as a small shopping center, and it is not likely to redevelop in the foreseeable future. Furthermore, the property owner is adamantly opposed to allowing a physical connection to the bank property and will not consent to the connection. Therefore, staff is recommending creation of an easement across the front of this

property that will facilitate future interconnection with the adjacent properties if or when they redevelop. This easement, and the need to provide primary access to the Subject Property from New Hampshire Avenue, limit the ability to locate the proposed bank building closer to the road, and in staff's opinion, the proposed layout is the best way to accommodate future connections and provide adequate circulation for the proposed use. Since the building is not proposed to be located close to New Hampshire Avenue, the Applicant is proposing to locate a sign on New Hampshire Avenue. The proposed sign is a 6.5 foot high internally illuminated monument sign accented with landscaping, rather than a tall, highway-oriented, pole mounted sign.

In an effort to meet the recommendations of the Master Plan the Applicant has pulled the building back to accommodate the future possibility of interconnection between the C-1 zoned properties. This shifts some of the parking to the front of the building; however, the Applicant is proposing to provide adequate landscaping to effectively screen the parking from New Hampshire Avenue. The Applicant is also proposing to significantly improve the pedestrian environment and provide more orderly access to the Cloverly Commercial Area. The Applicant is proposing to relocate the sidewalk along the entire property frontage, and extend these improvements to the adjacent commercial property driveway to the south. A 15-foot green panel would be installed along New Hampshire Avenue between the curb and the new sidewalk. The Applicant will also plant street trees along the frontage of the property. The proposed sign with appropriate landscaping adds to the pedestrian scale, and staff finds that the sign meets the recommendation of the Master Plan.

Given the existing site conditions and challenges, the Applicant is limited as to where they can locate the proposed building, signage, access, and parking. The proposed layout, while not ideal, balances the challenges of the site and is similar in character to the other existing commercial development in the Cloverly area, some of which was recently constructed and is unlikely to redevelop. Staff finds that the preliminary plan and site plan are consistent with the Cloverly Master Plan.

Adequate Public Facilities Review

Roads and Transportation Facilities

Adequate vehicular access to the bank is provided by a full-movement driveway connection to New Hampshire Avenue. The drive thru lanes will wrap around the building, and vehicles will exit by the proposed driveway on New Hampshire Avenue. An ingress and egress easement will be provided for the Church property abutting the rear of the subject property to the west, and utilities will be extended to the rear of the subject property. The plan also includes an easement for inter-parcel connections to the parcels to the north and south of the Subject Property. Pedestrian access is provided via sidewalks, and a brick crossing will be provided at the exit lane for the drive thru. The Applicant will relocate the sidewalk along New Hampshire Avenue, install a 15-foot wide green panel, and plant street trees as indicated above and on the preliminary and site plans.

The proposed 3,172 square-foot Chevy Chase Bank is required to satisfy both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests as part of this APF review since the proposed bank with drive-through windows is estimated to generate 30 or more peak-hour trips during the typical weekday evening (4:00p.m. – 7:00p.m.) peak period. To satisfy the LATR component of the APF test, the consultant for the Applicant submitted a traffic study

dated October 4, 2007; revised May 29, 2008, which examined traffic-related impacts of the subject development on nearby intersections. Based on the traffic study provided by the Applicant, Staff has determined that the weekday morning and evening peak-hour capacity analysis indicated that under Total (Build) traffic conditions, CLV at the study intersections would be below the applicable congestion standard of 1,450 CLV for the Cloverly Policy Area. The application therefore satisfies the LATR requirements of the APF test. The Cloverly Policy Area is currently operating under “acceptable” conditions for PAMR and does not require mitigation of site-generated trips.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved as part of a Forest Conservation Plan Exemption (#42008079E). As previously stated, there are no regulated environmental features onsite such as streams, wetlands, 100-year floodplain, environmental buffers, steep slopes, or highly erodible soils. There is no forest onsite. There are stands of individual trees on the site, including a specimen silver maple in fair/poor condition. Therefore, this plan complies with the Montgomery County Environmental Guidelines.

When the Forest Conservation Plan (FCP) Exemption application was reviewed the application did not include the proposal to grade offsite on the adjoining private property. There is a significant grade change between the Subject Property and the church site to the west, and the Applicant has agreed to grade offsite in order to provide a smoother transition between the subject property and the church property. With the proposed offsite grading, the project no longer qualifies for a FCP exemption under the small property category because the tract area has increased in size from 0.78 acre (less than one acre) to one acre with the existence of a specimen tree on the additional land.

A Final Forest Conservation Plan (FFCP) has been submitted with the site plan for review. The FFCP proposes clearing and grading of the entire site. No existing trees will be preserved. The 0.15 acre of required afforestation is proposed to be met through onsite landscaping with overstory, native trees outside the public right of way.

Section 22A-12(d)(2) of the County Forest Conservation Law states:

“Afforestation should be accomplished by the planting of forest cover. However, if the Applicant demonstrates to the satisfaction of the Planning Board or Planning Director, as the case may be, that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area (as defined in Section 22A-3), or similar reason, afforestation requirements may be satisfied by tree cover.”

Since the site is zoned C-1 with a proposal to develop almost the entirety of the site, adjoins C-1 properties to the north and south, is located within the Cloverly Commercial Area, and lacks existing forest stands, environmental buffers, or other environmentally-sensitive features on or adjacent to the site, Staff finds that it is appropriate to meet afforestation requirements with onsite tree cover (i.e., native, landscape trees) instead of forest cover.

Two offsite trees will be adversely affected by the proposed project. A 5-inch sawtooth oak within the New Hampshire Avenue right-of-way (ROW) will need to be removed because of the construction of the proposed entrance to the site and a sidewalk. Sawtooth oaks, 2.5 to 3-inch caliper in size, are proposed to be planted within the ROW as street trees adjacent to the proposed sidewalk. One of these street trees will be planted in the same area as the oak that is to be removed.

There is a 30"/32" (split trunk) cherry tree that will also be adversely affected by the proposed project, which is located on the adjacent commercial center property to the south of the site. The tree has been evaluated by the Applicant's arborist, who recommends removal of the tree because it is currently stressed (cavity and cracks along the tree stem, surrounded by existing impervious surfaces), and the proposed project will create additional stress due to disturbance within the tree's critical root zone. The Applicant has sent a letter to the manager of the commercial center with the arborist's report, and has offered to remove the tree as part of the project. The Applicant has indicated that they have not received a response from the manager or the property owner of the commercial center as of the date of this memo.

Therefore, if the Final Forest Conservation Plan reflects Staff's recommendations, Staff finds the proposed amendment satisfies the requirements of the Forest Conservation Law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed use. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the amendment [Appendix C].

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Cloverly Master Plan. Therefore, staff recommends approval of the Preliminary Plan Amendment subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to one lot for a 3,172 square foot bank with drive thru lanes. Any increase in the footprint or use will require APF review and a traffic study, which may result in additional improvements and requirements.

- 2) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated November 21, 2007. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 3) The certified preliminary plan must delineate the ingress/egress and utilities easement for the church property to the west of the Subject Property, and the access easement for future connection to the adjacent commercial properties.
- 4) Prior to issuance of a building permit, the Applicant must record a new plat for the subject property that contains the ingress/egress and utility easement to the adjacent church property, and the future access easements to the adjacent commercial properties.
- 5) The applicant must relocate and reconstruct a five-foot-wide sidewalk with fifteen-foot-wide green panels between the curb and new sidewalk along the entire property frontage, and extend these improvements to the adjacent commercial property driveway to the south.
- 6) No clearing, grading or recording of plats prior to certified site plan approval.
- 7) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 8) Site Plan 820080200 must be approved by the Board and signed by the Development Review Staff prior to the approval of the record plat.
- 9) The proposed development must comply with the conditions of the preliminary and final forest conservation plan. The Applicant must satisfy all conditions prior to certification of preliminary plan, site plan, or MCDPS issuance of sediment and erosion control permits, as appropriate.
- 10) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated April 18, 2008. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 13) The record plat must show necessary easements.

SECTION 3: SITE PLAN REVIEW

Development Standards

The purpose of the C-1 Zone is to provide locations for convenience shopping facilities including retail commercial uses which have a neighborhood orientation and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel. The C-1 Zone allows the proposed use. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the C-1 Zone

Development Standard	Permitted/Required	Proposed for Approval
Total C-1 Tract Area (Section 59-C-4.341)	15 acres	
Gross Tract Area (GTA)		34,104 SF/ 0.78 acres
Building Height (feet) (Section 59-C-4.342)	30	25
Min. Building Setbacks (feet) (Section 59-C-4.343)		
New Hampshire Ave. Right-of-Way	10	60
NW property line (Lot 3, Block D)	17	38
NE property line (vacant lot)	0	90
NE property line (SHA)	17	70
SW property line (Lot 1, Block D)	0	7
Min. Parking Setbacks (feet) (Section 59-E-2.81)		
New Hampshire Ave. Right-of-Way	10	14
NW property line (Lot 3, Block D)	17	17
NE property line (vacant lot)	4	25
NE property line (SHA)	17	23
SW property line (Lot 1, Block D)	4	4
Green Area (% of lot) (Section 59-C-4.344)	10	50
Floor Area Ratio (FAR)	n/a	0.093
Building Area (square feet)	n/a	3,172
Parking Facility Internal Landscaping (%) (Section 59-E-2.73)	5	5
Parking Spaces	10	24

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The proposed development is not subject to a Development Plan, Diagrammatic Plan, Schematic Development Plan, nor a Project Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the C-1 zone as demonstrated in the project Data Table on page 12. Building height for the proposed development is under the maximum standards allowed. With respect to setbacks and parking, the proposed development is above the minimum standards allowed. The green space provided is at 50 percent allowing for a greater amount of permeable surface and landscaped open space than the minimum requirements.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Locations of buildings and structures

The one-story building is located away from the New Hampshire street frontage to allow for future potential inter-parcel connections as recommended by the Cloverly Master Plan. The location of the building was further restricted by the access easement leading up to the Church property in the rear. This location provides safe, adequate, and efficient access to the building from adjoining sidewalks and parking, to the Church property, and adjoining parcels through eventual inter-parcel connections.

The drive-thru structure is located to the south of the bank building, which minimizes areas of vehicular conflict at the same time that it allows visibility of the bank building from the main access point to the site. A retaining wall, located at the NE corner of the site abutting the SHA parcel with the stormwater management pond, is necessary to hold the grades within the site. This wall will have a maximum height of 4 feet. Directional signage throughout the site will help to direct traffic, and an entrance sign in a monumental style will match the architecture of the building. This sign, approximately 6.5 feet in height, will be ground mounted and internally illuminated, on a brick base, with accent plantings. All structures are safe, adequate, and efficient.

- b. Open Spaces

The plan meets the green area requirements for the C-1 zone by an excess of 40 percent. Whereas the zone requires a minimum of 10 percent, this proposal provides 50 percent mostly located around the perimeter of the building, and the perimeter of the site. The open space provided is safe, adequate, and efficient.

c. Landscaping and Lighting

The landscape plan meets the internal landscaping requirements for parking facilities, enhances the New Hampshire Avenue right-of-way, and creates adequate buffers from adjacent properties. It consists of a variety of shade trees and evergreen shrubs around the perimeter of the parking areas, a double row of street trees along the New Hampshire Avenue right-of-way, and clumps of evergreens strategically positioned to screen views. The street trees along the New Hampshire Avenue right-of-way are positioned on both sides of the relocated sidewalk to provide shade and enhance the pedestrian realm, which will ultimately encourage pedestrian circulation. The landscaping adequately and efficiently addresses the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

The lighting plan consists of pole mounted light fixtures with a 20-foot pole mounted on a concrete base located on the perimeter of the parking lot and the vehicular loop road to provide for illumination and safety for bank patrons and parking areas. All site lighting provides adequate, safe, and efficient site illumination.

d. Recreation Facilities

The application is not subject to the Recreation Guidelines as this is not considered a residential project.

e. Pedestrian and Vehicular Circulation Systems

Pedestrians can access this site via a lead-in concrete walkway that leads them to the front of the building, where a concrete sidewalk surrounds the building on all sides except the western side where the drive-thru is located. A crosswalk with specialty pavers provides a safe location for pedestrians to cross and access the bank, while the change in pavement material will act as a traffic calming measure.

The sidewalk along the New Hampshire Avenue right-of-way, on both sides of the proposed entrance to the site, is being relocated to provide a 15-foot wide green panel with a double row of street trees across the property frontage, and is being extended south to the adjacent shopping center driveway. Given that there will be no vehicular or pedestrian connections between the subject site and the adjacent shopping center, it was necessary to improve the sidewalk along New Hampshire Avenue to provide a safer pedestrian connection to the adjacent shopping center, which would ultimately encourage pedestrian circulation. These improvements will ensure an attractive and safer pedestrian environment and more orderly access to local shopping as recommended in the Cloverly Master Plan.

The vehicular circulation design efficiently directs traffic into and through the site. Vehicular access to the site is limited to one entrance from New Hampshire Avenue, which then loops around the bank building with a drive-thru. Parking is provided along the front and Northeast sides of the property. This proposal retains and enlarges an access and utility easement for Lot 3, Block D (Se Me Hahn Presbyterian Church property) that allows vehicular access from New Hampshire Avenue through the subject commercial site to the Church property in the rear. The Church has agreed to this alignment [Appendix B]. This layout further accounts for eventual inter-parcel

connections as recommended by the Master Plan by creating a new easement that extends from the western to the eastern property lines. Inter-parcel connections will reduce the number of access points from New Hampshire Avenue and promote a pedestrian friendly environment. Currently, the property owners of the adjacent shopping area to the west have opposed having an inter-parcel connection, and the property to the NE is vacant. Therefore, the inter-parcel connection would only occur when either of the adjacent properties redevelop. The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and use proposed are compatible with other uses and site plans, and with existing adjacent development. The main structure proposed is the bank building, which is setback from the New Hampshire right-of-way to allow for future inter-parcel connections. This building location is compatible with the adjacent developments and those across New Hampshire Avenue, which are also setback from the road with parking in the front. The building itself is lower than the height allowed in the zone and meets all the minimum setback requirements. The development provides an extension of the commercial uses along New Hampshire Avenue, just across from the Cloverly Shopping Center, which will add convenience to the community.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved as part of a Forest Conservation Plan Exemption (#42008079E). However, the project no longer qualifies for a FCP exemption under the small property category because the application now proposes to grade offsite on the adjoining Church property, and the resulting net tract area has increased in size from 0.78 acre (less than an acre) to one acre and the existence of a specimen tree.

The proposed storm water management concept approved on November 21, 2007, includes on-site water quality control via installation of proprietary filtration cartridges. Onsite recharge is not required for redevelopment projects. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan No. 820080200, Chevy Chase Bank at Cloverly, for a 3,172 square foot bank with drive-thru on 0.78 acres. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on February 6, 2009, are required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan No. 11999100 as listed in the Planning Board Resolution dated October 4, 1999, or as amended by this application [Appendix A].
2. Approval of this plan voids approval of Site Plan No.82003010.
3. Pedestrian Circulation
The sidewalk along New Hampshire Ave, on both sides of the proposed entrance to the site, must be relocated to provide a 15-foot green panel with a double row of shade trees between the curb and the sidewalk, and it must be extended south to the adjacent shopping center driveway, subject to the final approval by the Maryland State Highway Administration (SHA).
4. Landscaping
The Applicant will make good faith efforts to collaborate with the adjoining property owners of the Cloverly Village Center (Lot 1, Block D) to provide street trees on both sides of the relocated sidewalk along the New Hampshire Avenue on the section that extends in front of the Village Center's property.
5. Site Design
The Applicant must provide one inverted-U bike rack in front of the bank's main entrance.
6. Lighting
 - a. On-site street and parking lot downlighting fixtures must be full cut-off fixtures;
 - b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
 - c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
 - d. The height of the light poles shall not exceed 20 feet excluding the mounting base.
7. Forest Conservation
The proposed development shall comply with the conditions of the Final Forest Conservation Plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include, but are not limited to the following:
 - a. Plant native, canopy trees to create at least 0.15 acre of mature canopy on the site outside the public right of way.
 - b. Submittal of financial security to M-NCPPC prior to clearing or grading. Financial security to cover trees planted within common open space.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated November 21, 2007, unless amended and approved by the Montgomery County Department of Permitting Services [Appendix C].

9. Development Program

The Applicant must construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Offsite and on-site easements/agreements must be executed prior to clearing and grading;
- b. Final paving and striping must be completed within six months of the occupancy of the building;
- c. Landscaping, including the street trees and foundation planting, and the on-site lighting must be completed within six months of the occupancy of the building;
- d. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features.

10. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

11. Certified Site Plan

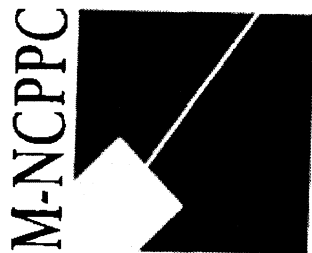
Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Include the stormwater management concept approval, Development Program, Inspection Schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Provide a list of equivalent trees to be approved by Site Plan Review Staff and Environmental Planning Staff.
- d. Modify data table to reflect all development standards enumerated in the staff report.
- e. Provide detail of light fixtures showing full cut-off devices.

APPENDICES

- A. Resolution for Preliminary Plan No. 119991000
- B. Correspondence from the community
- C. Reviewing Agency Approvals

APPENDIX A
Resolution for Preliminary Plan No. 119991000



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

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: October 4, 1999

Action: Approved staff recommendation

Motion of Comm. Bryant, seconded by Comm. Wellington with a vote of 5-0; Comms. Bryant, Wellington, Perdue, Holmes and Hussmann voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-99100

NAME OF PLAN: CLOVERLY COMMERCIAL

On 06/25/99, DARIUSH VEDADI submitted an application for the approval of a preliminary plan of subdivision of property in the C-1 zone. The application proposed to create 1 lot on 33,105 square feet of land. The application was designated Preliminary Plan 1-99100. On 09/23/99, Preliminary Plan 1-99100 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-99100 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-99100.

Approval, pursuant to the FY 2000 Annual Growth Policy (AGP) Alternative Review Procedures for Expedited Development Approval ("Pay and Go"), subject to the following conditions:

- (1) Prior to recording of plat, applicant to submit an Adequate Public Facilities (APF) agreement with the Planning Board limiting development to a maximum of 7,800 square feet of general retail space
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (3) Terms and conditions of access and improvements, as required, to be approved by MDSHA prior to issuance of building permit
- (4) Landscape, lighting and parking facilities plan to be reviewed and approved with site plan
- (5) No clearing, grading or recording of plat prior to site plan approval
- (6) Conditions of stormwater management approval dated 07/26/99

Preliminary Plan 1-99100

Page 2 of 2

- (7) Record plat to reference common ingress/egress and utilities easement with adjoining Preliminary Plan 1-97083
- (8) Other necessary easements
- (9) In accordance with the provisions of the expedited development approval excise tax (EDAET) of the FY 2000 AGP, this preliminary plan will remain valid until November 4, 2001 (25 months from the date of mailing, which is October 4, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded. In order for the approval to remain valid, all building permits must be issued within two years of the recordation of the associated plat(s).

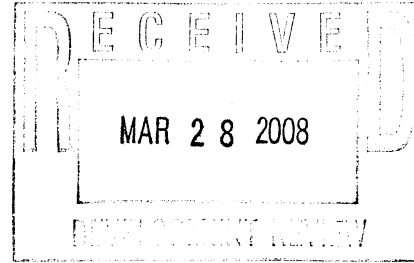
APPENDIX B
Correspondence from the community



Greenleaf Management Co.

March 27, 2008

Development Review Division
Maryland-Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760



RE: Preliminary Plan of Subdivision Amendment-
Site Plan Application 11999100A 820080200

To Whom It May Concern:

We are in receipt of the notice from Greenhorne & O'Mara Consulting Engineers dated March 14, 2008.

Greenleaf Management Company, Inc. manages the adjoining shopping center known as Cloverly Village Center (Lot 1, Block 'D' Plat No. 15674) on the site plan. The following observations and comments are offered for the Division's consideration.

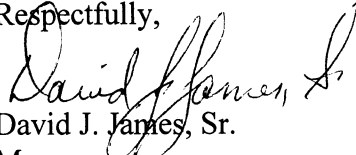
1. The entrance would serve not only the proposed bank but the property behind the proposed bank building. We understand that the property (Lot 3, Block 'D' Plat No. 21251) is owned by a church group. Will this single ingress/egress provision suffice to meet the needs of both the bank and a church, especially if a church function conflicts with the operating periods of the bank? Every vehicle going to or leaving the church property will have to use the small roadway passing the bank building, is this really adequate?
2. We have been given to understand that traffic exiting the site must make a south-bound turn only. How will this be enforced? What provisions will be made to ensure that the traffic does not simply make a north-bound turn or a U-turn on New Hampshire Avenue?
3. If the bank building is indeed permitted, then the Owners of Cloverly Village Center wish to insist that a 3' to 4' fence be installed between the properties. This is to discourage bank clients from utilizing the limited parking of Cloverly Village Center to attend to their business at the bank. This is of special concern in light of the issues of right-turn left-turn raised in #2 above.

P.2/DevRevDiv/032708

4. We would suggest that, at a minimum, two ingress/egress driveways be provided for this space. In the event of an emergency (fire or medical) the access to the property and the adjoining church property would not be adequate to accommodate the emergency vehicles along with potentially panic-stricken motorist.

We believe these comments, concerns, and observations are very valid and worthy of your serious consideration. We wish to go on record as being opposed to the use of the property as presented.

Respectfully,



David J. James, Sr.
Manager

Cc: Principals of G&G Cloverly, LLP

CHEN, WALSH, TECLER & MCCABE, L.L.P.

ATTORNEYS AT LAW

200A MONROE STREET

SUITE 300

ROCKVILLE, MARYLAND 20850

(301) 279-9500

FAX: (301) 294-5195

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER*
JOHN F. MCCABE, JR.*

*ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA
1-800-229-9510

April 16, 2008

Montgomery County Planning Board
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Preliminary Plan 11999100A, Chevy Chase Bank

Dear Sir:

A copy of the Preliminary Plan and Site Plan Application for the planned Chevy Chase Bank facility in Cloverly at the intersection of New Hampshire Avenue and Cloverly Street has been forwarded to my client, Se Me Hahn Presbyterian Church, for review and comment. We understand that this current application is to amend the existing Subdivision Plan recorded at Plat 22808 by the prior owner.

The Preliminary Plan reflects an adjustment to an easement for ingress, egress and utilities shown on the prior Plat for the benefit of the Church's property which is located to the north of the Chevy Chase Bank site and is identified as Lot 3 in Block D as per plat recorded at Plat No. 21251. It is intended by the Church that its property will ultimately be utilized for a church facility and related community activities for its membership. Through the assistance of the Planning Board and negotiations with the prior owner, the driveway and utility easement was reserved on the existing plat. Currently, Church members currently grow fruits and vegetables on the land and obtain access over the Bank property.

The location of the driveway as realigned appears acceptable to the Church. It recognizes that it would be responsible for the connection to the drive being installed by Chevy Chase Bank. This would be accomplished at the time of construction on the Church property.

The Church would like to have the opportunity to install underground utility lines from its property line to the street through the underground easement area contemporaneous with the Bank construction if this can be accomplished with utility providers. While we recognize that these facilities would not be connected at this time it would avoid the need to subsequently

CHEN, WALSH, TECLER & MCCABE, L.L.P.
ATTORNEYS AT LAW

April 16, 2008
Page 2

interfere with Chevy Chase Bank's use of the property when construction takes place on the Church site.

Given the clearance needed between each utility, it may be necessary to widen the underground easement to as much as twenty nine (29) feet. Also, the Church wants to be certain that the driveway access width is acceptable to planning authorities given its ultimate use as an entry to a place of worship.

We recognize the validity of the easement on the Plat. However, because of these issues and because the parties are not constructing their improvements at the same time, a written agreement more fully explaining the rights of the parties and the uses of the easement would be helpful. We would propose that this be included as a condition of the approval of the Preliminary Plan of subdivision. Representatives of the Church are available to discuss these matters with the Bank in advance of any further consideration by the Planning Board.

Very truly yours,


Kenneth B. Tecler

KBT:lsq

cc: Se Me Hahn Presbyterian Church
Surina Singh - Greenhorne & O'Mara, Inc.

A:\LETTERS 109\REALES\SE ME HAHN\PLANNING BOARD LTR

SINGH, Surina

From: HEJAZI, Mousa
Sent: Thursday, July 03, 2008 10:25 AM
To: SEKERAK, John; SINGH, Surina
Subject: FW: Chevy Chase Bank Cloverly / Se Me Han Presbyterian Church.

From: Yun, James [mailto:James.Yun@ATK.COM]
Sent: Wednesday, July 02, 2008 6:10 PM
To: Naithram, Phillip; shahm@rafagen.com
Cc: Pearson, Joseph; HEJAZI, Mousa; dandeb00@Hotmail.com
Subject: RE: Chevy Chase Bank Cloverly / Se Me Han Presbyterian Church.

To Chevy Chase Bank,
I agree that it was very good meeting between Chevy Chase Bank and SeMeHahn church. I like to take this opportunity thank Chevy Chase Bank for taking time to explain on the current design and layout. We had so much issues and problems with the other owner. It has been very painful on the church for last ten years.

We will brief the today's meeting to the church on this Sunday, but I don't see any problems with the agreements.

Thank you,

James Yun

From: Naithram, Phillip [mailto:PKNaithram@chevychasebank.net]
Sent: Wednesday, July 02, 2008 4:26 PM
To: Yun, James; shahm@rafagen.com
Cc: Pearson, Joseph; HEJAZI, Mousa; dandeb00@Hotmail.com
Subject: Chevy Chase Bank Cloverly / Se Me Han Presbyterian Church.

Gentlemen,

Thank you for meeting with us today. It was a pleasure meeting with all of you and we are very pleased that we have agreed that the current layout plan meets with both parties approval.

As discussed today Chevy Chase Bank will be sending a draft copy of an agreement for access and utilities to the Church shortly. Now that the scope and utility load requirements for the Church have been determined based on the Church's existing drawings Chevy Chase Bank will obtain a competitive bid price for the utility work for the Church's review. The Church will make the appropriate applications to WSSC for water and Sewer, BGE for gas, Verizon for telecommunications, and PEPCO for power. Please let me know that this is your understanding from our meeting today.

Thanks again for meeting us we look forward to continuing to work with you on this project.

Phillip Naithram
Senior Corporate Officer
Real Estate Development
Chevy Chase Bank
240-497-7054 Office

APPENDIX C
Memoranda from Reviewing Agencies



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

February 24, 2009

MEMORANDUM

TO: Sandra Pereira, Senior Planner, Build Division

VIA: Khalid Afzal, Team Leader, East Transit Corridor Team, Vision Division *KA*

FROM: Kristin O'Connor, East Transit Corridor Team, Vision Division *KO*

SUBJECT: Chevy Chase Bank at Cloverly - Preliminary Plan #11999100A and Site Plan #820080200

Staff Recommendation:

Staff finds that the proposal is consistent with the *1997 Approved and Adopted Cloverly Master Plan*.

Master Plan Compliance:

Staff has reviewed the above referenced site plan and preliminary plan for conformance with the *1997 Approved and Adopted Cloverly Master Plan*. The site, zoned C-1, is located on New Hampshire Avenue in the Cloverly Commercial Area shown in Figure 12 on page 24 in the Master Plan. This proposal includes a stand-alone bank with a drive-through and parking on a .78-acre site.

The Plan recommends the following development guidelines for site plan review to “improve the compatibility of development and achieve a more unified and attractive appearance”:

- 1) Encourage assemblage in order to achieve a more unified commercial development of the properties.
- 2) Preclude commercial driveway access to Bryant’s Nursery Road.
- 3) Locate parking areas to the side or rear of the buildings to minimize views of parking lots
- 4) Provide vehicular and pedestrian connections with adjacent properties to interconnect parking areas, minimize number of driveway entrances, and minimize traffic congestion along New Hampshire Avenue. If a connection is not possible because an adjacent property has not been developed, design parking, access, and pedestrian connections to allow future interconnection.
- 5) Provide access to the land-locked property (P845) through N915. Encourage shared access, if possible, for N915, P859, P869, and the SHA stormwater management facility.
- 6) Locate buildings a minimum of 15 feet from the ROW for sidewalks, street treatment, and a compatible building line. Achieve a street-oriented form of development with entrances facing New Hampshire Avenue.
- 7) Provide streetscape in conformance with Master Plan recommendations (page 52).
- 8) Provide extensive landscaping to create an attractive commercial area and reduce the impacts of any large paved areas.

- 9) Locate signage on the buildings. Avoid tall, highway-oriented, pole mounted signs. (page 26, 1997 Cloverly Master Plan).

The Plan meets all the recommendations listed above except for items #3 and #6. Even though the bank's front entrance is facing New Hampshire Avenue, a street-oriented building, as recommended in the Master Plan (guideline #6), is not achievable with the provision to incorporate a future vehicular and pedestrian connection with the adjacent commercial property (#4). In an effort to achieve this, the applicant has pushed the building back to accommodate the future possible interconnection, which brings some parking to the front of the building. Adequate landscaping is proposed to screen the parking from New Hampshire Avenue.

The Plan recommends an attractive and safer pedestrian environment and more orderly access to the Cloverly Commercial Area (page 44). The Plan recommends relocating the sidewalks along New Hampshire Avenue in front of commercial properties and incorporating a planting strip with grass and trees between the travel lanes and the relocated sidewalk (page 63). The project proposes extending the sidewalk along the adjacent shopping center driveway to the south. An 8-foot green panel along New Hampshire Avenue between the travel lanes and the sidewalk is proposed. The applicant will plant trees along the frontage of the subject site.

Staff concludes that the site plan and preliminary plan, as submitted, are consistent with the Cloverly Master Plan.



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

February 26, 2009

MEMORANDUM

TO: Patrick Butler, Planner
Sandra Pereira, Senior Planner
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division
301-495-4525

SUBJECT: Preliminary Plan No. 11999100A
Site Plan No. 820080200 (was 820030100)
Proposed Chevy Chase Bank at Cloverly
Chevy Chase Bank ("Applicant")
15504 New Hampshire Avenue, Silver Spring
Cloverly Policy Area

RECEIVED

FEB 27 2009

DEVELOPMENT REVIEW

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan amendment and site plan to construct a 3,172 square-foot drive-through bank with three windows at 15504 New Hampshire Avenue to the northwest corner of New Hampshire Avenue (MD 650) and Cloverly Street intersection in Cloverly. The property is located within the Cloverly Policy Area and is zoned C-1.

RECOMMENDATIONS

Transportation Planning staff recommends that the following condition be part of the transportation-related APF requirements to approve this plan:

1. The Applicant must limit development on the property to a 3,172 square-foot drive-through bank with three drive-through windows.

DISCUSSION

Property Location, Vehicular Access, Pedestrian/Bikeway Facilities, and Public Transportation

The subject property is located within the northwest corner of MD 650/Cloverly Street intersection, within the Cloverly Commercial Area identified in the Cloverly Master Plan, and across from Cloverly Town Center and Cloverly Safeway. Currently, a strip retail center exists to the south of the property.

Access to the site/bank is proposed via a full-movement driveway from MD 650. The proposed driveway and its extension through the site provide the land-locked Se Me Hahn Presbyterian Church property to the west of the bank site access to MD 650 (Preliminary Plan No. 1-97083; Parcel P845). The plan includes provision for internal (inter-parcel) connections to parcels to the north and south of the bank property.

Sidewalks currently exist along both sides of MD 650. The sidewalk along the subject property frontage is currently located at the curb and is being relocated (away from the curb) as part of this preliminary plan/site plan to provide a tree panel. The plan provides adequate lead-in pedestrian access to the bank from MD 650.

MD 650 within the Cloverly Commercial Area is a five-lane highway and includes four travel lanes and a center two-way left-turn lane in front of the property. The roadway include wide outside lanes to accommodate bicycles. The area is currently serviced by the Metrobus Route Z2.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 1997 *Cloverly Master Plan* includes the following nearby master-planned roadway, bikeway, and pedestrian facilities:

1. New Hampshire Avenue (MD 650), as a four-lane major highway (M-12) with a minimum right-of-way width of 120 feet between Briggs Chaney Road to the south and 250 feet north of Cloverly Street and with a minimum right-of-way width of 100 feet from 250 feet north of Cloverly Street to Bryant's Nursery Road with a commercial/suburban streetscape. Class II bike lanes are recommended for MD 650 in the *Cloverly Master Plan* (PB-23 and BL-11 in the 2005 *Countywide Bikeways Functional Master Plan*) between Spencerville Road (MD 198) to the north and Intercounty Connector (ICC) to the south.
2. Cloverly Street, as a two-lane commercial business district street (B-2) with a 70-foot right-of-way and on-street parking.

Adequate Public Facilities Review

The proposed 3,172 square-foot Chevy Chase Bank is required to satisfy both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests as part of this APF review since the proposed bank with drive-through windows was estimated to generate 30 or more peak-hour trips during the typical weekday evening (4:00 p.m. – 7:00 p.m.) peak period. The following describes our review of the traffic study and its findings.

- Local Area Transportation Review

To satisfy the LATR component of the APF test, the consultant for the Applicant submitted a traffic study dated October 4, 2007; Revised May 29, 2008, which examined traffic-related impacts of the subject development on nearby intersections.

Peak-hour trip generation estimates for the proposed drive-through bank included in the traffic study were based on trip generation rates for a Drive-In Bank (Land Use Code 912, trips per 1,000 square-feet) contained in the Institute of Transportation Engineers *Trip Generation*. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF TRIP GENERATION
PROPOSED CHEVY CHASE BANK AT CLOVERLY**

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
3,172 SF Drive-In Bank	22	17	39	73	73	146
“Primary” (“New”) Trips – 21% PM Only	22	17	39	15	16	31
“Diverted” Trips – 25% PM Only	--	--	--	18	18	36
“Pass-by” Trips – 54% PM Only	--	--	--	40	39	79

Source: ITE Trip Generation Land Use Code 912; Drive-In Bank. Street Traffic Studies, Ltd. Traffic Impact Analysis, Chevy Chase Bank – Cloverly, October 4, 2007, Revised May 29, 2008.

As shown in Table 1, the proposed 3,172 square-foot drive-in bank is estimated to generate approximately 39 total trips during weekday morning peak-hour and 146 total trips during the weekday evening peak-hour. All of the morning peak-hour trips were considered as “new trips”. For the evening, approximately 21 percent of the peak-hour trips (31 trips) were considered as “new” and 79 percent of peak-hour trips (115 trips) were considered as either “diverted” or “pass-by”. Both “diverted” trips and “pass-by” trips represent site-generated trips that are already on adjacent roadways.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods from the traffic study is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED CHEVY CHASE BANK AT CLOVERLY**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 650/MD 198/Norbeck Rd Extended	971	1,192	991	1,221	996	1,227
MD 650/Site Access Driveway	--	--	--	--	504	598
MD 650/Cloverly St	460	641	479	655	485	666
MD 650/Briggs Chaney Rd	861	965	893	987	901	1,001

Source: Street Traffic Studies, Ltd. Traffic Impact Analysis, Chevy Chase Bank – Cloverly, October 4, 2007, Revised May 29, 2008.
Congestion Standard for Cloverly Policy Area: 1,450 CLV.

As shown in Table 2, the weekday morning and evening peak-hour capacity analysis presented in the traffic study indicated that under Total (Build) traffic conditions, CLV at the study intersections would be below the applicable congestion standard of 1,450 CLV. The application therefore satisfies the LATR requirements of the APF test.

- Policy Area Mobility Review

The Cloverly Policy Area is currently operating under “acceptable” conditions for PAMR and does not require mitigation of site-generated trips. The application therefore satisfies the PAMR requirements of the APF test.

SE:CE:tc

cc: Kristin O’Connor
Corren Giles
Greg Leck
Sarah Navid
Surina Singh

mmo to PB re 11999100A CCB Cloverly.doc



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

TO: Sandra Pereira, Planner Coordinator, Development Review Division
Patrick Butler, Planner, Development Review Division

VIA: Stephen D. Federline, Master Planner, Environmental Planning Division *SA*

FROM: *CB* Candy Bunnag, Planner Coordinator, Environmental Planning Division

SUBJECT: Site Plan No. 820080200 and Preliminary Plan No. 11999100A –
Chevy Chase Bank at Cloverly

DATE: February 20, 2009

RECOMMENDATION

Environmental Planning staff recommends approval of the above referenced preliminary plan and site plan with the following conditions:

1. Compliance with the conditions of approval of the Final Forest Conservation Plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s) as appropriate. Conditions include, but are not limited to the following:
 - a. Plant native, canopy trees to create at least 0.15 acre of mature canopy on the site outside the public right of way.
 - b. Submittal of financial security to M-NCPPC prior to clearing or grading. Financial security to cover native, canopy trees planted on the site to meet the afforestation requirement.
 - c. The approved landscaping plan must be incorporated into the Final Forest Conservation Plan and must include a note that any changes to the number or species of landscape trees on the site must be approved by Environmental Planning as an amendment to the Final Forest Conservation Plan.

DISCUSSION

Parcel P915 is a 0.78-acre site on the west side of New Hampshire Avenue. It is zoned C-1. A house and gravel drive exist on the site. There are clumps of trees, overgrown grass, shrubs, and lawn. The site is located in the Northwest Branch watershed (Use IV streams).

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), was approved as part of a Forest Conservation Plan Exemption (#42008079E). There are no regulated environmental features on-site such as streams, wetlands, 100-year floodplain, environmental buffers, or steep

and severe slopes. There is no forest onsite. There are stands of individual trees on the site, including a specimen silver maple in fair/poor condition.

Forest Conservation

When the Forest Conservation Plan (FCP) Exemption application was reviewed in 2007, the application did not include the proposal to grade offsite on the adjoining private property. With the proposed offsite grading, the project no longer qualifies for a FCP exemption under the small property category because the net tract area has increased in size from 0.78 acre (less than one acre) to one acre with the existence of a specimen tree.

A Final Forest Conservation Plan (FFCP) has been submitted with the site plan for review. The FFCP proposes clearing and grading of the entire site. No existing trees will be preserved. The 0.15 acre of required afforestation is proposed to be met through onsite landscaping with overstory, native trees outside the public right of way.

Section 22A-12(d)(2) of the County Forest Conservation Law states:

“ Afforestation should be accomplished by the planting of forest cover. However, if the applicant demonstrates to the satisfaction of the Planning Board or Planning Director, as the case may be, that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area (as defined in Section 22A-3), or similar reason, afforestation requirements may be satisfied by tree cover.”

Since the site is zoned C-1 with a proposal to develop almost the entirety of the site, adjoins C-1 properties to the north and south, and lacks existing forest stands, environmental buffers, or other environmentally-sensitive features on or adjacent to the site, staff agrees with the applicant that it is appropriate to meet afforestation requirements with onsite tree cover (i.e., native, landscape trees) instead of forest cover.

Two offsite trees will be adversely affected by the proposed project. A 5-inch sawtooth oak within the New Hampshire Avenue right-of-way (ROW) will need to be removed because of the construction of the proposed entrance to the site and a sidewalk. Sawtooth oaks, 2.5to 3-inch caliper in size, are proposed to be planted within the road ROW as street trees adjacent to the proposed sidewalk. One of these street trees will be planted in the same area as the oak that is to be removed.

The other offsite tree that will be adversely affected by the proposed project is a 30”/32” (split trunk) cherry tree that is located on the adjacent commercial center to the south of the site. The tree has been evaluated by the applicant’s arborist, who recommends removal of the tree because it is currently stressed (cavity and cracks along the tree stem, surrounded by existing impervious surfaces), and the proposed project will create additional stress due to disturbance within the tree’s critical root zone. In December 2008, the applicant had sent a letter to the manager of the commercial center with the

arborist's report and an offer to remove the tree as part of the project. The applicant has indicated that there has been no response from the manager or the property owner of the commercial center.

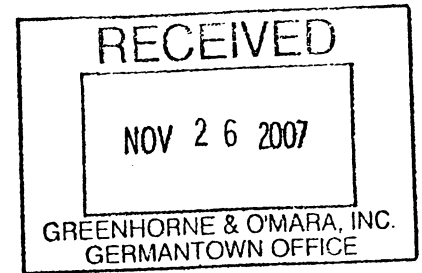
STAFF RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan, site plan and approval of the Final Forest Conservation Plan (FFCP) with conditions. The FFCP, if it incorporates staff's recommended changes, would comply with the County Forest Conservation Law (Section 22A of the Montgomery County Code).

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DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett
County Executive

November 21, 2007

Carla Reid Joyner
Director

Ms. Kim Currano
Greenhorns & O'Mara
20410 Century Boulevard, Suite 200
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Chevy Chase Bank Cloverly
Preliminary Plan #: N/A
SM File #: 232340
Tract Size/Zone: 0.78 acres / C-1
Total Concept Area: 0.78 acres
Lots/Block: 4/D
Parcel(s): N915
Watershed: Northwest Branch

Dear Ms. Currano:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via installation of proprietary filtration cartridges. Onsite recharge is not required for redevelopment projects. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich. R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 232340

QN -ON; Acres: 0.8
QL - ON; Acres: 0.8
Recharge is not provided



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation
April 18, 2008

Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Chevy Chase Bank at Cloverly
File #: 1-1999100A & 8-20080200
MD 650 (New Hampshire Avenue)
Mile Post: 10.09

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan and site plan applications for the Chevy Chase Bank at Cloverly development. We offer the following comments:

- Sidewalk and access improvements within SHA right-of-way along MD 650 will require a permit from the SHA Engineering Access Permits Division.
- SHA will require submission of the traffic study for review and additional comments.
- Since MD 650 is currently an undivided highway, SHA requests intersection and stopping sight distance evaluations for all applicable movements into and out of the development site. This should be submitted with the professional engineers' signature and seal.
- Clearly identify and label the existing and dedicated right-of-way lines along MD 650. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews, Assistant Division Chief, Plats and Surveys Division at (410) 545-8860 or via email at dandrews@sha.state.md.us for more information and any questions regarding the plat review process. Additionally, please contact Mr. Paul Lednak, Chief, District 3 Right of Way at (301) 513-7470 for information regarding the deed process.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595, toll free at (800) 876-4742, or via email at cgiles@sha.state.md.us.

Sincerely,

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/cvg

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

Ms. Catherine Conlon

Page 2

Cc: Mr. Surina Singh / Greenhorne & O'Mara / 20410 Century Boulevard Suite 200, Germantown,
MD 20874
Mr. Shahriar Etemadi / M-NCPPC
Mr. Robert Kronenberg / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*
Mr. Daniel Andrews *sent via e-mail*
Mr. Paul Lednak *sent via e-mail*



FIRE MARSHAL COMMENTS

DATE: JULY 18, 2008
TO: KIM CURRANO; GREENHORNE & O'MARA
FROM: PATSY WARNICK
RE: CHEVY CHASE BANK AT CLOVERLY 11999100A

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted **07-18-08**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services
MNCPPC-MC